



License and Variance Board Meeting - Final

May 08, 2024
10:00 AM

H. **V24-025** Public Hearing - Variance Request - V24-025 - Increase the accessory structure height from 15 feet to 23.1 feet - Land Lot 557 - 1453 Collier Drive - Alexander Fain



City of Smyrna

Issue Sheet

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

File Number: V24-043

Agenda Date: 5/8/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: H

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-025 - Increase the accessory structure height from 15 feet to 23.1 feet - Land Lot 557 - 1453 Collier Drive - Alexander Fain

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is seeking two variances to construct a two-story detached accessory structure in the rear of 1453 Collier Drive: increase the maximum accessory structure height from 15 feet to 23.1 feet and increase the maximum accessory building size from 25% to 74% of the primary dwelling. The maximum accessory structure size and height is regulated by Section 501 of the Zoning Code.

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 and the maximum accessory structure height of 15 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 of the requested variances is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The proposed accessory structure shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 23, 2024

RE: VARIANCE CASE V24-025
1453 Collier Drive – Increase the accessory structure height from 15 feet to 23.1 feet

VARIANCE CASE V24-026
1453 Collier Drive – Increase the accessory building size from 25% to 74% of the primary dwelling

BACKGROUND

The applicant is seeking two variances to construct a two-story detached accessory structure in the rear of 1453 Collier Drive: increase the maximum accessory structure height from 15 feet to 23.1 feet and increase the maximum accessory building size from 25% to 74% of the primary dwelling. The maximum accessory structure size and height is regulated by Section 501 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.44-acre lot located on the north side of Collier Drive at the termination of Pinetree Drive (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences.

The property is currently occupied by a one-story 2,600 square foot single-family home. The applicant is proposing a two-story 1,935 square foot detached accessory structure in the rear of the property, accessed via an extension of the existing driveway. The proposed structure will have two levels: a garage and office on the first floor and a living area complete with bedroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. Per the applicant, the addition is to be used by the applicant's family members and guests who are visiting. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

Originally built in 1950, the home does not currently have any covered parking on the property. Since the existing house footprint sits with each side roughly 12 feet from the side setbacks, the applicant does not have enough room to erect a standard two-car garage on the side of the existing home without encroaching into the side setback. In fact, to try and minimize the

VARIANCE CASE V23-025 & 026

April 23, 2024

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variances, the new structure foundation will be shifted over several feet from the existing driveway to remove any side setback encroachments.

In conjunction with the addition of covered parking, the applicant is proposing additional living space for their growing family's needs. However, the existing two-story home is 2,600 square feet, which means that the 1,935 square foot proposed accessory structure exceeds the allowable accessory structure size by 49% based off the primary structure's gross square footage. Although the footprint of the structure is 845 square feet, the area calculations are almost doubled since the structure has a second level and covered porch. Rather than expanding the existing structure's footprint for the living area addition, the applicant added the second story to minimize land disturbance and impervious surface area.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 23.1 feet to provide the required clearance on the second floor as well as architectural cohesion with the surrounding neighborhood.

Due to the existing driveway, the most logical area to construct the new structure is in line with the existing driveway location to decrease disturbance to the subject property. Community Development believes the variance is the minimum variance needed to provide both covered parking and additional living space in the smallest impervious footprint. Similar variance requests have been approved in the neighborhood at 3127 Wills Street in 2015 (V15-013-018), 3272 Pinetree Drive in 2016 (V16-073-074), 3393 Pretty Branch Drive in 2023 (V23-070-072). At the time of this report, Community Development has not received any opposition to the requests.

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 and the maximum accessory structure height of 15 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 of the requested variances is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The proposed accessory structure shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Figure – 1



