

# 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 2, 2024

RE: **VARIANCE CASE V23-096**  
**3405 Pretty Branch Drive – Reduce the northern side setback from 12 feet to 6.6 feet**

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#### BACKGROUND

The applicant is seeking a variance to reduce the northern side setback for an addition on an existing non-conforming single-family home located at 3405 Pretty Branch Drive. Section 801 sets the setback requirements in the R-20 zoning district and Section 1102 sets the requirements for extending nonconforming uses.

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#### ANALYSIS

The subject parcel is a 0.74-acre lot on the east side of Pretty Branch Drive, near the termination of the road (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and are all occupied by single-family detached residences.

The subject property is currently occupied by a 2,334 square foot ranch home that is pushed towards the rear of the lot, accessed via a long and sloped driveway. The existing home, originally built in 1955 (prior to the adoption of the City's Zoning Ordinance), has an existing nonconforming setback of 6.6 feet due to the carport on the northern side of the home. Since the home is currently non-conforming, the hardship is not self-created. The applicant is proposing to renovate the existing one-story home to enclose the existing carport for a two-car garage and add roughly 650 square foot of living space to create a utility room, family room and additional bedroom and bathroom. The added utility closet will continue the nonconforming line of the existing carport, then pivot in almost 5 feet for the bedroom and bathroom to keep as much of the setback intact as possible (see Figure 3).

Due to the existing nonconforming foundation and driveway access to the home, the most logical area to construct the addition is within the side setback to decrease disturbance to the subject property and surrounding neighbors. If it were not for the existing nonconforming setback, no variances would be required for the proposed addition.

The neighboring property at 3393 Pretty Branch Drive received a southern side setback variance from 12 feet to 7 feet in November 2023 for a detached accessory structure (V23-070). Since the proposed addition will pivot in to 10.3 feet away from the neighboring property line,

the location of the neighboring structure and the addition will be more than 15 feet apart, so no fire suppression system is required.

Due to the layout and foundation of the existing home, the addition will be constructed within the nonconforming setback, which currently encroaches into the northern side setback by 5.4 feet. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the northern portion of the existing home since the structure is already encroaching into the side setback. Due to the size of the lot and location of the house in the rear yard, Community Development believes the proposal will not adversely impact adjacent properties, nor be readily visible to the public. Community Development has not received any calls in opposition to the request.

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## STAFF COMMENTS

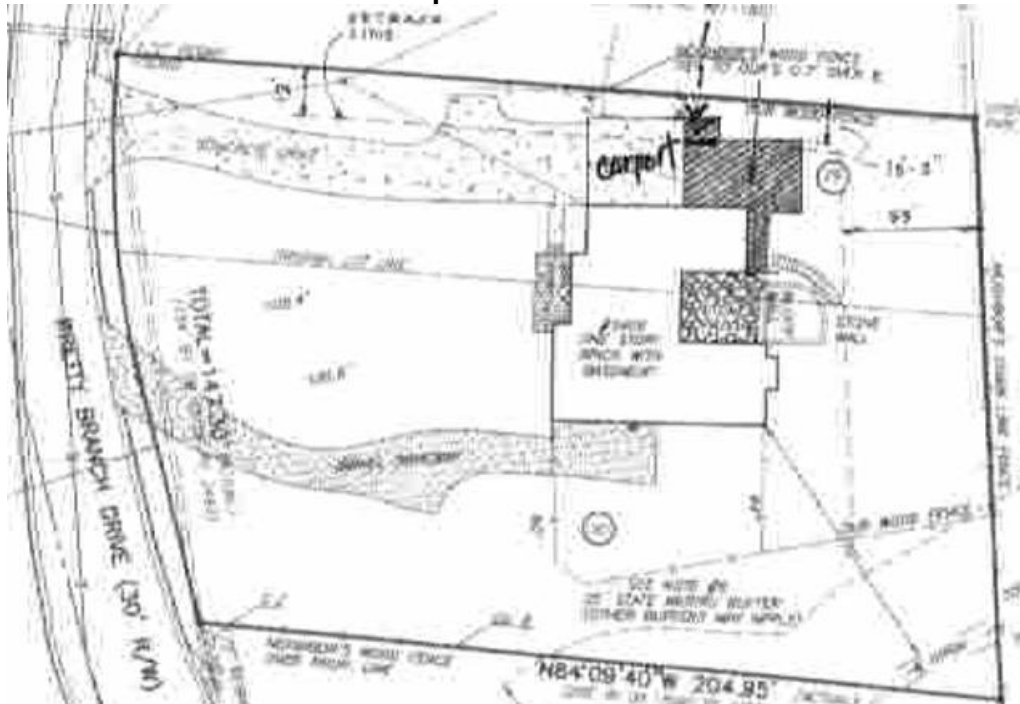
The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in 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.

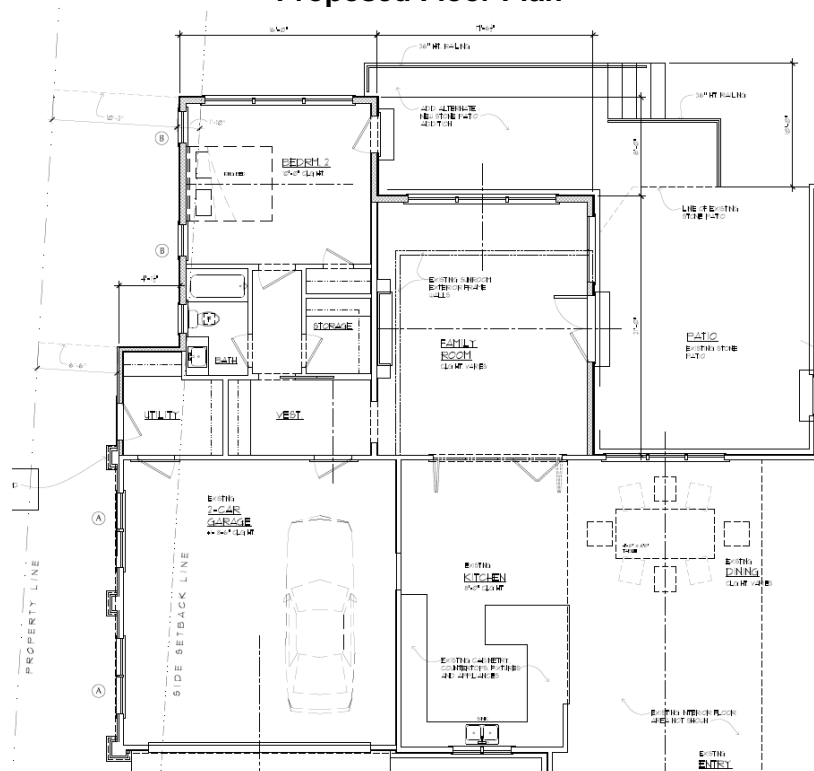
**Figure – 1**



### Figure – 2 Proposed Site Plan



**Figure – 3**  
**Proposed Floor Plan**





**Figure – 4**  
**Subject Property**



**Figure – 5**  
**Adjacent Property to the North**





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



**Figure – 7**  
**Adjacent Property across Pretty Branch Drive**

