

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: August 29, 2024

**RE: VARIANCE CASE V24-072**  
**1700 Harlington Road – Reduce the rear setback from 25 feet to 14.6 feet**

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#### **BACKGROUND**

The applicant is requesting a variance to reduce the rear setback from 25 feet to 14.6 feet at 1700 Harlington Road to screen an existing deck. The rear setback of 25 feet is regulated by the Woodland Gate Unit I plat, recorded in 2001.

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#### **ANALYSIS**

The subject parcel is a 0.24-acre lot located on the northwestern side of the cul-de-sac of Harlington Road within the Woodland Gate subdivision (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 an existing 192 square foot deck on the rear of the existing home with a 204 square foot screened-in porch and open deck addition. When the home was built in 2001, the builder encroached into the rear setback by 10.4 feet to build the original deck without obtaining a variance. Since the deck is being enclosed, the property no longer remains legally nonconforming. However, since the existing deck was already nonconforming, the hardship is not self-created. Additionally, no other variances are needed as the property is below their impervious coverage maximum of 45% and the addition does not encroach into the drainage easement in the rear of the property.

The applicant will require relief from the City's building setback requirements to enclose the deck. Community Development believes the hardship is not self-created, as the deck was originally constructed in this location. Community Development believes this is the minimum variance needed to allow for the deck enclosure, and that there should be no negative impacts to adjacent properties if approved. A similar variance was approved earlier in 2024 directly behind the property at 5011 Duxford Drive (V24-049), 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.

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#### **STAFF COMMENTS**

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The applicant is requesting to deviate from the development standards established by the Woodland Gate Unit I subdivision plat, which requires 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

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

Figure - 1

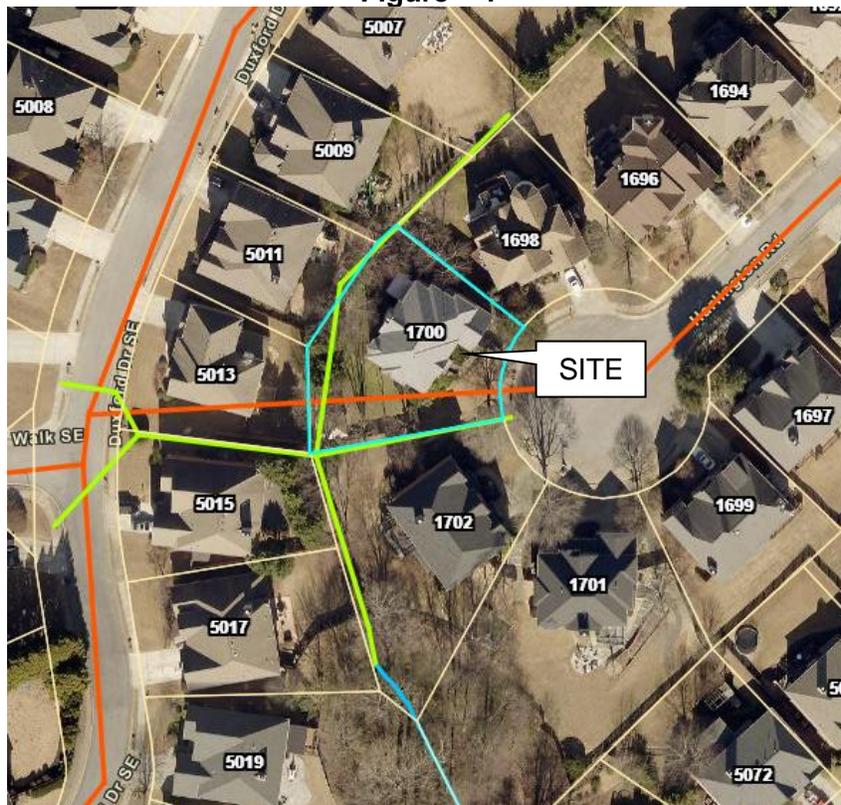


Figure – 2  
Site Plan

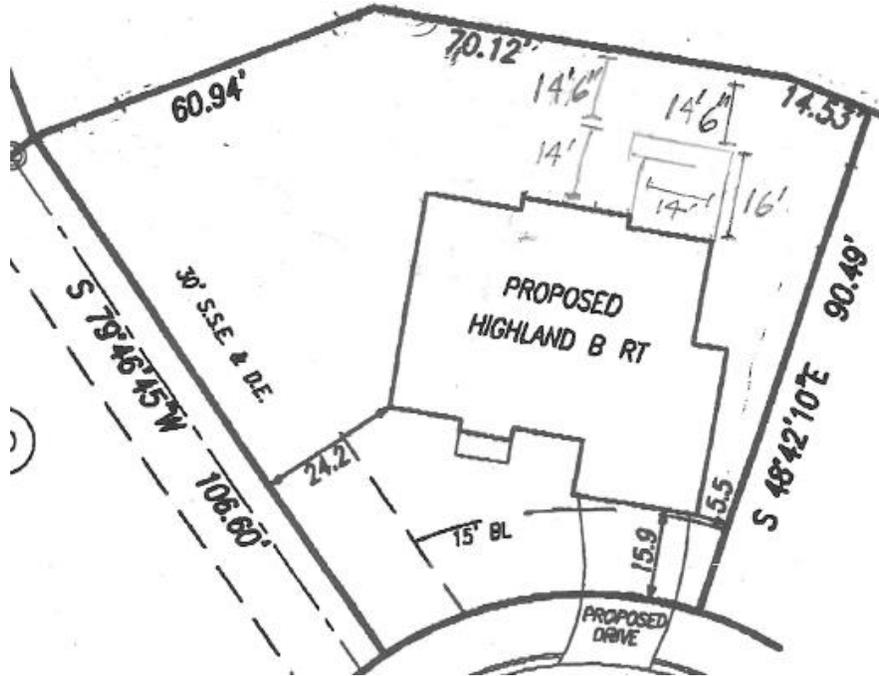


Figure – 3  
Subject Property



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



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



**Figure – 6**  
**Adjacent Property across Harlington Road**

