



## License and Variance Board Meeting - Final

June 12, 2024  
10:00 AM

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**F. V24-042** Public Hearing - Variance Request - V24-042 - Increase the accessory structure height from 15 feet to 21.1 feet - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglas



# City of Smyrna

## Issue Sheet

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

**File Number: V24-042**

**Agenda Date:** 6/12/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number: G.**

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-042 - Increase the accessory structure height from 15 feet to 21.1 feet - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglas

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

**ISSUE AND BACKGROUND:**

The applicant is seeking four variances to construct a two-story detached accessory structure in the rear of 3282 Pinetree Drive: allow a second accessory structure, increase the maximum accessory building size from 25% to 48.5% of the primary dwelling, increase the maximum accessory structure height from 15 feet to 21.1 feet and reduce the northern side setback from 12 feet to 9.8 feet. The maximum accessory structure number, size, and height are required per Section 501 of the Zoning Code whereas the 12-foot side setback is associated with Section 801 of the Zoning Code.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the development standards established by the City for the side setback, maximum number of accessory structures, maximum accessory structure size, and the maximum accessory structure height. 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 accessory structure shall not be permitted to have an oven or stove on either level without obtaining an additional variance for a second kitchen.
3. The proposed accessory structure shall not be rented or occupied for gain, except as permitted in



# City of Smyrna

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Article IX of Chapter 22 as it pertains to the operation of short-term rental units.

4. 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

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To: License and Variance Board

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

Date: June 4, 2024

**RE: VARIANCE CASE V24-040**  
**3282 Pinetree Drive – Allow second accessory structure**

**VARIANCE CASE V24-041**  
**3282 Pinetree Drive – Increase the accessory building size from 25% to 48.5% of the primary dwelling**

**VARIANCE CASE V24-042**  
**3282 Pinetree Drive – Increase the accessory structure height from 15 feet to 21.1 feet**

**VARIANCE CASE V24-043**  
**3282 Pinetree Drive – Reduce the northern side setback from 12 feet to 9.8 feet**

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#### BACKGROUND

The applicant is seeking four variances to construct a two-story detached accessory structure in the rear of 3282 Pinetree Drive: allow a second accessory structure, increase the maximum accessory building size from 25% to 48.5% of the primary dwelling, increase the maximum accessory structure height from 15 feet to 21.1 feet and reduce the northern side setback from 12 feet to 9.8 feet. The maximum accessory structure number, size, and height are required per Section 501 of the Zoning Code whereas the 12-foot side setback is associated with Section 801 of the Zoning Code.

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#### ANALYSIS

The subject parcel is a 1.19-acre lot located on the west side of Pinetree Drive in the Forest Hills neighborhood (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences, with the exception of one of the landlocked parcels to the north, which is vacant.

The subject property received approval for two variances in 2012 (V12-027 and V12-028) to increase the accessory structure height from 15 feet to 25 feet and increase the accessory structure size from 25% to 54% of the primary dwelling. Since then, the ownership of the property has changed hands, and a pool has been constructed on the property (completed in 2024). The original structure showed a first floor to be wholly garage space, with an exterior

## VARIANCE CASE V23-040 through 043

June 4, 2024

Page 2 of 6

staircase to the second floor living area. The new garage will have interior stairs only, accessed through the garage to limit access to the structure. When the original variances were approved, the former homeowner (and current general contractor) poured the concrete pad in preparation for the accessory structure but never continued with the construction. The existing concrete pad is 12 feet away from the new swimming pool; since the pad is existing and in close proximity to their other outdoor amenity, the current homeowner would like to use it for the new structure to limit land disturbance on the property.

