

# **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: October 30, 2023

**RE: VARIANCE CASE V23-070**  
**3393 Pretty Branch Drive – Reduce the side setback from 12 feet to 7 feet for a detached garage**

**VARIANCE CASE V23-071**  
**3393 Pretty Branch Drive – Increase the accessory building height from 15 feet to 18.8 feet**

**VARIANCE CASE V23-072**  
**3393 Pretty Branch Drive – Increase the accessory building size from 25% to 46.5%**

**VARIANCE CASE V23-075**  
**3393 Pretty Branch Drive – Allow second accessory structure**

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## **BACKGROUND**

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.

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## **ANALYSIS**

## VARIANCE CASE V23-070 through V23-072 & V23-075

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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.

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### STAFF COMMENTS

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

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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.

Figure – 1



Figure – 2  
Proposed Site Plan

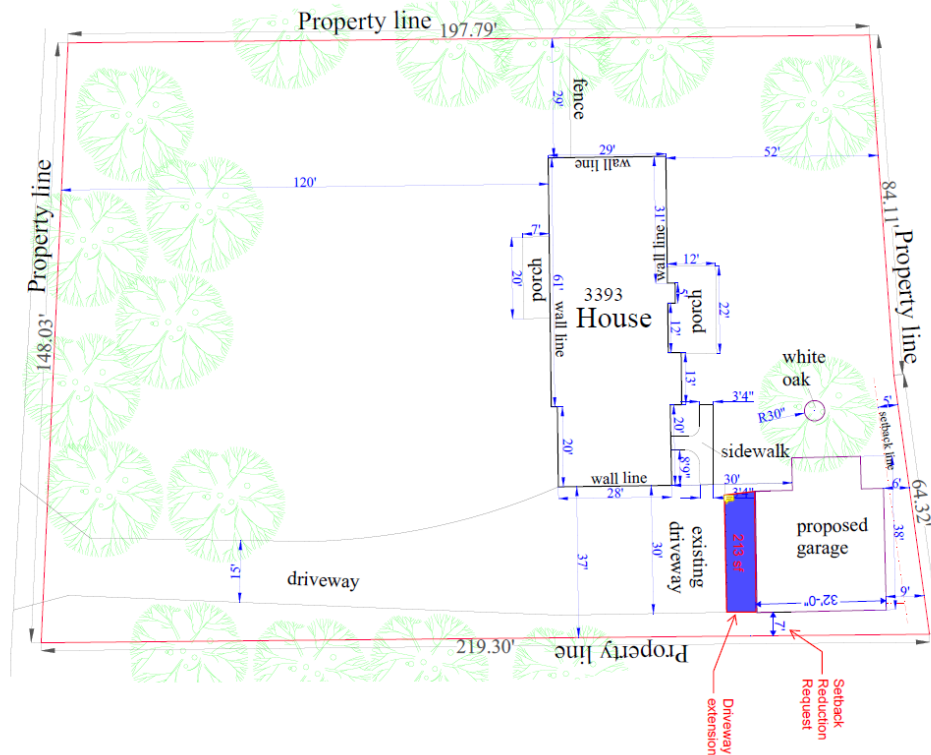
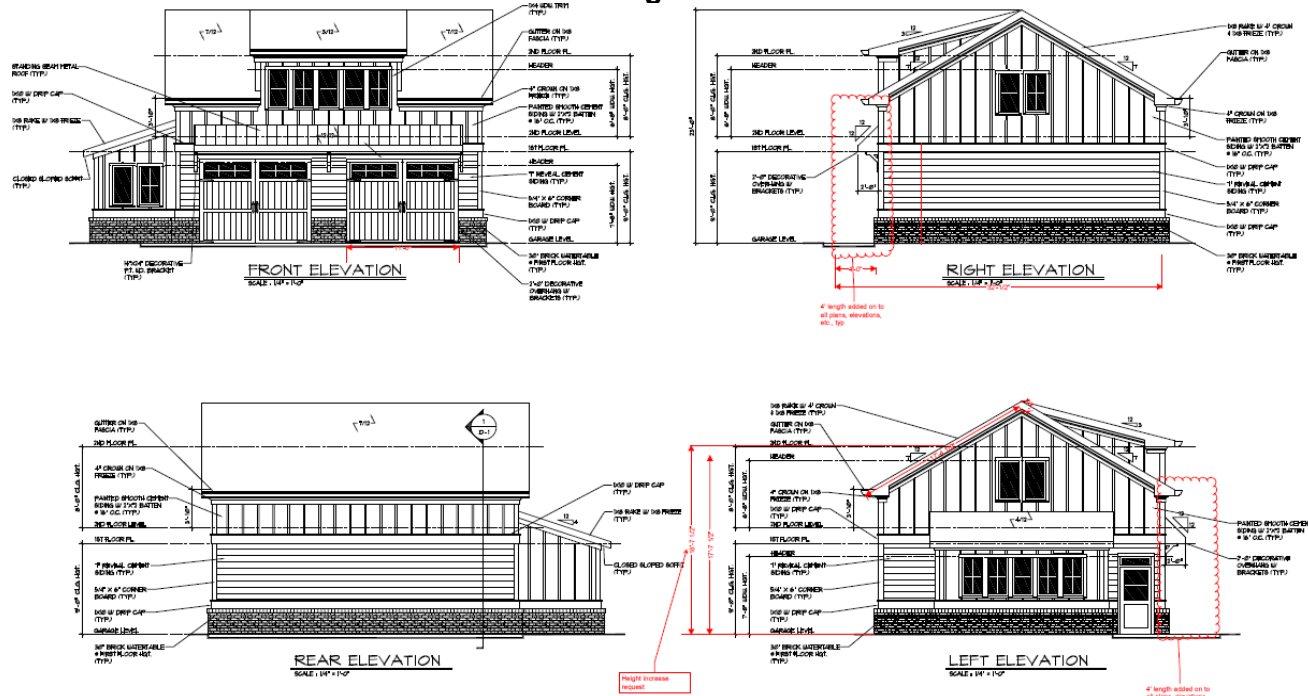


Figure – 3  
Detached Garage Elevations





**Figure – 4**  
**Subject Property**



**Figure – 5**  
**Location of Proposed Detached Garage**





**Figure – 6**  
**Adjacent Property across Pretty Branch Drive**



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





**Figure – 8**  
**Adjacent Property to the South**



**Figure – 9**  
**Adjacent Property to the North**

