

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

---

To: License and Variance Board

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

Date: August 29, 2024

**RE: VARIANCE CASE V24-068**  
**3024 Trae Court – Reduce the rear setback from 20 feet to 11.4 feet**

---

#### BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 20 feet to 11.4 feet to build a deck on the rear of 3024 Trae Court. The subject property was approved in 2020 (zoning case Z20-004) with conditions, one of which required a rear setback of 20 feet.

---

#### ANALYSIS

The subject parcel is located on the south side of the Trae Court cul-de-sac (see Figure 1). The subject parcel and adjacent parcels to the north, east, and west are zoned RM-10-C and are within the Trae Court subdivision, all of which will be occupied with single-family homes. The adjacent property to the south is zoned RHR and is occupied by the Mitchell's Park apartment complex.

The subject property has a 20-foot sanitary sewer easement on the eastern side of the property and a 12-foot drainage easement and 10-foot landscape buffer in the rear. Due to the reduced buildable area, the proposed home footprint nearly touches all required setbacks while still maintaining the 22-foot minimum driveway. Each home in the subdivision has either a deck or patio in the rear for an outdoor amenity. Of the eight permitted homes thus far (out of eleven in the subdivision), the average patio size is 182 square feet, with the smallest patio being 160 square feet due to its location on the corner of Trae Court and Church Street. Since patios that are flush to the ground are not required to meet building setbacks, each previously permitted patio has been almost fully in the rear setback. Due to the topography in the rear of the subject property, a patio would not have been feasible. To maintain a consistent product throughout the subdivision, the applicant has requested a rear setback reduction of 8.6 feet to build a 136 square foot deck on the rear of the house on both the first and second floor. If the home were to be shifted north to provide more room for a deck, two additional variances would have been required to reduce the driveway length and reduce the front setback. Thus, to reduce the scope and number of variances, the applicant has requested the rear setback reduction.

The deck will remain outside the required 10-foot landscape buffer in the rear of the property but will encroach into the 12-foot private drainage easement by 3 feet. The City Engineer has reviewed the application and does not believe the deck will have adverse effects on the overall

drainage of the subdivision. Since the drainage easement is private, a variance is not required for the encroachment. Additionally, the foundation of the home is touching the sanitary sewer easement. The Public Works Assistant Director and Chief Building Official have both reviewed the application and can support the request with the stipulation that an Engineer's Letter be provided to ensure that if the full 20-foot sanitary sewer easement was used, the foundation of the house would not be compromised.

Community Development believes that the encroachment will not adversely affect the surrounding residents, as the nearest structure at the Mitchell Park apartments is over 50 feet away and across a private roadway. With an 8.6-foot encroachment on the rear of home at the back of the subdivision, the requested variance for the encroachment will not be noticeable to the general public. Strict application of the ordinance would prohibit the erection of any outdoor amenity since the home is proposed to abut the rear setback. At the time of this report, Community Development has not received any calls in opposition to the request.

---

## STAFF COMMENTS

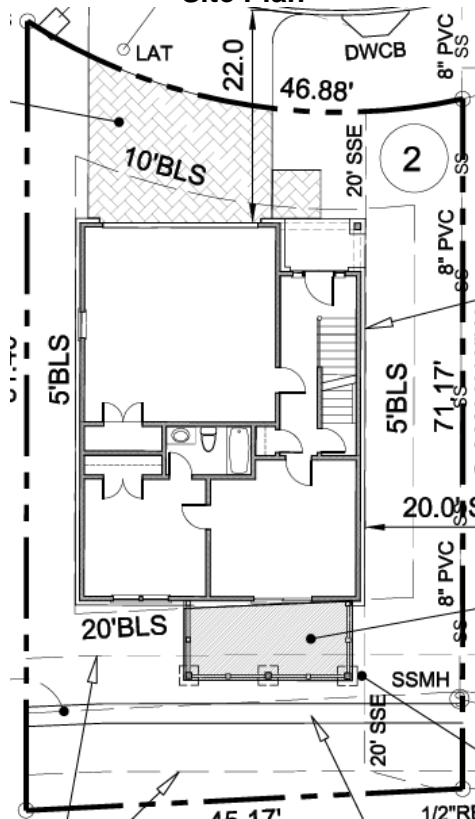
The applicant is requesting to deviate from the development standards established by zoning case Z20-004 for the rear setback of 20 feet to erect a deck on the rear of a new home in the Trae Court subdivision. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following 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 variance with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. An Engineer's Letter with a detail showing the depth of the sanitary sewer pipe and its zone of influence in relation to the house foundation shall be submitted prior to building permit issuance.
3. An as-built survey shall be submitted to Community Development prior to the foundation pour inspection.
4. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and must be maintained throughout construction.

Figure - 1



Figure - 2  
Site Plan



**Figure – 2**  
**Front Elevation**



**Figure – 3**  
**Subject Property**





**Figure – 4**  
**Adjacent Property to the West**



**Figure – 5**  
**Adjacent Property to the East**



**Figure – 6**  
**Adjacent Property across Trae Court**

