

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: May 7, 2025

**RE: VARIANCE CASE V25-046
3342 Pretty Branch Drive – Reduce the northern side setback from 12 feet to 9 feet**

BACKGROUND

The applicant is seeking a variance to reduce the northern side setback from 12 feet to 9 feet to build an addition in the rear of 3342 Pretty Branch Drive. The side setback is associated with Section 801 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.42-acre lot located on the west side of Pretty Branch Drive (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences.

The property is currently occupied by a one-story 2,397 square foot single-family home with a daylight basement, a 220 square foot shed, and a 61 square foot chicken coop. A 20-foot sanitary sewer easement and drainpipe cut through the middle of the rear yard. The applicant is proposing to completely remove the shed and chicken coop, remodel the interior of both the basement and main floor, and add a 346 square foot addition on the rear to create a new master bedroom and closet.

The existing home sits in the center of the lot with both sides of the home encroaching into the 12-foot side setbacks. Due to the current encroachments on the property, any rear expansion in line with the existing home would create a variance. Since the original home was built in 1960, prior to the current Zoning Code of 1974, the hardship is not self-created.

The 20-foot sanitary sewer easement was obtained in 2004 when the shed was already on the property. At the time, the encroachment was allowed to remain. Since the shed is now being removed, the easement encroachment will be lifted, bringing the property closer to compliance with the City's current standards. The existing drainage pipe adjacent to the sanitary sewer easement was placed by a previous property owner, piping the stream through the rear yard. The Engineering Department had performed a site visit back in January 2025 to look at the pipe and determined that the stream buffers are no longer applicable. Since the pipe was installed privately by a previous homeowner, an easement will not be required, as the pipe is considered fully private and will not be maintained by the City.

Community Development believes the variance is the minimum variance needed to provide additional living space on the subject property. At the time of this report, Community Development has not received any opposition to the requests.

STAFF COMMENTS

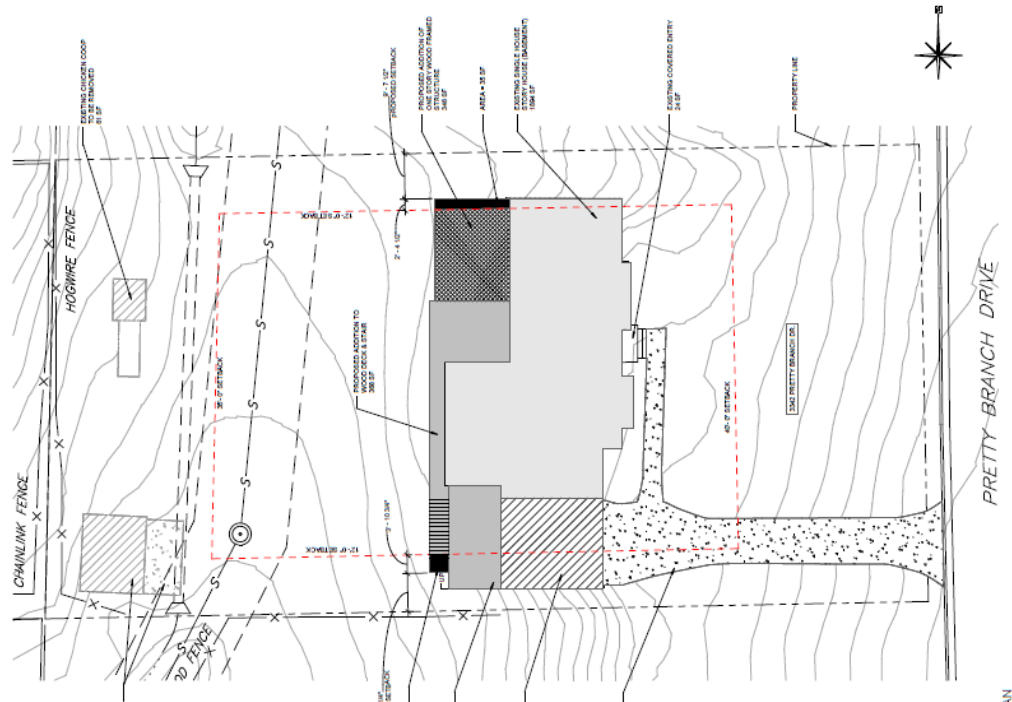
The applicant is requesting to deviate from the development standards established by the City for the side setback. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying 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. After a review of the standards above, Community Development believes that the variance will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. No stove or oven shall be installed in the basement without first obtaining a variance for a second kitchen.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Adjacent Property to the North



Figure – 5
Adjacent Property across Pretty Branch Drive

