

# **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: June 18, 2024

**RE: VARIANCE CASE V24-050**  
**3083 Nichols Street – Reduce the front setback from 15 feet to 13.5 feet**

**VARIANCE CASE V24-051**  
**3083 Nichols Street – Reduce the rear setback from 20 feet to 8.8 feet**

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## **BACKGROUND**

The applicant is requesting two variances for an addition at 3083 Nichols Street: to reduce the front setback from 15 feet to 13.5 feet and reduce the rear setback from 20 feet to 8.8 feet. The setbacks are associated with the Nichols Heights Lot 1-3 plat, recorded in 2017.

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## **ANALYSIS**

The subject parcel is currently a 0.21-acre lot located to the north of the intersection of Nichols Street and the private drive known as Laurel Way (see Figure 1). The subject parcel and the adjacent parcels to the north and west are zoned RDA and are occupied by detached single-family homes. The adjacent lots to the south and east are zoned CBD and are occupied by single-family townhomes.

The applicant is proposing to remodel the existing 2,825 square foot two-story home by adding a 1,018 square foot addition on the southern side of the home, with a 183 square foot covered porch on the front. The addition will consist of two floors; the first will be a living room while the second floor will create a new bedroom and bathroom as well as a storage space. The addition will feature a hardy plank façade with a stone water table, painted to match the existing home.

The existing home is pushed to the north of the property with a large side yard due to the triangular shape of the lot; the property geometry tapers drastically as the property moves south towards the intersection of Nichols Street and Laurel Way (see Figure 1). Due to this tapering, the applicant is proposing to extend the line of the existing home with an 11.2-foot encroachment into the rear setback. Since the northern side of the home is on the 10-foot side setback and the opposite corner is already at the 20-foot rear setback, any expansion in line with the existing foundation and floor plan would create a setback encroachment. Thus, the hardship is not self-created.

## VARIANCE CASE V24-050 & 051

June 18, 2024

Page 2 of 6

When the property was built in 2017, the house was constructed into the front setback by 1.5 feet due to the front porch. Since this was not approved via a variance at the time of the original construction, the variance request to reduce the front setback is to bring the existing house into compliance. Since this encroachment has existed since the house was built and has had no negative impacts to the surrounding neighbors, staff can support the request.

Additionally, when the house was erected, a stormwater infiltration put was installed in the side yard, directly to the south of the home. The existing infiltration pit will be removed as part of the addition construction and replaced with two new infiltration basins, one to the east of the home in the rear yard and the second in between the new addition and the existing shed. The City Engineer has reviewed the new bmp placements and is supportive of their new locations.

The variances proposed are the minimum variances needed to construct any type of addition in line with the current home due to the triangular geometry of the lot. 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 these requests.

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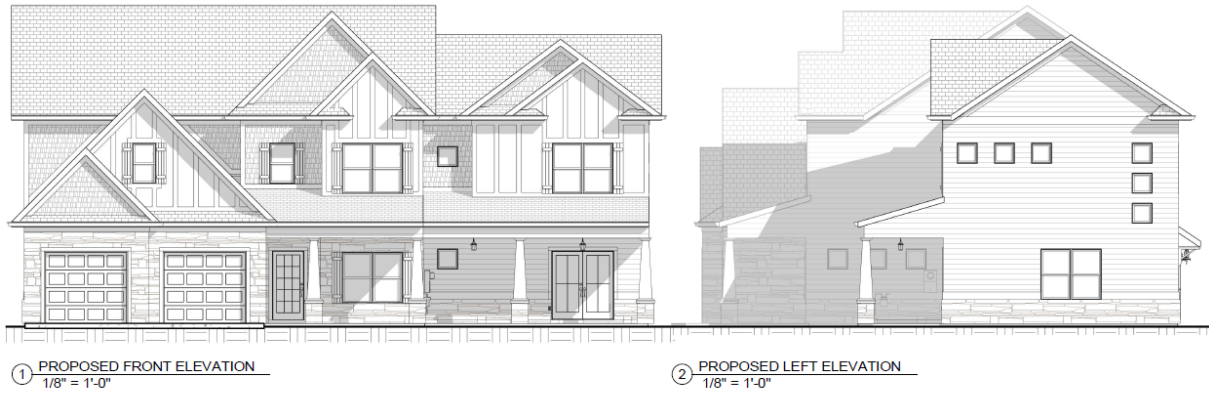
### STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the recorded plat for Nichols Heights Lots 1-3, which requires a front setback of 15 feet and a rear setback of 20 feet. 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 placing the addition in the rear setback will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. A plat shall be submitted to the City for approval and recorded with the Cobb County Superior Court to show the revised stormwater bmp locations prior to issuance of the Certificate of Completion.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit.
4. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

[illegible]

**Figure – 3**  
**Front and Side Elevations**



**Figure – 4**  
**Subject Property**





**Figure – 5**  
**Location of Proposed Addition**



**Figure – 6**  
**Adjacent Property to the North**



**Figure – 7**  
**Adjacent Property to the South**



**Figure – 8**  
**Adjacent Property across Nichols Street**

