

# **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: January 24, 2024

**RE: VARIANCE CASE V23-081**  
**1015 Hillsdale Street – Reduce the western side setback from 10 feet to 4 feet**

**VARIANCE CASE V23-082**  
**1015 Hillsdale Street – Increase the accessory building size from 25% to 57% of the primary dwelling**

**VARIANCE CASE V23-083**  
**1015 Hillsdale Street – Reduce the accessory structure rear setback from 5 feet to 4.8 feet**

**VARIANCE CASE V23-084**  
**1015 Hillsdale Street – Increase the accessory structure height from 15 feet to 18.4 feet**

**VARIANCE CASE V23-108**  
**1015 Hillsdale Street – Increase the maximum impervious surface area from 35% to 39.16%**

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## **BACKGROUND**

The applicant is seeking five variances to construct a two-story detached accessory structure in the rear of 1015 Hillsdale Street: reduce the side setback from 10 feet to 4 feet, increase the accessory building size from 25% to 57% of the primary dwelling, reduce the accessory structure rear setback from 5 feet to 4.8 feet, increase the accessory structure height from 15 feet to 18.4 feet, and increase the maximum impervious surface area from 35% to 39.16%. The maximum accessory structure size, height, and distance to the rear property line is required per Section 501 of the Zoning Code whereas the 10-foot side setback and the 35% maximum impervious surface area is associated with Section 801 of the Zoning Code.

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## **ANALYSIS**

The subject parcel is a 0.35-acre lot located on the north side of Hillsdale Street in the Beverly Heights subdivision (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are all occupied by single-family detached residences.

## VARIANCE CASE V23-081 through V23-084 & V23-108

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The property is currently occupied by a one-story 2,083 square foot single-family home and a 335 square foot workshop on the northwestern corner of the property. The existing workshop is currently nonconforming, encroaching into the side setback by 7.2 feet. The existing workshop is used by both the applicant's family and the surrounding neighbors and is currently limited in space. The applicant is proposing to demolish the existing workshop and build a two-story 1,193 square foot detached accessory structure in the same footprint. The proposed structure will have two levels: a workshop on the first floor and a living area complete with bedroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. Per the applicant, the addition is to be used by the applicant's family members when visiting from out of state. The new structure will have a four-sided shingle façade to match the shingle accents of the existing brick home. Due to the distance from the roadway, the structure will have limited visibility to the public from Hillsdale Street.

The existing two-story home is 2,083 square feet, which means that the 1,193 square foot proposed accessory structure exceeds the allowable accessory structure size by 32% based off the primary structure's gross square footage. Although the footprint of the structure is 664 square feet, the area calculations are almost doubled since the structure has a second level. The existing workshop is currently undersized, leading to the expansion of the footprint on the lower floor. Rather than expanding the existing structure's footprint for the living area addition, the applicant added the second story to minimize land disturbance and impervious surface area.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 18.4 feet to match the roofline of the primary building more consistently. Due to the size and composition of the accessory structure, the increase in height will allow it to blend in more seamlessly with the existing building and decrease any visual deterrents. To minimize impacts to the adjacent neighbors whose backyards abut the new structure, the applicant will install transom windows on the second floor of the western building elevation so as to allow in natural light while ensuring the neighbor's privacy.

Due to the existing workshop's nonconforming location, the most logical area to construct the new structure is over the same foundation, within the side setback, to decrease disturbance to the subject property. Strict application of the ordinance would deny the applicant the ability to replace the workshop with any structure since the existing foundation is already encroaching in the side setback. To try and minimize the extent of the setback encroachment, the new structure foundation will be shifted over 1.2 feet further from the western side setback than the existing workshop. However, since the western wall (including the roof overhang) is within 3.1 feet of the side property line, the western accessory structure wall and roof area must be fire rated. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

After the expansion of the workshop, the impervious surface area will be 4.16% over the allowable 35% (or 637.4 square feet). To offset the increase in impervious surface area, the applicant is installing a dry well in front of the new accessory structure. The City Engineer has reviewed the application and is supportive of the proposed mitigation method.

Due to the close proximity of the new accessory structure to the neighboring properties, the impacted neighbors directly to the west of the structure (2759 and 2749 Fraser Street) have both provided letters of support for the requested variances. Adjacent neighbors at 2771 Fraser

Street and 1014 Hillsdale Street have also provided letters in support. The neighboring home at 1020 Powder Springs Street is over 250 feet away and should have minimal impact from the new structure. At the time of this report, Community Development has received no calls in opposition to these requests.

