

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: Mayor and Council

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

Date: September 9, 2021

RE: VARIANCE CASE V21-079
2674 Grady Street – Reduce the accessory structure rear setback from 5 feet to 3.8 feet

VARIANCE CASE V21-080
2674 Grady Street – Reduce the side setback from 5 feet to 2.8 feet

BACKGROUND

The applicant is requesting two variances: to reduce the rear and side setback for an accessory structure at 2674 Grady Street. Section 501 of the City's Zoning Ordinance requires an accessory structure rear setback 5 feet. The side setback of 5 feet is required per the zoning stipulations associated with the Grady Street subdivision, platted in 2019.

The variance requests were denied by a vote of 3-0 at the August 11, 2021 meeting of the License and Variance Board. The applicant, Montrell Coleman of 2675 Grady Street, has appealed that decision.

ANALYSIS

The subject parcel is a 0.20-acre lot located on the west side of Grady Street, at the intersection of Grady Street and Elle Court (see Figure 1). The subject parcel and all adjacent parcels are zoned RDA and are all occupied by single-family detached residences.

Code Enforcement was called to the subject property in July 2021 for a shed placed within the setbacks. A 120 square foot shed was placed within both the rear and side setbacks in the corner of the rear yard. Due to the size of the shed being under 200 square feet, the installation of the shed did not require a building permit. The applicant has requested a reduction of the rear setback from 5 feet to 3.8 feet and the side setback from 5 feet to 2.8 feet to keep the shed in its current location (see Figure 3). The shed is adjacent to a 6-foot wooden privacy fence on the rear and side property line.

As a hardship, the applicant states that the backyard is not perfectly level and the trees and shrubs block any further movement of the shed placement. Community Development has confirmed that trees do exist in the vicinity of the shed, visible in Figure 3, but the shrubs to the

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left of the shed are recently planted and could be more easily moved than established vegetation.

This is a new home, completed in December 2020, on a graded lot that has no preexisting conditions that would create special circumstances nor extraordinary conditions to merit a required variance. The lot is a flat, rectangular lot with no lot geometry issues, topographical issues, nor environmental or site constraints. The hardship is self-created since the shed could easily be shifted over a couple feet to meet code. Strict application of the Zoning Code would not deprive any reasonable use of the property since a different location would allow for the shed that complies with the zoning requirements of the lot. Finally, the proposed variance is not the minimum variance needed because the shed can be moved to meet the minimum zoning requirements.

STAFF COMMENTS

The applicant is requesting variances for a reduction of the rear setback from 5 feet to 3.8 feet, and side setback from 5 feet to 2.8 feet at 2674 Grady Street.

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 requests against the variance review standards and found neither setback reduction to be in compliance with the review standards. Community Development believes that the setback reductions will result in adverse impacts on adjacent properties when there is ample space to move the shed to meet code. Therefore, Community Development recommended **denial** of the rear and side setback requests. In addition, at the time of this report, Community Development has received two phone calls in opposition to the variance request.

Figure – 1



Figure – 2
Site Plan

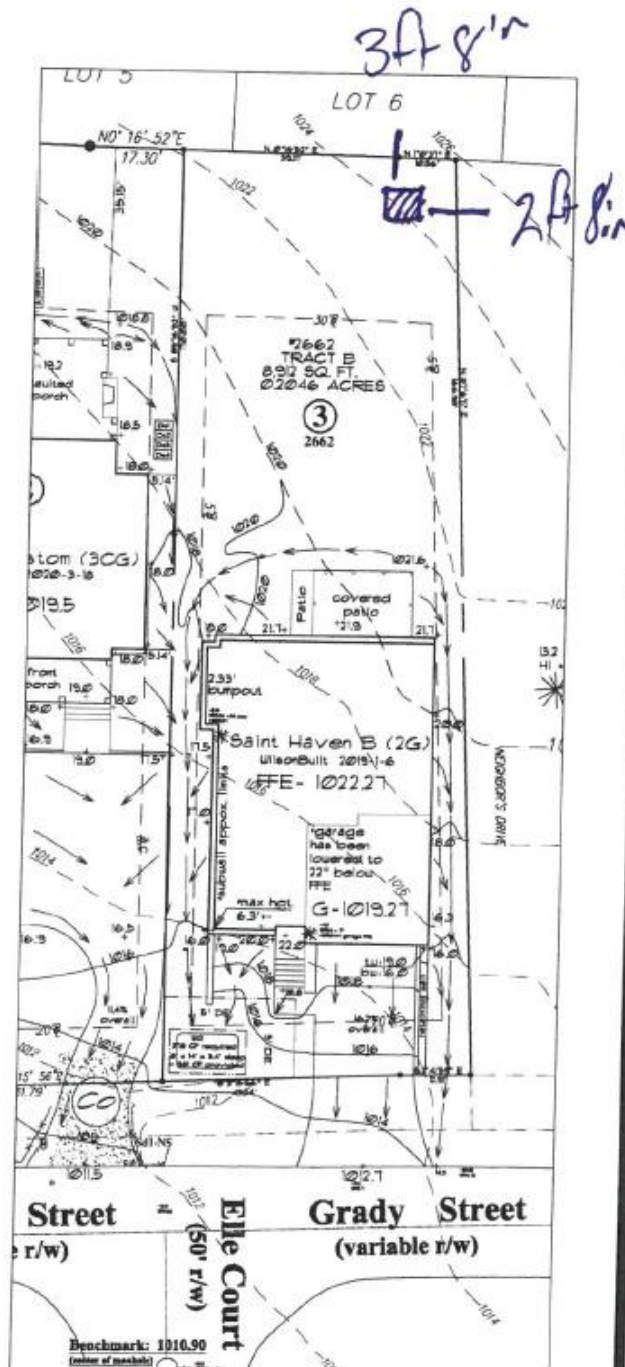


Figure – 3
Photo of Shed on Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property across Grady Street



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property to the North

