



# City of Smyrna

## Issue Sheet

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

File Number: V24-073

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**Agenda Date:** 6/12/2024

**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 - V24-043 - Reduce the northern side setback from 12 feet to 9.8 feet - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglas

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

**ISSUE AND 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.

**RECOMMENDATION / REQUESTED ACTION:**

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



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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.