



License and Variance Board Meeting - Final

November 13, 2024

10:00 AM

B. V24-088 Public Hearing - Variance Request - V24-088 - Allow second accessory structure - Land Lot 524 - 3294 Dunn Street - Andrew & Ashley Givens



City of Smyrna

Issue Sheet

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

File Number: V24-165

Agenda Date: 11/13/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-088 - Allow second accessory structure - Land Lot 524 - 3294
Dunn Street - Andrew & Ashley Givens

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND 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.

RECOMMENDATION / REQUESTED ACTION:

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.

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

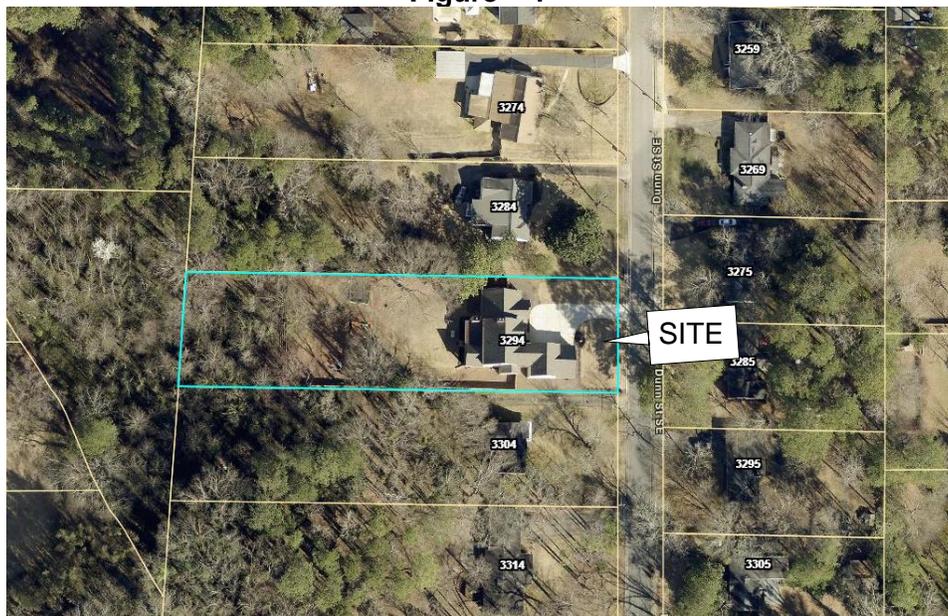


Figure – 2
Site Plan

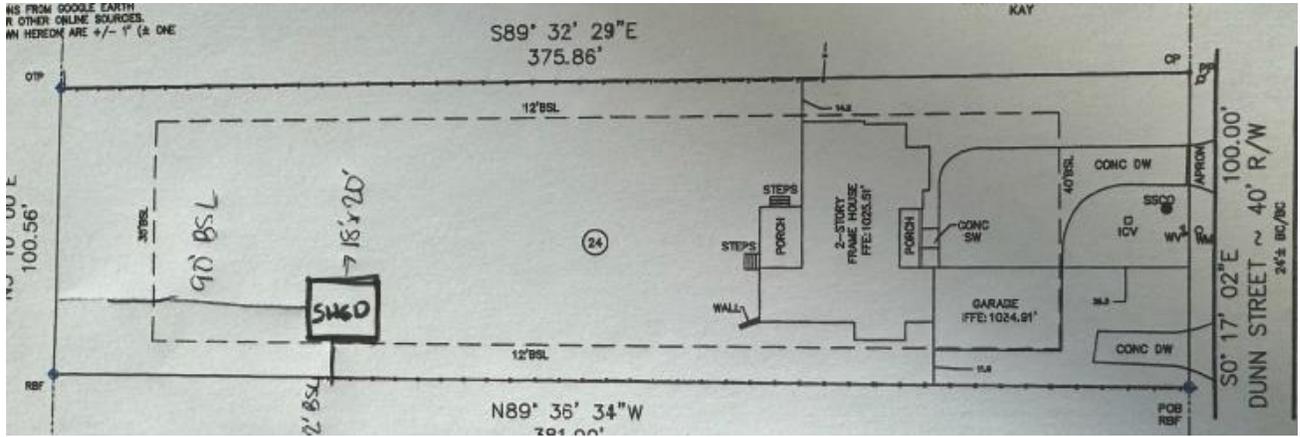


Figure – 3
Shed



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





Variance Application

VAR-24-64

Submitted On: Oct 1, 2024

Applicant

 Ashley Givens
 7707108502
 aehill44@gmail.com

Primary Location

3294 DUNN ST SE
SMYRNA, GA 30080

Applicant Information

First Name

Andrew and Ashley

Last Name

Givens

Street Address

3294 Dunn Street SE

City

Smyrna

State

GA

Zip Code

30080

Email

aehill44@gmail.com

Phone Number

770-710-8502

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

3294 Dunn Street SE

Description of Requested Variances

Addition of a 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 respectfully request a variance to allow two accessory structures in our backyard- specifically a pool and a shed. Both are already installed. The pool went to permitting but we were unaware that a shed required permitting as well. We believe there are compelling reasons to grant this request that align with both the spirit and intent of the zoning regulations. The pool and shed serve two distinctly different purposes and each contribute the enjoyment and functionality of our space. The pool is for recreation and entertaining- bringing community together- and the shed is used for storage of pool and lawn equipment to avoid unsightly messes. We purchased this home for the expansive yard and having a shed in the back offers us easy access and extra space to contain equipment used to keep our property tidy and help add to our neighborhood's charm. We believe that having both structures does not set a detrimental precedent. These both offer ways to engage with our community while maintaining a our property to a high standard, ensuring it is an asset to the community. We appreciate your consideration.

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

