

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: March 1, 2024

RE: VARIANCE CASE V24-012
1900 Sadler Drive – Reduce the rear setback from 30 feet to 22 feet

VARIANCE CASE V24-013
1900 Sadler Drive – Increase maximum impervious surface area from 45% to 49.9%

BACKGROUND

The applicant is seeking two variances to build a sunroom and deck addition on the rear of the single-family home located at 1900 Sadler Drive: reduce the rear setback from 30 feet to 22 feet and increase the impervious surface area from 45% to 56.16%. Section 801 sets the maximum impervious area of the RDA zoning district. The rear setback of 30 feet is regulated by the Stonecrest Manor plat, recorded in 2007.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the west side of Sadler Drive within the Stonecrest Manor subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached homes, with the exception of the property to the west, which is occupied by the Old Vinings Mill amenity area.

The existing home was originally built in 2013 and was permitted with a 44% impervious surface area. Prior to permit completion and without plan approval, a deck and stairs were added to the rear over the existing concrete patio, which extended the impervious surface area above the allowed 45% (by 0.8% or 61.25 square feet). Since the home was completed with an increased impervious surface area, the hardship is not self-created.

The applicant is proposing to enclose the existing deck to make a 300 square foot sunroom and add a new 250 square foot deck with accompanying stairs. After the addition of the sunroom and deck to the property, the impervious surface area will be 4.1% over the allowable 45% (or 348 square feet). With the sunroom and deck additions increasing the impervious surface area, regardless of the previous nonconformity, the property is required to be brought to current code.

To offset the increase in impervious surface area, the applicant is adding two flo-wells to the southwest corner of the rear yard. The City Engineer has reviewed the application and is

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supportive of the proposed mitigation method with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to the issuance of the building permit.

Patios that are flush to the ground are not required to meet building setbacks. However, once the deck was added over the patio, the deck encroached into the rear setback by 8 feet. The applicant is looking to expand this nonconforming location along the back of the home, but no closer to the rear of the property than exists currently. Due to the existing deck location, the most logical area to construct the sunroom and new deck is within the setback. The same variance was approved at the adjacent property to the south in 2013 (V13-010). Additionally, the new deck stairs will also be encroaching into the 20-foot drainage easement at the rear of the property by 2 feet; this has been approved to remain by the City Engineer during plan review.

Community Development believes the requested variances are the minimum variances needed to add more outdoor space on the property. Similar variances have been approved throughout the city when an appropriate mitigation method has been included and implemented. Strict application of the ordinance would deny the applicant any ability to modify the existing deck since the existing impervious area is already over the allowable maximum impervious coverage. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

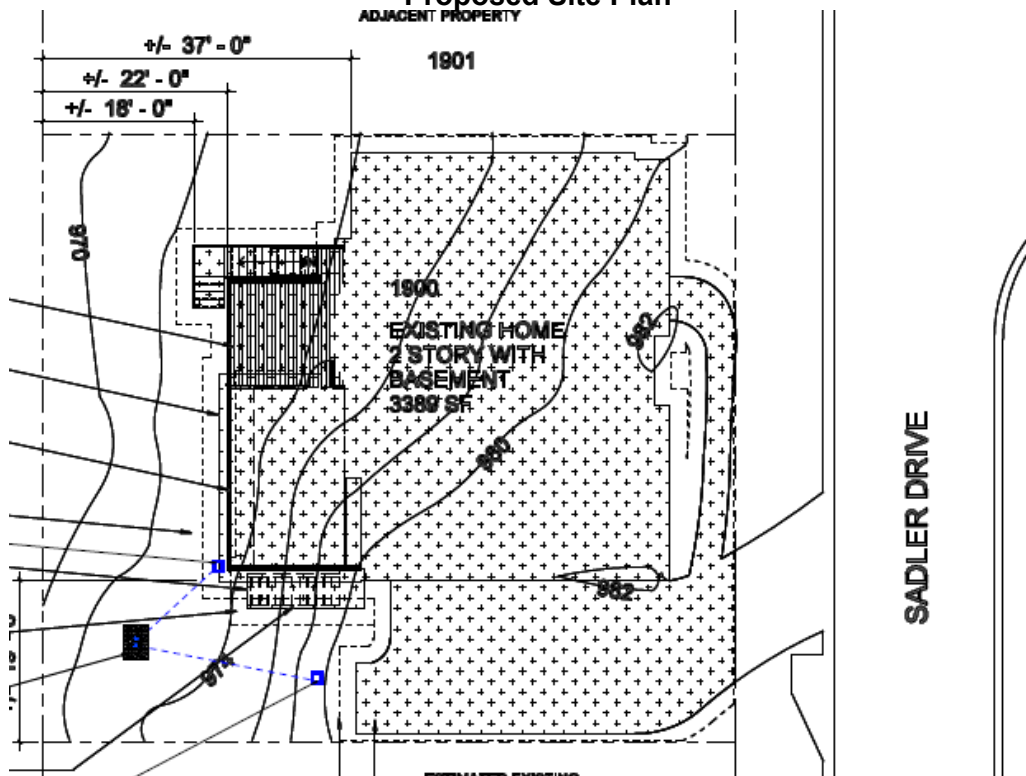
The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district and the Stonecrest Manor subdivision plat, which requires a maximum impervious area of 45% and a rear setback of 30 feet. According to Section 1403 of the Zoning Ordinance, variances 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 variances with the following conditions:

1. Approval of the variance is conditioned upon substantial compliance with the mitigation plan and elevations submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the building permit.

Figure – 1



Figure – 2
Proposed Site Plan



1 PROPOSED BACK ELEVATION
SCALE: 1/4" = 1'-0"

2 SIDE ELEVATION
SCALE: 1/4" = 1'-0"

Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Property across Sadler Drive

