

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: July 13, 2021

RE: VARIANCE CASE V21-075
1145 Queensgate Drive – Reduce the side setback from 5 feet to 2 feet for an addition

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 5 feet to 2 at 1145 Queensgate Drive for a screened porch and deck addition. The side setback of 5 feet is required per the zoning stipulations associated with the King Valley at Vinings subdivision, platted in 1999.

ANALYSIS

The subject parcel is a 0.21-acre lot located on the north side of Queensgate Drive, near the intersection of Queensgate Drive, Kenway Circle, and Kenway Place (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are all occupied by detached single-family homes.

The applicant currently has an existing deck on the rear of the property, which did not obtain a variance prior to its erection. The applicant is proposing to enclose the existing deck to create a 210 square foot screened-in porch and construct a new 112 open deck adjacent to the porch at the rear of the home. Since the existing deck is encroaching into the side setback by 3 feet, a variance must be obtained to allow for enclosure of the deck per Section 1102, which states that “no nonconforming building, structure or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the provisions of this ordinance.”

The existing home is oriented parallel to the road; but since the side property line is not perpendicular to the street, the deck extension encroaches into the side setback by 3 feet. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the rear of the home or the existing deck since the existing structure is already at the side setback of 5 feet. Per the 2018 International Residential Code, Table R302.1(1), any building projection greater or equal to 2 feet but less than 5 feet must be fire-resistance rated. Since the deck will be at the 2-foot mark, the Chief Building Official can support the variance with the stipulation that the screened porch meet fire-retardant regulations.

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Due to the location of the existing home and deck on the subject property, the proposed enclosure will minimize disturbance to the subject property and surrounding neighbors. The variance proposed is the minimum variance needed to construct the enclosure in line with the current home and deck. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved.

STAFF COMMENTS

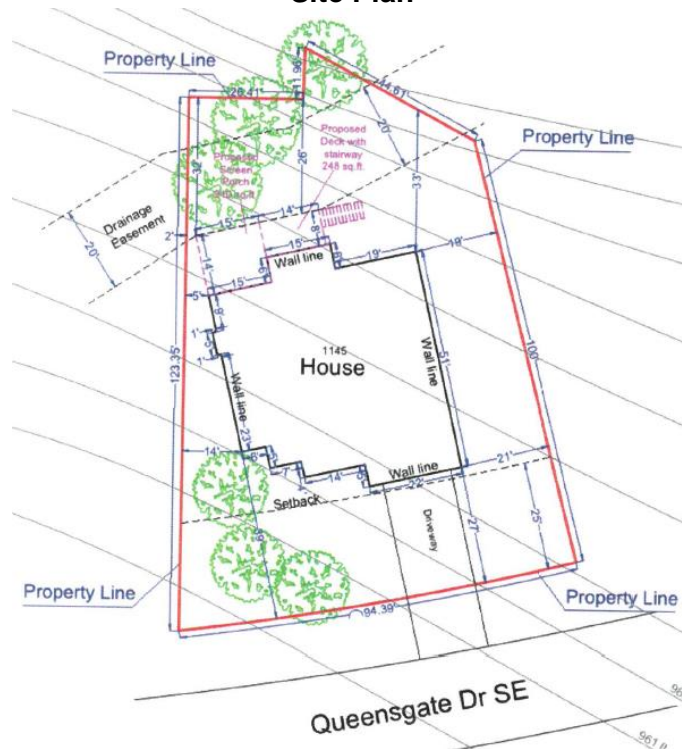
The applicant is requesting to deviate from the development standards established by the City for the King Valley at Vinings subdivision, which requires a side setback of 5 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there 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 requests 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 enclosing the deck within the side setback 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.
2. Gutters and downspouts shall be installed on the screened porch to manage stormwater runoff and to divert water away from adjacent properties.
3. The screened porch must meet required fire-retardant regulations, which shall be submitted for review to the Chief Building Official prior to permitting.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Adjacent Property across Queensgate Drive



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East

