

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: August 15, 2023

**RE: VARIANCE CASE V23-055
2000 Oakdale Court – Reduce the front setback from 35 feet to 21 feet**

**VARIANCE CASE V23-056
2000 Oakdale Court – Allow 6-foot wooden fence in front yard on a corner lot**

BACKGROUND

The applicant is requesting a variance to reduce the front setback from 35 feet to 21 feet to allow for the construction of an addition on a single-family residence at 2000 Oakdale Court. The applicant is also requesting a variance to allow for a 6-foot wooden fence in the front yard along Oakdale Road. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 0.25-acre lot located to the southwest of the intersection of Oakdale Court and Oakdale Road (see Figure 1). The subject parcel and adjoining parcels to the north and west are zoned R-15 and are occupied by single-family detached homes. The adjacent properties to the east are zoned R-15 and Light Industrial and are occupied by a warehouse and package delivery facility, respectively. The adjacent property to the south is zoned Office-Distribution and is currently vacant.

The applicant is proposing to fully renovate the existing one-story home; the roughly 260 square foot addition will expand the kitchen and living room while adding a second bedroom and office to make the home a two bedroom and two bath configuration. A new roughly 156 square foot covered front porch will replace the existing 24 square foot stoop for more curb appeal and reprieve from the elements during inclement weather.

The subject property is currently occupied by a 720 square feet single-family home with a septic tank directly off the rear of the home. The home was built in 1952, prior to the adoption of the City's Zoning Ordinance, so it has an existing non-conforming front setback of 34 feet on the eastern side of the home. The septic tank requires a 10-foot clearance around its perimeter, making a rear expansion impossible without moving the septic tank elsewhere on the property. Due to the existing layout of the existing home and septic tank location, any addition to the

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existing footprint would be within the front setback. Strict application of the ordinance would require the entire interior layout be modified to add the desired square footage on the western portion of the home. Since the home is currently non-conforming, the hardship is not self-created. Additionally, the existing one-story home is 720 square feet, while the minimum house size of R-15 is 2,000 square feet. With the renovations, the home will be roughly 1,200 square feet, bringing the home closer to compliance with the R-15 floor area requirement.

The subject property currently has one driveway that bisects the property with driveway aprons on both Oakdale Court and Oakdale Road. Due to the limited sight distance along Oakdale Road and the heavy traffic along the industrial corridor, the applicant will be removing the driveway apron off Oakdale Road with no future vehicular access from that side of the property.

Due to the property having road frontage on both Oakdale Court and Oakdale Road, 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 Oakdale 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 5 feet from the back of sidewalk on Oakdale Road 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 yard.

The orientation of the existing house and septic tank location prevents the applicant from building an addition within the building setbacks. Strict application of the ordinance would deny the applicant the ability to add any building square footage to the subject property without removing the septic tank or foundation of the home. The variance proposed is the minimum variance 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 variance 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 to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum front setback of 35 feet and Section 503-A, which requires a four-foot fence in the front yard. 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 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 the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

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2. The existing driveway entrance along Oakdale Road shall be removed. There shall be no vehicular access to the property along Oakdale Road.
3. The fence shall be erected at least 5 feet from the edge of the sidewalk along Oakdale Road.
4. Approval from the Cobb/Douglas Health Department shall be required prior to permit issuance.

Figure – 1



Figure – 2
Site Plan



Figure – 3
Front Elevation



Figure – 4
Subject Property from Oakdale Court



Figure – 5
Subject Property from Oakdale Road



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property to the South

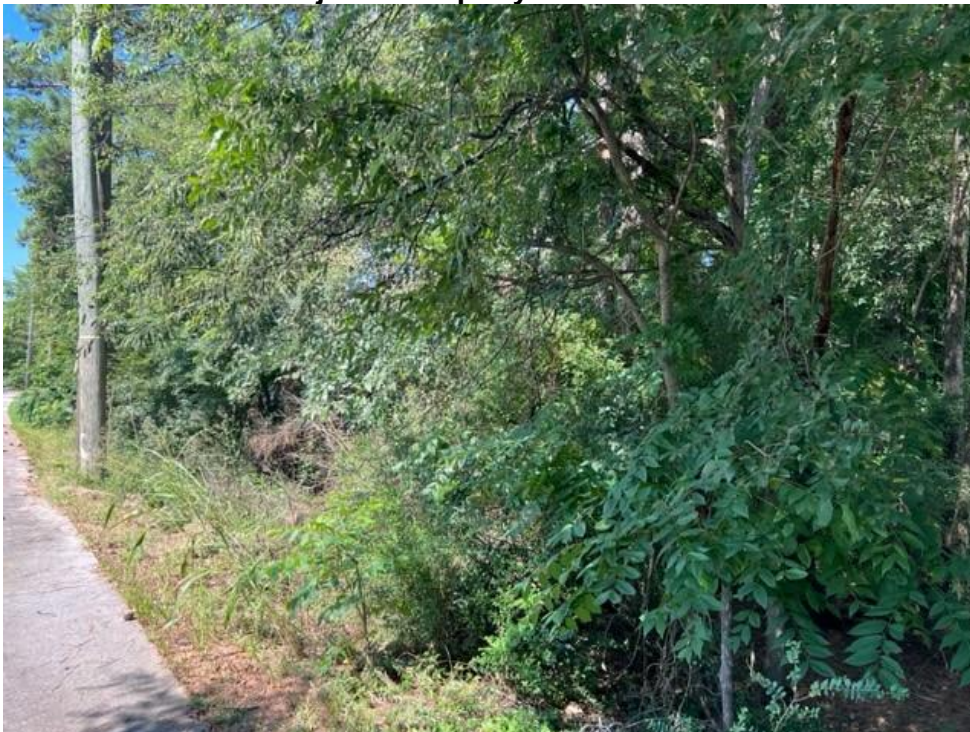


Figure – 8
Adjacent Property across Oakdale Road



Figure – 9
Adjacent Property across Oakdale Court

