

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: August 29, 2024

**RE: VARIANCE CASE V24-067**  
**3020 Trae Court – Reduce the rear setback from 20 feet to 13.4 feet**

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#### BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 20 feet to 13.4 feet to build a deck on the rear of 3020 Trae Court. The subject property was approved in 2020 (zoning case Z20-004) with conditions, one of which required a rear setback of 20 feet.

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#### ANALYSIS

The subject parcel is located on the south side of the Trae Court cul-de-sac (see Figure 1). The subject parcel and adjacent parcels to the north, east, and west are zoned RM-10-C and are within the Trae Court subdivision, all of which will be occupied with single-family homes when complete, with the exception of the property to the west, which is the subdivision's stormwater detention facility. The adjacent property to the south is zoned RHR and is occupied by the Mitchell's Park apartment complex.

Each home in the subdivision has either a deck or patio in the rear for an outdoor amenity as well as a minimum 22-foot driveway. Of the eight permitted homes thus far (out of eleven in the subdivision), the average patio size is 182 square feet, with the smallest patio being 160 square feet due to its location on the corner of Trae Court and Church Street. Since patios that are flush to the ground are not required to meet building setbacks, each previously permitted patio has been almost fully in the rear setback. Due to the topography in the rear of the subject property, a patio would not have been feasible. To maintain a consistent product throughout the subdivision, the applicant has requested a rear setback reduction of 6.6 feet to build a 160 square foot deck on the rear of the house on both the first and second floor. If the home were to be shifted north to provide more room for a deck, a second variance would have been required to reduce the driveway length. Thus, to reduce the scope and number of variances, the applicant has requested the rear setback reduction.

The deck will remain outside the required 10-foot landscape buffer in the rear of the property but will encroach into the 12-foot private drainage easement by 3 feet. The City Engineer has reviewed the application and does not believe the deck will have adverse effects on the overall drainage of the subdivision. Since the drainage easement is private, a variance is not required for the encroachment.

Community Development believes that the encroachment will not adversely affect the surrounding residents, as the nearest structure at the Mitchell Park apartments is over 80 feet away and across a private roadway. With a 6.6-foot encroachment on the rear of home at the back of the subdivision, the requested variance for the encroachment will not be noticeable to the general public. Strict application of the ordinance would have required maximum deck depth of 2 feet to remain out of the rear setback. At the time of this report, Community Development has not received any calls in opposition to the request.

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## STAFF COMMENTS

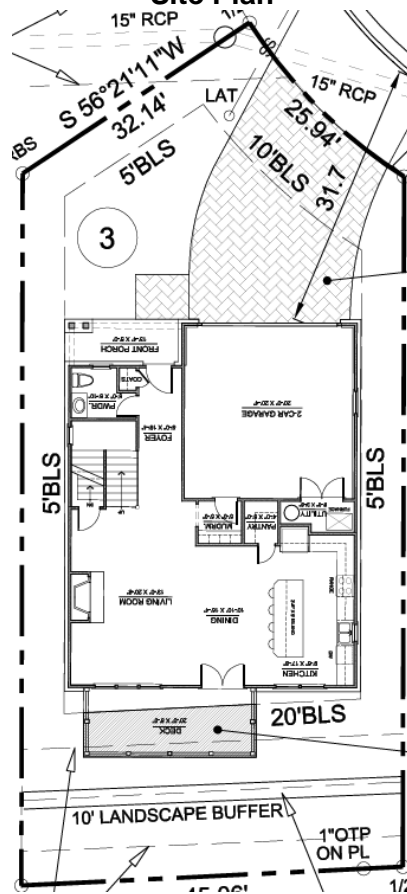
The applicant is requesting to deviate from the development standards established by zoning case Z20-004 for the rear setback of 20 feet to erect a deck on the rear of a new home in the Trae Court subdivision. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



**Figure – 2  
Site Plan**



**Figure – 2  
Front Elevation**



**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property to the West**





**Figure – 5**  
**Adjacent Property to the East**



**Figure – 6**  
**Adjacent Property across Trae Court**

