

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: June 4, 2024

**RE: VARIANCE CASE V24-040
3282 Pinetree Drive – Allow second accessory structure**

**VARIANCE CASE V24-041
3282 Pinetree Drive – Increase the accessory building size from 25% to 48.5% of the primary dwelling**

**VARIANCE CASE V24-042
3282 Pinetree Drive – Increase the accessory structure height from 15 feet to 21.1 feet**

**VARIANCE CASE V24-043
3282 Pinetree Drive – Reduce the northern side setback from 12 feet to 9.8 feet**

BACKGROUND

The applicant is seeking four variances to construct a two-story detached accessory structure in the rear of 3282 Pinetree Drive: allow a second accessory structure, increase the maximum accessory building size from 25% to 48.5% of the primary dwelling, increase the maximum accessory structure height from 15 feet to 21.1 feet and reduce the northern side setback from 12 feet to 9.8 feet. The maximum accessory structure number, size, and height are required per Section 501 of the Zoning Code whereas the 12-foot side setback is associated with Section 801 of the Zoning Code.

ANALYSIS

The subject parcel is a 1.19-acre lot located on the west side of Pinetree Drive in the Forest Hills neighborhood (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences, with the exception of one of the landlocked parcels to the north, which is vacant.

The subject property received approval for two variances in 2012 (V12-027 and V12-028) to increase the accessory structure height from 15 feet to 25 feet and increase the accessory structure size from 25% to 54% of the primary dwelling. Since then, the ownership of the property has changed hands, and a pool has been constructed on the property (completed in 2024). The original structure showed a first floor to be wholly garage space, with an exterior

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staircase to the second floor living area. The new garage will have interior stairs only, accessed through the garage to limit access to the structure. When the original variances were approved, the former homeowner (and current general contractor) poured the concrete pad in preparation for the accessory structure but never continued with the construction. The existing concrete pad is 12 feet away from the new swimming pool; since the pad is existing and in close proximity to their other outdoor amenity, the current homeowner would like to use it for the new structure to limit land disturbance on the property.

The property is currently occupied by a one-story 5,277 square foot single-family home and 790 square foot inground swimming pool. The applicant is proposing a two-story 2,561 square foot detached accessory structure in the rear of the property. (The house calculations were provided by the applicant; the accessory structure calculations were measured by staff off the dimensions provided with the site plan.) The proposed structure will have two levels: a two-car garage, kitchenette, and bathroom on the first floor and a living area complete with bedroom, bathroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. The first-floor two-car garage will be accessed via an existing second driveway to the north of the existing home. Per the applicant, the addition is to be used by the applicant's family members and guests who are visiting or using the adjacent swimming pool. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

The applicant is proposing additional living space for their growing family's needs. However, the existing two-story home is 5,277 square feet, which means that the 2,561 square foot proposed accessory structure exceeds the allowable accessory structure size by 23.5% based off the primary structure's gross square footage. Although the footprint of the structure is 1,208 square feet, the area calculations are almost doubled since the structure has a second level and a large covered porch. The covered porch area and kitchenette/bathroom on the first floor are to be used for the adjacent pool area when in use. This combines the need for a detached garage and pool house without creating a 3rd accessory structure.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 21.1 feet to provide the required clearance on the second floor. This is a decrease from the previous application by 3.9 feet to keep more consistent with surrounding architecture.

The existing parking pad was poured too close to the property line at 9.8 feet instead of the required 12 feet. Rather than removing the existing pad and shifting it over, the applicant has requested to encroach into the northern side setback by 3 feet to minimize land disturbance. Since the parking pad is already in place and has not caused any adverse effects of the neighboring properties, staff is supportive of the request.

Due to the existing driveway and concrete pad, the most logical area to construct the new structure is in line with the existing driveway location to decrease disturbance to the subject property. Community Development believes the variances are the minimum variances needed to provide additional living space with the smallest impervious footprint. Similar variance requests have been approved next door at 3272 Pinetree Drive in 2016 (V16-073-074) and down the road at 1453 Colier Drive in 2024 (V24-025-026). 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, maximum number of accessory structures, maximum accessory structure size, and the maximum accessory structure height. 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. The accessory structure shall not be permitted to have an oven or stove on either level without obtaining an additional variance for a second kitchen.
3. The proposed accessory structure shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
4. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Figure – 1



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Figure – 2 Site Plan

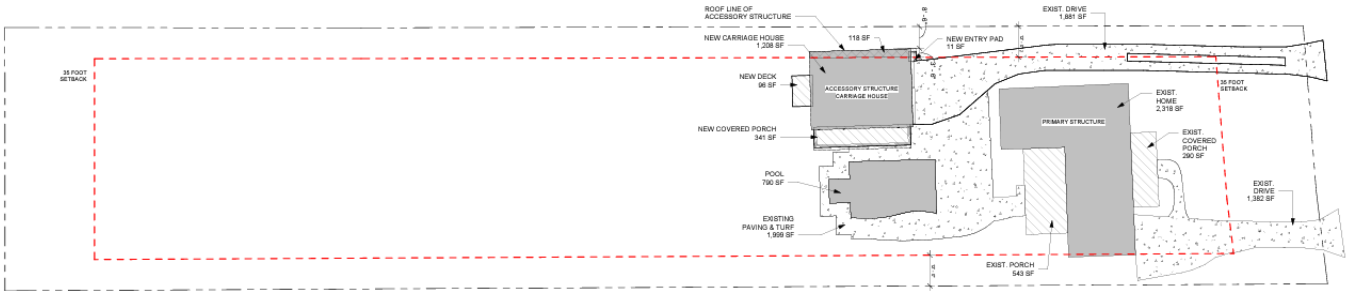


Figure – 3
Proposed Front Elevation



Figure – 4 Proposed Floor Plans

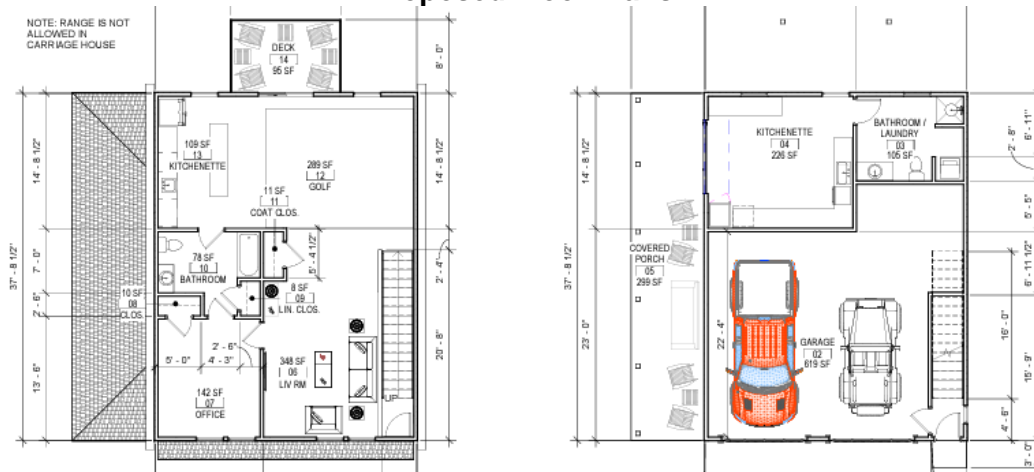


Figure – 5
Subject Property



Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Property to the South



Figure – 8
Adjacent Property across Pinetree Drive

