

# 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 22, 2021

**RE: VARIANCE CASE V21-061**  
**3554 South Sherwood Road – Allow encroachment into the 75-foot impervious setback for a deck addition**

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#### **BACKGROUND**

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to construct a deck and screened-in porch in the rear of 3554 South Sherwood Road. The City's stream buffers are controlled by Chapter 46 of the City's Code of Ordinances.

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#### **ANALYSIS**

The subject parcel is a 0.26-acre lot located on the north side of South Sherwood Road (see Figure 1). A stream runs at the rear edge of the property and continues south. The subject parcel and adjoining parcels to the north and east are zoned RDA and are all detached single-family homes within the Sherwood Park subdivision. The adjacent properties to the west and south are zoned R-15. The property to the west is currently vacant whereas the property to the south is occupied by a single-family detached residence.

The applicant is proposing to add a roughly 390 square foot porch and deck in the rear of the subject property. When the Sherwood Park subdivision was platted in 2013, the plat failed to reflect the 75-foot impervious setback imposed on the subject and adjacent properties. Since the porch and deck are well within the City's 75-foot impervious setback, the addition requires a variance to extend another 15 feet.

Currently, the rear yard is greatly encumbered by the State's 25-foot stream buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious setback, with a small area of the home currently within the 75-foot impervious setback. Thus, the applicant will require relief from the City's Stream Buffer Ordinance in order to build into the rear yard. To offset the encroachment into the buffer, the applicant has proposed to install two downspouts in the property that will be 15 feet underground with perforated pipe. The City Engineer has reviewed the plan and can support the proposed mitigation method.

Community Development believes the hardship is not self-created, as the lot of record and existing home are already impacted by the stream buffers. Community Development believes

this is the minimum variance needed to make the rear deck functional, and that there should be no negative impacts to adjacent properties if approved.

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## STAFF COMMENTS

The applicant is requesting relief from the City's 75-foot impervious setback to construct a deck in the rear 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. 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 subject property for 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

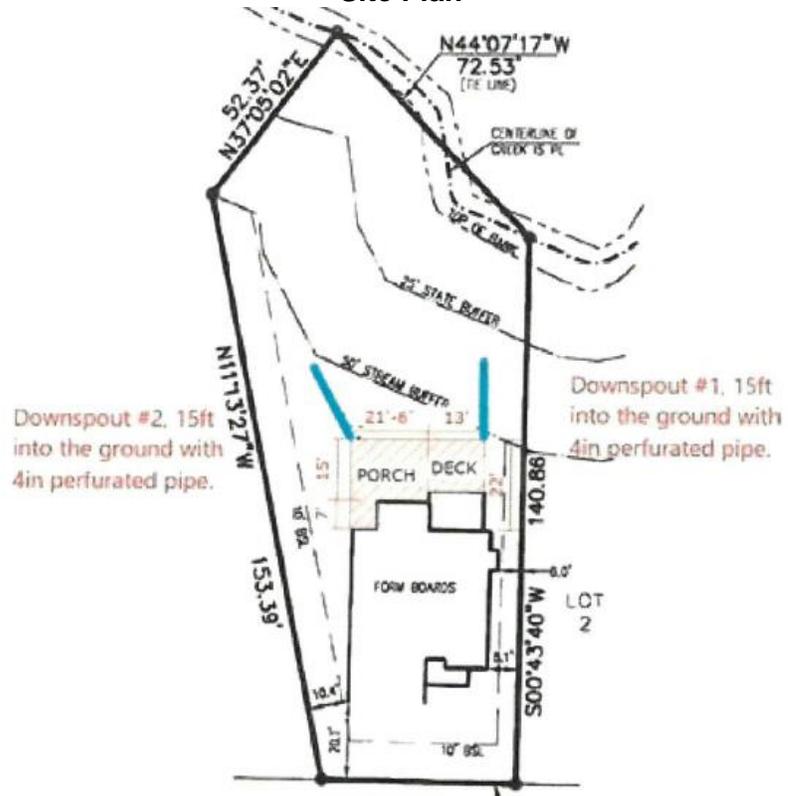


Figure – 3  
Subject Property



**Figure – 4**  
**Adjacent Property to the East**



**Figure – 5**  
**Adjacent Property across South Sherwood Road**



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

