



License and Variance Board Meeting - Final

July 24, 2024
10:00 AM

-
- D. **V24-058** Public Hearing - Variance Request - V24-058 - Allow reduction of the side setback from 10 feet to 5.6 feet - 0.36 acres - Land Lot 667 – 1837 Lochlomond Lane – Aleksandra Leshner



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: V24-113

Agenda Date: 7/24/2024

In Control: .

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: D

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-058 - Allow reduction of the side setback from 10 feet to 5.6 feet - 0.36 acres - Land Lot 667 – 1837 Lochlomond Lane – Aleksandra Leshner

Ward 2 Councilmember - Latonia P. Hines

ISSUE AND BACKGROUND:

The applicant is requesting a variance to reduce the side setback from 10 feet to 5.6 feet at 1837 Lochlomond Lane to screen an existing deck. Section 801 governs the setbacks for the R-15 zoning district.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting relief from the City's 10 ft. side setback requirements to enclose an existing 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following condition:




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

Variance Application

VAR-24-43

Submitted On: Jun 17, 2024

Applicant

 Zachary Leshner
 7708624822
 @ zlesher18@gmail.com

Primary Location

1837 LOCHLOMAND LN SE
SMYRNA, GA 30080

Applicant Information

First Name

Aleksandra

Street Address

1837 Lochlomand Ln SE

State

GA

Email

zlesher18@gmail.com

Last Name

Leshner

City

Smyrna

Zip Code

30080

Phone Number

7708624822

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

1837 Lochlomand Ln SE

Description of Requested Variances

We would like to add a portion of roof for our back deck to provide sun and mosquito covering that does not encroach on the water and/or property line of either of our neighbors. The proposed renovation would not be at risk for issue with water/storm runoff and would simply be increasing slightly the square footage of the deck, adding a gabled roof, replacing the existing deck where boards have rotted, and adding screens. The existing deck is in need of repair and we did not believe the original site plan had any issue that would render it nonconforming.

Please check the box below if the requested variance(s) includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer.

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Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.

3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.

4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

1. There are no extraordinary or exceptional conditions applying to the property in question or intended use of the property in question.
2. There is no alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. We do consider this to be reasonable use of the property for which the variance is sought, and as such believe that there should be allowance for the variance of the relevant provisions of the zoning code.
4. The variance proposed is the minimum variance which makes possible the reasonable use of the property.

Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

Applicant Signature:

true

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1845 Lochlornand Ln

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Lawrenceville, GA 30046

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2024

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06/17/2024

Real Estate (Your House or Land)

View Bill

[View bill image](#)

As of	6/14/2024
Bill Year	2023
Bill	7758
Owner	HODGES ALEKSANDRA BRITTAIN & LESHER
Parcel ID	17066700130

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$1,126.19	\$1,126.19	\$0.00	\$0.00	\$0.00
TOTAL		\$1,126.19	\$1,126.19	\$0.00	\$0.00	\$0.00



Printed: 6/14/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
SHELLPOINT MORTGAGE SERVICES

**HODGES ALEKSANDRA BRITTAIN &
LESHER
ZACHARY**

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17066700130	10/15/2023	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid		Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,003.90		\$0.00



Scan this code with your
mobile phone to view
this bill!!!

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, Planner II

Date: July 17, 2024

**RE: VARIANCE CASE V24-058
1837 Lochlomand Lane – Reduce the side setback from 10 feet to 5.6 feet**

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 10 feet to 5.6 feet at 1837 Lochlomand Lane to screen an existing deck. Section 801 governs the setbacks for the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.36-acre lot located on the north side of Lochlomand Lane within the Highlands subdivision (see Figure 1). A stream runs to the north of the property and continues through the adjacent properties to the east and west. The subject parcel and adjoining parcels to the south, west, and east are zoned R-15 and are all occupied by single-family detached residences. The adjacent property to the north is zoned GC (General Commercial) and is occupied by a landscaping company.

The applicant is proposing to modify an existing 192 square foot deck on the rear of the existing home by adding a roof and screening to the structure. The existing deck is non-conforming being 5.6 feet from the side property line. No other variances are needed as the property is well below their impervious coverage maximum of 35% and the deck does not encroach into any stream buffers.

Since the deck is being enclosed, the property no longer remains legally nonconforming. However, since the existing single-family home and deck were already non-conforming, the hardship is not self-created.

