

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: September 25, 2023

RE: VARIANCE CASE V23-068
1277 Pierce Avenue – Allow new construction on lot of record below minimum requirements

BACKGROUND

The applicant is requesting to build a new single-family home at 1277 Pierce Avenue on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

ANALYSIS

The subject parcel is a 0.46-acre lot located on the north side of Pierce Avenue (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are occupied by detached single-family homes. The subject parcel is located within the J. H. Taylor Subdivision, which was platted in 1944 in Cobb County, prior to the current Smyrna Zoning Ordinance, which was implemented in 1974.

The subject property was annexed into the City in May 2021 through House Bill 744, which brought several Unincorporated Cobb County islands into the City's jurisdiction. Through the annexation, all annexed properties were brought into the City of Smyrna in the R-20 zoning district, which was Cobb County's equivalent zoning district. However, the subject property is only 19,866 square feet while the R-20 zoning district requires a minimum lot size of 20,000 square feet. Since the subject property is an existing lot of record, originally filed for platting in 1944 in Cobb County and then annexed accordingly into the City, the hardship is not self-created. If it were not for the nonconforming lot, no other variances would be required to build the new home.

The applicant is proposing to demolish the existing 1,344 square foot ranch house and build a new 4,467 square foot two-story single-family home on the subject property, which will include five bedrooms and five bathrooms. The façade will be a mixture of brick, board and batten, and hardiplank. As mentioned, the existing one-story home is 1,344 square feet, well below the minimum house size of the R-20 zoning district at 2,100 square feet. With the new construction, the home will be brought into compliance with the R-20 zoning district floor area requirement.

The subject property is unique in that it has less square footage than what the R-20 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Community Development does not believe building a new single-family home on the subject property in accordance with the R-20 zoning requirements will negatively impact the surrounding properties. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

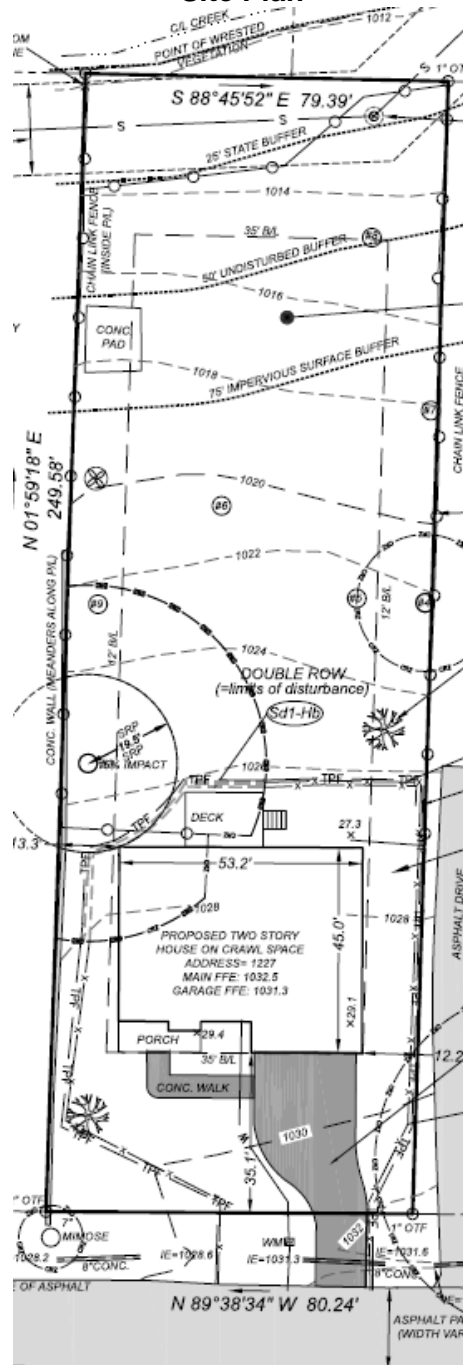
The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-20 Zoning District. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances 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. Community Development believes that the requested variance will not adversely affect surrounding properties. 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.

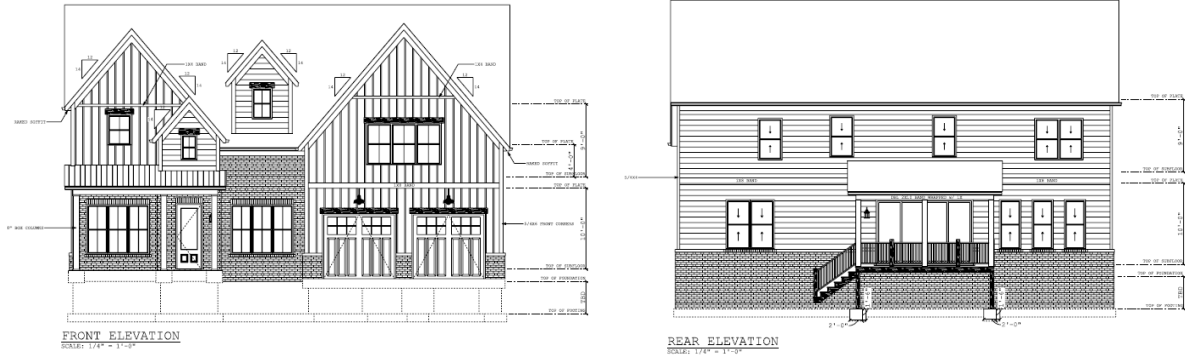
Figure – 1



Figure – 2
Site Plan



**Figure – 3
Building Elevations**



**Figure – 4
Subject Property**



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Pierce Avenue



Figure – 8
Adjacent Property across Pierce Avenue