The property is currently occupied by a one-story 5,277 square foot single-family home and 790 square foot inground swimming pool. The applicant is proposing a two-story 2,561 square foot detached accessory structure in the rear of the property. (The house calculations were provided by the applicant; the accessory structure calculations were measured by staff off the dimensions provided with the site plan.) The proposed structure will have two levels: a two-car garage, kitchenette, and bathroom on the first floor and a living area complete with bedroom, bathroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. The first-floor two-car garage will be accessed via an existing second driveway to the north of the existing home. Per the applicant, the addition is to be used by the applicant's family members and guests who are visiting or using the adjacent swimming pool. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

The applicant is proposing additional living space for their growing family's needs. However, the existing two-story home is 5,277 square feet, which means that the 2,561 square foot proposed accessory structure exceeds the allowable accessory structure size by 23.5% based off the primary structure's gross square footage. Although the footprint of the structure is 1,208 square feet, the area calculations are almost doubled since the structure has a second level and a large covered porch. The covered porch area and kitchenette/bathroom on the first floor are to be used for the adjacent pool area when in use. This combines the need for a detached garage and pool house without creating a 3rd accessory structure.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 21.1 feet to provide the required clearance on the second floor. This is a decrease from the previous application by 3.9 feet to keep more consistent with surrounding architecture.

The existing parking pad was poured too close to the property line at 9.8 feet instead of the required 12 feet. Rather than removing the existing pad and shifting it over, the applicant has requested to encroach into the northern side setback by 3 feet to minimize land disturbance. Since the parking pad is already in place and has not caused any adverse effects of the neighboring properties, staff is supportive of the request.

Due to the existing driveway and concrete pad, 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 variances are the minimum variances needed to provide additional living space with the smallest impervious footprint. Similar variance requests have been approved next door at 3272 Pinetree Drive in 2016 (V16-073-074) and down the road at 1453 Colier Drive in 2024 (V24-025-026). At the time of this report, Community Development has not received any opposition to the requests.

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## STAFF COMMENTS

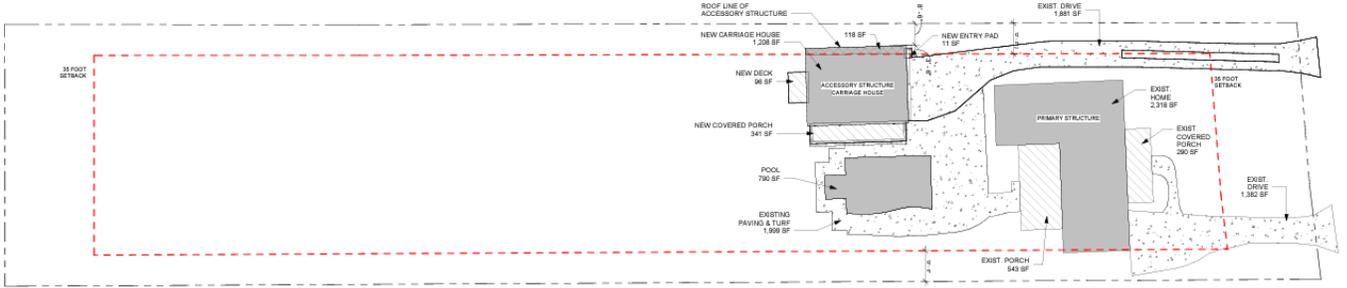
The applicant is requesting to deviate from the development standards established by the City for the side setback, maximum number of accessory structures, maximum accessory structure size, and the maximum accessory structure height. According to Section 1403 of the Zoning Ordinance, variances must be 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 accessory structure shall not be permitted to have an oven or stove on either level without obtaining an additional variance for a second kitchen.
3. 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.
4. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Figure – 1



