

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, Community Development Director
Caitlin Crowe, Planner I

Date: June 3, 2024

RE: VARIANCE CASE V24-038
1036 Dell Avenue – Reduce the front setback from 35 feet to 32 feet

BACKGROUND

The applicant is requesting a variance to reduce the front setback from 35 feet to 32 feet for the construction of a front porch at 1036 Dell Avenue. The minimum front setback is required in the FC zoning district per Section 801 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.28-acre lot located on the south side of Dell Avenue (Figure 1). The subject parcel and adjacent properties to the south, east, and west are zoned FC (Future Commercial) and are occupied by single-family detached residences, with the exception of the property to the south, which is occupied by the City's Concord Road Linear Park. The adjacent property to the north is zoned R-15 and is occupied by a single-family detached house.

The applicant is proposing to fully renovate the existing 744 square foot home with a 1,100 square foot addition and accompanying 234 square foot deck in the rear and a 209 square foot front porch. When completed, the home will be 2,376 square feet. Since the renovations to the home will create a 2,376 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered 29 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 209 square foot covered front porch to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home is roughly 5 feet from the front setback line, leaving little room for a roof on the existing front porch, much less any other frontward expansion. The applicant has proposed the new porch will be 32 feet from the front property line and will thus encroach on the front setback by 3 feet. No other variances are required for the renovations, as all other setbacks are met, and the property will be under the maximum impervious surface area of 35%.

An existing 20-foot sanitary sewer easement cuts diagonally across the southeast side of the property from Dell Avenue to the City Park in the rear (see Figure 1). The proposed rear deck will border the sanitary sewer easement for roughly 15 feet. The Public Works Assistant Director has reviewed the plan and is supportive, with the stipulation that any portion of the deck or

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addition may need to be removed at the expense of the property owner if work is ever required in that section of the easement.

Since the existing home was constructed in 1951, prior to the adoption of the current Zoning Ordinance in 1974, Community Development believes the variance requested is the minimum variance needed to construct a usable front porch in the front yard. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. Similar variance requests have been approved nearby at 1120 Dell Avenue (V19-013), 952 Dell Avenue (V18-0176), 1109 Dell Avenue (V98-017), and 959 Dell Avenue (V98-028), in 2019, 2018, and 1998, respectively. Thus, there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant requests a variance to reduce the front setback for 1036 Dell Avenue from 35 feet to 32 feet for the construction of a front porch. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. If any part of the deck or addition falls within the 20-foot sanitary sewer easement and work must occur within the area, the deck and/or addition may be required to be moved at the property owner's expense.
3. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and maintained throughout construction.

Figure - 1



Figure - 2
Site Plan

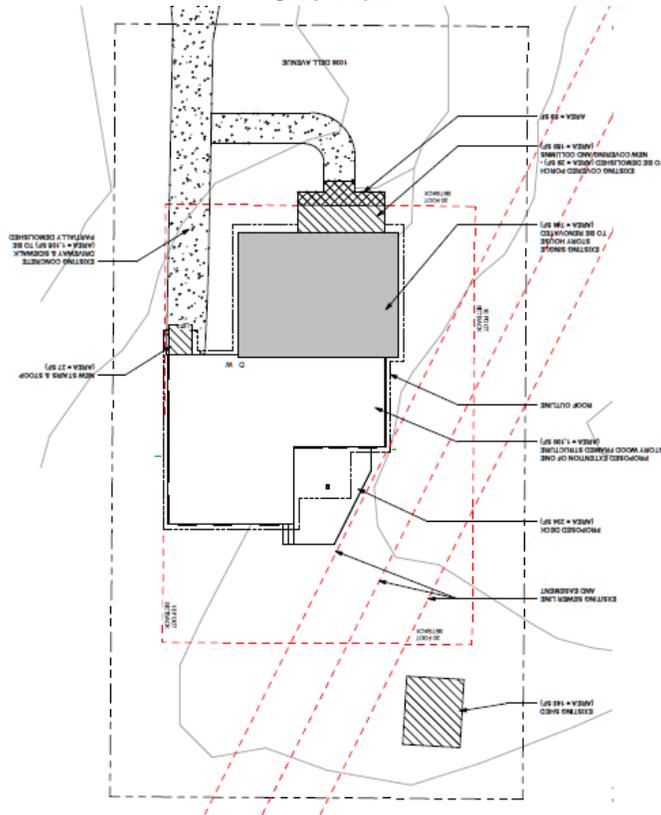


Figure – 3
Proposed Elevation



Figure - 4
Subject Property



Figure - 5
Adjacent Property to the West



Figure - 6
Adjacent Property to the East



Figure - 7
Adjacent Property across Dell Avenue

