



License and Variance Board Meeting - Final

January 10, 2024
10:00 AM

-
- D. **V23-096** Public Hearing - Variance Request - V23-096 - Reduce the northern side setback from 12 feet to 6.6 feet - Land Lot 556 - 3405 Pretty Branch Drive - Edwin McGhee



City of Smyrna

Issue Sheet

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

File Number:

Agenda Date: 1/10/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: D

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-096 - Reduce the northern side setback from 12 feet to 6.6 feet - Land Lot 556 - 3405 Pretty Branch Drive - Edwin McGhee

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

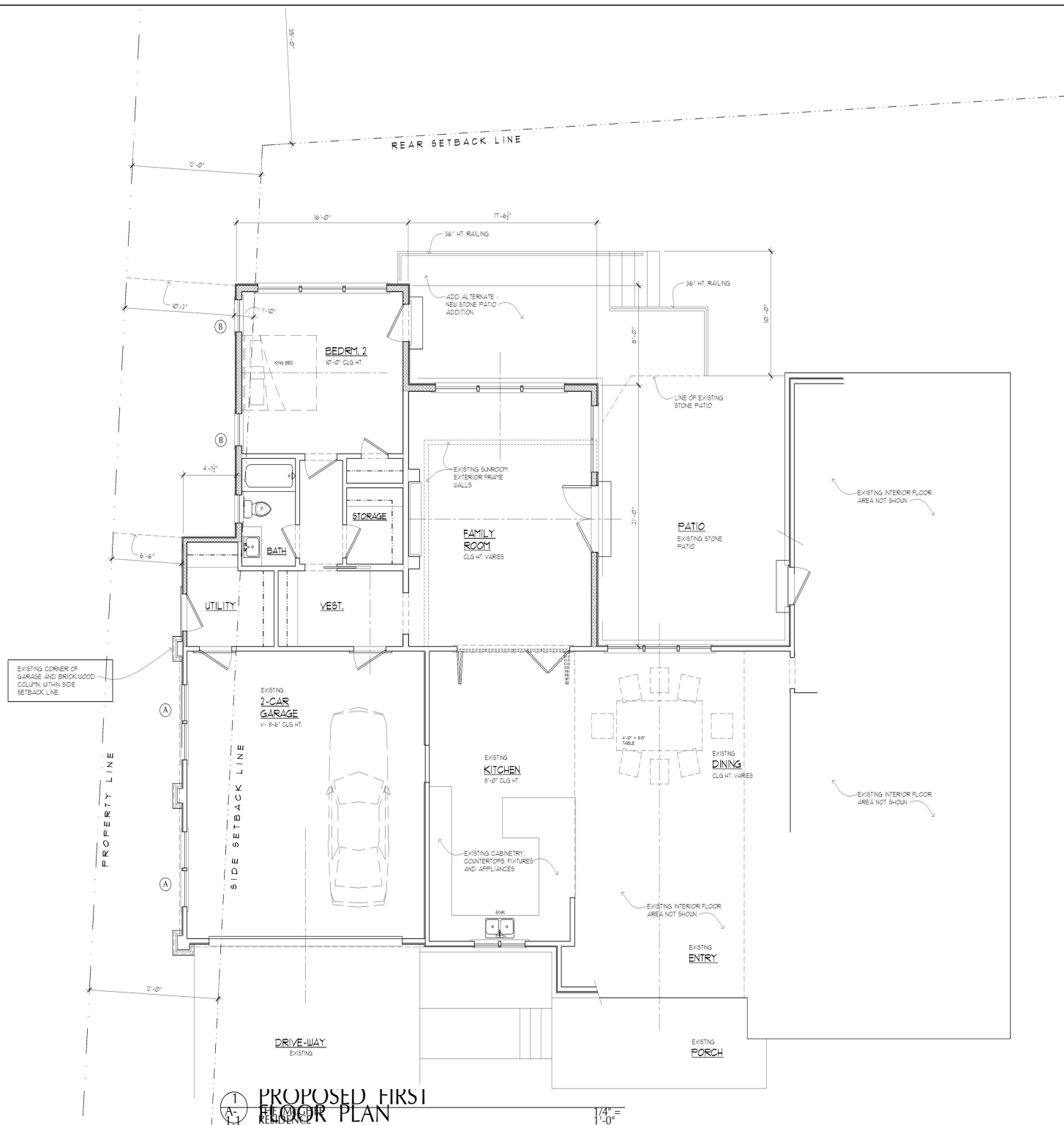
ISSUE AND BACKGROUND:

The applicant is seeking a variance to reduce the northern side setback for an addition on an existing non-conforming single-family home located at 3405 Pretty Branch Drive. Section 801 sets the setback requirements in the R-20 zoning district and Section 1102 sets the requirements for extending nonconforming uses.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in 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.



McGHEE RESIDENCE

3405 PRETTY BRANCH DR. SMYRNA, GA

Crosby
Architect
ARCHITECT

404-444-2277
crosbyarchitect@gmail.com

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SCALE OF THE
DRAWING:
1/4" = 1'-0"

Date 11/22/2023

Scale AS NOTED

Drawn BY

Job MCGH

Sheet A-1

Of 1

1.1

11/22/2023 DESIGN REVIEW

McGHEE

Variance Application**Applicant****Primary Location****VAR-23-52**

 Edwin McGhee
 2013142164
 dbryantatl@gmail.com

3405 PRETTY BRANCH DR SE
SMYRNA, GA 30080

Applicant Information**First Name**

Edwin

Last Name

McGhee

Street Address

4140 Ridgehurst Dr SE

City

Smyrna

State

ga

Zip Code

30080

Email

coastalpalms1@gmail.com

Phone Number

2013142164

Are you the titleholder of the subject property?

Yes

Property Information**Property Address**

3405 Pretty Branch Dr SE

Description of Requested Variances

Reduce side setback from 12feet to 6.6feet to accomodate a utility storage closet behind carport

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

We would like to build a home addition to include an outdoor utility storage closet and a bedroom/bathroom that would be private and rollator walker accessible for a senior member of our family.

We are requesting a variance to reduce the North side of home setback to 6'6" in lieu of 12'0". This is to allow for a much-needed utility storage space for lawn movers, blowers, rakes, shovels, bikes and maintenance equipment etc. Currently there is no space to store these items in our carport. A wall for the utility closet of only 8'6" feet will encroach 5'4" into the setback. The new utility storage space is to be built directly in line with the existing carport and will not extend beyond the existing home structure. This new structure will not be visible from the street/front of the home or any other angle. Hence, it will not change the look from the street.

Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

Applicant Signature:
true

9589 0710 5270 0455 4130 63

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Postage \$0.66

Total Postage and Fees \$5.01

Sent to **Craig & Carly Anderson**
Street and Apt. No., or PO Box No. **3343 Pretty Branch Dr**
City, State, ZIP+4® **SMYRNA, GA 30080**

PS Form 3800, January 2023 (PSN 7530-02-000-9001) See Reverse for Instructions

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Street and Apt. No., or PO Box No. **3414 Pretty Branch Dr**
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Sent to **Billy Martin**
Street and Apt. No., or PO Box No. **3420 Pinetree Dr SE**
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Sent to **Jean Donnelly**
Street and Apt. No., or PO Box No. **3412 Pretty Branch Dr**
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Sent to **William Donnelly**
Street and Apt. No., or PO Box No. **3400 Pretty Branch Dr**
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Real Estate (Your House or Land)