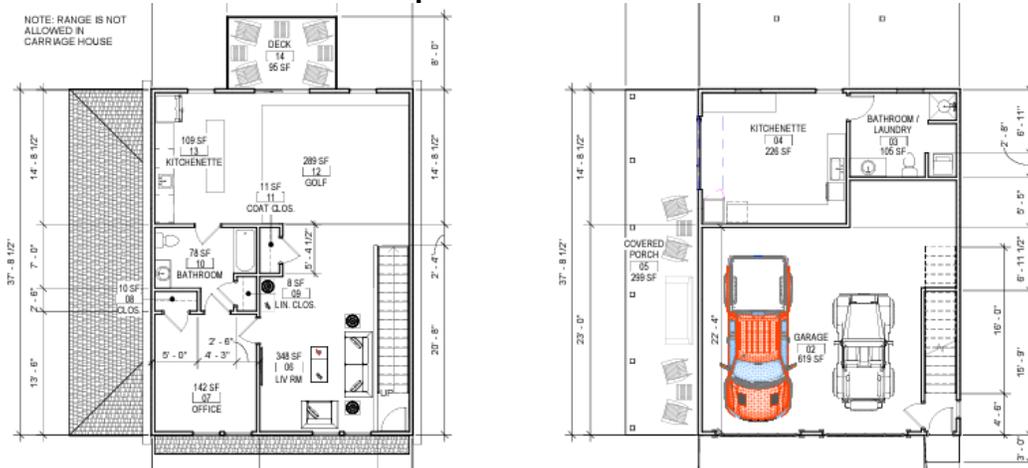
**Figure – 2  
 Site Plan**



**Figure – 3  
 Proposed Front Elevation**



**Figure – 4  
 Proposed Floor Plans**



**Figure – 5**  
**Subject Property**



**Figure – 6**  
**Adjacent Property to the North**



**Figure – 7**  
**Adjacent Property to the South**

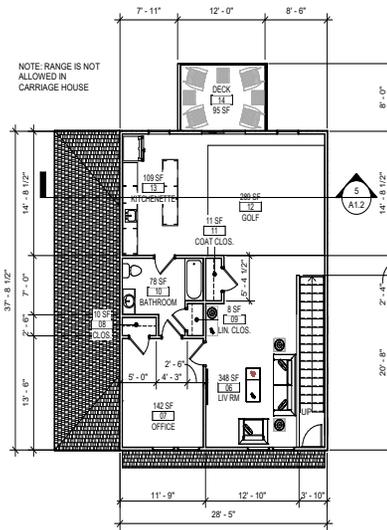


**Figure – 8**  
**Adjacent Property across Pinetree Drive**

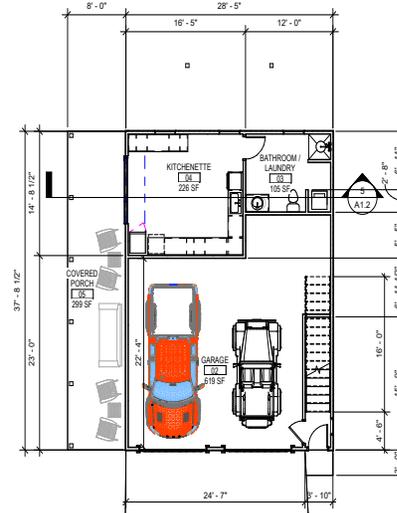




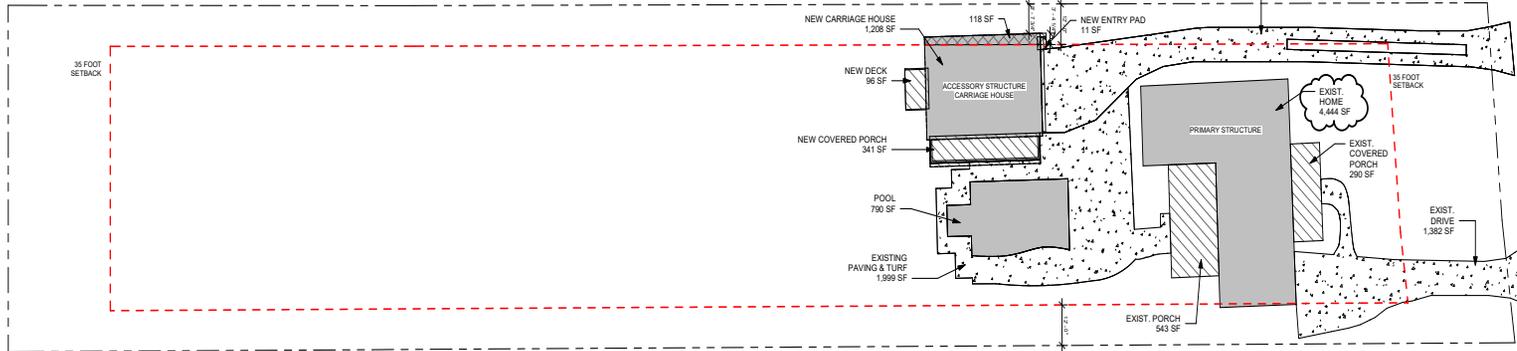
4 PERSPECTIVE



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



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



1 SITE PLAN  
1" = 20'-0"

PROPERTY INFORMATION  
 ADDRESS: 3282 PINETREE DRIVE  
 SUBDIVISION: SMYRNA, GA  
 ZONING CLASS: FORREST HILLS  
 R20 - RESIDENTIAL

IMPERVIOUS MATRIX				
PROPERTY AREA	51,879 SF			
PRINCIPAL BUILDING	FLOOR AREA	EXISTING 2,318 SF	PROPOSED 0 SF	TOTAL 2,318 SF
	PORCHES	833 SF	0 SF	833 SF
	DRIVES AND SIDEWALKS	5,262 SF	0 SF	5,262 SF
CARRIAGE HOUSE	FLOOR AREA	0 SF	1,208 SF	1,208 SF
	COVERED PORCH & DECK	0 SF	437 SF	437 SF
	ENTRY PAD	6 SF	11 SF	17 SF
TOTAL IMPERVIOUS AREA	8,413 SF	1,656 SF	10,069 SF	
TOTAL ALLOW. IMPERVIOUS AREA	18,158 SF	35.00%		
PROPOSED IMPERVIOUS AREA	10,069 SF	19.41%		

AREA MATRIX	
PRINCIPAL HOUSE (SINGLE STORY)	12,000 SF
CONDITIONED BASEMENT FLOOR AREA	1,813 SF
UNCONDITIONED FIRST FLOOR PARKING	409 SF
CONDITIONED FIRST FLOOR AREA	2,222 SF
COVERED PORCHES	833 SF
CARRIAGE HOUSE (TWO STORY)	1,208 SF
LEVEL 1	1,208 SF
LEVEL 2	1,208 SF
COVERED PORCH & DECK	437 SF
TOTAL AREA	18,130 SF
ALLOWABLE ACCESSORY AREA	3,319 SF
PROPOSED ACCESSORY AREA	10,069 SF
	(10% TOTAL AREA OF PRINCIPAL BUILDING) ACTUAL = 84%

HEIGHT MATRIX	
