

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, AICP, Planner II

Date: December 8, 2017

**RE: VARIANCE CASE V17-057**  
**660 Burbank Cir – Allow accessory structure size increase from 25 percent to 27.5 percent of primary structure**

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#### **BACKGROUND**

The applicant is requesting a variance to allow a detached accessory structure at 660 Burbank Circle greater than 25% of the primary structure. The applicant proposes to build an accessory structure 27.5% of the primary structure. Section 501 controls the maximum allowable size and height of accessory structures.

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#### **ANALYSIS**

The subject parcel is located on the south side of Burbank Circle (see Figure 1). The subject parcel is zoned R-15, and is occupied by a single-family residence. The adjacent properties to the north, south, east, and west are zoned R-15 and are developed with detached single family homes.

The applicant is proposing to build a 20 ft. by 20 ft. (400 sq. ft.) detached accessory structure in the rear yard. The existing home is approximately 1,450 sq. ft., thus the size of the proposed accessory structure is 27.5 percent of the primary structure. If built to the 25% maximum the allowable structure size would be 362.5 sq. ft..

The minimum house size of R-15 zoning is 2,000 sq. ft. As the existing home is 1,450 sq. ft., it is 550 sq. ft. below the minimum house size. For a 2,000 sq. ft. home an accessory structure built to the 25% maximum is 500 sq. ft. The applicant is proposing a 400 sq. ft. accessory structure with have a height of 12.5 ft. and is proposed in the rear yard, with fencing on all sides of the lot. Thus, the proposed structure should not negatively impact the adjacent properties.

The existing home is below the minimum house size for R-15 zoning, which reduces the allowable accessory structure size. The hardship is not self-created, as the home has remained the current size since it was constructed. Strict application of the code would only allow a 362.5 sq. ft. structure, while a 2,000 sq. ft. home would allow a 500 sq. ft. structure. Therefore, the

proposed structure at 400 sq. ft. is a reasonable size given the constraints of the existing home. Similar variances of this type have previously been approved therefore no negative precedent would be set if approved. Community Development believes the variance request is the minimum needed and that the structure will have no negative impact on adjacent properties.

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## **STAFF COMMENTS**

The applicant is requesting to deviate from the City's maximum size requirement for an accessory structure, which is established in Section 501.11 of the Zoning Ordinance. 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 them to be in compliance with the review standards. Similar variances for accessory structure height and area increases have been granted, and Community Development believes that the requested variance will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance requests. Therefore, Community Development recommends **approval** of the requested variance with the following condition:

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

**Figure – 1**



**Figure – 2**  
**Subject Property**



Figure – 3  
Site Plan

