

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: Mayor and Council

From: Ken Suddreth - Community Development Director  
Joey Staubes, AICP – Planner II

Date: January 9, 2018

**RE: VARIANCE CASE V17-058**  
**3624 Lee Street – Parking of commercial vehicle weighing 11,000 pounds on residential property**

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#### **BACKGROUND**

The subject parcel is located at 3624 Lee Street and contains an existing single-family residence. A. Wagner Plumbing is requesting a variance to park an 11,000 lb. commercial vehicle at his residence. Section 80-3 prohibits parking of commercial vehicles above 10,000 lb.

The License and Variance Board heard the request on December 13, 2017 and voted 3-0 to deny. The applicant has appealed that decision.

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#### **ANALYSIS**

The subject parcel is located on the north side of Lee Street at the intersection of Spruce Drive. The subject property and all adjacent properties are zoned R-15 and are occupied with single family residences. Smyrna City Marshalls notified the property owner that parking of a commercial vehicle above 10,000 lbs. is restricted under Section 80-3. Section 80-3 of the Smyrna Code limits the parking of a vehicle weighing more than 10,000 pounds upon residential property or residential street. Originally zoning code restricted vehicles to 6,000 lbs. and below, but was amended in 2005 to allow up to 10,000 lb. The applicant has requested a variance to permit the continued parking of a large Isuzu, 2006 NPR box truck weighing approximately 11,000 lbs. on the subject parcel. The applicant's stated hardship is that they have no other location to park the truck.

The variance is being requested to permit parking of a commercial vehicle in a residential district. The applicant's need to park a commercial vehicle on his residential property is not uncommon to many residents in Smyrna, nor is the hardship unique or extraordinary. Although inconvenient, the applicant could find alternative secured locations to park his work vehicle. Community Development staff believes strict interpretation of the code does not deprive the applicant of reasonable use of their property. Furthermore, staff was unable to locate any similar previous variance requests for parking of commercial vehicles on residential property; therefore approval would set a negative precedent.

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## STAFF COMMENTS

The applicant is requesting a variance to allow parking of an 11,000 lb. commercial vehicle on residential property. 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. Community Development has reviewed the request against the variance review standards and found it not to be in compliance with the four (4) standards. At the time of this report, Community Development has received no opposition to this request from surrounding property owners; however the issue did arise from a warning of code violation by City Marshalls.

Staff recommends **denial** of the requested variance as no unique hardship has been identified and no similar variances have been approved. Additionally, License and Variance Board voted to deny the request, 3-0, at the December 13, 2017 hearing.

**Figure 1 – Aerial of Subject Property**



**Figure 2 – Subject Property**



**Figure 3 – Spruce Drive View of Property**





**Figure 4 – Lee Street side of Property**

