

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, AICP, Planner II

Date: April 19, 2018

**RE: VARIANCE CASE V18-036
2870 Green Cove Way – Allow rear setback reduction from 25 feet to 17 feet to
extend a deck on a single family residence**

BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 25 feet to 17 feet in order to extend the existing deck at the rear of the single family home. Section 801 controls front setbacks in residential zoning districts.

ANALYSIS

The subject parcel is located to the east of Green Cove Way, within the Greenwood Subdivision (See Figure 1). The subject parcel and adjoining parcels to the north, east, and west are zoned RAD and are occupied with single family homes. The property to the south is zoned R-15 and also occupied with single family homes.

The applicant is proposing to extend a deck at an existing single family residence. The existing deck extends from the house about 12 feet. The applicant would like to maintain the same depth and build a new covered deck across the width of the home. However, the rear lot line is not parallel to the rear of the home, and angles towards the home on the north side. Thus, while the majority of the deck is within the 25 ft. rear setback, the north corner of the deck will encroach the setback by 8 feet due to the angle of the rear property line.

The placement and orientation of the house has existed since it was built so the hardship is not self created. The applicant is only requesting to retain the same 12 ft. depth across the width of the home. Strict application of the ordinance would allow the applicant to construct the deck, however it would have an unusual shape that tapers down on the north side. The variance proposed is the minimum variance needed. Community Development has not received any call in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the rear setback of 25 feet. The applicant is requesting a variance to reduce the rear setback to 17 feet to build a new covered deck. 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. Similar variances have been approved throughout the city. At the time of this report, Community Development has not received any phone calls regarding the variance 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 submitted with the variance application.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Adjacent Property



Figure – 4
Proposed Site Plan

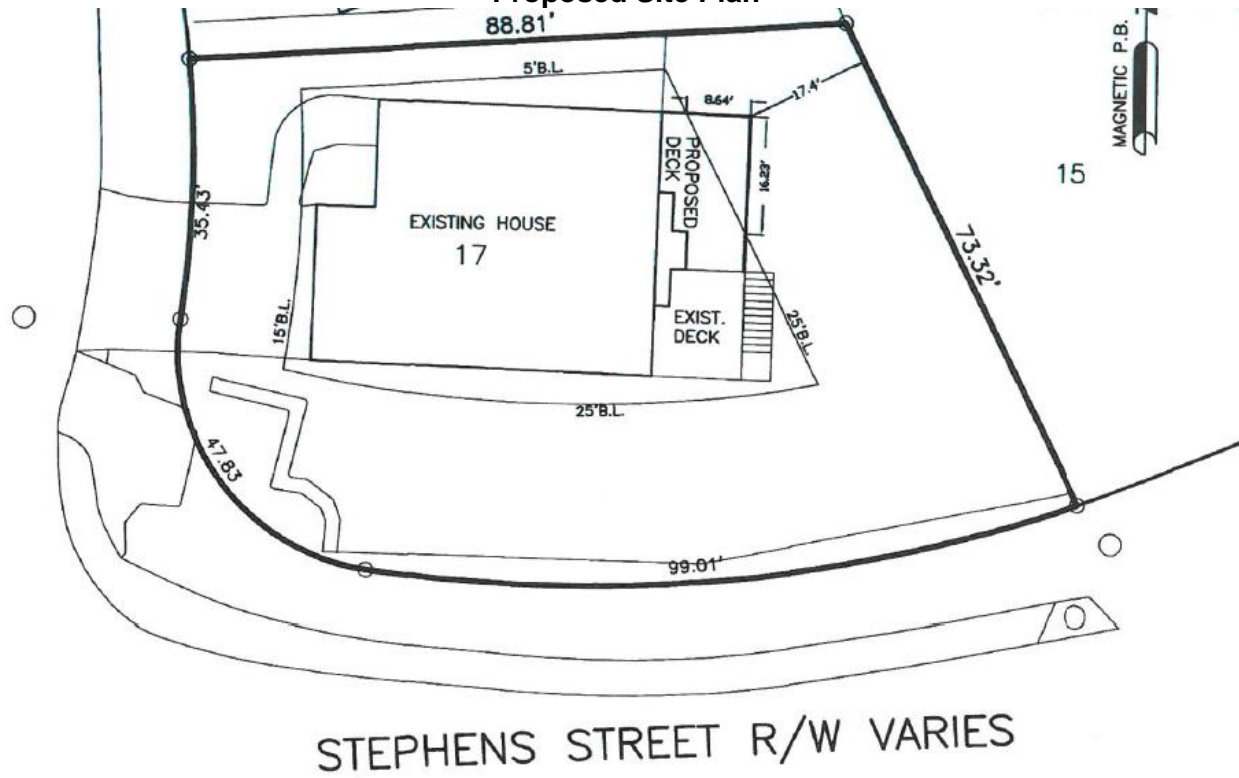


Figure – 5
Proposed Elevation
Covered Deck Concept Sketch



Materials will be the same cement board that is currently on the house. The roof will be the same metal roof that is on the front stoop of the house. See Sketch of the sun room to see how the deck will be built.

