

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: June 18, 2024

RE: VARIANCE CASE V24-048
5011 Duxford Drive – Increase maximum impervious surface area from 45% to 55.3%

VARIANCE CASE V24-049
5011 Duxford Drive – Reduce the rear setback from 25 feet to 17.1 feet

BACKGROUND

The applicant is seeking two variances to build a sunroom addition on the rear of the single-family home located at 5011 Duxford Drive: increase the impervious surface area from 45% to 55.3% and reduce the rear setback from 25 feet to 17.1 feet. Section 801 sets the maximum impervious area of the RDA zoning district. The rear setback of 25 feet is regulated by the Woodland Gate Unit I plat, recorded in 2001.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the east side of Duxford Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached homes within the Woodland Gate subdivision.

The applicant is proposing to replace the existing concrete patio with a 340 square foot sunroom to enjoy the outdoors even in inclement weather. When the home was built in 2003, the builder went over the allowable 45% impervious surface area by 6.5% without obtaining a variance. Additionally, a 246 square foot wooden deck was built in the rear of the property (sometime before 2019), within the existing drainage easement and without a building permit or variance. The deck may remain with the stipulation that the deck may be removed at the owner's expense if the City ever needed to perform work in the area.

After the addition of the sunroom to the property, the impervious surface area will be 10.3% over the allowable 45% (or 714 square feet). Since the sunroom is adding value to the property, the property is required to be brought to current code regardless of the previous nonconformity. However, since the existing single-family home was already non-conforming, the hardship is not self-created. Since the original increase in impervious surface area occurred in 2003 and there is no addition of land disturbing activities or stormwater runoff, the City Engineer has determined that no remediation is required in order to support the variance.

Patios that are flush to the ground are not required to meet building setbacks. However, once the sunroom is added over the patio, the sunroom will encroach into the rear setback by 7.9 feet. Due to the existing patio location, the most logical area to construct the sunroom is within the setback.

The subject property is currently buffered from adjacent properties by an existing wooden privacy fence so impact to neighboring properties would be minimal. Community Development believes the variance is the minimum variance needed to construct any usable outdoor space due to the existing driveway and house already over the allowable impervious coverage. A similar variance was approved in 2021 directly across the street at 5008 Duxford Drive (V21-124), thus there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district and the Woodland Gate Unit I subdivision plat, which requires a maximum impervious area of 45% and a rear setback of 25 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. After a review of the standards above, Community Development believes that the impervious surface increase will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. If any work must occur within the 20-foot drainage easement, the wooden deck may be required to be moved at the property owner's expense.

Figure – 1



Figure – 2
Proposed Site Plan

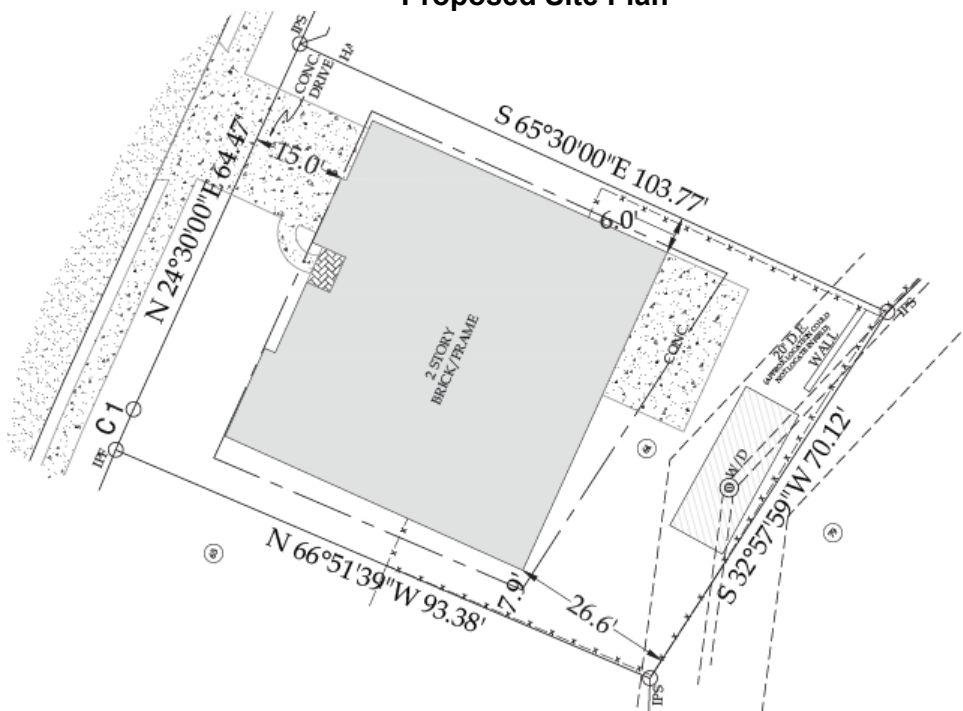


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Duxford Drive

