



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** V18-005      **Version:** 1      **Name:** V18-005 - 2795 Crestwood Rd  
**Type:** Variance Request      **Status:** Failed  
**File created:** 2/8/2018      **In control:** License and Variance Board  
**On agenda:** 2/14/2018      **Final action:** 2/14/2018  
**Title:** Public Hearing - Variance Request - V18-005 - Allow increase in accessory structure size from 25 to 35 percent - Land Lot 416 - 0.32 acres - 2795 Crestwood Rd - Luz Ragan

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/14/2018	1	License and Variance Board	denied	Pass

**WARD:** 5

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V18-005 - Allow increase in accessory structure size from 25 to 35 percent - Land Lot 416 - 0.32 acres - 2795 Crestwood Rd - Luz Ragan

The applicant is requesting three variances for a detached accessory structure at 2795 Crestwood Road. The applicant has proposed enlarging the existing one story accessory structure to be two stories, thus the applicant is requesting a height increase and size increase. The existing structure has a non-conforming side setback of 5 feet, which the applicant wishes to retain, so a side setback reduction to 5 feet is also requested. Section 501 controls the maximum allowable size and height of accessory structures. Section 801 controls residential setbacks. This request is associated with V18-011 and V18-016.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting to deviate from the City's maximum size and height requirement for an accessory structure, which is established in Section 501.11 and a side setback reduction established in Section 801 of the Zoning Ordinance. According to Section 1403 of the Zoning Ordinance, variances must be granted 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 the 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 requests for the variance review standards and found them to be in compliance with the review standards. Similar variances for accessory structure height and area increases have been granted, and Community Development believes that the requested variances will not adversely affect surrounding residents. At the time of this report, Community Development has not received

one calls in opposition to the variance requests, and two neighbors have submitted letters in support. Therefore, Community Development recommends **approval** of the requested variances with the following conditions:  
Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with plan submitted.

A detached accessory structure is not permitted to have a full kitchen, and 220 volt power shall not be permitted in the structure.

3. Accessory structure shall not to be rented or occupied for gain in perpetuity.

4. Gutters and downspouts shall be installed to divert stormwater away from adjacent properties.

Prior to issuance of building permit, applicant must meet with Building Official to discuss engineer's letter for the foundation, floor plan, floor framing, roof framing and pitch, electrical layout, and mechanical system.

**REQUESTED ACTION:** The License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.