

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 15, 2024

RE: **VARIANCE CASE V24-021**
850 Bank Street – Increase the maximum impervious surface area from 35% to 40.5%

BACKGROUND

The applicant is seeking a variance to allow an increase in the impervious surface area from 35% to 40.5% to construct a deck on the rear of the single-family home located at 850 Bank Street. Section 801 sets the maximum impervious area of the R-15 zoning district at 35% and Section 1102 sets the requirements for extending non-conforming uses.

ANALYSIS

The subject parcel is a 0.25-acre lot located on the south side of Bank Street, at the intersection of Bank Street and Eastfield Road (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached homes.

The applicant is proposing to construct a deck on the rear of the property over existing concrete and gravel surfaces, both of which are considered impervious. The existing property is currently over the maximum impervious area of 35% by roughly 5% due to the size of the driveway, which encompasses most of the rear yard. 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 addition of the deck and thus an expansion of both use and value, the property is no longer considered legally nonconforming. However, since the existing property was already non-conforming, the hardship is not self-created.

Since the increase in impervious surface area was an existing condition on the site and there is no addition of land disturbing activities or stormwater runoff, the City Engineer has determined that a mitigation plan is not required in order to support the variance.

Community Development believes the variance is the minimum variance needed to construct an outdoor amenity on the property. Strict application of the ordinance would deny the applicant any ability to modify any portion of the rear yard 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 R-15 zoning district, which requires a maximum impervious area of 35%. The applicant is requesting to maintain the increase of the impervious surface area to 40.5% to allow for the construction of a 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 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 variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



Figure – 2
Proposed Site Plan

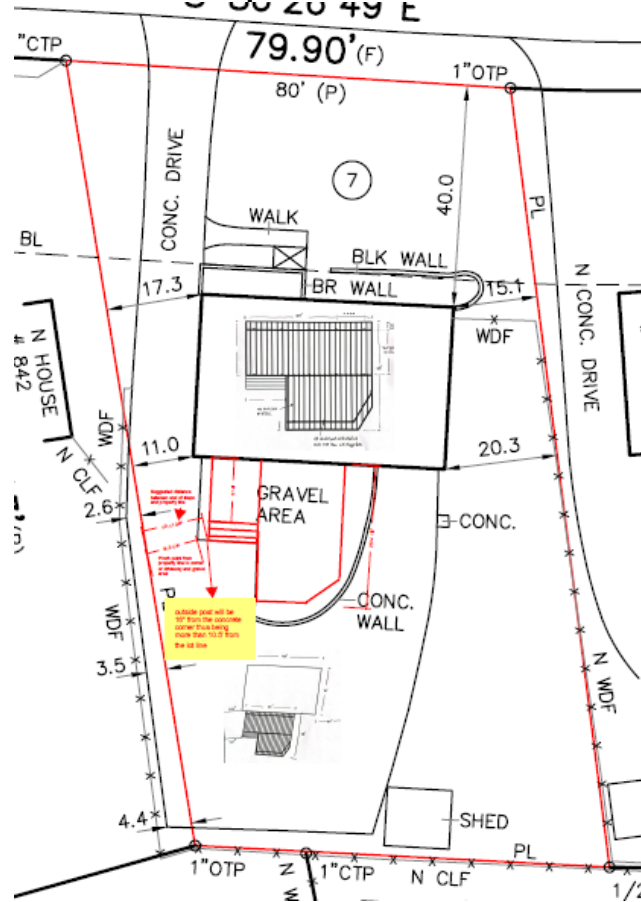


Figure – 3
Proposed Deck



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the East



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property across Bank Street

