

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: October 31, 2024

RE: **VARIANCE CASE V24-088**
3294 Dunn Street – Allow second accessory structure

BACKGROUND

The applicant is seeking a variance to allow a second accessory structure in order to retain a storage shed in the rear of 3294 Dunn Street. The maximum accessory structure number is required per Section 501 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.87-acre lot located on the west side of Dunn Street (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 the parcel to the rear which is vacant.

In June 2024, a 360 square foot shed was installed on the property without a building permit or variance. Code Enforcement subsequently issued a notice of violation to the subject property for working without a permit and having a second accessory structure in August 2024. The applicant then moved forward with the variance application in preparation for the building permit submittal in October 2024.

The property is currently occupied by a new two-story 4,600 square foot single-family home, built in 2022, and a 571 square foot inground swimming pool in the rear, which is still under an active building permit. The applicant is proposing to retain the 360 square foot detached accessory structure adjacent to the swimming pool to be used as a storage shed for pool and lawn equipment. Since the accessory structure ordinance allows one accessory structure or use per lot, a variance is required to retain the second structure. Since the swimming pool and storage shed offer different uses for the property, the variance is not self-created.

The location of the storage shed is in the rear of the lot with the nearest neighboring structure nearly 100 feet away. A 6-foot wooden privacy fence also surrounds the property, which shields the shed from view. Due to the size of the lot and location of the shed, Community Development believes the proposal will not adversely impact adjacent properties. No other variances for setback reductions or impervious surface area increase are required. Strict application of the ordinance would deny the applicant any ability to have a detached structure on the property due

to the existing swimming pool. At the time of this report, Community Development has not received any opposition to the variance request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the maximum number of accessory structures. 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 variance will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variance is conditioned upon substantial compliance with the site plan submitted with the variance application.

Figure – 1

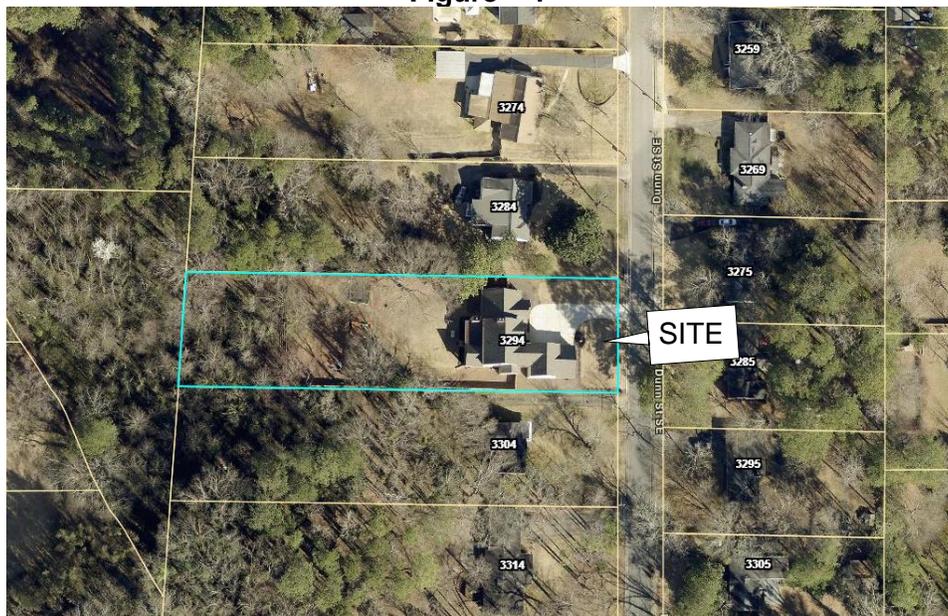


Figure – 2
Site Plan

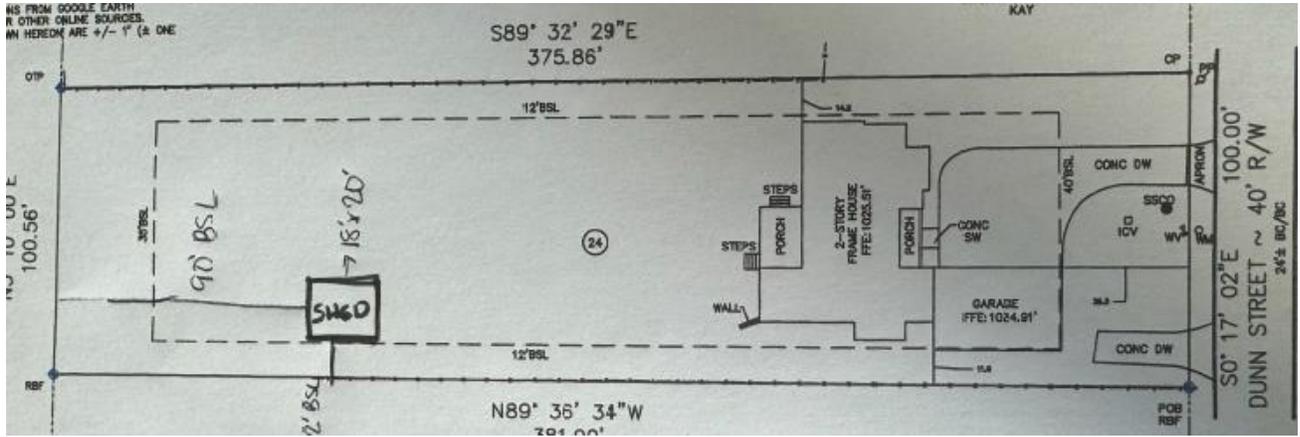


Figure – 3
Shed



Figure – 4
Subject Property



Figure – 5
View of Shed from Dunn Street



Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Property to the South



Figure – 8
Adjacent Property across Dunn Street