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Payments/Adjustments

As of 11/27/2023

| | |
|-----------|-------|
| Bill Year | 2023 |
| Bill | 11724 |

| Activity | Posted | Entered | Reference # | Paid By/Reference | Amount |
|------------|------------|------------|-------------|----------------------------|------------|
| Adjustment | 11/20/2023 | 11/20/2023 | 298679 | | \$0.00 |
| Payment | 10/2/2023 | 10/2/2023 | 3226743 | PARAST LAW | \$2,367.50 |
| Abatement | 9/17/2023 | 9/18/2023 | 6497 | HOMEOWNER TAX RELIEF GRANT | (\$161.82) |

[Return to view bill](#)

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Owner: Edwin McGhee and DeAnna L. Bryant
3405 Pretty Branch Dr SE
Smyrna, GA 30080

Closed on Property - 9/28/2023



Printed: 11/29/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
PARAST LAW

MILLER CHERYL A

Payment Date: 10/3/2023

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2023 | 17055600090 | 10/15/2023 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$5,786.25 | \$0.00 |



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CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: January 2, 2024

RE: **VARIANCE CASE V23-096**
3405 Pretty Branch Drive – Reduce the northern side setback from 12 feet to 6.6 feet

BACKGROUND

The applicant is seeking a variance to reduce the northern side setback for an addition on an existing non-conforming single-family home located at 3405 Pretty Branch Drive. Section 801 sets the setback requirements in the R-20 zoning district and Section 1102 sets the requirements for extending nonconforming uses.

ANALYSIS

The subject parcel is a 0.74-acre lot on the east side of Pretty Branch Drive, near the termination of the road (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and are all occupied by single-family detached residences.

The subject property is currently occupied by a 2,334 square foot ranch home that is pushed towards the rear of the lot, accessed via a long and sloped driveway. The existing home, originally built in 1955 (prior to the adoption of the City's Zoning Ordinance), has an existing nonconforming setback of 6.6 feet due to the carport on the northern side of the home. Since the home is currently non-conforming, the hardship is not self-created. The applicant is proposing to renovate the existing one-story home to enclose the existing carport for a two-car garage and add roughly 650 square foot of living space to create a utility room, family room and additional bedroom and bathroom. The added utility closet will continue the nonconforming line of the existing carport, then pivot in almost 5 feet for the bedroom and bathroom to keep as much of the setback intact as possible (see Figure 3).

Due to the existing nonconforming foundation and driveway access to the home, the most logical area to construct the addition is within the side setback to decrease disturbance to the subject property and surrounding neighbors. If it were not for the existing nonconforming setback, no variances would be required for the proposed addition.

The neighboring property at 3393 Pretty Branch Drive received a southern side setback variance from 12 feet to 7 feet in November 2023 for a detached accessory structure (V23-070). Since the proposed addition will pivot in to 10.3 feet away from the neighboring property line,

the location of the neighboring structure and the addition will be more than 15 feet apart, so no fire suppression system is required.

Due to the layout and foundation of the existing home, the addition will be constructed within the nonconforming setback, which currently encroaches into the northern side setback by 5.4 feet. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the northern portion of the existing home since the structure is already encroaching into the side setback. Due to the size of the lot and location of the house in the rear yard, Community Development believes the proposal will not adversely impact adjacent properties, nor be readily visible to the public. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in 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.

