

# 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: April 15, 2024

**RE: VARIANCE CASE V24-020**  
**3804 Ashwood Drive – Allow a second accessory structure**

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#### **BACKGROUND**

The applicant is requesting a variance to retain an 86 square foot shed at 3804 Ashwood Drive. The property is currently occupied by an existing single-family home the shed, and an in-ground swimming pool. Thus, the applicant requires a variance to be allowed to retain the shed as an additional accessory structure. Section 501 controls the maximum allowable number of accessory structures.

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#### **ANALYSIS**

The subject parcel is a 0.47-acre lot located on the south side of Ashwood Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and are all occupied by single-family detached residences.

Prior to 2021, the subject property was occupied by a 2,110 square foot single-family home and an 86 square foot shed. In April 2021, a pool company submitted plans to install a 544 square foot inground swimming pool and accompanying decking. The accessory structure ordinance allows one accessory structure or use per lot so to avoid a variance for a second accessory structure, the pool company showed the shed being removed from the property. During the final pool inspection, it was noted that the shed was still remaining and would need to be removed per the plans. Per the homeowner, it was never their intent to remove the shed and they were unaware of the pool company's note on the plans. Thus, the applicant has submitted the variance to keep both the pool and shed on the property.

The existing shed has been used for the pool equipment and is currently on the side of the property, with no other structures within 75 feet, aside from the subject property's home. There are no formal records of when the shed was built, since no permits are required for accessory structures under 200 square feet.

Due to the size of the lot, Community Development believes the proposal will not adversely impact adjacent properties. Community Development believes the variance requested is the minimum variance needed to allow for any outdoor storage due to the existing swimming pool. Community Development has not received any calls in opposition to the request.

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**STAFF COMMENTS**

The applicant is requesting to deviate from the City's accessory structure ordinance to retain a shed on the property. 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 additional accessory structure will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance.

**Figure – 1**





**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property to the East**



**Figure – 5**  
**Adjacent Property to the West**



**Figure – 6**  
**Adjacent Property across Ashwood Drive**