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## **STAFF COMMENTS**

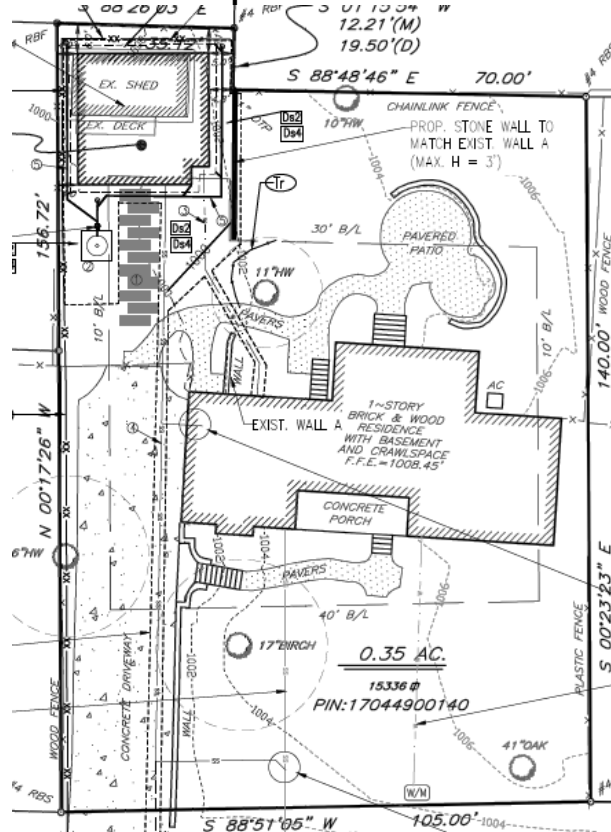
The applicant is requesting to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the main structure, the maximum accessory structure height of 15 feet, the side setback of 10 feet, the accessory structure rear setback of 5 feet and the maximum impervious surface area of 35%. 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 variances will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. Gutters and downspouts will be installed to divert stormwater away from adjacent properties.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to completion of the pool permit.
4. Any wall within 3.1 feet of the property line shall be fire rated with a maximum of 25% openings in each wall.
5. All bedroom windows must have the minimum required egress of 5.7 square feet with the window in the open position.
6. The proposed accessory structure shall not be rented or occupied for gain.
7. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

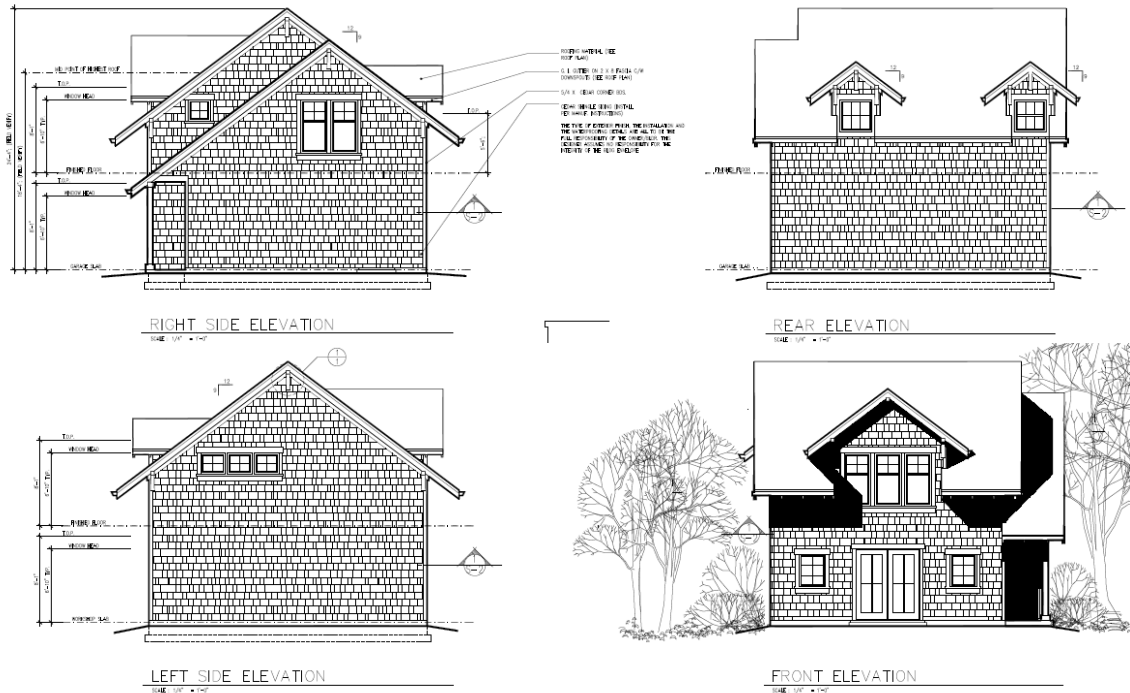
### Figure – 1



### Figure – 2 Proposed Site Plan



**Figure – 3**  
**Accessory Structure Building Elevations**



**Figure – 4**  
**Subject Property**





**Figure – 5**  
**View of Proposed Location from Hillsdale Street**



**Figure – 6**  
**Adjacent Property to the West**





**Figure – 7**  
**Adjacent Property to the East**



**Figure – 8**  
**Adjacent Property across Hillsdale Street**



**Figure – 9**  
**Adjacent Property across Hillsdale Street**

