

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: January 2, 2024

RE: VARIANCE CASE V23-098
1324 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-099
1328 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-100
1332 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-101
1336 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-102
1340 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-103
1344 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

VARIANCE CASE V23-104
1348 Koa Court – Reduce the eastern side setback from 35 feet to 32.7 feet

BACKGROUND

The applicant is requesting a variance on seven new single-family townhome residences in the Rowan Walk subdivision to build decks on the rear of each unit. During the rezoning in 2019 to RM-10-PD (zoning case Z19-019), the subject property was approved with conditions for an eastern side setback of 35 feet for the townhomes.

ANALYSIS

The subject parcels are located on the east side of Koa Court, at the intersections of Koa Court and Rawlings Chase, Mountain Ash Lane and Wicker Wood Place (see Figure 1). The subject parcels and all adjacent parcels to the north, south, and west are zoned RM-10-PD and are within the Rowan Walk subdivision, all of which will be occupied with single-family townhomes. The adjacent property to the east is zoned R-15 and is occupied by the Argyle Elementary School.

The applicant has applied for eastern side setback reductions on seven units (lots 96 through 102; 1348 through 1324 Koa Court), which encompass two townhome buildings on the east side of Koa Court. In May 2023, the applicant submitted and permitted plans with foundations meeting the setback requirements listed in the zoning stipulations. However, rather than using the standard 10 feet by 10 feet deck as used on the other townhomes within the subdivision, the decks were reduced to a width of 7.5 feet.

In order to keep a consistent product throughout the subdivision, the applicant has requested the eastern side setback reduction of 2.3 feet to build the subdivision's standard 10-foot by 10-foot decks. Both townhome buildings are as close to the front of the property as the 48-foot Utility Access Easement will allow and the front-entry driveway on each of the units are at the required 20 feet in length from the back of the sidewalk. Without compromising the length of each of the townhomes, which are a maximum of 46 feet, the applicant will be encroaching into the eastern side setback by 2.3 feet.

Community Development believes that the encroachment will not adversely affect the surrounding residents, as the nearest structure at the Argyle Elementary School is over 270 feet away. With a 2.3 feet encroachment on the rear of internal townhomes, the requested variances for the encroachments will not be noticeable to the general public. 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 zoning case Z19-019 for the eastern side setback of 35 feet to erect decks on the rear of seven new townhomes in the Rowan Walk subdivision. 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 is conditioned upon substantial compliance with the site plans and elevations submitted with the variance application.

Figure – 1



Figure – 2
 Site Plan (Lots 100-102; 1332-1324 Koa Court)

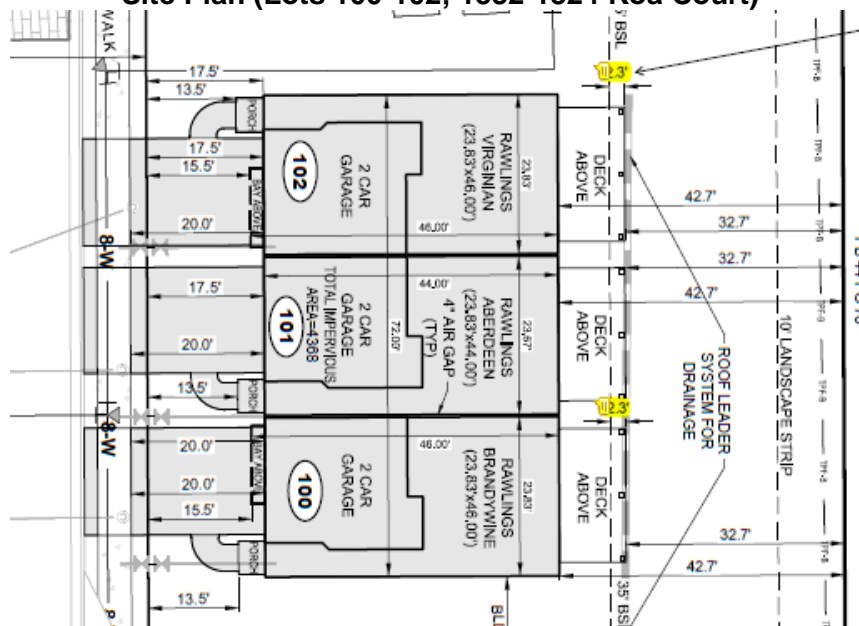


Figure – 3
Front and Rear Elevations (Lots 100-102; 1332-1324 Koa Court)



Figure – 4
Site Plan (Lots 96-99; 1348-1336 Koa Court)

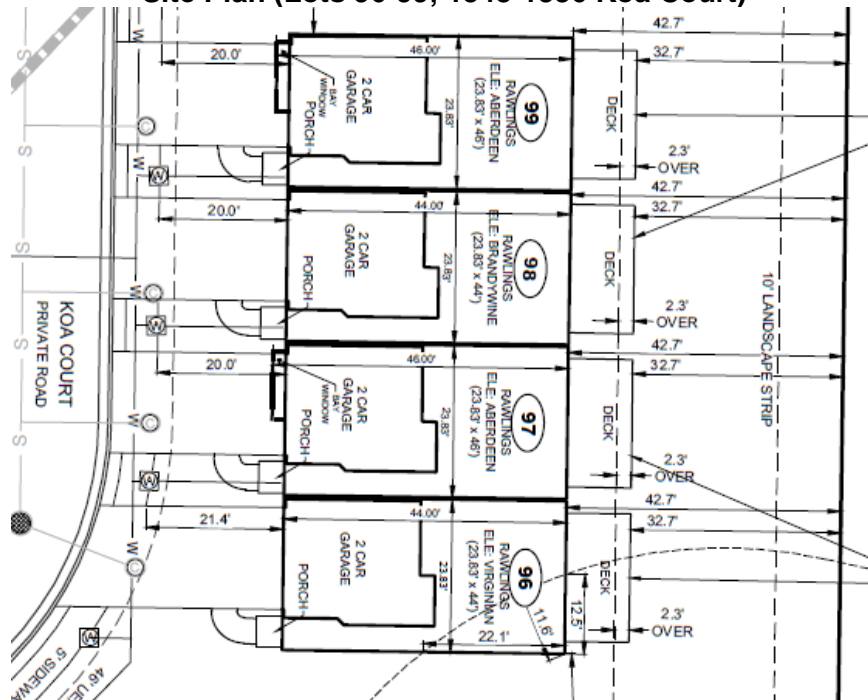


Figure – 5
Front and Rear Elevations (Lots 96-99; 1348-1336 Koa Court)



Figure – 6
Subject Property (Lots 100-102; 1332-1324 Koa Court)



Figure – 7
Subject Property (Lots 96-99; 1348-1336 Koa Court)



Figure – 8
Location of Proposed Deck on Lot 102 (1324 Koa Court)



Figure – 9
Adjacent Property to the South



Figure – 10
Adjacent Property to the North



Figure – 11
Adjacent Property across Koa Court

