

# **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 V21-051**  
**2631 Brown Circle – Side setback reduction from 10 feet to 4 feet for an accessory structure**

**VARIANCE CASE V21-052**  
**2631 Brown Circle – Driveway setback reduction from 5 feet to 1 foot**

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#### **BACKGROUND**

The applicant is seeking to reduce the side setback from 10 feet to 4 feet to allow for the construction of a new storage shed as well as reducing the driveway setback from 5 feet to 1 foot to replace the existing gravel driveway with a concrete driveway. Section 801 of the Zoning Ordinance sets the setback requirements in the R-15 zoning district.

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#### **ANALYSIS**

The subject parcel is a 0.26-acre lot located on the east side of Brown Circle (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

The applicant is proposing to build a 120 square foot shed on the northern side of the property as well as replace the existing gravel driveway with concrete. Due to the layout and foundation of the existing home and driveway, the driveway and shed will be constructed on the northern side of the property, which encroaches into the side setback by 6 feet and the driveway setback by 4 feet, respectively.

The applicant is proposing to maintain the existing concrete driveway apron and replace the existing back gravel area with new concrete to bring the driveway up to code. Therefore, the applicant is requesting a driveway setback reduction from 5 feet to 1 foot. The applicant will not be encroaching any closer to the property line than the existing gravel area of the driveway. By continuing use of the existing driveway, the applicant will be decreasing disturbance to the subject property and surrounding neighbors.

The subject property does not currently have a garage on the property for parking nor storage. The driveway width provides for ample parking whereas the addition of the shed allows for

storage of outdoor equipment and bicycles. The property is currently buffered by a wooden privacy fence which encloses the backyard. The applicant is proposing to have the shed encroach into the side setback by 6 feet due largely to the existing drainage on the property, which consists of a dry creek bed and 40-foot French drain which regulates the water flow and drainage of the back and side yards. Additionally, the applicant will be installing an 8-foot gate leading to the backyard to accommodate vehicles to move gardening equipment and vegetation, which requires the shed to be pushed outside the setback.

As the driveway sits now, 1 foot from the side property line, strict application of the ordinance would require additional land disturbance to remove the existing driveway and bring into compliance. The building on the adjacent property to the north is over 30 feet away from the proposed shed so there should be minimal disturbance to surrounding neighbors. The proposed driveway will be replacing an existing non-conforming gravel driveway. Community Development believes the variances requested are the minimum variances needed to replace the driveway and add a storage shed.

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#### **STAFF COMMENTS**

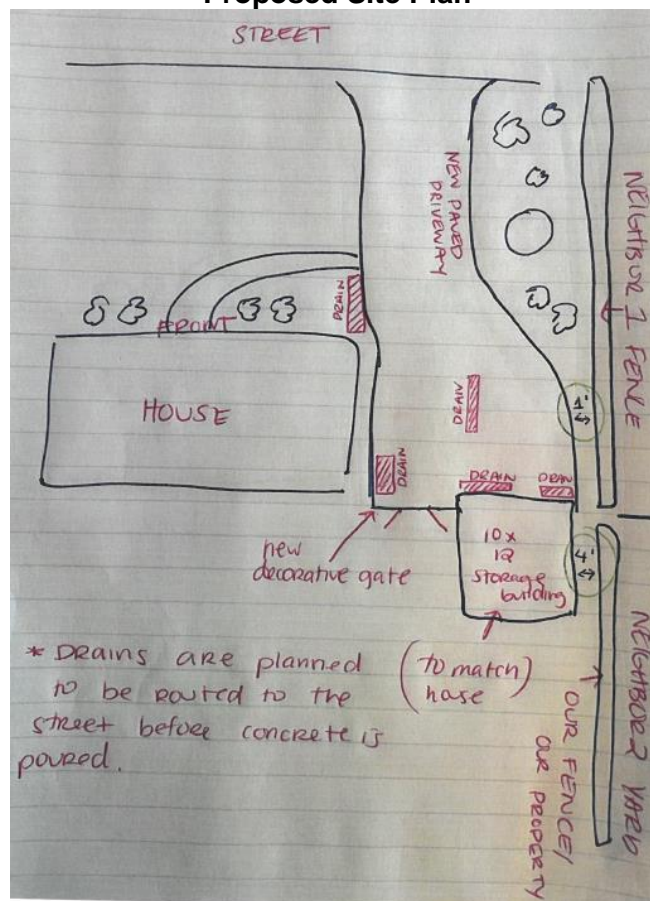
The applicant is requesting to deviate from the development standards established by the City for a side setback reduction from 10 feet to 4 feet and a driveway setback reduction from 5 feet to 1 foot. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (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 encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

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

Figure – 1



Figure – 2  
Proposed Site Plan



**Figure – 3  
Proposed Shed**



**Figure – 4  
Subject Property**





**Figure – 5**  
**Existing Driveway**



**Figure – 6**  
**Adjacent Property across Brown Circle**



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



**Figure – 8**  
**Adjacent Property to the North**