Figure – 1



Figure – 2 Proposed Site Plan

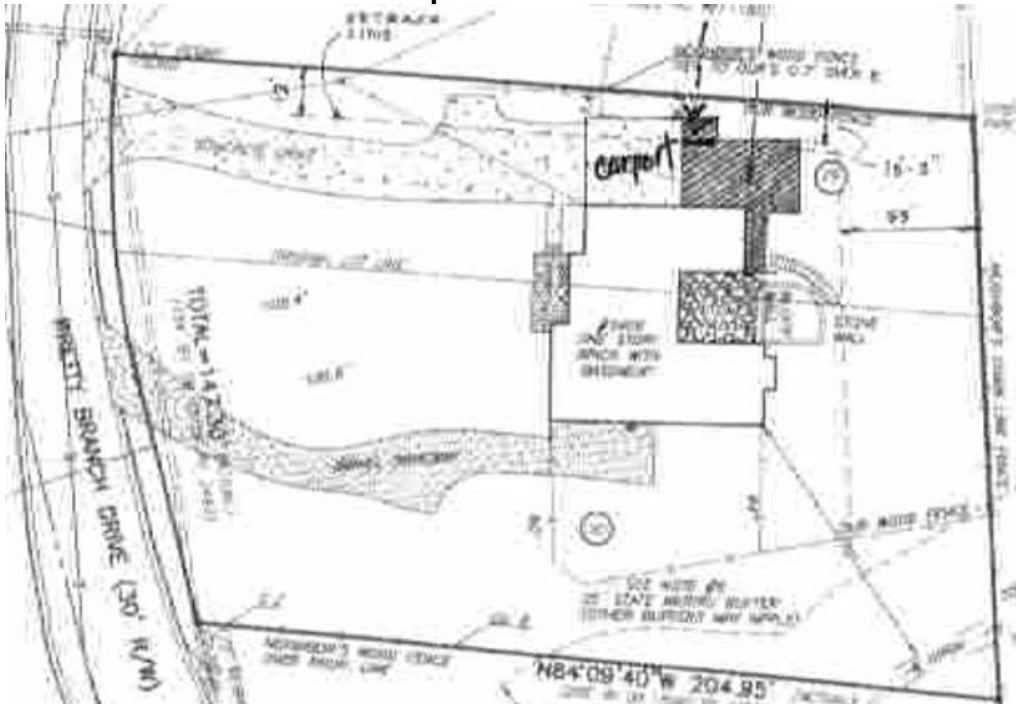


Figure – 3
Proposed Floor Plan

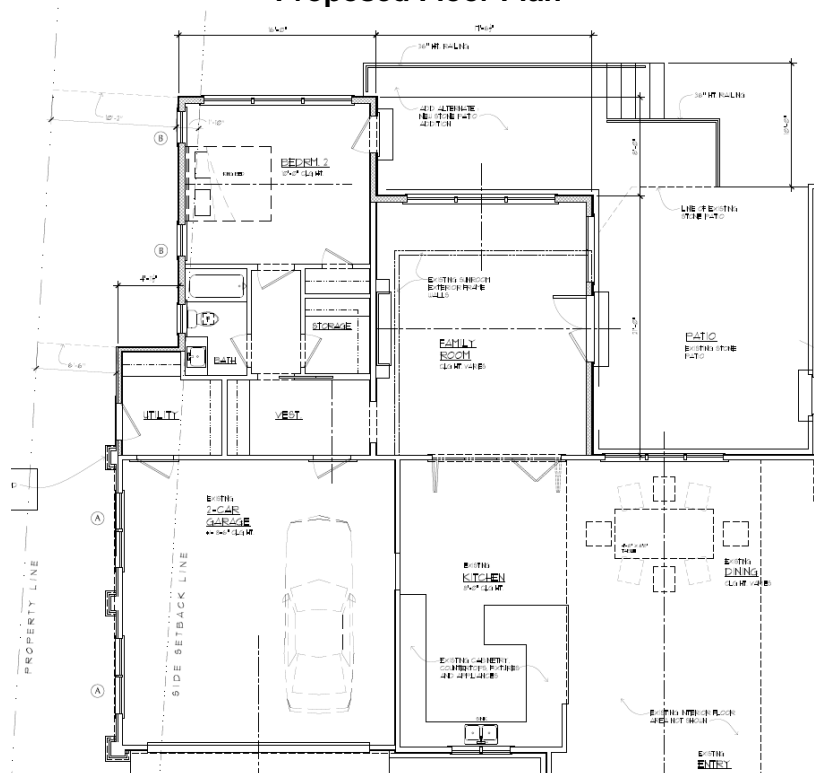


Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property across Pretty Branch Drive

