

LICENSE AND VARIANCE BOARD

Minutes - Final



Smyrna Community Center
Oak Room
1250 Powder Springs Street
Smyrna, GA 30080

Richard Garland, Board Member
Bo Jones, Board Member
Brian Marcos, Board Member
Eric Mohrmann, Board Member
Mary Moore, Board Member
Andrea Worthy, Board Member
Jill G. Head, Secretary

City Attorney Scott Cochran
City Administrator Joseph Bennett
City Clerk Heather K. Peacon-Corn

November 08, 2023
10:00 AM

1. Roll Call

Present: 3 – Boardmember Bo Jones, Boardmember Mary Moore, Boardmember Eric Mohrmann

Staff: 5 – Caitlin Crowe, Jill G. Head, Dat Luu, Russell Martin, and Starla Whiddon

2. Call to Order

Chairperson Bo Jones called to order the November 8, 2023 License and Variance Board meeting held at the Smyrna Community Center in the Oak Room at 10:00 AM.

3. Chairperson Instruction and Comment

4. Formal Business

- A. V23-070 Public Hearing - Variance Request - V23-070 - Reduce the side setback from 12 feet to 7 feet for a detached garage - Land Lot 556 - 3393 Pretty Branch Drive - Bradley Anderson
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Caitlin Crowe provided the following background for item A – D (each item will be voted upon individually):

The applicant is seeking four variances to construct a detached 2-car garage at 3393 Pretty Branch Drive: reduce the side setback from 12 feet to 7 feet, increase the accessory building height from 15 feet to 18.8 feet, increase the accessory building size from 25% to 46.5% of the primary dwelling, and allow a second accessory structure. The maximum accessory structure size, height, and number is required per Section 501 of the Zoning Code whereas the 12-foot setback is associated with Section 801 of the Zoning Code.

The property received approval for two of the variances by Mayor and Council in August 2021 to reduce the side setback and increase the accessory building size (Variance Case V21-058 and V21-060) and was denied the variance for the accessory structure height

increase (Variance Case V21-059). Since the originally approved variances have expired, the applicant is required to request another variance to extend the allowable time frame. The plans have changed slightly from the original application to expand the accessory structure an additional 213 square feet in the front for more storage space on the second floor.

The subject parcel is a 0.71-acre lot located on the east side of Pretty Branch Drive (see Figure 1). The subject parcel and all the adjacent parcels are zoned R-20 and are all occupied by single-family detached residences.

The applicant is proposing to build a 1,864 square foot detached 2-car garage on the southeastern corner of the property. The proposed garage will have two levels: the first floor being the garage to park the vehicles with an accompanying workshop and toilet, and on the second floor will be an unfinished attic strictly for storage space. An interior staircase will lead to the second floor. The garage will have a mixed façade of brick, hardiplank, and board and batten to match the current exterior of the home. To access the new structure, the applicant will be using the existing driveway off Pretty Branch Drive. Due to the distance from the roadway and gradual slope of the property, the structure will have limited visibility from the roadway and should have no disturbance to the surrounding neighbors.

The existing two-story home is 4,008 square feet, which means that the proposed garage exceeds the allowable accessory structure size by 21.5% based off the primary structure's square footage. Although the footprint of the structure is 1,096 square feet, the area calculations are almost doubled since the structure has a second level. If there were no storage on the second level, the building size would only exceed the maximum accessory building size by 2.3%.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 18.8 feet to match the roofline of the primary building more consistently. This will also allow the applicant to have an unfinished attic for storage space. Due to the size and composition of the accessory structure, the increase in height will allow it to blend in more seamlessly with the existing building and decrease any visual deterrents. Additionally, in conversations with their new neighbor to the south, the applicant has agreed to install transom windows on the second floor of the southern building elevation so as to allow in natural light while ensuring the neighbor's privacy.

