

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: February 15, 2021

**RE: VARIANCE CASE V21-011**  
**957 Sharon Circle – Reduce side setback from 10 feet to 9 inches for an accessory structure**

**VARIANCE CASE V21-012**  
**957 Sharon Circle – Reduce accessory structure rear setback from 5 feet to 2.6 feet**

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#### **BACKGROUND**

The applicant is requesting two variances at 957 Sharon Circle to extend the existing shed in her rear yard: reduce the accessory structure rear setback from 5 feet to 2.6 feet reduce the side setback from 10 feet to 9 inches for the accessory structure. The regulations pertaining to accessory structures and uses are located in Section 501 of the Zoning Ordinance and the development standards established by the City for the R-15 zoning district require a minimum side setback of 10 feet.

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#### **ANALYSIS**

The subject parcel is a 0.28-acre lot located at the southern end of Sharon Circle (see Figure 1). The subject parcel and all adjacent properties are zoned R-15 and are all occupied by single-family residences.

The property consists of single-family home and two existing shed structures located in the rear yard. The existing smaller shed is to be torn down so no second accessory structure variance is required. The existing 144 square foot shed in the far northeastern corner of rear yard has a shed structure in the middle of two lean-tos on either side. The existing shed will be torn down and replaced by a 192 square foot shed that will act as a storage area, home office, and craft space. The lean-to to the left of the structure will be removed whereas the lean-to on the right, closest to the fence, will remain undisturbed (see Figure 2).

The applicant is proposing the new shed in the same location as the previous shed, approximately 9 inches from the side property line and 2.6 feet from the rear property line. The side setback requirement for R-15 is 10 feet whereas the accessory structure rear setback is 5 feet. The chosen location allows for the most use out of yard and has existed since the shed was originally constructed in 1980. Several neighbors around the subject property have sheds

## VARIANCE CASE V21-011 & V21-012

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with similar non-conforming conditions. Additionally, along the property line there is a six-foot wooden privacy fence to provide a buffer to the adjoining property.

The applicant is seeking two variances that allow an accessory structure to be placed 9 inches from the side property line and 2.6 feet from the rear property line. Strict application of the relevant provisions would deny the applicant any ability to replace the existing shed due to its current non-conforming location. The adjacent building to the east will exceed the minimum 10 feet of separation from the subject property, thus no fire suppression system is required. Community Development believes the variances requested are reasonable and are the minimum variances needed. If approved, Community Development believes there should be no adverse impact to the adjacent properties.

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### STAFF COMMENTS

The applicant is requesting to deviate from the City's accessory structure requirements established in Section 501 and the side setback standard of the R-15 zoning district. 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 to be in compliance with the four (4) standards. At the time of this report, no opposition has been made to Community Development from neighboring properties. Community Development recommends **approval** of the requested variance with the following stipulation:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan and elevation submitted.

Figure - 1



Figure - 2  
Site Plan



**Figure – 3**  
**Proposed Shed**



**Figure – 4**  
**Subject Property**



**Figure – 5**  
**View of Current Shed from Sharon Circle**



**Figure – 6**  
**Adjacent Property to the East**



**Figure – 7**  
**Adjacent Property across Sharon Circle**



**Figure – 7**  
**Adjacent Property to the West**

