

# **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: May 21, 2021

**RE: VARIANCE CASE V21-048  
995 Mclinden Avenue – Allow second accessory structure**

**VARIANCE CASE V21-049  
995 Mclinden Avenue – Reduce streetside setback from 23.3 feet to 15 feet**

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## **BACKGROUND**

The applicant is seeking a variance to allow a second accessory structure at 995 Mclinden Avenue to maintain an existing shed. Additionally, the applicant is rectifying a previously approved variance and reducing the streetside setback from 23.3 feet to 15 feet for a newly constructed detached garage. The development standards established by the City for the R-15 zoning district require a minimum streetside setback of 23.3 feet and the number of accessory structures is required based upon the standards associated with Section 501 of the Zoning Code.

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## **ANALYSIS**

The subject parcel is a 0.26-acre lot located on the south side of Medlin Street, at the intersection of Evelyn Street and Mclinden Avenue (see Figure 1). Thus, the subject property has three road frontages on Medlin Street, Evelyn Street, and Mclinden Avenue. The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences. The lot to the southeast of the property is zoned RDA-Conditional and is also occupied by a single-family detached home.

In December 2020, the applicant was approved for a variance to increase the accessory building size from 25% to 45% for a detached garage (V20-069). The garage was then erected in early 2021. In the original variance application, the applicant indicated that the garage would be outside the streetside setback of 23.3 feet. Unfortunately, due to staff error, the applicant had indicated the garage distance was from the curb, not the setback, which was not caught prior to the variance meeting. Staff confirmed the measurement on site with the detached garage being built 23.1 feet away from the curb. Once a survey was performed of the property and the garage was superimposed on the survey, the garage was actually built roughly 8.3 feet into the setback, thus a streetside setback reduction from 23.3 feet to 15 feet was warranted. Since the applicant is on a corner lot, the available location for a garage is limited. The location

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was chosen since it utilizes an existing driveway off Evelyn Street and caused the least amount of disturbance to the subject property and surrounding properties.

The original variance application also indicated that the 96 square foot existing shed on the property would be removed to make way for the new detached garage and the shed contents would be moved to the new garage. However, once the garage was built, the applicant found the room was not sufficient for both his vehicles and shed equipment and needed the additional room for storage. After months of attempting to give away the shed and since the shed is in good condition, the applicant did not want the shed to go to waste and chose to instead keep it on the property and have both accessory structures. This also served the dual purpose of maintaining large lawn equipment in the shed rather than the garage to maintain the floor area as a 2-car garage. Since the shed was approved and permitted in 2003 (03-589), no additional variances are being required for the front setback and side setback encroachments.

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### STAFF COMMENTS

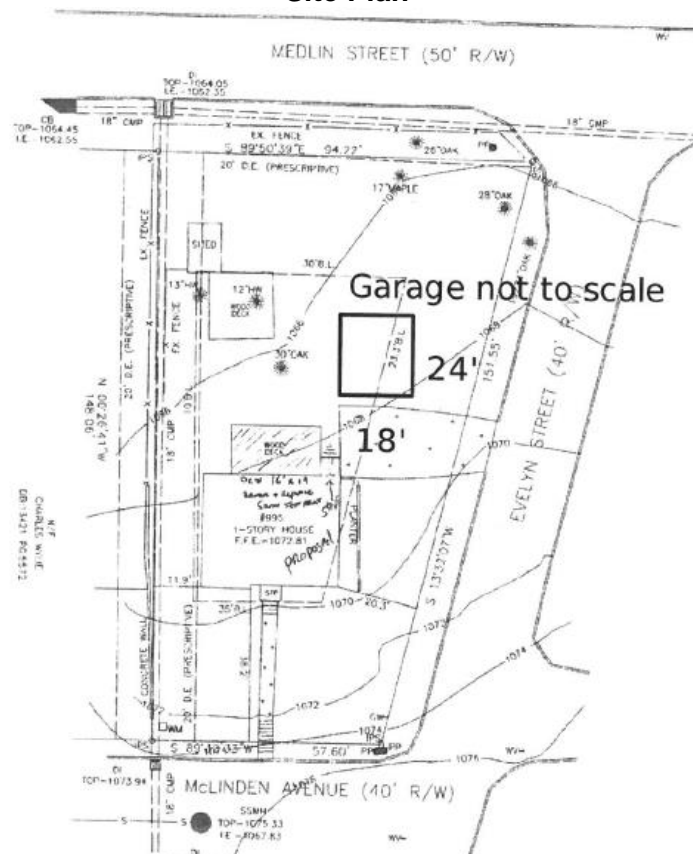
The applicant is requesting to deviate from the development standards established by the City to allow for a second accessory structure and a streetside setback reduction. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are 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 four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the variance 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.

### Figure – 1



**Figure – 2  
Site Plan**



**Figure – 3**  
**Existing Shed**



**Figure – 4**  
**Newly Built Detached Garage**





**Figure – 5**  
**Subject Property from Mclinden Avenue**



**Figure – 6**  
**Subject Property from Evelyn Street**





**Figure – 7**  
**Subject Property from Medlin Street**



**Figure – 8**  
**Adjacent Property across Evelyn Street**





**Figure – 9**  
**Adjoining Property across Medlin Street**



**Figure – 10**  
**Adjacent Property to the West**

