

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: January 28, 2021

RE: VARIANCE CASE V21-009
2424 Goodwood Boulevard – Allow vertical construction on non-conforming deck

BACKGROUND

The applicant is requesting a variance to allow for the continuation of a non-conforming deck for the construction of an enclosed porch on a single-family residence at 2424 Goodwood Boulevard. The applicant received approval for two variances in 1997 (Variance Case – V97-020 and V97-021) for a rear yard setback reduction of 30 feet to 10 feet and a side setback reduction of 10 feet to 8 feet, respectively. Since the proposed deck enclosure is outside the scope of the originally approved variances and the variance timeframe has expired, the applicant is required to request another variance. The development standards established by the City for the RTD zoning district require a minimum side yard setback of 10 feet and rear yard setback of 30 feet.

ANALYSIS

The subject parcel is located at the intersection of Oak Quarters and Goodwood Boulevard (see Figure 1). The subject parcel and all adjoining parcels to the north, east, and west are zoned RTD which are occupied by a variety of single-family attached and detached homes. The parcels to the south are zoned RDA and are occupied by single-family attached homes. The subject property is 0.14 acres (6,269 square feet).

The applicant is proposing to build a roughly 430 square foot sunroom on the existing deck. The sunroom will have siding with a shingle roof, painted to match the existing home. Two variances were granted in 1997 for a rear setback and side setback reduction for the construction of a new deck and small sunroom (see Figure 3). In the Fall of 2020, the applicant began construction on a new larger sunroom, that would cover the entirety of the existing deck. Since the new construction was outside the scope of the previous variances and the variance timeframe of 1 year had expired, the applicant was required to request another variance. A fire rated wall was required with the original variances on the eastern side of the deck. The Chief Building Official has reviewed the current plans and is not requiring further expansion of the fire rated wall.

Due to the existing deck, the most logical area to construct the enclosed sunroom is within the side and rear setbacks to decrease disturbance to the subject property and surrounding

neighbors. Strict application of the ordinance would deny the applicant the ability to add any enclosed space over the existing deck since it is already within the side and rear setback.

The adjacent building to the west will exceed the minimum 10 feet of building separation from the subject property, thus no fire suppression system is required. The placement and orientation of the deck has existed since it was built in 1997, so the hardship is not self-created. Strict application of the ordinance would deny the applicant the ability to construct the enclosed sunroom. At the time of this report, Community Development has received a few phone calls regarding the variance request.

STAFF COMMENTS

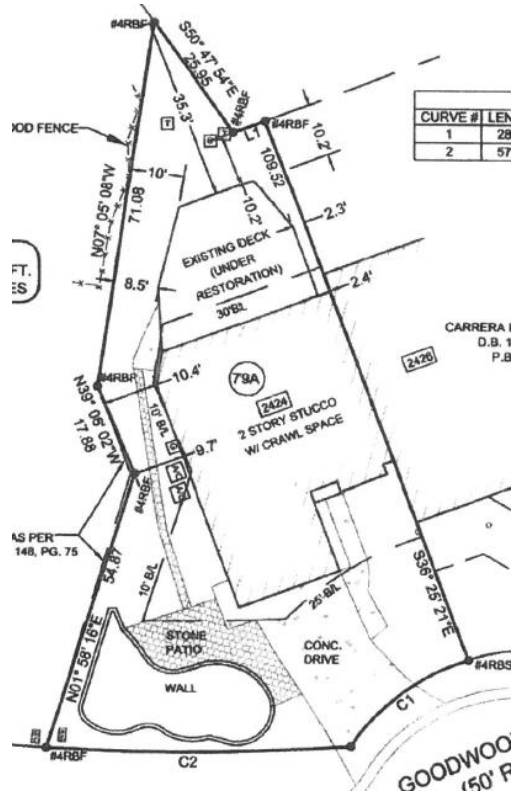
The applicant is requesting to deviate from the development standards established by the City for the RTD zoning district, which requires a minimum side yard setback of 10 feet and rear setback of 30 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following 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. 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 requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.

