



City of Smyrna

City of Smyrna
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Issue Sheet

File Number: 2021-387

Agenda Date: 9/8/2021

Version: 1

Status: ATS Review

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: F.

WARD / COUNCILMEMBER: Ward 3 / Councilmember Lindley

\$ IMPACT: N/A

Agenda Title:

Public Hearing - Variance Request - V21-096 - Allow encroachment in 20' undisturbed buffer - Land Lot 561 - 0.17 acres - 2630 Devin Court - Steve and Corrie Henson

ISSUE AND BACKGROUND:

The applicant is requesting a variance to construct an in-ground pool and an 81 sq. ft. storage shed at 2630 Devin Court. Thus, the applicant requires a variance to allow construction of a pool as an additional accessory structure with the addition of the storage shed. Section 501 controls the maximum allowable number of accessory structures. Additionally, Riley's Walk originally required certain lots to provide a 10' and 20' buffer from existing lots outside of the development. For the pool and shed to be allowed a variance from those buffers will be required.

RECOMMENDATION / REQUESTED ACTION: The applicant is requesting to deviate from the City's accessory structure ordinance to allow a second accessory structure and to allow encroachment into a 10' and 20' buffer. 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. Community Development believes that the requested variance will not adversely affect surrounding residents. 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 substantiated compliance with the site plan submitted with the variance application.
- 2.The applicant will install a vegetative buffer along the rear property line.