



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V24-043

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**Agenda Date:** 5/8/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** {{item.number}}

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-025 - Increase the accessory structure height from 15 feet to 23.1 feet - Land Lot 557 - 1453 Collier Drive - Alexander Fain

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

**ISSUE AND BACKGROUND:**

The applicant is seeking two variances to construct a two-story detached accessory structure in the rear of 1453 Collier Drive: increase the maximum accessory structure height from 15 feet to 23.1 feet and increase the maximum accessory building size from 25% to 74% of the primary dwelling. The maximum accessory structure size and height is regulated by Section 501 of the Zoning Code.

**RECOMMENDATION / REQUESTED ACTION:**

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 and the maximum accessory structure height of 15 feet. 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 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.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.