The applicant will require relief from the City's building setback requirements to enclose the deck. Community Development believes the hardship is not self-created, as the deck was originally constructed in this location. Community Development believes this is the minimum variance needed to allow for the deck enclosure, and that there should be no negative impacts to adjacent properties if approved. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the City's 10 ft. side setback requirements to enclose an existing 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

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

Figure – 1



Figure – 2
Site Plan



Figure – 3
Subject Property



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property

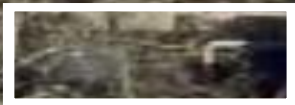




No roof overhang

Roof will be flush with deck:
12' x 16'

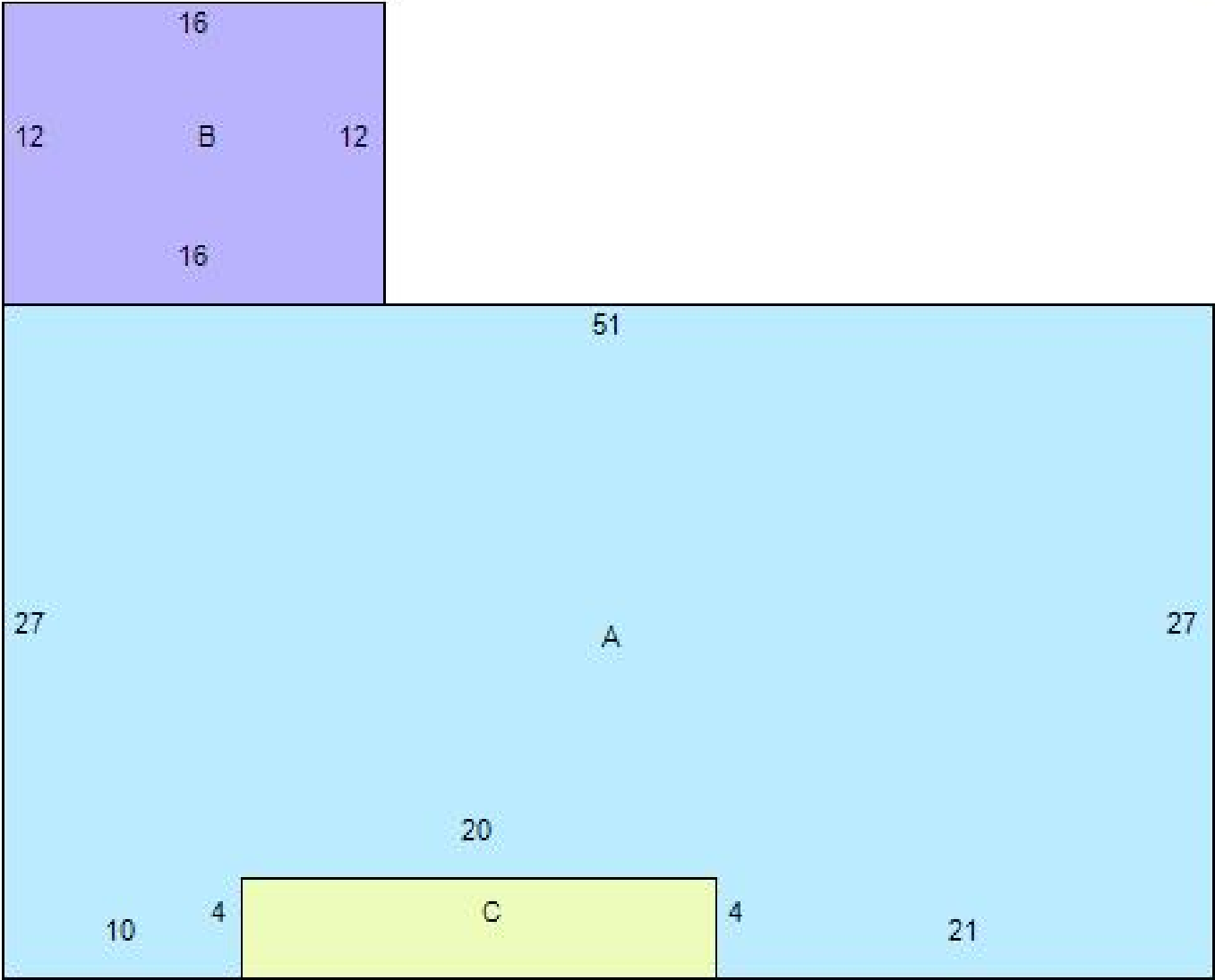
Distance from deck to side
property line: 5' 6"



