



# City of Smyrna

## Issue Sheet

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

File Number:

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**Agenda Date:** 11/8/2023

**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 - 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***

**ISSUE AND 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.

**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, 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:



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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.