Figure – 2 Site Plan

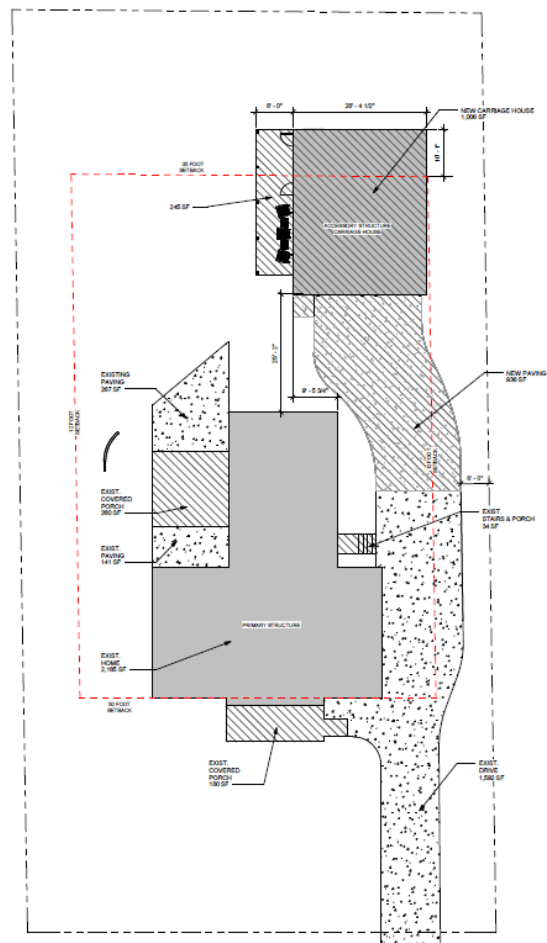


Figure – 3
Proposed Front Elevation



Figure – 4
Proposed Floor Plans

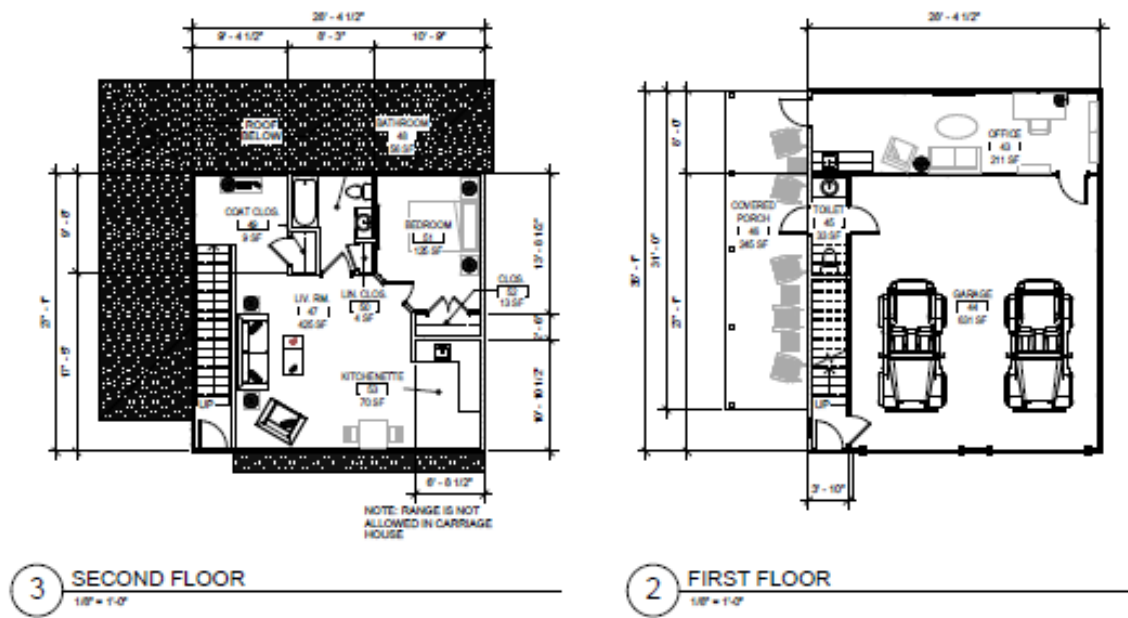


Figure – 5
Subject Property



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property to the East

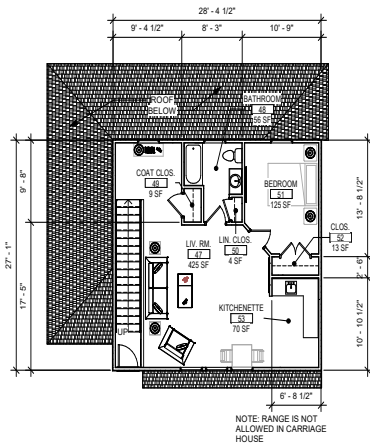


Figure – 8
Adjacent Property across Collier Drive

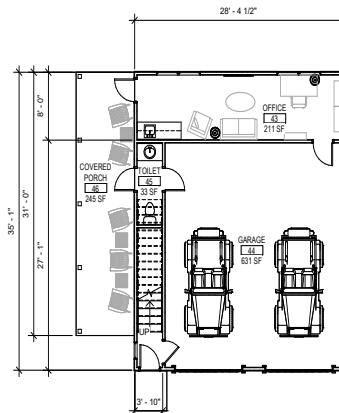




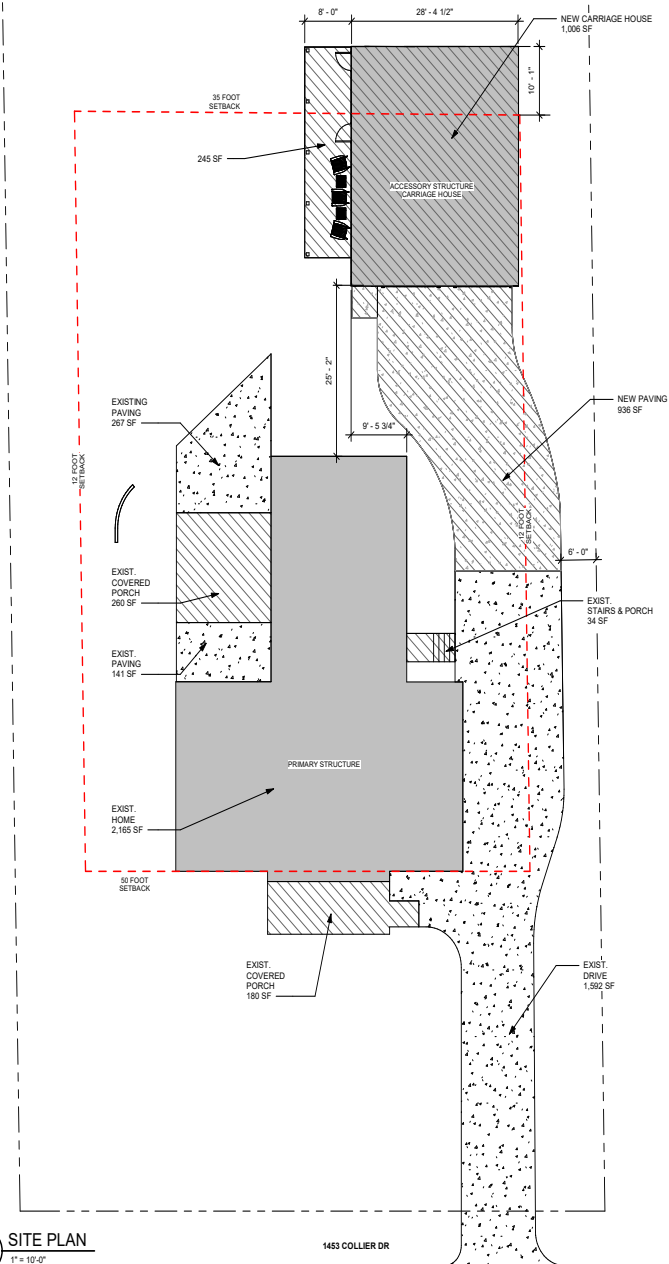
4 PERSPECTIVE



3 SECOND FLOOR
1/8" = 1'-0"



2 FIRST FLOOR
1/8" = 1'-0"



1 SITE PLAN
1" = 10'-0"

PROPERTY INFORMATION	
ADDRESS:	1453 COLLIER DR SMYRNA, GA
SUBDIVISION	FORREST HILLS
ZONING CLASS	R20 - RESIDENTIAL

IMPERVIOUS MATRIX			
PROPERTY AREA	19,032 SF		
PRINCIPAL BUILDING	EXISTING	PROPOSED	TOTAL
FLOOR AREA	2,185 SF	0 SF	2,185 SF
PORCHES	435 SF	0 SF	435 SF
DRIVES AND SIDEWALKS	2,000 SF	0 SF	2,000 SF
CARRIAGE HOUSE			
FLOOR AREA	0 SF	845 SF	845 SF
PORCH	0 SF	245 SF	245 SF
DRIVE EXTENSION	0 SF	936 SF	936 SF
TOTAL IMPERVIOUS AREA	4,600 SF	2026 SF	6,626 SF
TOTAL ALLOW. IMPERVIOUS AREA	6,871 SF	35%	
PROPOSED IMPERVIOUS AREA	6,626 SF	34%	