ALLOW. ACCESSORY ROOF HT.	13'-0" MEAN ROOF HT.
PROP. ACCESSORY ROOF HT.	21'-10" MEAN ROOF HT.

NOTE: BASEMENT AREAS FIELD VERIFIED 06.05.24

# SITE & FLOOR PLANS CARRIAGE HOUSE ADDITION

3282 PINETREE DR, SMYRNA, GA

4/30/2024

RIDGECREST VENTURES



**Variance Application****VAR-24-27**

Submitted On: Apr 1, 2024

**Applicant**

 John Bradford  
 16783438939  
@ ridgecrestventures@yahoo.com

**Primary Location**

3282 PINETREE DR SE  
SMYRNA, GA 30080

**Applicant Information****First Name**

Stephen

**Last Name**

Douglas

**Street Address**

3282 Pinetree Drive SE

**City**

SMYRNA

**State**

GA

**Zip Code**

30080

**Email**

sedouglassjr@gmail.com

**Phone Number**

5044155762

**Are you the titleholder of the subject property?**

Yes

**Property Information****Property Address**

3282 Pinetree Drive SE

**Description of Requested Variances**

501.11 The size of the accessory structure will not exceed 1/4th the total square footage of the principle building. The height shall not exceed 15 feet. Detached Structures Height Variance and Percentage of Main Dwelling. Decrease the allowable side setback for structures from 12' to 9' on the right side of property...See

**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.**

--

**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.**

The Douglass Family is in need of additional square footage and garage space for living. The space will be utilized for expanding family, housing guests and home office. The attached structure had a height and percentage of dwelling variance issued to previous homeowner, but the parameters have changed and become larger. The side setback is necessary to allow access to the detached garage upstairs.

