



License and Variance Board Meeting - Final

April 24, 2024
10:00 AM

-
- A. **V24-020** Public Hearing - Variance Request - V24-020 - Allow a second accessory structure - Land Lot 599 - 3804 Ashwood Drive - Joshua Beberg



City of Smyrna

Issue Sheet

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

File Number: V24-038

Agenda Date: 4/24/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: A

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-020 - Allow a second accessory structure - Land Lot 599 - 3804 Ashwood Drive - Joshua Beberg

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND 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.

RECOMMENDATION / REQUESTED ACTION:

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.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

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

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.

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.

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 - 2
Site Plan

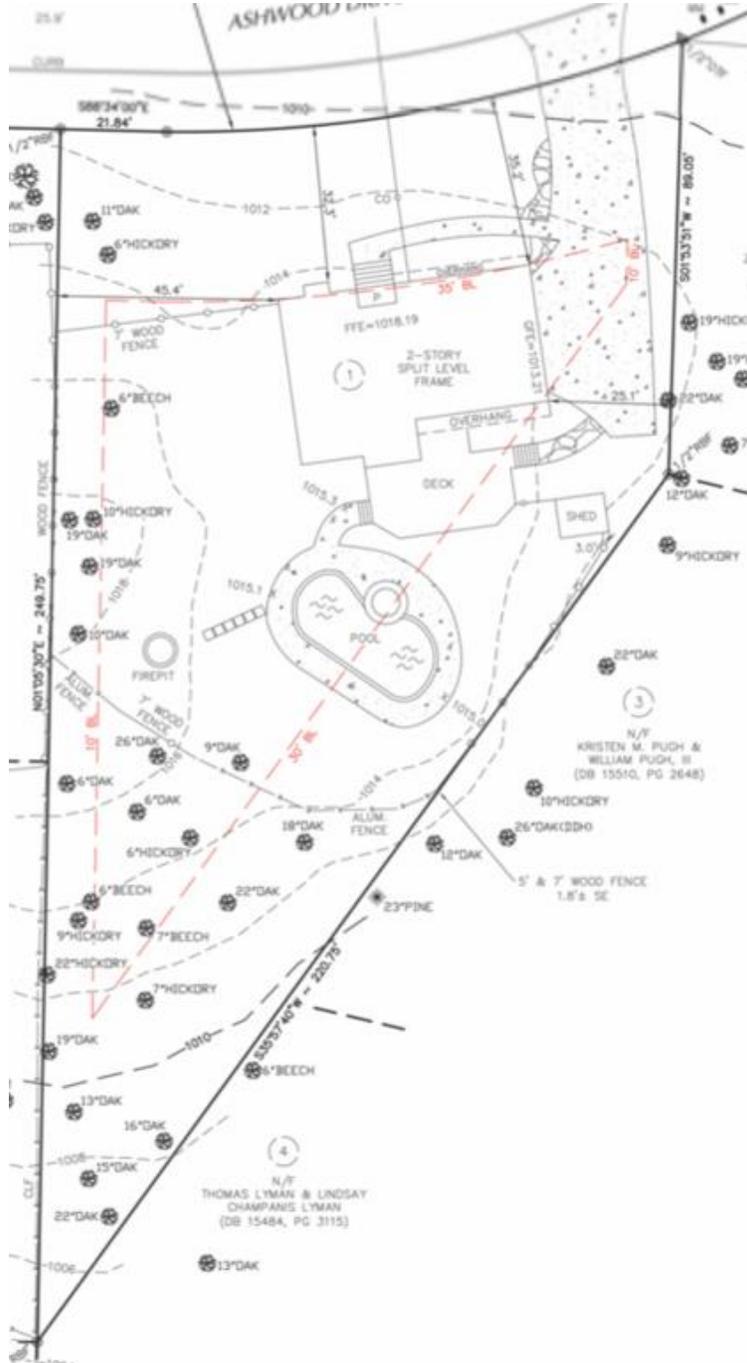


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the East

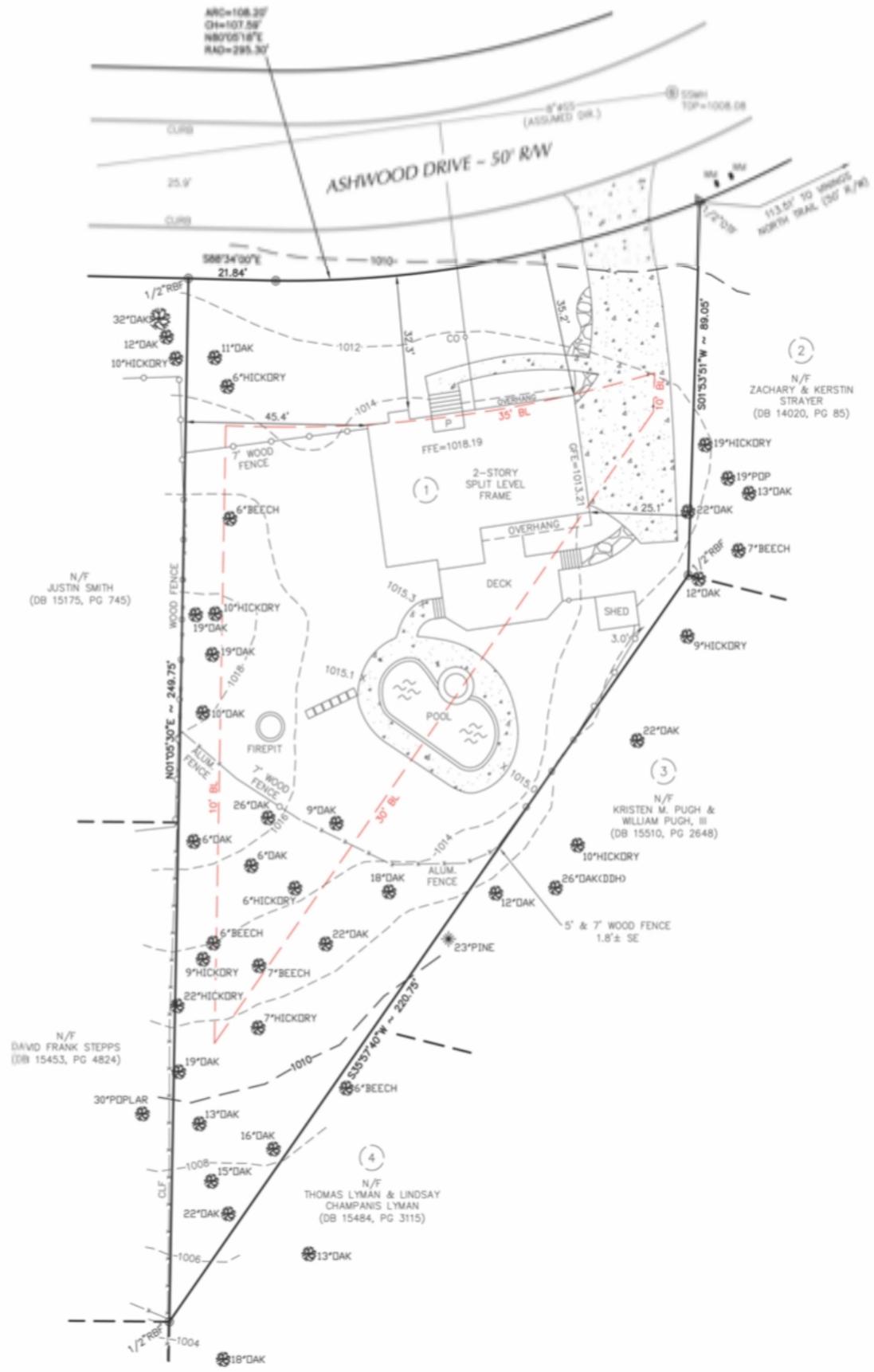


Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property across Ashwood Drive





$ARC=108.29'$
 $CH=107.88'$
 $N80^{\circ}05'18''E$
 $RAD=295.30'$

ASHWOOD DRIVE - 50' RAW

113.51' TO WINGS
 NORTH BRAL (DB P.F.#)

