



# City of Smyrna

## Legislation Text

City of Smyrna  
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**File #:** V17-044, **Version:** 1

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**WARD:** 4

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V17-044 - Allow encroachment into City 75 ft. Impervious Setback and 50 ft. Undisturbed Buffer for an accessory structure - Land Lot 385 - 0.77 acres - 720 Reed Rd - Mary Kathryn and Jonathan Glisson

: 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 bordered with easements and stream buffers. 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 1). The Marshall Division halted the construction of the structure within the buffer as no permit was issued.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** 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 the circumstances are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is caused by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the ordinance would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum 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 the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.

Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

**REQUESTED ACTION:** The License and Variance Board hold a public hearing per Section 1400 of the City of Smyrna Code.