

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, Planner II

Date: July 17, 2024

RE: **VARIANCE CASE V24-058**
1837 Lochlomand Lane – Reduce the side setback from 10 feet to 5.6 feet

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 10 feet to 5.6 feet at 1837 Lochlomand Lane to screen an existing deck. Section 801 governs the setbacks for the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.36-acre lot located on the north side of Lochlomand Lane within the Highlands subdivision (see Figure 1). A stream runs to the north of the property and continues through the adjacent properties to the east and west. The subject parcel and adjoining parcels to the south, west, and east are zoned R-15 and are all occupied by single-family detached residences. The adjacent property to the north is zoned GC (General Commercial) and is occupied by a landscaping company.

The applicant is proposing to modify an existing 192 square foot deck on the rear of the existing home by adding a roof and screening to the structure. The existing deck is non-conforming being 5.6 feet from the side property line. No other variances are needed as the property is well below their impervious coverage maximum of 35% and the deck does not encroach into any stream buffers.

Since the deck is being enclosed, the property no longer remains legally nonconforming. However, since the existing single-family home and deck were already non-conforming, the hardship is not self-created.

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. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the City's 10 ft. side setback requirements to enclose an existing deck. 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 submitted with the variance application.

Figure – 1



Figure – 2
Site Plan



**Figure – 3
Subject Property**



**Figure – 4
Adjacent Property**



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property