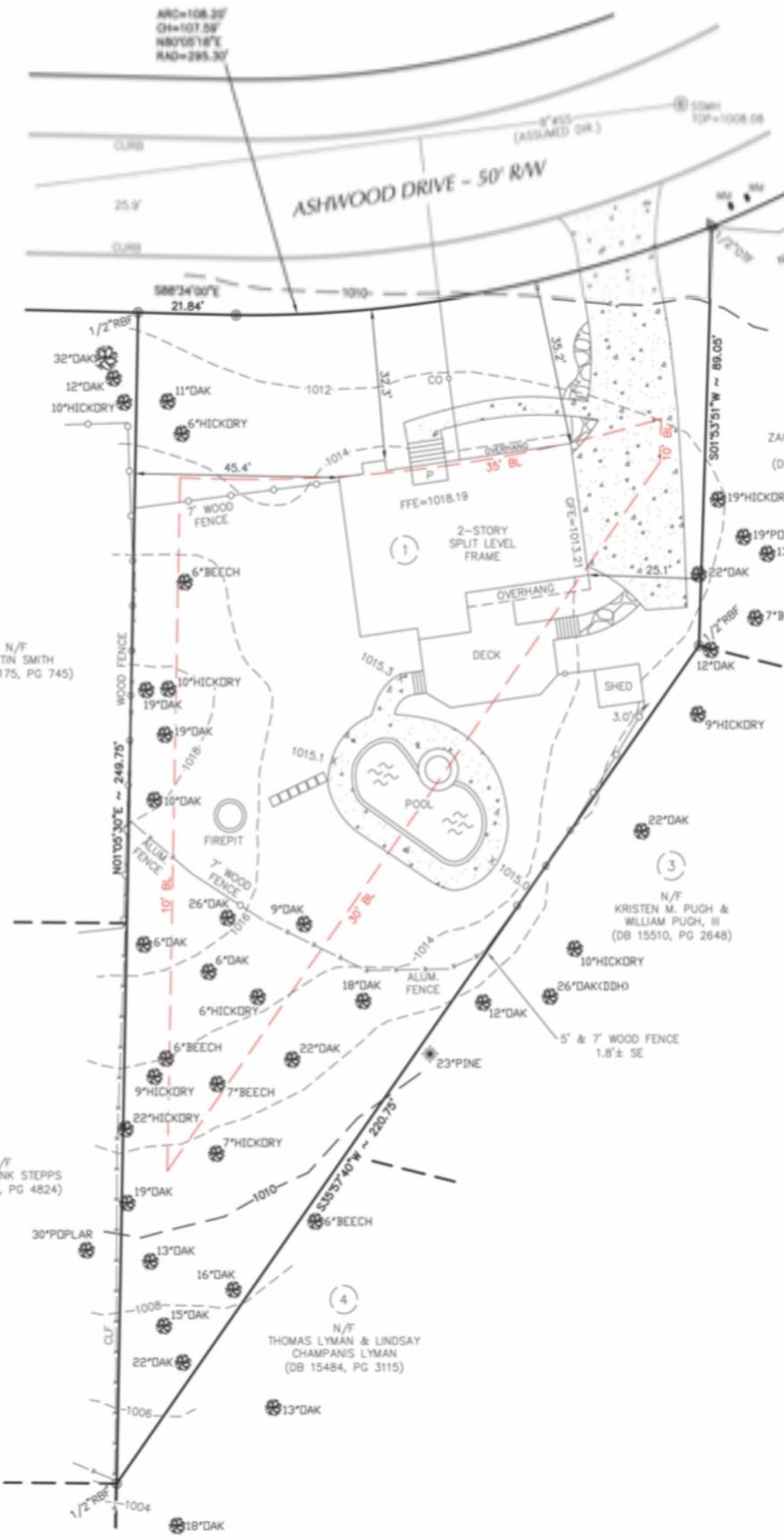
N/F
 JUSTIN SMITH
 (DB 15175, PG 745)

(2)
 N/F
 ZACHARY & KERSTIN
 STRAYER
 (DB 14020, PG 85)

(3)
 N/F
 KRISTEN M. PUGH &
 WILLIAM PUGH, III
 (DB 15510, PG 2648)

N/F
 DAVID FRANK STEPPS
 (DB 15453, PG 4824)

