

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: February 6, 2020

RE: **VARIANCE CASE V20-012**
4830 Marina Lane – Allow reduction of the rear setback from 30 feet to 15 feet

BACKGROUND

The applicant is requesting a variance to reduce the rear setback for 4830 Marina Lane from 30 feet to 15 feet for the construction of a covered portico. The minimum rear setback is required based upon the standards associated with the approved subdivision plat from 2005.

ANALYSIS

The subject parcel is a 0.35-acre lot located at the intersection of Cooper Lake Road, Nickajack Road, and Marina Lane (see Figure 1). The subject parcel, the adjacent parcel to the north and the adjacent parcel to the west are zoned R-15. The adjacent parcels to the east and south are zoned RDA. All parcels are occupied by single-family residences. The Manor at Vinings subdivision was established in 2005 and the property is an existing lot of record; however, the property remained vacant until June 2019 when the applicant was permitted to build a new single-family home.

The applicant is proposing to construct a new covered portico on the rear of the home (see Figure 2). The gable roof extends from the structure of the home to a retaining wall that runs the length of the rear of the property. Two columns hold the roof structure up from the retaining wall (see Figure 5). Retaining walls do not need to meet setback requirements. The addition of the gabled roof spanning from the home to the retaining wall requires the need for the variance due to the roof structure encroaching into the rear setback. The portico roof is currently encroaching in the rear setback by 15 feet.

Since the lot has three road frontages, there is little outdoor space available to the applicant for the private enjoyment of their backyard. Additionally, the property has a significant slope from Cooper Lake Road to the property, limiting the usability of the rear yard. Community Development believes the variance requested is the minimum variance needed to construct a usable outdoor space. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. Community Development has received one call for inquiry related to the request.

STAFF COMMENTS

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The applicant is requesting a variance to reduce the rear setback for 4830 Marina Lane from 30 feet to 15 feet for the construction of a covered portico. 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. At the time of this report, there has been no public objection to the request. 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 elevation submitted with the variance application.

Figure – 1



Figure – 8
Site Plan

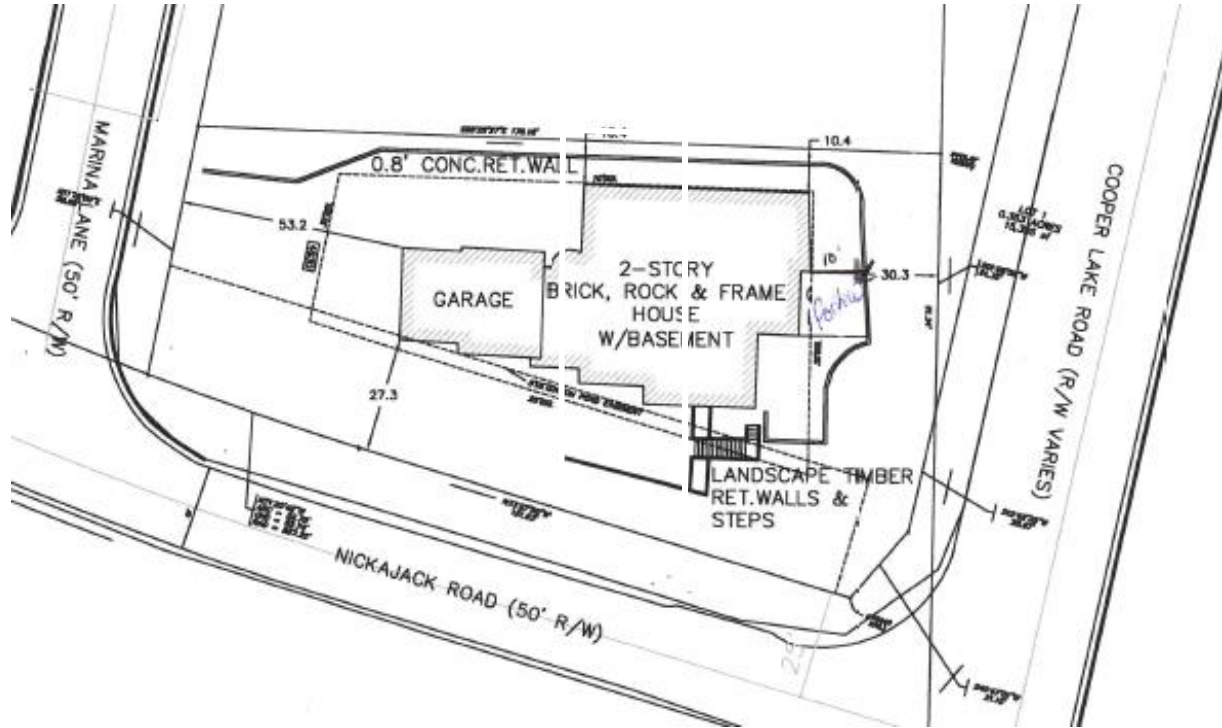


Figure – 2
Subject Property from Cooper Lake Rd



Figure – 3
Subject Property from Nickajack Road



Figure – 4
Subject Property from Marina Lane



**Figure - 5
Proposed Portico**



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



Figure - 7
Adjacent Property to the North

