

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: August 28, 2024

**RE: VARIANCE CASE V24-066**  
**1031 Oakview Drive – Reduce the front setback from 35 feet to 33.2 feet**

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#### **BACKGROUND**

The applicant is requesting a variance to reduce the front setback from 35 feet to 33.2 feet for the construction of a front porch at 1031 Oakview Drive. The minimum front setback is required in the R-15 zoning district per Section 801 of the Zoning Code.

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#### **ANALYSIS**

The subject parcel is a 0.27-acre lot located on the north side of Oakview Drive (see Figure 1). The subject parcel and all adjacent properties are zoned R-15 and are all occupied by single-family detached houses.

The applicant acquired a building permit in May 2024 to fully renovate the existing 964 square foot home with a 484 square foot addition and accompanying 224 square foot deck in the rear. When completed, the home will be 1,672 square feet with 2 bedrooms and 2 bathrooms. Since the renovations to the home will create a 1,672 square foot home, the home will be brought further into compliance with the R-15 floor area requirement of 2,000 square feet.

The existing home currently has an uncovered 33 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to erect a roof over the existing porch to be able to enter the home in inclement weather more easily. The existing home is roughly 3 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 33.2 feet from the front property line and will thus encroach on the front setback by 1.8 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%.

Since the existing home was constructed in 1953, 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 down the street in 2024 at 986 Oakview Drive (V24-018), in 2012 at 976 Oakdale Drive (V12-011), and in 2005 at 961 Oakview Drive (V05-

014). 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.

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### STAFF COMMENTS

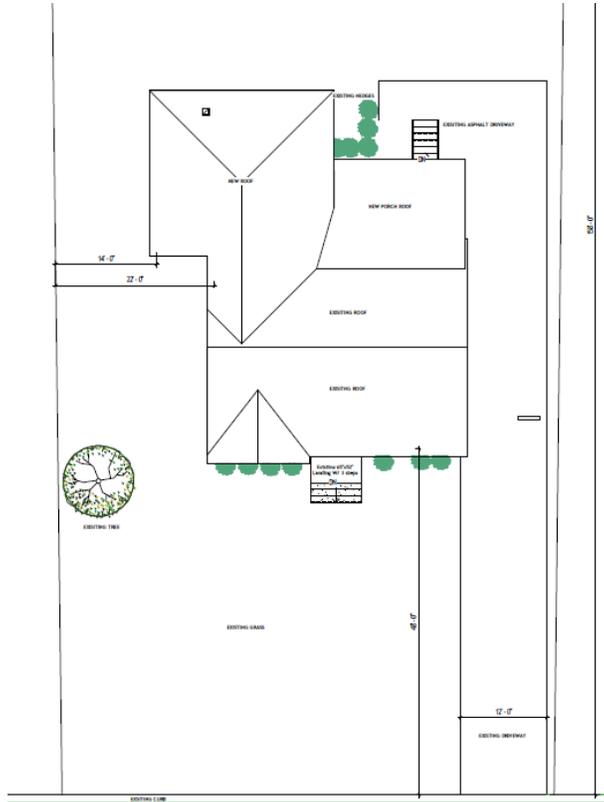
The applicant requests a variance to reduce the front setback for 1031 Oakview Drive from 35 feet to 33.2 feet for the construction of a front porch. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or 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.

Figure – 1



**Figure – 2  
Site Plan**



**Figure – 3  
Proposed Front Elevation**



**Figure - 4**  
**Subject Property**



**Figure - 5**  
**Adjacent Property to the West**



**Figure - 6**  
**Adjacent Property to the East**



**Figure - 7**  
**Adjacent Property across Oakview Drive**

