

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: June 8, 2017

**RE: VARIANCE CASE V17-030
3671 Wisteria Lane – Allow additional accessory structure in rear yard**

**VARIANCE CASE V17-031
3671 Wisteria Lane – Allow side setback reduction from 10 ft. to 3 ft. for accessory structure**

BACKGROUND

The applicant is requesting two variances at 3671 Wisteria Lane. The first variance is to allow an additional accessory structure, and the second is to allow a reduction in the side setback from 10 ft. to 3 ft. for the accessory structure. The regulations pertaining to accessory structures and uses are located in Section 501 of the zoning ordinance.

ANALYSIS

The subject parcel is located on the south side of Wisteria Lane (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 subject property is approximately 0.36 acres and is shaped triangularly (see Figure 1). The property has the greatest width along the road and narrows significantly approaching the rear property line. The property consists of single family home and accessory uses located in the rear yard. The property contains a child's swing set and sand box in the rear yard, and the swing set is determined to be an accessory use. Section 501 of the zoning ordinance limits accessory structures/uses to one per lot.

The applicant is proposing a new storage shed in the rear yard, approximately 3 ft. from the side property line. The side setback requirement for R-15 is 10 ft. The setback reduction is requested due to the irregular shape of the lot. Without the setback reduction, the shed's placement would more prominently obstruct access and views of the rear yard. The proposed shed is 8 ft. wide by 16 ft. in length and approximately 10 ft. in height (see Figure 7). Along the side property line there is a 6 ft. wooden privacy fence and vegetative screening providing a buffer to the adjoining property (see Figure 8).

VARIANCE CASE V17-030 & 031

June 14, 2017

Page 2 of 8

The applicant is seeking two variances that allow an additional accessory structure be placed 3 ft. from the side property line in the rear yard. Community Development finds the irregular shape of the lot to be a unique circumstance, and that the hardship is not self-created. Strict application of the relevant provisions would deny the applicant any ability to place an additional accessory structure on the property due to the existence of a child's swing set. Community Development believes the variances requested are reasonable and are the minimum variances needed. If approved, Community Development believes there should be no adverse impact to the adjacent properties.

STAFF COMMENTS

The applicant is requesting two variances from Section 501 of the zoning code, for an additional accessory structure within the side yard at the rear 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 requests against the variance review standards and found them to be in compliance with the review standards. Similar variances for additional accessory structures and setback reductions have been granted, and Community Development believes that the requested variances 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 variances with the following conditions:

