

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

---

To: License and Variance Board

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

Date: May 3, 2021

**RE: VARIANCE CASE V21-044**  
**632 Austin Drive – Reduce the rear setback from 30 feet to 24 feet for a deck**

---

#### **BACKGROUND**

The applicant is requesting a variance to reduce the rear setback from 30 feet to 21 feet to replace a deck on an existing home. Section 801 of the zoning ordinance requires a rear setback of 30 feet for lots zoned R-15.

---

#### **ANALYSIS**

The subject parcel is a 0.53-acre lot located on the south side of Austin Drive, at the intersection of Austin Drive and Grace Meadows Lane (see Figure 1). The subject parcel and adjacent parcels to the east, west, and south are all zoned R-15 while the adjacent parcels to the north are zoned R-12; all are occupied by detached single-family homes.

The applicant is proposing to replace an existing deck on the rear of the existing home, which has existed on the property since at least 2007 when the applicant purchased the home. The existing home is pushed to the rear of the property with a large front yard and little space for an addition in the rear. The rear of the home is 31 feet from the rear property line and the existing deck is 21 feet from the rear property line. Moreover, the door to the rear yard from the home is 7 feet off the ground, causing an unsafe condition if the deck were to be completely removed. To try to adhere to the rear setback as much as possible, the applicant will be reducing the length of the deck by 3 feet; this will reduce the current setback encroachment from 21 feet to 24 feet and improve the existing condition.

As the home sits now, 31 feet from the rear property line, strict application of the ordinance would only allow for a one-foot deck off the rear of the home or moving the foundation of the home to accommodate a rear deck addition. The building on the adjacent property to the south is over 100 feet away from the proposed addition so there should be minimal disturbance to surrounding neighbors. The proposed deck will be replacing an existing non-conforming deck and improving the setback from the rear property line. Community Development believes the variance requested is the minimum variance needed to replace the existing deck.

---

#### **STAFF COMMENTS**

VARIANCE CASE V21-044

May 3, 2021

Page 2 of 5

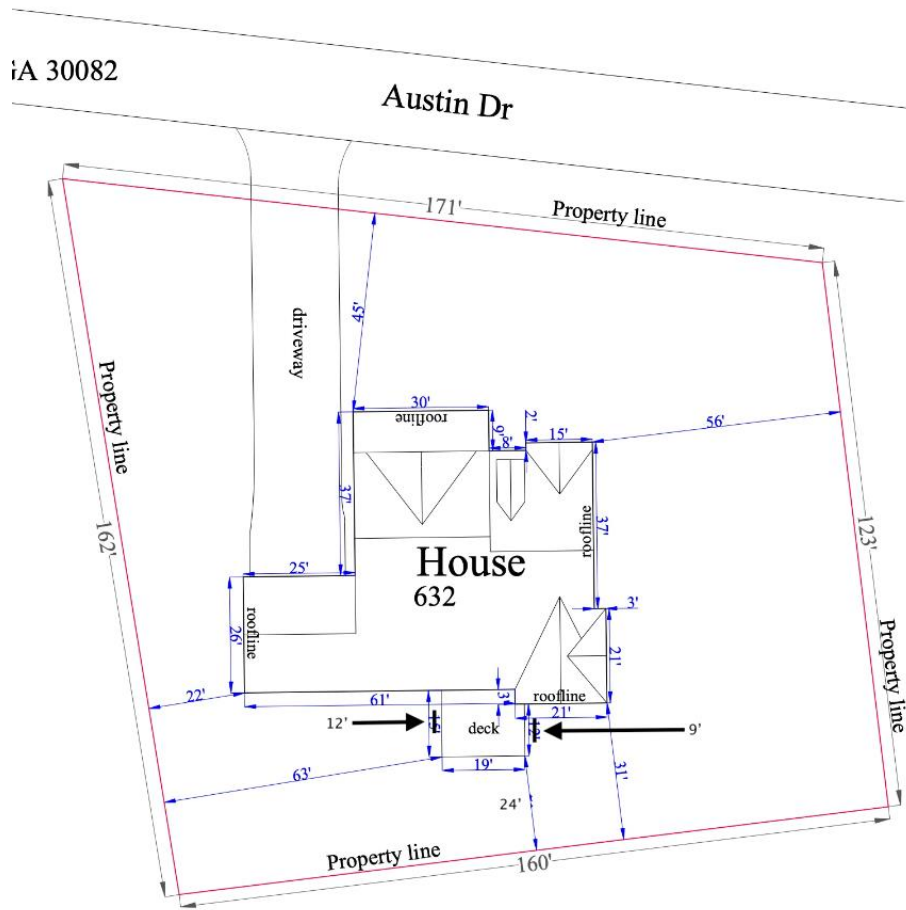
The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a minimum rear yard setback of 30 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there 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 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  
Proposed Deck**



**Figure – 4**  
**Subject Property**



**Figure – 5**  
**Adjacent Property Across Austin Drive**



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



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