(4)
 N/F
 THOMAS LYMAN & LINDSAY
 CHAMPANIS LYMAN
 (DB 15484, PG 3115)



Variance Application

VAR-24-20

Submitted On: Mar 14, 2024

Applicant

 Jaclyn Beberg
 9038202006
 jaclynbeberg@gmail.com

Primary Location

3804 ASHWOOD DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Joshua

Last Name

Beberg

Street Address

3804 Ashwood Dr SE

City

Smyrna

State

GA

Zip Code

30080

Email

jbeberg25@gmail.com

Phone Number

218-209-7982

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

3804 Ashwood Dr SE

Description of Requested Variances

Keep the shed

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.

We would like to keep our shed as we feel as if space is limited in our home. We feel that keeping the pool chemicals in the shed is better for safety purposes. We do have a small child and would be more comfortable being able to keep hazardous chemicals away from him with the shed.

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

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified at Joshua and Evelyn
Berberg

intends to make an application for a variance for the purpose of going over maximum
impervious coverage per subdivision, keeping our shed, and
having a second kitchen in a single family dwelling
on the premises described in the application.

NAME	ADDRESS
Zack Strayer	3498 Vinig North Trl SE
David Stepps	3691 Hickory Circle SE
Krista Pugh	500 Vinig North Trl SE
Suzanne Hurke	3496 " " " "
Justin Smith	3669 Hickory C. R. SE
Thomas Lyman	3502 Vinig North Trl
JANAE SINCLAIR	38085 Ashwood Drive

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.

Personal Property (Boats, etc.)

View Bill

As of

3/15/2024

Bill Year

2023

Bill

327

Owner

DANNA THOMAS E

Property ID

21000641

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance
1	11/15/2023	\$0.00	\$0.00	\$0.00
TOTAL		\$0.00	\$0.00	\$0.00



Printed: 4/5/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 DOVENMUEHLE MORTGAGE INC

BEBERG JOSHUA ANTHONY

Payment Date: 10/11/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17059900470	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,968.29	\$0.00



Scan this code with your
 mobile phone to view this
 bill!!!



BLOCK	CLUSTER DATA	
	PARCELS	AREA
1	10	1.00
2	10	1.00
3	10	1.00
4	10	1.00
5	10	1.00
6	10	1.00
7	10	1.00
8	10	1.00
9	10	1.00
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100	10	1.00

1. All lots shown on this map are subject to the provisions of the Georgia Condominium Act, Code Annotated, § 44-1-1 through § 44-1-10.

2. The developer reserves the right to amend this plan and to add, delete, or modify lots, units, or common areas at any time before the commencement of construction.

3. The developer reserves the right to change the names of the lots, units, or common areas shown on this map at any time before the commencement of construction.

4. The developer reserves the right to change the boundaries of the lots, units, or common areas shown on this map at any time before the commencement of construction.

5. The developer reserves the right to change the area of the lots, units, or common areas shown on this map at any time before the commencement of construction.

6. The developer reserves the right to change the shape of the lots, units, or common areas shown on this map at any time before the commencement of construction.

7. The developer reserves the right to change the location of the lots, units, or common areas shown on this map at any time before the commencement of construction.

8. The developer reserves the right to change the use of the lots, units, or common areas shown on this map at any time before the commencement of construction.

9. The developer reserves the right to change the height of the lots, units, or common areas shown on this map at any time before the commencement of construction.

10. The developer reserves the right to change the color of the lots, units, or common areas shown on this map at any time before the commencement of construction.

I, the undersigned, being duly qualified, do hereby certify that the foregoing is a true and correct copy of the original plan as filed in the office of the County Clerk of Cobb County, Georgia, on this 7th day of February, 1994.

Notary Public for Cobb County, Georgia

My Commission Expires: _____

VININGS NORTH
 PHASE II & III
 LOCATED IN L.L. 599 & 598
 IN THE 17TH DISTRICT, 2ND SECTION
 IN THE CITY OF SMYRNA
 COBB COUNTY, GEORGIA
 SCALE: 1"=100'
 DATE: FEB 7, 1994

UNIT	OWNER	OWNER	OWNER
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