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
Adjacent Property



Figure – 4
Adjacent Property



Figure – 5
Site Plan

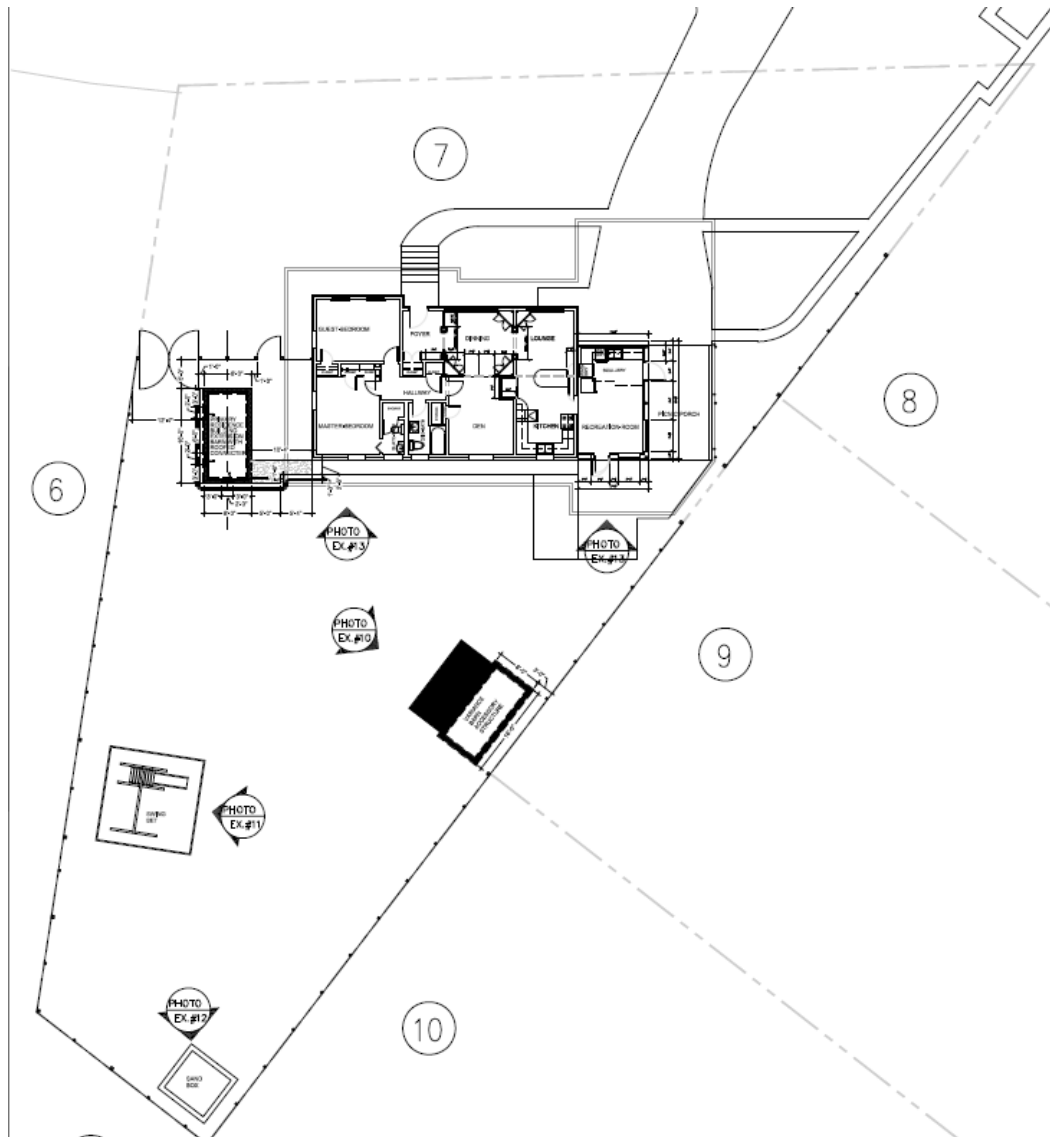


Figure – 6
Existing Accessory Uses



Figure – 7
Proposed Accessory Structure

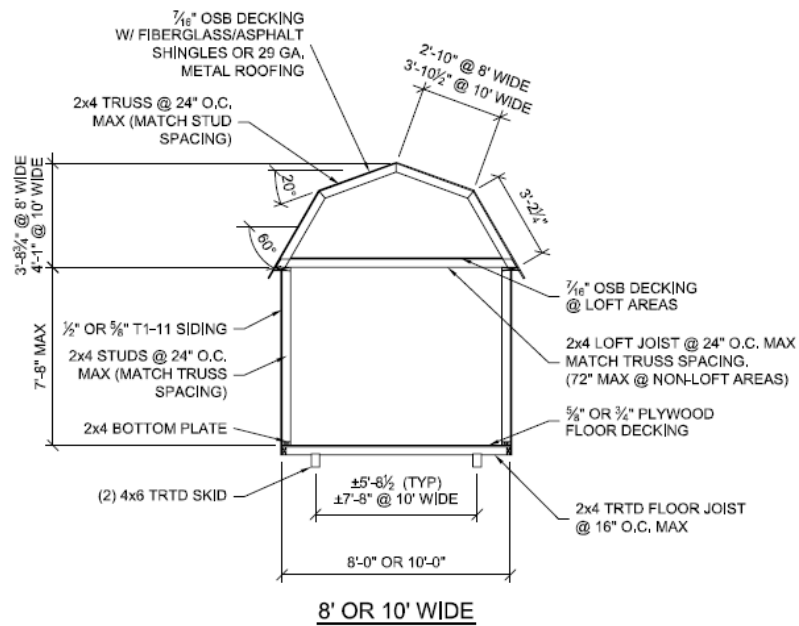
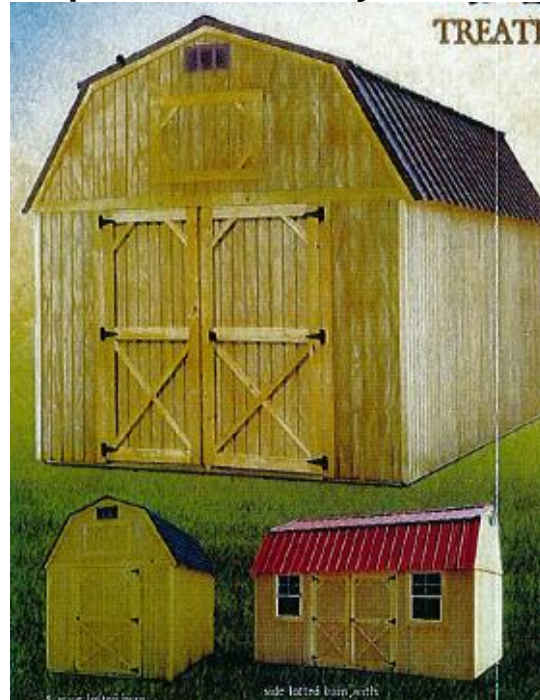


Figure – 8
Existing Side Yard Screening

