



# City of Smyrna

City of Smyrna  
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## Legislation Text

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File #: 2021-488, Version: 1

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**WARD / COUNCILMEMBER:** Ward 4 / Councilmember Welch

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V21-110 - Allow encroachment into the 50-foot undisturbed stream buffer for the construction of an elevated deck - Land Lot 383 - 0.41 acres - 1522 Grace Meadows Lane - Outback Deck Inc.

**ISSUE AND BACKGROUND:**

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

**RECOMMENDATION / REQUESTED ACTION:** 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, requests 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:

Approval of the requested variances are conditioned upon substantial compliance with the site plan submitted with the variance application.

The applicant shall record a revised plat dedicating 352 sq. ft. to remain undisturbed per the buffer averaging mitigation shown on the site plan.

All deck footings shall remain outside of the City 50-foot Undisturbed Stream Buffer.