

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

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

Date: September 8, 2017

**RE: VARIANCE CASE V17-048  
4533 Oak Brook Drive – Allow reduction of rear setback from 20 feet to 3 feet for  
a deck addition on an existing single family residence**

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## **BACKGROUND**

The applicant is requesting a variance to reduce the rear setback from 20 feet to 3 feet at 4533 Oak Brook Drive for a 91 sq. ft. deck addition at an existing single family residence. Section 801 of the city's code of ordinance requires a rear setback of 20 feet in the RAD zoning district.

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## **ANALYSIS**

The subject parcel is located on Oak Brook Drive in the Oak Hills Subdivision (see Figure 1). The subject parcel is zoned RAD, and is occupied by a single-family residence. The adjacent properties to the north, south, east, and west are zoned RAD and are developed with detached single family homes.

The applicant is proposing to enlarge the existing deck by 91 sq. ft. The existing deck is screened in and the applicant wishes to enlarge the deck to build an open area for the use of a grill and/or smoker. The applicant states safety concerns as a hardship, as the existing screened deck prevents ventilation from occurring properly.

The subject property is a pie shaped lot which creates challenges with respect to setback lines (see Figure 4). As it is not a rectangular shaped lot, the side property line angles in towards the house and further reduces the rear setback. About 1/3 of the deck will conform with the 20 ft. rear setback, however due to the angle of the property line, the rest will encroach up to a maximum of 3 ft. from the property line. There is no other buildable area in the rear yard in which to expand due to the angles of the property lines. The applicant is proposing to plant a tree to act as a visual buffer between it and the adjacent property.

The shape of the subject property is unique as there is no area in the rear yard in which to expand. The hardship is not self-created as it has existed since the home was built. Strict application of the code would prohibit the applicant from constructing the addition. Community

Development believes the variance requested is the minimum variance needed to build the proposed ventilated grill area.

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## STAFF COMMENTS

The applicant is requesting to deviate from the City's side setback requirement of 20 feet in the RAD zoning district, found in section 801 of the Zoning Ordinance. 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 them to be in compliance with the review standards. Similar variances for deck additions have been granted, and Community Development believes that the requested variance will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance request. Therefore, Community Development recommends **approval** of the requested variance with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.

**Figure – 1**



**Figure – 2**  
**Subject Property**



**Figure – 3**  
**Rear of Subject Property and Adjacent Property**



**Figure – 4**

## Site Plan

