

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

---

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Joey Staubes, AICP, Planner II

Date: October 21, 2021

**RE: VARIANCE CASE V21-108**  
**1522 Grace Meadows Lane– Reduce the rear setback from 45 feet to 35 feet for the construction of an elevated deck**

**VARIANCE CASE V21-109**  
**1522 Grace Meadows Lane – Allow encroachment into the 75-foot impervious surface setback for an elevated deck**

**VARIANCE CASE V21-110**  
**1522 Grace Meadows Lane – Allow encroachment into the 50-foot undisturbed stream buffer for an elevated deck**

---

#### **BACKGROUND**

The applicant is seeking several variances to allow for the replacement and expansion of an elevated deck on an existing single-family home. These variance requests include setback reductions and stream buffer encroachments. The applicant is proposing to replace an existing deck with a 16-foot by 22-foot elevated deck. Section 801 of the Zoning Ordinance and the Grace Meadows Subdivision zoning conditions sets the setback requirements in the R-12 zoning district and stream buffers are controlled by Chapter 46, Article VI in the Code of Ordinances.

---

#### **ANALYSIS**

The subject parcel is located on the south side of the cul-de-sac at Grace Meadows Lane (see Figure 1). The subject parcel and all adjoining parcels to the north, east and west are zoned R-12 and are occupied by single-family detached residences. The properties to the south are zoned R-15 and are occupied by single-family homes. The Grace Meadows subdivision was established in 1993 and the subject property was constructed in 1997.

The applicant is proposing to build a 16-foot by 22-foot (352 sq. ft.) elevated deck at the rear of the existing home. The deck will replace and enlarge the deck built with the original home. The subject property is greatly impacted by the City's 50-foot undisturbed buffer as well as the City's 75-foot impervious surface setback due to the stream buffer that runs along the entire south side of the property. The applicant has requested a rear setback reduction to rebuild the deck over the existing at-grade patio.

The applicant will require relief from the City's buffers to construct the deck. The applicant will mitigate the buffer encroachment by providing buffer averaging and dedicating 352 sq. ft. of the subject property to remain undisturbed. Additionally, the applicant will place all deck footings outside of the 50-foot Undisturbed Stream Buffer. There will be no land disturbance or tree removals within the City 50-foot Undisturbed Stream Buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted and due to the buffer averaging and mitigation strategies employed for the deck replacement.

---

### **STAFF COMMENTS**

The applicant is requesting to deviate from the development standards established by the City for the following: rear setback reduction from 45 feet to 35 feet, and encroachment into the City's 50 foot undisturbed buffer and 75 foot impervious surface setback. 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 encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances are conditioned upon substantial compliance with the site plan submitted with the variance application.
2. The applicant shall record a revised plat dedicating 352 sq. ft. to remain undisturbed per the buffer averaging mitigation shown on the site plan.
3. All deck footings shall remain outside of the City 50-foot Undisturbed Stream Buffer.



**Figure – 3  
Subject Property**



**Figure – 4  
Adjacent Property**



**Figure – 5**  
**Creek on Subject Property**

