



# City of Smyrna

## Issue Sheet

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

File Number: V24-131

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**Agenda Date:** 9/11/2024

**In Control:** .

**File Type:** Variance Item

**Agenda Section:**

Formal Business

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-071 - Allow a second accessory structure - Land Lot 243 - 0.55 acres - 4031 Benell Court - Reginald Jeter

***Ward 4 Councilmember - Charles 'Corkey' Welch***

**ISSUE AND BACKGROUND:**

The applicant is seeking a variance to allow a second accessory structure in order to construct a detached accessory structure in the rear of 4031 Benell Court. The maximum accessory structure number is required per 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 number of accessory structures. 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 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



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future owner.