

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

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

Date: March 5, 2025

**RE: VARIANCE CASE V25-025  
3050 Nichols Street – Reduce the streetside setback from 10 feet to 6.3 feet**

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## **BACKGROUND**

The applicant is requesting to reduce the streetside setback for an addition at 3050 Nichols Street. The streetside setback of 20 feet is regulated by the Medlin Place at Smyrna Heights plat, recorded in 2007. Note that during rezoning (Z06-003) and subsequent platting, the developer was required to dedicate 10-feet of right-of-way along Medlin Street. Due to this dedication, the 20-foot streetside setback is from the street as opposed to the property line. Thus, the applicant's request for the streetside setback reduction will take into account the original dedication and be a reduction from the existing setback of 10 feet.

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## **ANALYSIS**

The subject parcel is a 0.16-acre lot located at the southeast intersection of Medlin Street and Nichols Street. There is also a private 30-foot utility easement in the rear, which acts as the shared driveway for all properties along the west side of Nichols Street, effectively abutting the subject property along three roadways (see Figure 1). The subject parcel and adjoining parcels to the south, east and west are zoned RDA and are within the Medlin Place at Smyrna Heights subdivision; two of the parcels to the north are zoned R-15 while the third parcel is zoned RD. All adjacent properties are occupied by single-family detached homes with the exception of the property to the west, which is the detention pond and amenity area for the Medlin Place at Smyrna Heights subdivision.

The applicant is proposing to renovate the existing 3,102 square foot two-story home with a 500 square foot addition on the rear of the house. The proposed renovations will consist of remodeling both floors of the home. On the first floor, the existing garage will be extended to create a two-car garage with accompanying tandem one-car garage and workshop. The second floor will be expanded to add a new bonus room, complete with a full bathroom, bedroom, and kitchenette; the façade will be a mixture of shake, hardyplank, and board and batten to match the existing home. Per the applicant, the bonus suite is to be used when the applicant works the night shift and needs a space separated from a busy young family during the day. This will also be used by any visiting family or friends but will not be used as a rental. The second-floor bonus suite will be accessed via exterior stairs to come off the main walkway to the rear of the house. Although there will be no interior connection between the bonus suite and the main house, there

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is no other logical area to create access, as the master bathroom and closet occupy the existing house on the only area of potential connectivity. Since this is unique to this property, no negative precedent would be set.

The existing house is on a corner lot that faces Nichols Street but has road frontage on both Medlin Street and Nichols Street, not to mention the private drive on the rear. As part of the renovations, the garage will be extended 3.7 feet closer to Medlin Street to provide room for the standard two-car garage while maintaining the existing line of the home (note that the existing home already encroaches into the streetside setback by 0.7 feet). Since the existing home is currently encroaching into the streetside setback, any expansion on the rear of the home would require a variance. Since the existing home is currently non-conforming, the hardship is not self-created. Additionally, the new addition will also be encroaching into the private 20-foot sanitary sewer easement at the rear of the property by 1.3 feet; this has been approved to remain by the Public Works Department and the Medlin Place at Smyrna Heights HOA during plan review.

Due to the existing driveway location, the most logical area to construct the addition is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would deny the applicant the ability to add any square footage to the northern or western side of the home without moving the foundation of the existing home. The variance proposed is the minimum variance needed to increase the home's footprint in the rear. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. At the time of this report, Community Development has not received any calls in opposition to the request.

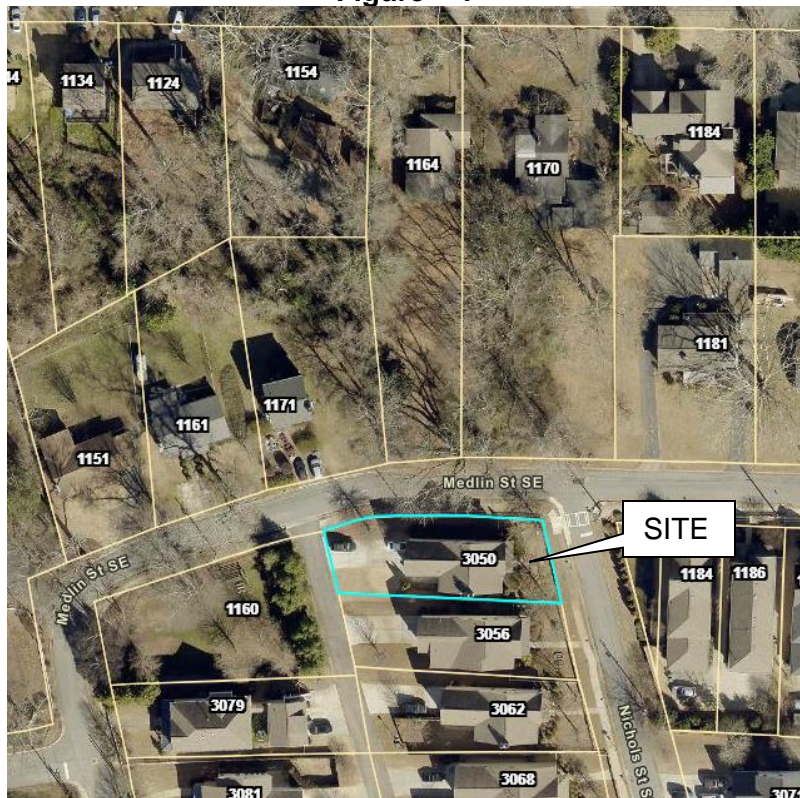
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### STAFF COMMENTS