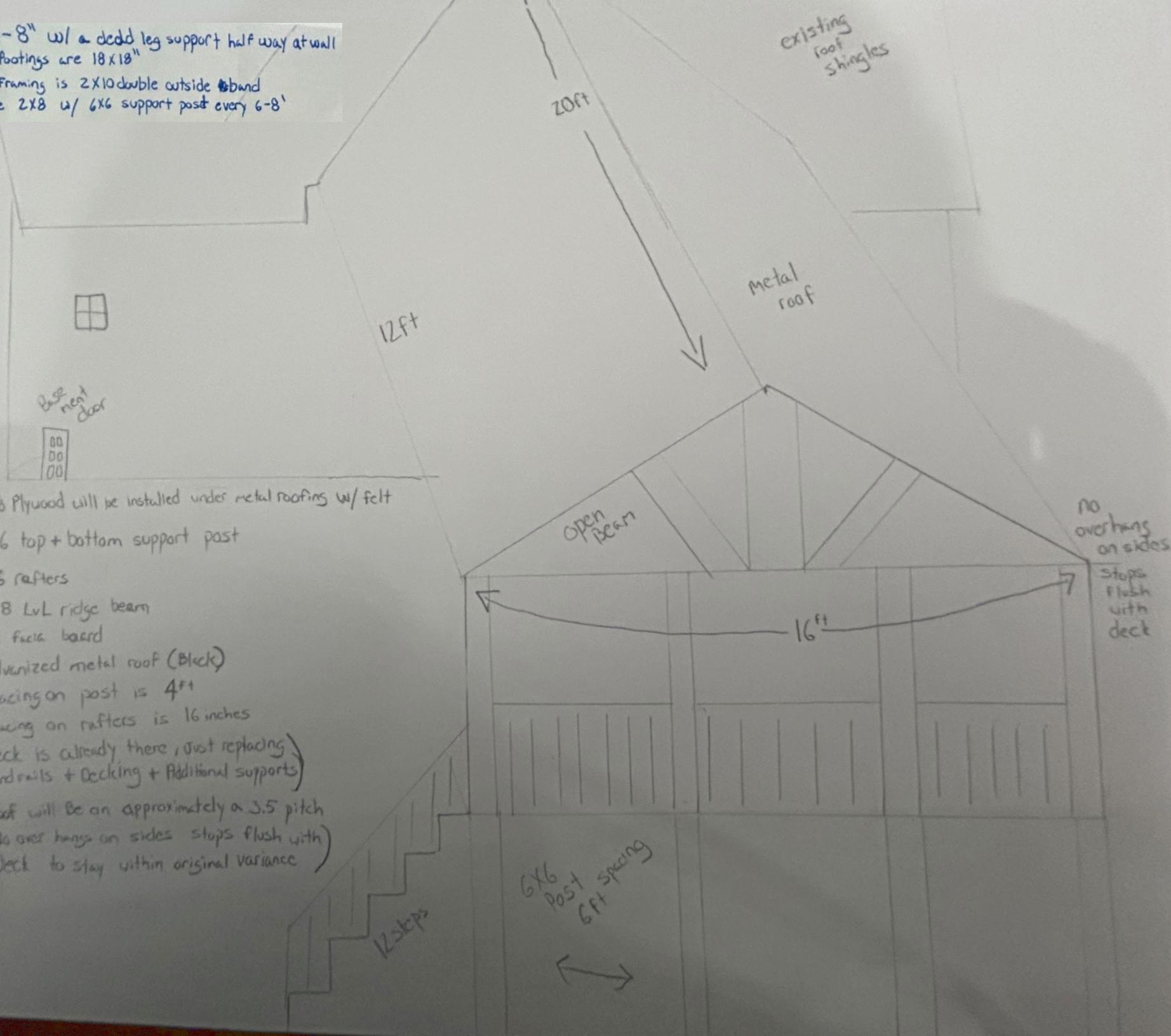
1837

Lochlomand Ln SE

	Room Type	Area
	A Main Area	1297
	B WOOD DECK	192
	C OPEN PORCH	80



Lvl size - 8" w/ a dedd leg support half way at wall
concrete footings are 18x18"
current framing is 2x10 double outside band
Joist are 2x8 w/ 6x6 support post every 6-8'



4x8 Plywood will be installed under metal roofing w/ felt

6x6 top + bottom support post

2x6 rafters

2x8 Lvl ridge beam

1x8 fascia board

Galvanized metal roof (Black)

spacing on post is 4ft

spacing on rafters is 16 inches

(Deck is already there, just replacing
handrails + Decking + Additional supports)

Roof will be an approximately a 3.5 pitch
(No overhangs on sides stops flush with
Deck to stay within original variance)