**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

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**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by \_\_\_\_\_

Stephen and Noelle Douglas

intends to make an application for a variance for the purpose of \_\_\_\_\_

The addition of carriage house to 3282 Pinetree Dr SE

on the premises described in the application.

NAME	ADDRESS
Ben and Katie Ferris	3272 Pinetree Dr. SE Smyrna, GA 30080
Todd and Melinda Servick 	3269 Pinetree Dr. SE Smyrna, GA 30080 <span style="float: right;">4/1/24</span>

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



ACCOUNT ENDING - 12002

American Express Gold Card

CARD MEMBER

NOELLE DOUGLASS

DATE	DESCRIPTION	AMOUNT
Apr 3	<p><b>THE UPS STORE</b> 3316-A SOUTH COBB DR SMYRNA GA 30080 (770) 432-8203 www.theupsstore.com</p>	
	<p><b>THE UPS STORE SMYRNA GA</b> Will appear on your Apr 19, 2024 statement as THE UPS STORE SMYRNA GA</p>	\$57.92
	<p>CARD NOELLE DOUGLASS MEMBERSHIP REWARDS POINTS 1X on Other purchases</p>	58
	<p>ADDITIONAL INFORMATION 387100955 1079-POS1079A-16930080</p>	



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Bill Year	2023
Bill	4817

### Real Estate (Your House or Land)

Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Payment	1/24/2024	1/24/2024	3320428	Stephen Douglass	\$1,327.61
Adjustment	11/20/2023	11/20/2023	298768		\$0.00
Abatement	9/17/2023	9/18/2023	6541	HOMEOWNER TAX RELIEF GRANT	(\$161.82)

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## Owner Information

DOUGLASS STEPHEN & NOELLE  
 3282 PINETREE DR SE  
 SMYRNA, GA 30080

## Payment Information

Status **X Unpaid**  
 Last Payment Date 10/13/2023  
 Amount Paid \$4,540.27

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## Property Information

Parcel Number 17055700460  
 Acres 0  
 Assessed Value \$277,468  
 Fair Market Value \$693,070  
 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

