

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: September 17, 2024

RE: VARIANCE CASE V24-077
577 Lakeview Terrace – Increase the maximum impervious surface area from 45% to 50.03%

VARIANCE CASE V24-078
577 Lakeview Terrace – Reduce the rear setback from 25 feet to 14 feet

BACKGROUND

The applicant is requesting two variances to cover an existing deck at 577 Lakeview Terrace: increase the impervious surface area from 45% to 50.03% and reduce the rear setback from 25 feet to 14 feet. Section 801 sets the maximum impervious surface area of the RDA zoning district at 45% whereas the rear setback of 25 feet is regulated by the Lakeview at Vinings Phase Two plat, recorded in 2003.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the south side of Lakeview Terrace (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached homes within the Lakeview at Vinings subdivision.

The existing home was originally built in 2003 with the deck encroaching into the rear setback by 9 feet without obtaining the required variances. The applicant is proposing to demolish the existing 216 square foot deck on the rear of the home and replace it with a covered deck. 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 roof addition and thus the enhanced value, the property is required to be brought to current code regarding the rear setback. However, since the existing deck was already non-conforming, the hardship is not self-created.

The existing deck is 16 feet from the rear property line; with the addition of the roof and subsequent eaves, the new roofed structure will be 14 feet from the property line. Community Development believes this is the minimum variance needed to enable a roof to fully cover the existing deck footprint without requiring the replaced deck to reduce in size.

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The original home was permitted without the deck shown on the approved plans, which caused the lot to exceed the allowable 45% impervious surface area. Since the Stormwater Ordinance does not differentiate between replaced and new impervious area, a variance is required for the nonconforming impervious area. Due to previous drainage improvements, the property has an existing stormwater infiltration system which collects runoff water from the house roof. Since this system treats impervious area that is more than sufficient to account for the area being added, the City Engineer is supportive of the variance without additional mitigation efforts.

The applicant will require relief from the City's building setback and impervious surface requirements to rebuild and cover the deck. Community Development believes the hardship is not self-created, as the deck was originally constructed in this location. 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. Similar variances have been approved throughout the city when an appropriate mitigation method has been implemented. At the time of this report, Community Development has not received any calls in opposition to the requests.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the Lakeview at Vinings subdivision plat and RDA development standards, which requires a rear setback of 25 feet and a maximum impervious surface area of 45%, respectively. 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 encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following condition:

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

Figure – 1



Figure – 2
Site Plan

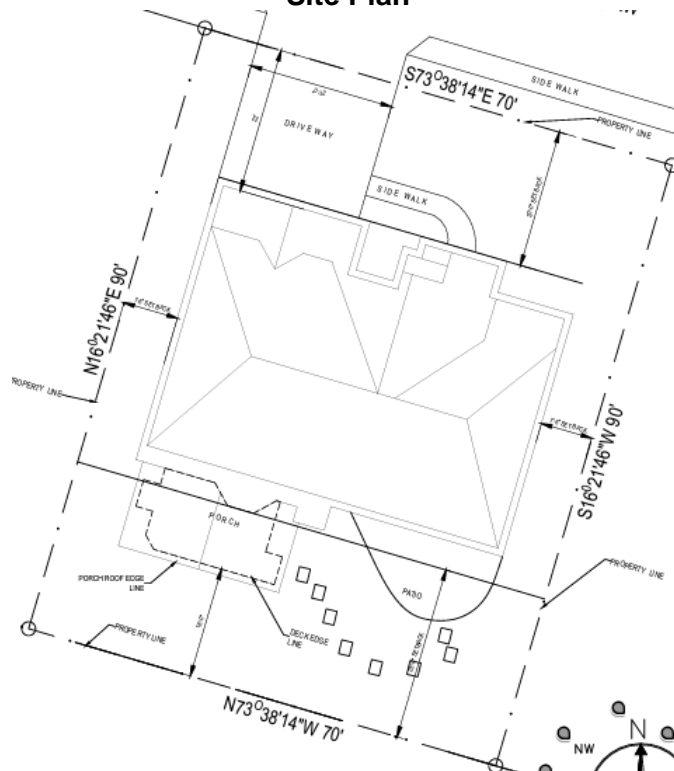


Figure – 3
Proposed Rear Elevation



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the East



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property across Lakeview Terrace