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Las Vegas, NV 89108

Certified Mail Fee	\$4.85	0675
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	15
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.73

Total Postage and Fees \$5.58

Sent To meritmees by inv. trust
Street and Apt. No., or PO Box No. 5348 Vegas Dr
City, State, ZIP+4® Las Vegas NV 89108

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage \$0.73

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Sent To Current Resident
Street and Apt. No., or PO Box No. 3304 Dunn St
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Postage \$0.73

Total Postage and Fees \$5.58

Sent To Current resident
Street and Apt. No., or PO Box No. 285 Dunn St
City, State, ZIP+4® Smyrna, GA

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Street and Apt. No., or PO Box No. 3175 Dunn St
City, State, ZIP+4® Smyrna, GA 30080

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Sent To Current resident
Street and Apt. No., or PO Box No. 3184 Dunn St
City, State, ZIP+4® Smyrna, GA 30080

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226
 770-434-6600

2023 Property Tax Notice

GIVENS ANDREW
 3294 DUNN ST
 SMYRNA, GA 30080

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2023 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
6358	3294 DUNN ST STREET LIGHT RESIDENTIAL	17-0524-0-0250	1,002,570.00	401,028.00	0.00	401,028.00	8.99	3,605.24 42.00

Pay online at <https://payments.smyrnaga.gov/>

Important Messages - Please Read

Total of Bills by Tax Type

Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00

Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600

THIS TAX BILL HAS BEEN REDUCED BY 161.82 AS A RESULT OF THE HOMEOWNER TAX RELIEF ENACTED BY THE GOVERNOR AND THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA

Pen	0.00
Int	0.00
Fees	0.00
Adjustments	-161.82
Payments	0.00
Back Taxes	0.00
TOTAL DUE	3485.42
DATE DUE	11/15/2023

GIVENS ANDREW
 3294 DUNN ST
 SMYRNA, GA 30080

← If this address is incorrect, please write the correct address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
6358	17-0524-0-0250 STREET LIG	3605.24 42.00
DATE DUE		TOTAL DUE
11/15/2023		3485.42

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK



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

GIVENS ANDREW

Cobb County Online Tax Receipt

Printed: 9/30/2024

Thank you for your payment!

Payer:
REGIONS MORTGAGE

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17052400250	10/15/2023	N/A	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid
\$0.00	\$0.00	\$0.00	\$0.00	\$9,353.93
				Balance
				\$0.00



Scan this code with your mobile phone to view this bill

