



# City of Smyrna

City of Smyrna  
A.Max Bacon City Hall /  
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## Issue Sheet

File Number: 2021-336

Agenda Date: 8/16/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Authorization

Agenda Number: C.

**WARD / COUNCILMEMBER:** Ward 6, Mayor Pro Tem / Councilmember Tim Gould

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

### Agenda Title:

**Public Hearing** - Appeal the approval by the License and Variance for Variance Board Request - V21-058 - Reduce side setback from 12 feet to 7 feet for a detached garage - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson, appeal the approval of License and Variance Board request - V21-059 - Increase accessory building height from 15 feet to 18.8 feet - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson, and appeal the approval of the License and Variance Board request - V21-060 - Increase accessory building size from 25% to 41% - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson by the adjacent neighbor Cheryl Miller who resides at 3405 Pretty Branch Drive SE, Smyrna, Ga. 30080 as filed with the City Clerk's office on Friday, July 23, 2021 at 6:57PM via electronic email.

**ISSUE / BACKGROUND:** The requestor, Cheryl Miller of 3405 Pretty Branch Drive SE, Smyrna, Ga 33080 is seeking to appeal the approval at License and Variance Board of three variances to construct a detached 2-car garage in the rear of the 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, and increase the accessory building size from 25% to 41% of the primary dwelling. The maximum accessory structure size and height is required based upon the standards associated with Section 501 of the Zoning Code whereas the 12-foot setback is associated with Section 801 of the Zoning Code.

The applicant, Bradley Craig Anderson, has requested and was approved 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, 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. After a review of the standards above,

Community Development believes that the variances will not adversely affect surrounding residents; therefore, staff recommended **approval** of the requested variances with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan and elevation submitted with the variance application.

On June 14, 2021, the License and Variance Board approved, with a vote of 3-0 the following:

1. V21-058 - Reduce side setback from 12 feet to 7 feet for a detached garage - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson
2. V21-059 - Increase accessory building height from 15 feet to 18.8 feet - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson
3. V21-060 - Increase accessory building size from 25% to 41% - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson

**RECOMMENDATION / REQUESTED ACTION:** Staff requests Mayor and Council hold a public hearing per Section 1400 of the Smyrna Code to review the Appeal as described.