Due to the existing single-family home and a permanent chicken coop on the property, the detached garage would be considered a second accessory structure. The accessory structure ordinance allows one accessory structure or use per lot and since the chicken coop is already on the property, a variance is required for the additional structure. The chicken coop and detached garage serve vastly different uses and thus the hardship is not self-created.

The variances proposed should have no negative impact on adjacent properties and since the proposed garage will use the existing concrete driveway, there should be minimal land disturbance. Similar variances have been approved in the City where impacts to adjacent neighbors would be minimal, so no negative precedent would be set.

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, the maximum accessory structure height of 15 feet, the maximum number of accessory structures, and the side setback of 12 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 is conditioned upon 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.
3. The proposed garage shall not be rented or occupied for gain.
4. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Boardmember Moore asked if similar structures have been approved in the same neighborhood. Ms. Crowe stated there have been similar variances approved in the same neighborhood.

Bradley Anderson, applicant, was present. He stated that after speaking to the new owners at 3405 Pretty Branch Drive, they will be eliminating the transom window that faces their side. Chairperson Jones asked the applicant if he understands and agrees with the stipulations read into record to which Mr. Anderson replied he did.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Mary Moore made a motion to approve item V23-070, a public hearing and variance request (V23-070) to reduce the side setback from 12 feet to 7 feet for a detached garage on land lot 556 located at 3393 Pretty Branch Drive by applicant Bradley Anderson; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

- B. V23-071 Public Hearing - Variance Request - V23-071 - Increase the accessory building height from 15 feet to 18.8 feet - Land Lot 556 - 3393 Pretty Branch Drive - Bradley Anderson
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould**

No further information was provided by both staff and the applicant.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Mary Moore made a motion to approve item V23-071, a public hearing and variance request (v23-071) to increase the accessory building height from 15 feet to 18.8 feet for land lot 556 located at 3393 Pretty Branch Drive by applicant Bradley Anderson; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

- C. **V23-072** Public Hearing - Variance Request - V23-072 - Increase the accessory building size from 25% to 46.5% - Land Lot 556 - 3393 Pretty Branch Drive - Bradley Anderson
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

No further information was provided by both staff and the applicant.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Mary Moore made a motion to approve item V23-072, a public hearing and variance request (V23-072) to increase the accessory building size from 25% to 46.5% on land lot 556 located at 3393 Pretty Brance Drive by applicant Bradley Anderson; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

- D. **V23-075** Public Hearing - Variance Request - V23-075 - Allow second accessory structure - Land Lot 556 - 3393 Pretty Branch Drive - Bradley Anderson
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

No further information was provided by both staff and the applicant.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Mary Moore made a motion to approve item V23-075, a public hearing and variance request (V23-075) to allow a second accessory structure on land lot 556 located a3393 Pretty Branch Drive by applicant Bradley Anderson; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None

Recuse: 0 – None

- E. **V23-074** Public Hearing - Variance Request - V23-074 - Increase the allowable impervious surface area from 30% to 56% - Land Lot 702 - 2294 Goodwood Boulevard - Fernando Melo This item is to be tabled to the December 13, 2023 License and Variance Meeting at the request of the applicant.

Ward 2 Councilmember - Latonia P. Hines

Boardmember Mary Moore made a motion to table item V23-074 to the December 13, 2023 License and Variance Board meeting; seconded by Boardmember Eric Mohrmann.

The motion to table carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

5. Approval of Minutes

- A. **MIN2023-113** Approval of the October 25, 2023 License and Variance Board Meeting Minutes
Citywide

Boardmember Mary Moore made a motion to approve item MIN2023-113, the October 25, 2023 License and Variance Board meeting minutes; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Boardmember Jones, Boardmember Moore, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Bo Jones adjourned the November 8, 2023 License and Variance Board meeting at 10:13 AM.

Facilities are provided throughout City Hall for convenience of persons with disabilities.

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:
 The City of Smyrna website – www.smyrnaga.gov
 City Hall, 2800 King Street SE, Notice Boards