

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Caitlin Crowe, Planner I

Date: August 11, 2023

RE: **VARIANCE CASE V23-057**  
**2661 Grady Street – Variance Continuation for Variance Case V20-007**

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## **BACKGROUND**

The applicant is requesting a variance continuation for a covered outdoor patio at 2661 Grady Street. The applicant received approval for the variance in February 2020 (Variance Case V20-007) to allow for an exterior side setback reduction from 10 feet to 7.3 feet. Since the originally approved variance has expired, the applicant is required to request another variance to extend the allowable time frame. The minimum side setback is required based upon the standards associated with the zoning stipulations recorded on the approved subdivision plat from 2011.

## **ANALYSIS**

The subject parcel is a 0.15-acre lot located on the northern intersection of Grady Street and Elle Court in the Grady Manor subdivision (see Figure 1). The subject parcel and all adjacent properties are zoned RDA and are occupied by single-family residences.

The applicant is proposing to construct a new gable roof over an existing concrete patio and add a ventless fireplace. Patios do not currently require permitting and do not need to meet the required building setbacks since they are flush with the ground. The existing patio is currently encroaching into the exterior side setback by 2.7 feet. The footprint of the patio will remain unchanged with the construction and the existing brick retaining wall will stay in place. The addition of the gabled roof over the patio requires the need for the variance due to the roof structure encroaching into the building setbacks.

Since the lot has three road frontages, there is little outdoor space available to the applicant. Community Development believes the variance requested is the minimum variance needed to construct a usable outdoor space. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. At the time of this report, Community Development has not received any calls in opposition to the request.

## **STAFF COMMENTS**

The applicant is requesting a variance to reduce the exterior side setback for 2661 Grady Street from 10 feet to 7.3 feet for the construction of a covered outdoor patio. According to Section

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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. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation submitted with the variance application.

Figure – 1



Figure – 2  
Site Plan

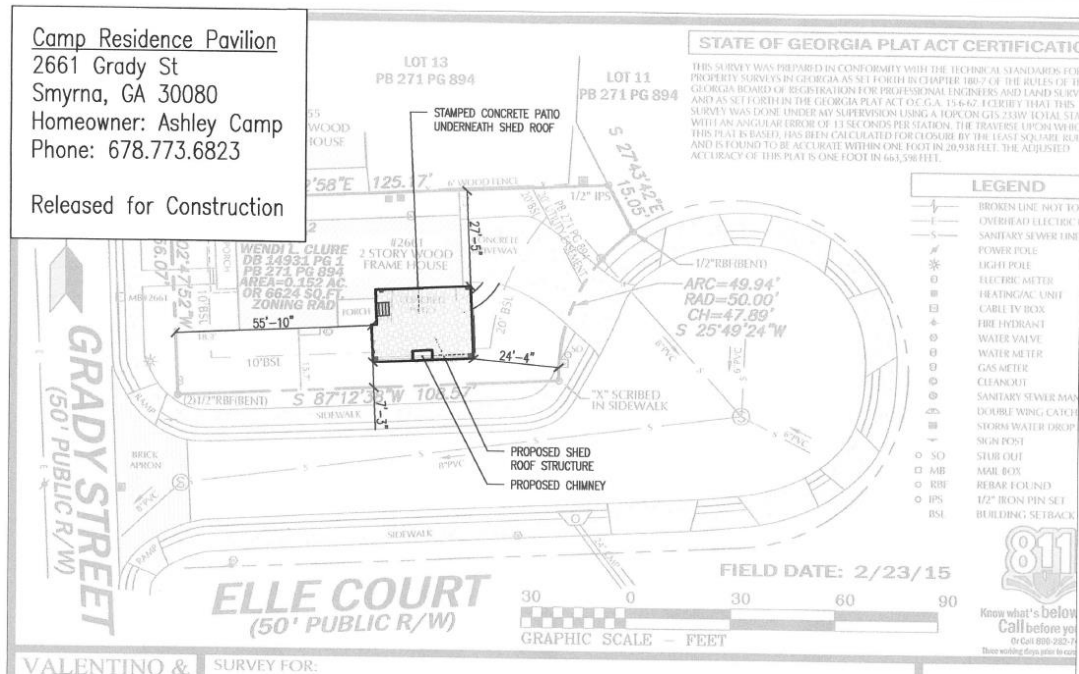


Figure – 3  
Subject Property





**Figure – 4**  
**Existing Patio and Retaining Wall**



**Figure – 5**  
**Adjacent Property across Grady Street**



**Figure – 6**  
**Adjacent Property across Grady Street**



**Figure - 7**  
**Adjacent Property to the North**





**Figure - 8**  
**Adjacent Property to the Northeast**



**Figure - 9**  
**Adjacent Property across Elle Court**