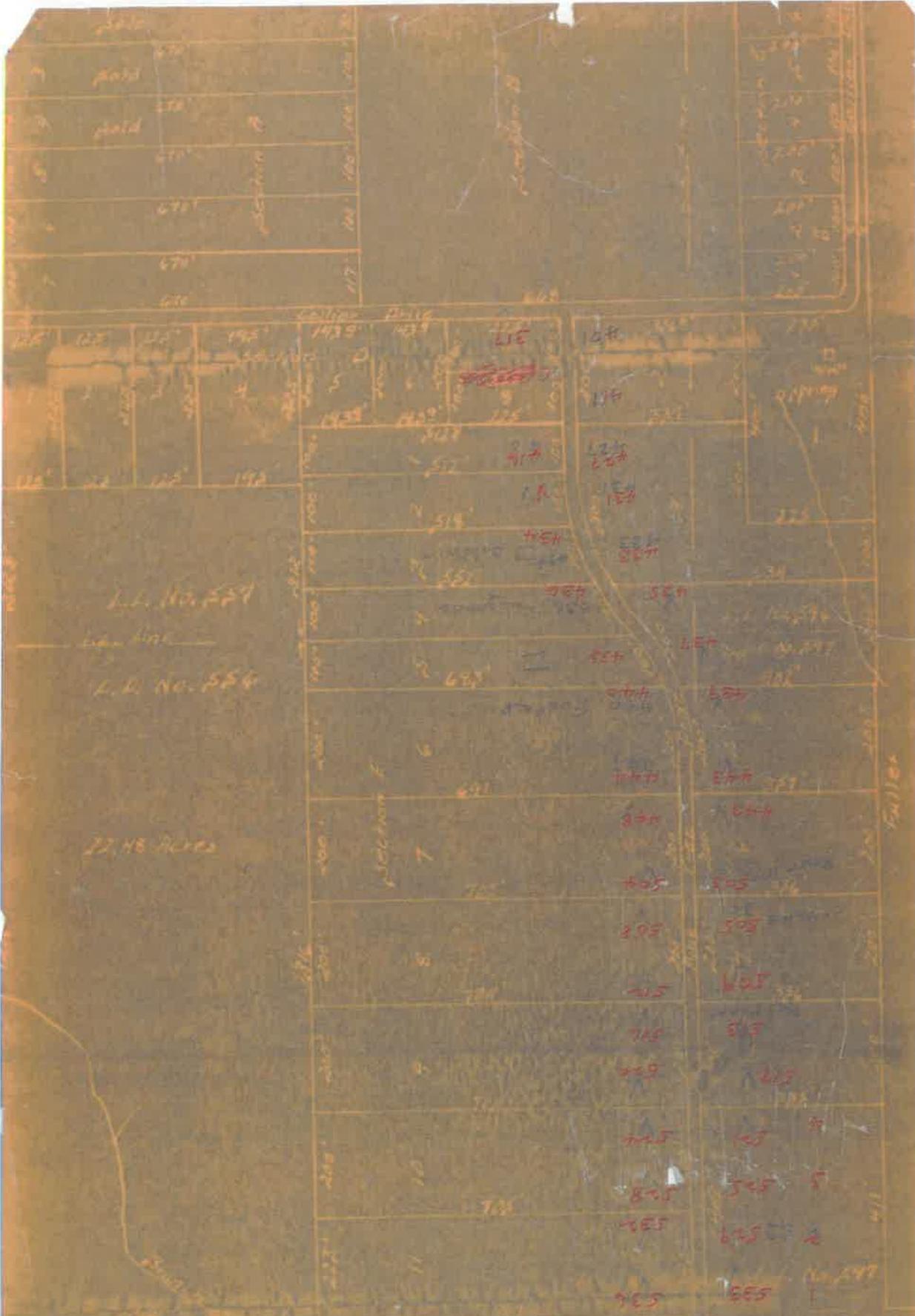
## Taxes

Base Taxes \$5,766.54  
 Appeal Amount \$4,540.27  
 Good Through 04/15/2024  
 Balance Due \$1,358.40

Under Appeal, Not Finalized

## Property Address

3282 PINETREE DR SE



L.L. No. 553  
 L.L. No. 554  
 22.18 Acres  
 L.L. No. 555  
 L.L. No. 556  
 L.L. No. 557  
 L.L. No. 558  
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 L.L. No. 585  
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 L.L. No. 587  
 L.L. No. 588  
 L.L. No. 589  
 L.L. No. 590  
 L.L. No. 591  
 L.L. No. 592  
 L.L. No. 593  
 L.L. No. 594  
 L.L. No. 595  
 L.L. No. 596  
 L.L. No. 597  
 L.L. No. 598  
 L.L. No. 599  
 L.L. No. 600

Lot No. 5, F. M. Collier  
Subdivision



L.L. No. 547  
L.L. No. 548

Property of Frank M. Collier, Jr.  
Located in L.L. No. 547, 1925 District  
2nd Section Cobb County Ga.  
T. R. Phillips Esq. Surveyor  
John W. 1925  
I.R. of all lot corners

I, Frank M. Collier, Jr., owner of the property  
shown & described herein hereby certify this  
plan for, submit & dedicate the roads to  
public use.

Signed: Frank M. Collier, Jr.  
Commissioner Roads & Revenues  
Cobb County

Signed: \_\_\_\_\_  
Cobb County Engineer

Owner