

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: September 17, 2024

RE: VARIANCE CASE V24-079
961 Sharon Circle – Reduce the front setback from 35 feet to 33.4 feet

VARIANCE CASE V24-080
961 Sharon Circle – Reduce the streetside setback from 23.3 feet to 15.6 feet

VARIANCE CASE V24-081
961 Sharon Circle – Allow 6-foot wooden fence in the front yard on a corner lot

BACKGROUND

The applicant is requesting several variances to renovate the existing property at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet and streetside setback of 23.3 feet. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 0.30-acre lot located at the northwest intersection of Ridgecrest Road and Sharon Circle (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15; all are occupied by detached single-family homes.

The applicant is proposing to fully renovate the existing 1,240 square foot home with a 570 square foot addition in the rear of the existing house. The renovations will add a new owner's suite complete with walk-in-closet and bathroom, a new deck, and new carport as well as reconfiguring the interior to create a total of 3 bedrooms and 3 ½ bathrooms. With the renovations, the home will be 1,810 square feet, bringing the home closer to compliance with the R-15 floor area requirement of 2,000 square feet.

The existing home currently has an uncovered 16 square foot concrete front stoop. As part of the overall renovation, the applicant is proposing to replace the existing stoop with a 97 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 4.4 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 33.4 feet from the front property line and will thus encroach on the front setback by 1.6 feet. Community Development believes the variance requested is the minimum variance needed to construct a usable front porch on the subject property.

Per the Cobb County Tax Assessor, the existing detached carport was built with the home in 1953, prior to the adoption of the current Zoning Ordinance in 1974. The applicant is proposing to remove the existing structure and replace it in the same location with a new attached carport. Due to the existing driveway location, the most logical area to construct the carport is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors. Since the existing carport is currently non-conforming, the hardship is not self-created.

Due to the property having road frontage on both Ridgecrest Road and Sharon Circle, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 23.3 feet from the property line off Ridgecrest Road. Being a corner lot on a frequently traveled road, the privacy and safety can often be compromised. Thus, the applicants are requesting a variance to allow a six-foot wooden privacy fence to replace the existing 4-foot chain link to provide security and privacy from the busy roadway. Due to the corner lot, Community Development believes it is the minimum variance needed to enclose the rear yard with a privacy fence.

Strict application of the ordinance would deny the applicant the ability to add any building square footage to the subject property without moving the foundation of the existing home. The variances proposed are the minimum variances needed to increase the home's footprint and bring it closer to compliance with R-15 standards. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved. At the time of this report, Community Development has not received any calls in opposition to the requests.

STAFF COMMENTS

The applicant is requesting several variances for an addition and fence at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. 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 encroachments and fence will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following condition:

1. Approval of the requested variances 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

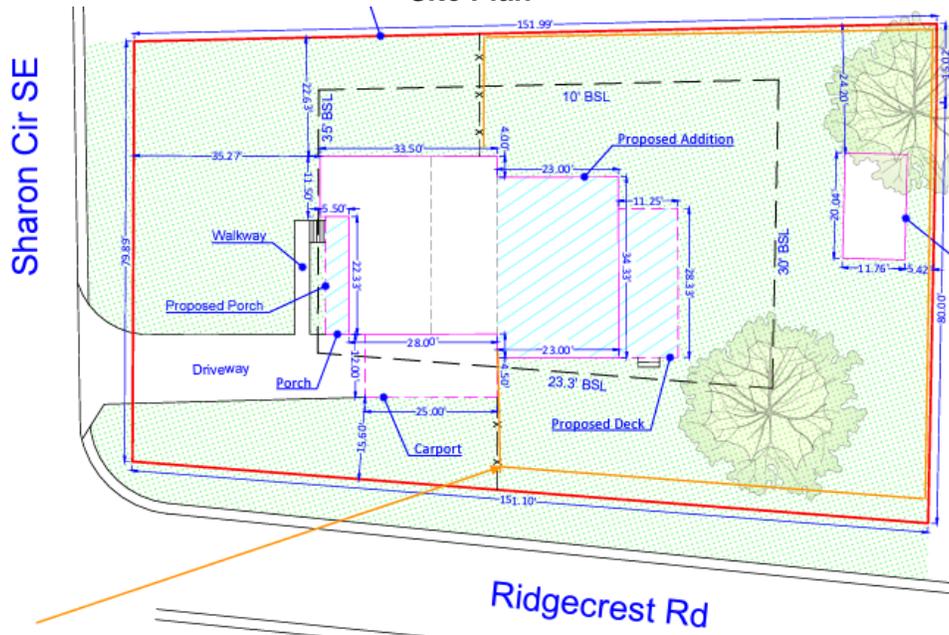


Figure – 3
Proposed Front Elevation from Sharon Circle

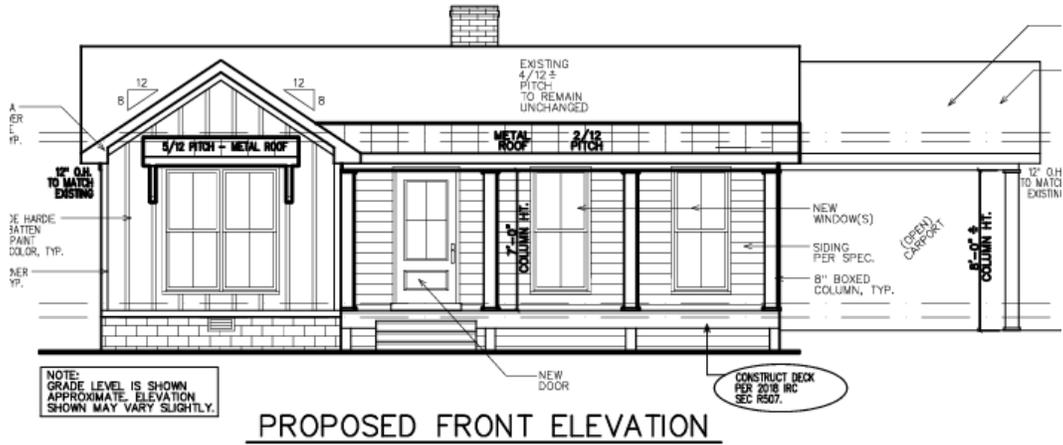


Figure - 4
Subject Property from Sharon Circle



Figure - 5
Subject Property from Ridgecrest Road



Figure - 6
Adjacent Property to the West



Figure - 7
Adjacent Property to the North



Figure - 8
Adjacent Property across Sharon Circle



Figure - 9
Adjacent Property across Ridgecrest Road