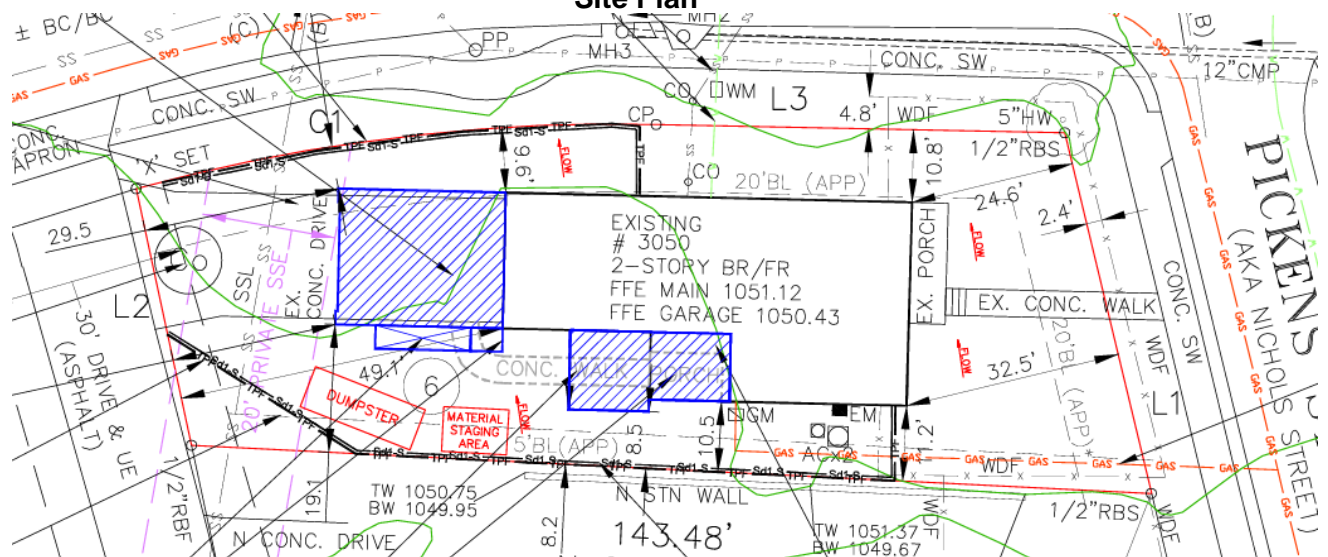
The applicant is requesting to reduce the streetside setback to renovate the existing property at 3050 Nichols Street. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying 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 conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The bonus suite shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