AREA MATRIX		
PRIMARY HOUSE (SINGLE STORY)		
FLOOR AREA	2,185 SF	
COVERED PORCHES	435 SF	
CARRIAGE HOUSE (TWO STORY)		
LEVEL 1	845 SF	
LEVEL 2	845 SF	
COVERED PORCH	245 SF	
TOTAL AREA UNDER ROOF	4,535 SF	
ALLOWABLE ACCESSORY AREA	650 SF	(1/4 TOTAL AREA OF PRINCIPAL BUILDING)
PROPOSED ACCESSORY AREA	1,935 SF	
HEIGHT MATRIX		
ALLOW. ACCESSORY ROOF HT.	15'-0"	MEAN ROOF HT.
PROP. ACCESSORY ROOF HT.	23'-10"	PROP. ROOF HT.

SITE & FLOOR PLANS

CARRIAGE HOUSE ADDITION

1453 COLLIER DR, SMYRNA, GA

4-1-2024

RIDGECREST VENTURES

Variance Application

VAR-24-26

Submitted On: Apr 1, 2024

Applicant

John Bradford
16783438939
@ ridgecrestventures@yahoo.com

Primary Location

1453 COLLIER DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Alexander

Last Name

Fain

Street Address

1453 Collier Drive

City

Smyrna

State

GA

Zip Code

30080

Email

alexanderfain1@gmail.com

Phone Number

7069455362

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

1453 Collier Dr SE

Description of Requested Variances

Percentage of Existing Structure for a Detached Structure and Height of Detached Structure greater than 15'

Please check the box below if the requested variance(s) includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer.

false

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.

Given the size of the current house and lot, in need of extra space for a growing family. The older homes do not have garage space and want to utilize garage space above for office, workout and guest space. This is the best viable option for our expanding family.

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

NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS

By signature, it is hereby acknowledged that I have been notified by Alexandra Fain

Rebecca Fain
Intends to make an application for a variance for the purpose of building a garage/mother-in-law
Suite.

on the premises described in the application.

NAME	ADDRESS
CARSTEN ITELIGER	3257 PINEHILL DR.
Lee DiCenso	1445 Collier Dr. SE
Maurice Platten	1480 Memory Lane SE
Michael SEPULVEDA	1428 Collier Dr. SE
LESLIE LANGE	1465 Collier Dr. SE
Martin Brown	1460 Memory Lane
Theresa Fogarty	1470 Memory Ln SE

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.



Real Estate (Your House or Land)

[View Bill](#)

[View bill image](#)

As of

Bill Year 2023

Bill 5402

Owner FAIN ALEXANDER & REBECCA PODSTATTA

Parcel ID [17055700130](#)

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$1,542.36	\$1,542.36	\$0.00	\$0.00	\$0.00
TOTAL		\$1,542.36	\$1,542.36	\$0.00	\$0.00	\$0.00



Cobb County Tax Commissioner's Office

Owner Information

FAIN ALEXANDER & REBECCA PODSTATTA
1453 COLLIER DR SE
SMYRNA, GA 30080

Payment Information

Status	Paid
Last Payment Date	10/12/2023
Amount Paid	\$5,401.44

Property Information

Parcel Number	17055700130
Acres	0
Assessed Value	\$245,868
Fair Market Value	\$614,670
Tax District	6 - City of Smyrna
Homestead Exemption	111 Basic

Bill Information

Record Type	Parcel
Bill Type	Original
Tax Year	2023
Due Date	10/15/2023

Taxes

Base Taxes	\$5,401.44
Penalty	\$0.00
Interest	\$0.00
Fees	\$0.00
Good Through	
Balance Due	\$0.00

Property Address

1453 COLLIER DR