

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: June 21, 2021

RE: VARIANCE CASE V21-057
348 Lynhurst Road – Parking of commercial vehicle weighing over 10,000 pounds on residential property

BACKGROUND

The subject parcel is located at 348 Lynhurst Road and contains an existing single-family residence. An employee of Howard's Wrecker Service is requesting a variance to park a commercial vehicle at their residence for emergency calls after normal business hours. Section 80-3 prohibits parking of commercial vehicles above 10,000 pounds.

ANALYSIS

The subject parcel is located on the south side of Lynhurst Road, near the intersection of Lynhurst Road and Manson Avenue (see Figure 1). The subject property and all adjacent properties are zoned R-20 and are occupied with detached single-family residences.

In early June 2021, the applicant was notified that parking of a commercial vehicle above 10,000 pounds is restricted under Section 80-3, which limits the parking of a vehicle weighing more than 10,000 pounds upon residential property or residential street. The property has been an ongoing issue for Code Enforcement. The applicant has been issued several notices of violation and a citation for violating the City Ordinance by Code Enforcement. The Zoning Code originally restricted vehicles to 6,000 pounds and below but was amended in 2005 to allow up to 10,000 pounds.

The proposed vehicles weigh between 26,500 to 31,000 pounds. The applicant has requested a variance to permit the continued parking of a large tow truck on the subject parcel. The applicant's stated rationale for the request is that they are required to have specific response times for first responders, so the applicant is required to take his vehicle home to enable a quicker response time.

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. Approval of this variance would give precedence to allow for commercial vehicles parked within residential neighborhoods and would negatively

impact the residential infrastructure since residential roads and driveways are not built for sustained commercial vehicle traffic of this size.

STAFF COMMENTS

The applicant is requesting a variance to allow parking of a commercial vehicle weighing over 10,000 pounds 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. Staff recommends **denial** of the requested variance as no unique hardship has been identified.

Figure 1



Figure – 2
Potential Trucks to be Parked at Residence



Figure – 3
Subject Property



Figure – 4
Adjacent Property to the East



Figure – 5
Adjacent Property across Lynhurst Road



Figure – 6
Adjacent Property to the West