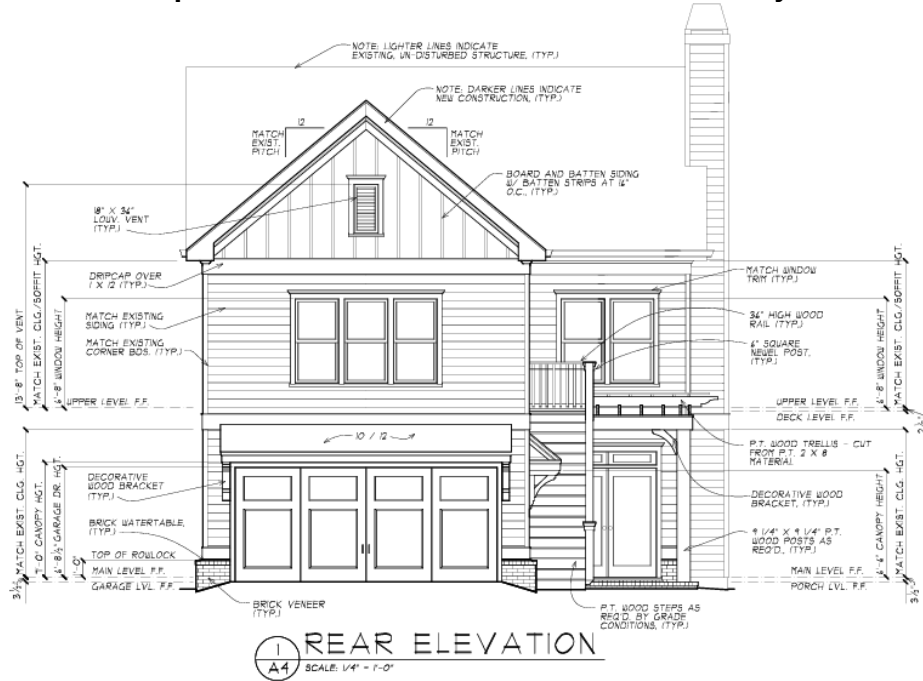
### Figure – 1



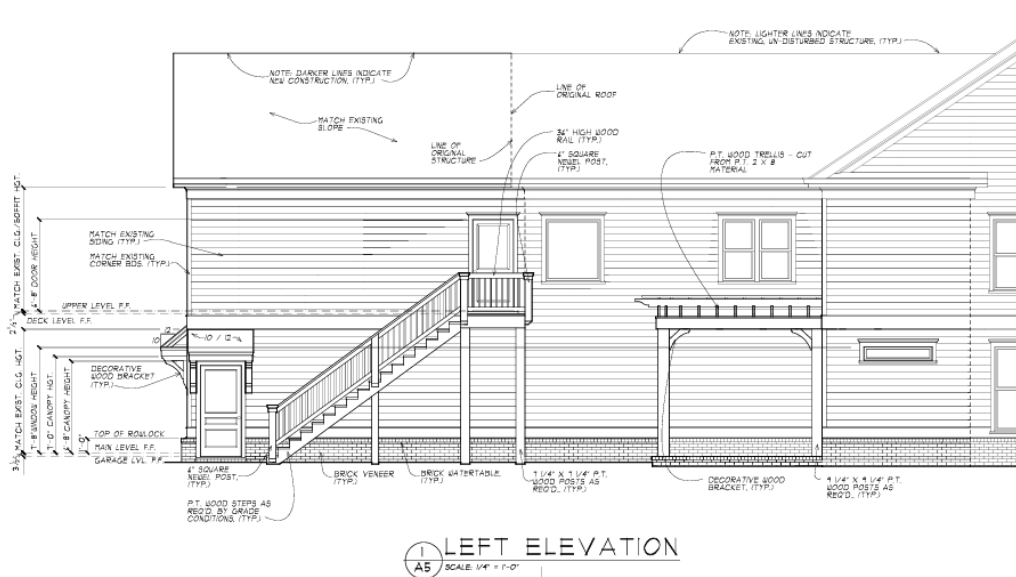
## Figure – 2 Site Plan



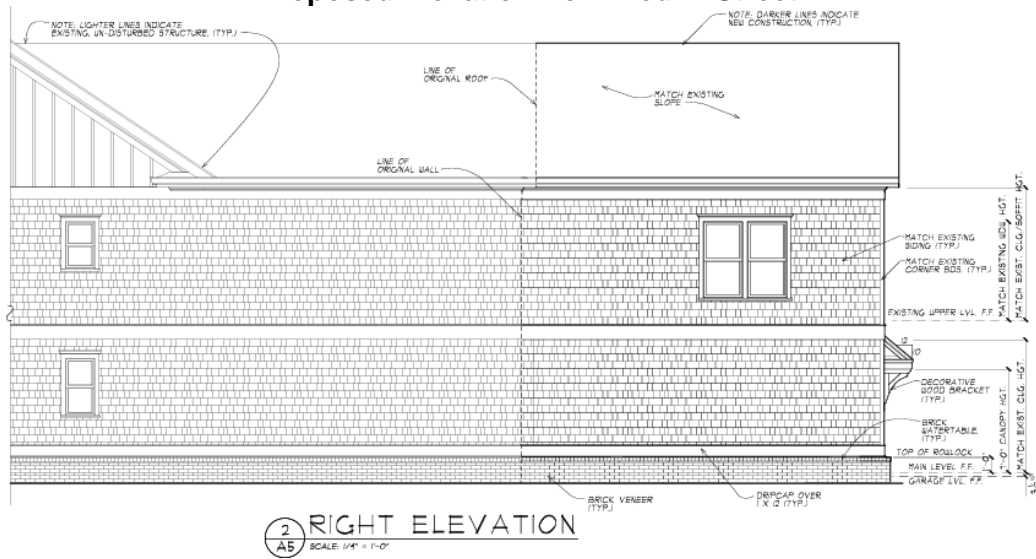
**Figure – 3**  
**Proposed Rear Elevation from Shared Driveway**



**Figure – 4**  
**Proposed Side Elevation**



**Figure - 5**  
**Proposed Elevation from Medlin Street**



**Figure - 6**  
**Subject Property from Nichols Street**





**Figure - 7**  
**Subject Property from Medlin Street**



**Figure - 8**  
**Proposed Location of the Addition**



**Figure - 9**  
**Adjacent Property to the South**



**Figure - 10**  
**Adjacent Properties across Medlin Street**







**Figure - 11**  
**Adjacent Property across Nichols Street**





**Figure - 12**  
**Adjacent Property across the Shared Driveway**