Figure – 1



**Figure – 2
 Site Plan**



**Figure – 3
 1997 Variance Site Plan**

HOUSE

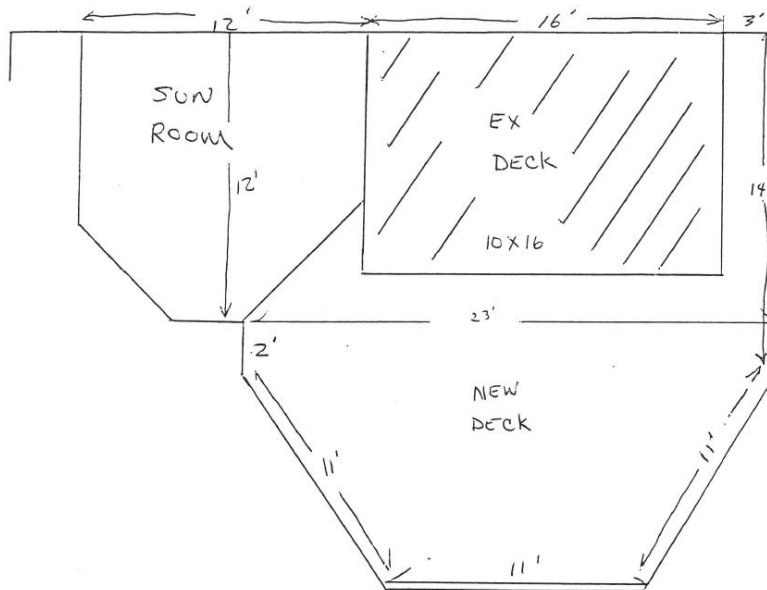


Figure – 3
Rear Elevation

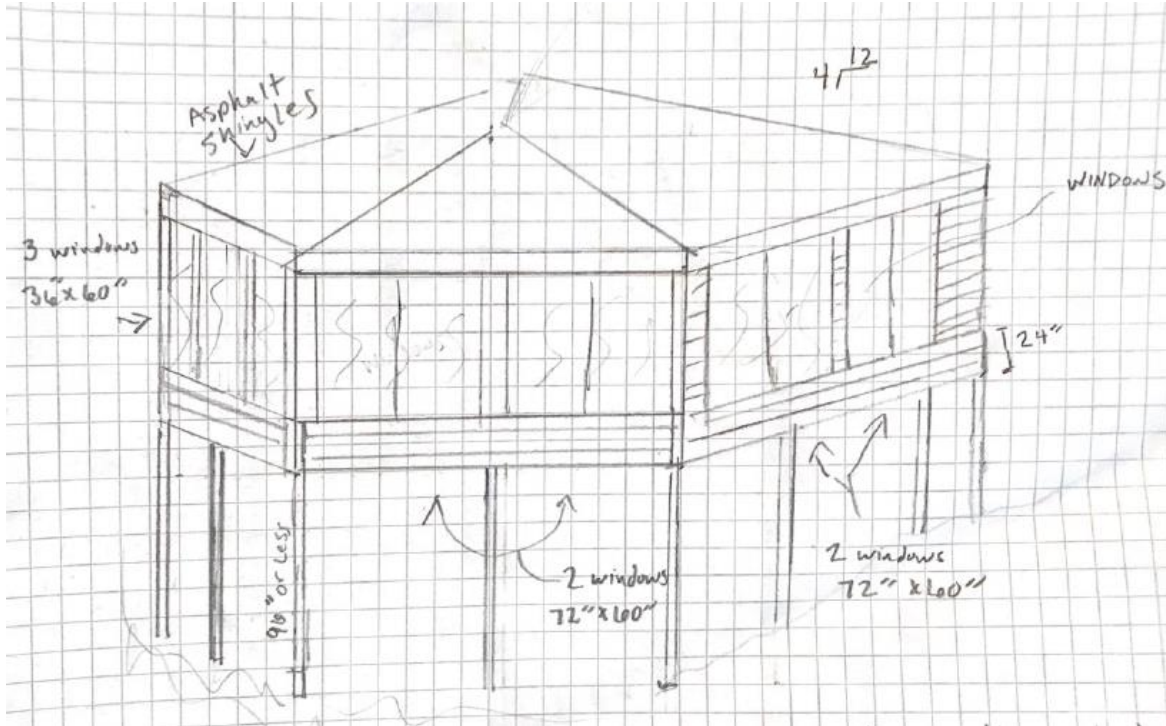


Figure – 4
Subject Property



Figure – 5
Adjacent Property to West



Figure – 6
Adjoining Property to the East



Figure – 7
View to the South

