

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: March 3, 2025

**RE: VARIANCE CASE V25-026
3477 Shawnee Trail – Reduce the side setback from 12 feet to 6.9 feet**

BACKGROUND

The applicant is seeking a variance to reduce the side setback from 12 feet to 6.9 feet to replace a two-story deck on the rear of 3477 Shawnee Trail. The side setback is determined by Section 801 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.50-acre lot located on the north side of Shawnee Trail at the intersection of Shawnee Trail and Cedar Ridge Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20, with the exception of the adjacent parcel to the north, which is zoned R-15; all are occupied by single-family detached homes.

The applicant is requesting to replace the existing 133 square foot two-story open deck with a new 160 square foot two-story covered deck and 54 square foot grilling area. The existing home was originally built in 1981 with the existing rear deck encroaching into the side setback by 3.1 feet without the proper variance. With the existing deck 8.9 feet away from the side property line, the applicant is requesting to further encroach into the setback by 2 feet, making the new side setback 6.9 feet. Since the deck is expanding and encroaching further into the side setback, regardless of the previous nonconformity, the property is required to be brought to current code per Section 1102. However, since the deck was previously nonconforming, the hardship is not self-created. No other variances are required, as all other setbacks are met, and the property will be well under the maximum impervious surface area of 35%.

Due to the existing deck location and the positioning of the home, the most logical area to construct the new deck is within the setback. Community Development believes the requested variance is the minimum variance needed to replace the existing deck on the property. Strict application of the ordinance would deny the applicant any ability to modify the existing deck since the existing deck is already over the rear setback line. At the time of this report, Community Development has received one email with concerns on the request.

STAFF COMMENTS

VARIANCE CASE V25-026

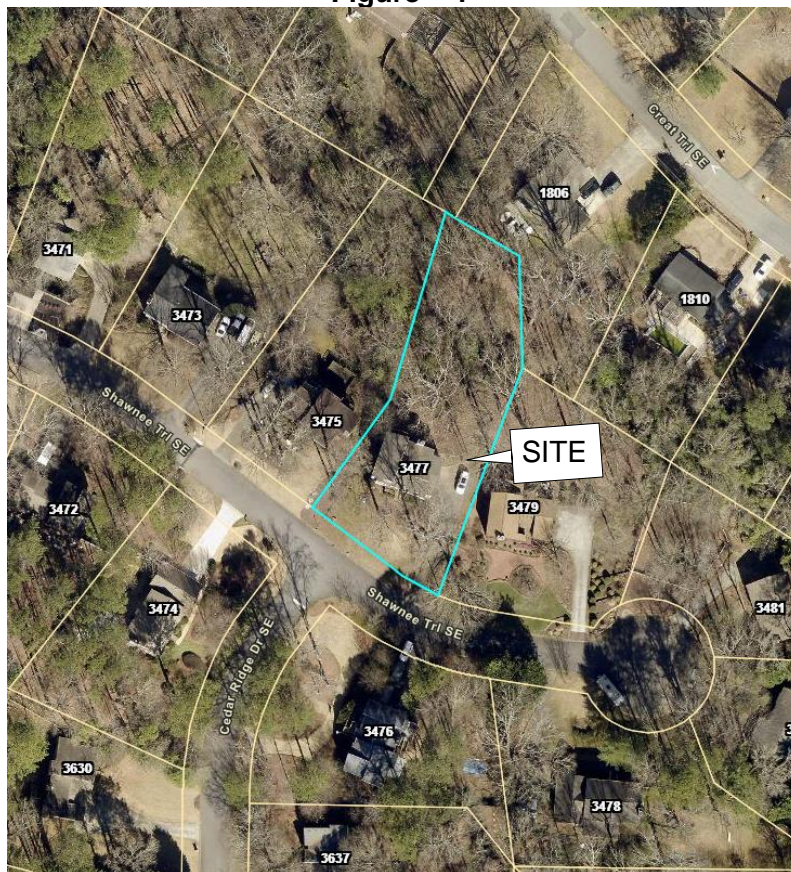
March 3, 2025

Page 2 of 5

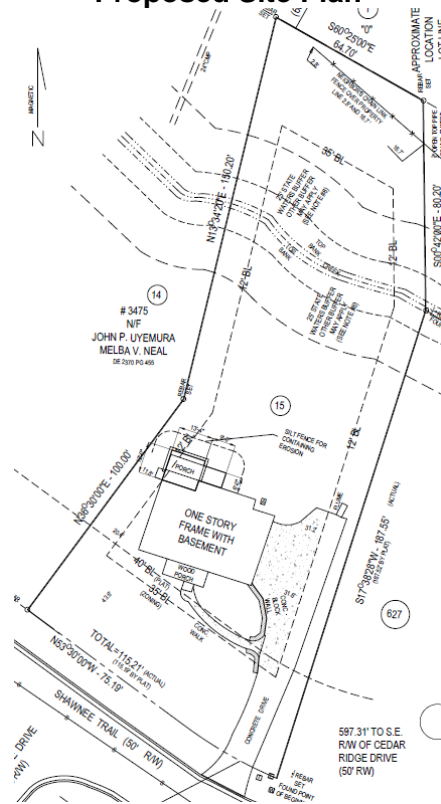
The applicant is requesting to deviate from the development standards established by Section 801, which requires a side setback of 12 feet in lots zoned R-20. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and 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 setback encroachment 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 submitted with the variance application.

Figure – 1



**Figure – 2
Proposed Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Existing Deck



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Properties across Shawnee Trail

