

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: November 20, 2023

RE: VARIANCE CASE V23-080
4040 Kenway Place – Allow maximum impervious surface area increase from 35% to 39%

BACKGROUND

The applicant is seeking a variance to allow an increase in the impervious surface area from 35% to 39% for a sunroom addition on the rear of the single-family home located at 4040 Kenway Place. Section 801 sets the maximum impervious surface area of the R-15 zoning district at 35%.

ANALYSIS

The subject parcel is a 0.20-acre lot located on the west side of Kenway Place within the King Valley at Vinings subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached homes.

The existing home was originally built in 1999 and was completed with a 39% impervious surface area, which is 4% over the allowable maximum impervious surface area. The applicant is proposing to demolish the existing 240 square foot deck and replace it with a sunroom on the rear of the home. Since the Stormwater Ordinance does not differentiate between replaced and new impervious area, a variance is required for the nonconforming impervious area. Additionally, per Section 1102, “no nonconforming building, structure or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the provisions of this ordinance.” With the sunroom addition and thus the enhanced value, the property is required to be brought to current code regarding the allowable impervious surface area coverage.

Since the original increase in impervious surface area occurred in 1999 and there is no addition of land disturbing activities or stormwater runoff with the current addition proposal, the City Engineer has determined that no remediation is required in order to support the variance.

The subject property is currently buffered from adjacent properties by an existing wooden privacy fence and vegetation so impact to neighboring properties would be minimal. Strict application of the ordinance would deny the applicant any ability to modify any portion of the home since the existing impervious area is already over the allowable maximum impervious

coverage. Additionally, a similar variance was approved in the neighborhood at 1139 Queensgate Drive in 2016 (V16-029). 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 R-15 zoning district, which requires a maximum impervious area of 35%. 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 requested variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



Figure – 2
Proposed Site Plan

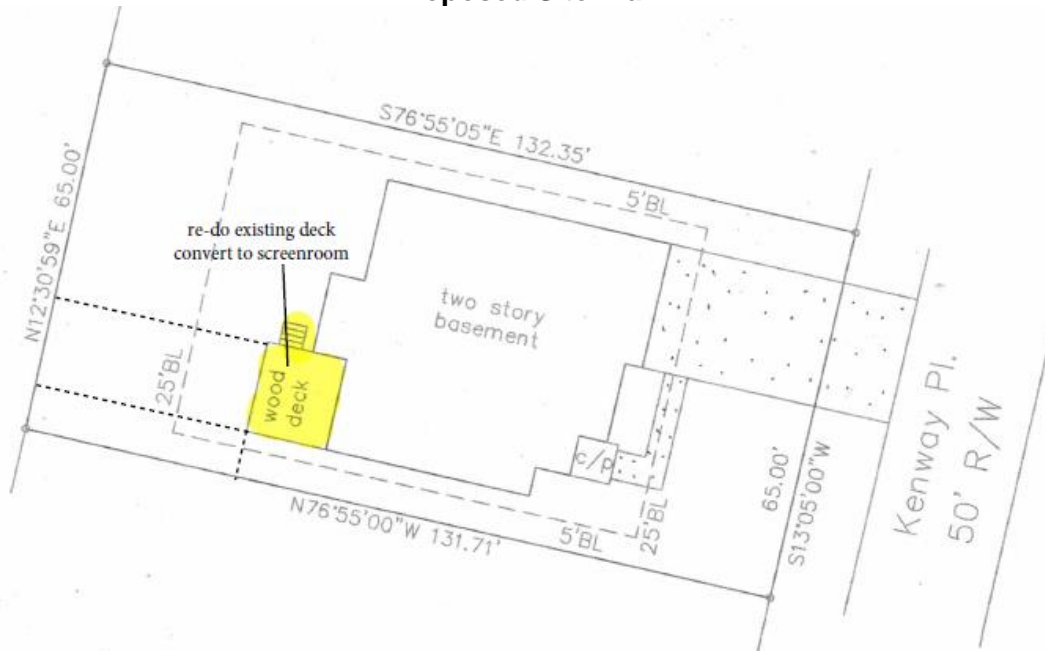


Figure – 3
Building Elevation

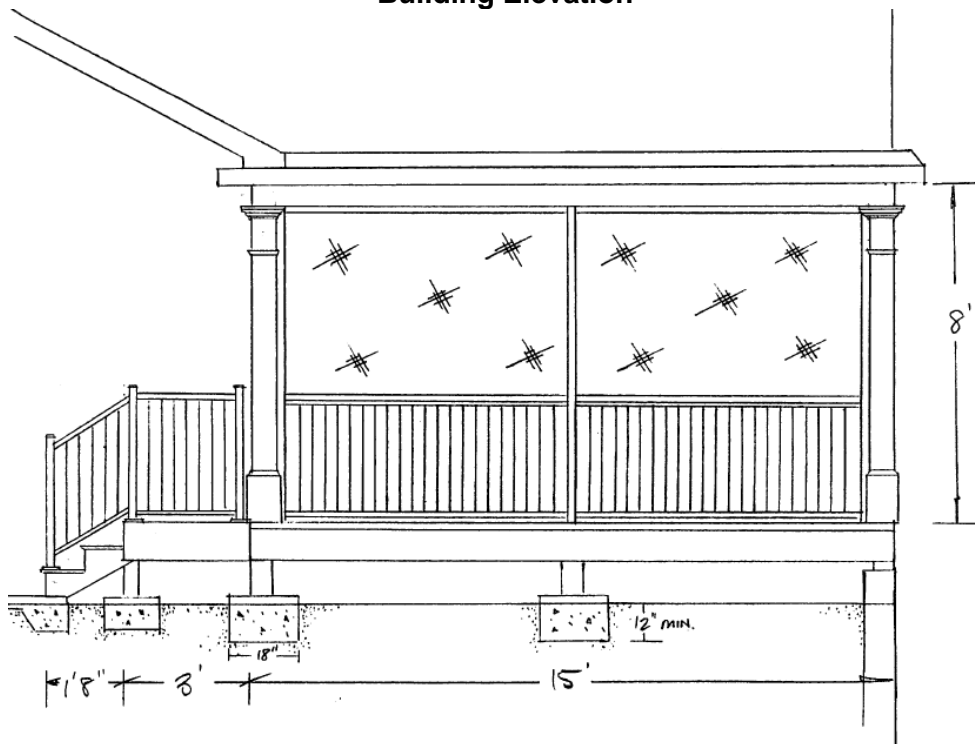


Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property across Kenway Place

