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: August 24, 2017

RE: **VARIANCE CASE V17-044**
        720 Reed Road – Reduction of 50 ft. undisturbed buffer and 75 ft. impervious setback

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BACKGROUND

The applicant is requesting a variance to allow encroachment into the city 50 ft. undisturbed buffer and 75 ft. impervious setback for 720 Reed Road. The applicant proposes to construct an accessory structure in the rear yard which is inundated with easements and stream buffers.

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ANALYSIS

The subject parcel is located on the south side of Reed Road (See Figure 1). The subject parcel and adjoining parcels to the north, south, east and west are zoned R-15. All are occupied by single-family detached residences. The subject property is 0.77 acres and a stream exists adjacent to the east side property line.

The subject property consists of a single family home with swimming pool. The applicant has partially constructed an 24 ft. by 35 ft. (840 sq. ft.) accessory structure in the rear yard. The majority of the structure is proposed within the 50 ft. undisturbed buffer with the remaining area within the 75 ft. impervious setback (Figure 6). City Marshall Division halted the construction of the structure within the buffer as no permit was issued.

The buildable area of the rear yard has significant limitations due to a drainage easement, pipeline easement, and the city stream buffers. Only a small portion of the rear yard, adjacent to the pool, is free of the constraints produced by the easements and buffers; however trees would need to be removed to accommodate the structure. Community Development is unable to make a determination when the buffer area was cleared and disturbed; however aerial photography indicates it has been cleared for several years as the area is sodded and has no stumps left from vegetation.

Prior to issuing permits, specific details for stormwater management and possibly buffer restoration will be submitted, and are subject to City Engineer approval.

Community Development believes the variance requested is the minimum variance needed, While there is an area outside of the buffers to build the structure, additional trees would need to be removed. The home was built prior to the establishment of the city stream buffers, thus the hardship is not self created.

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STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district, as well as the impervious setback requirement. The applicant requests encroachment into the 75 ft. impervious setback and 50 ft. undisturbed buffer to allow construction of an accessory structure. 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. At the time of this report, Community Development has not received any phone calls regarding the variance request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **<u>approval</u>** of the requested variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

Figure – 1

Figure – 2
Subject Property

Figure – 3
Adjacent Property
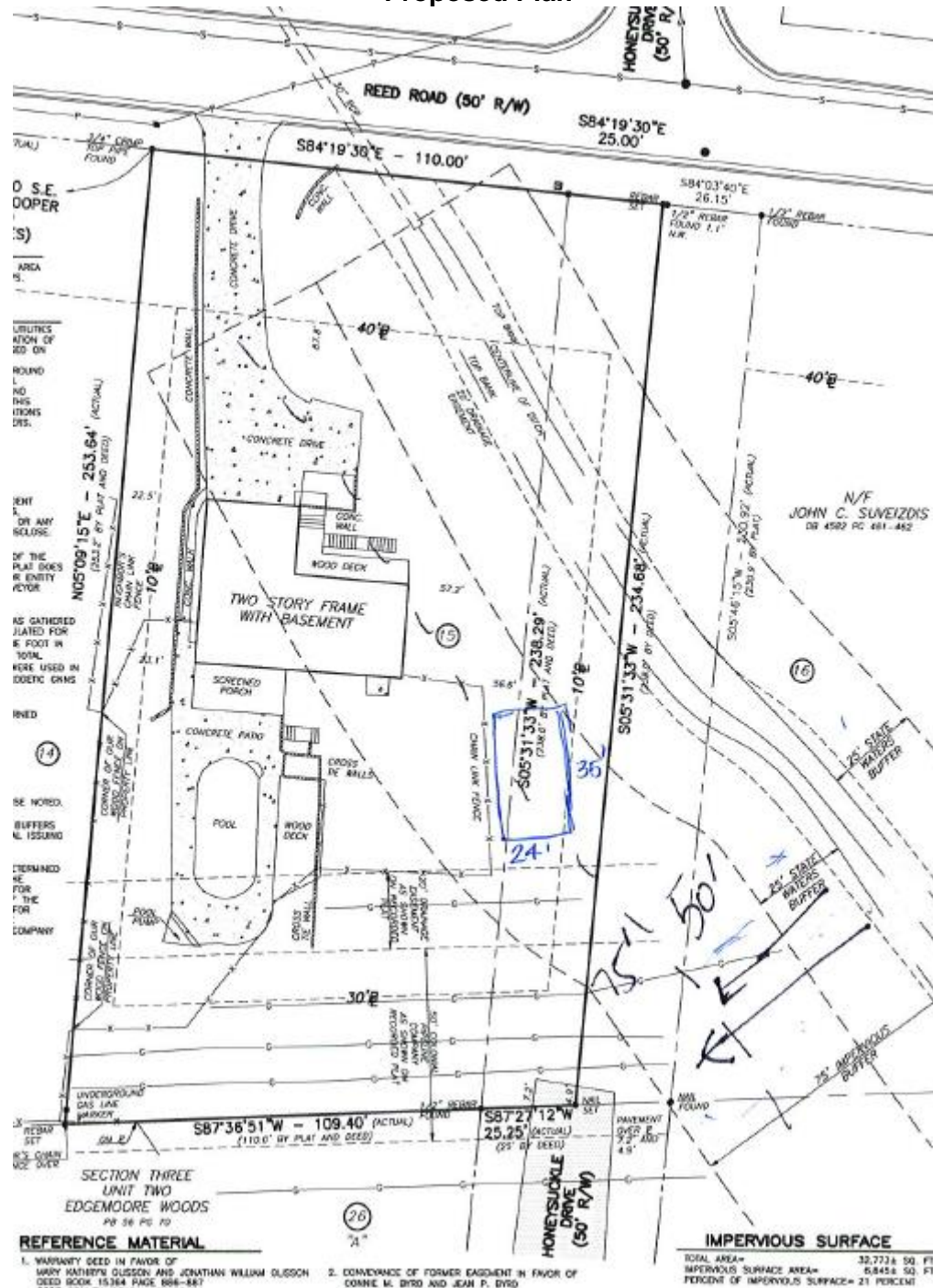

Figure – 4
Adjacent Property

Figure – 5
Proposed Plan

Figure – 6
Accessory Structure on Subject Property