

**Variance Application**

**Applicant**

**Primary Location**

**VAR-24-3**

 Joel Powell  
 4048679549

728 PARK MANOR DR SE  
SMYRNA, GA 30082

Submitted On: Jan 8, 2024

@ joel@fairbanks-services.com

**Applicant Information**

**First Name**

Joel

**Last Name**

Powell

**Street Address**

2900 Alexander St SE

**City**

Smyrna

**State**

GA

**Zip Code**

30080

**Email**

joel@fairbanks-services.com

**Phone Number**

678-305-0444

**Are you the titleholder of the subject property?**

No

**Titleholder Information**

**Full Name (i.e., First and Last Name, or Name of Entity)**

Anthony & Ashley Black

**Street Address**

728 Park Manor Dr SE

**City**

Smyrna

**State**

GA

**Zip Code**

30082

**Email Address**

--

**Phone Number**

404-202-8475

**Property Information**

**Property Address**

728 Park Manor Dr SE Smyrna, GA 30082

**Description of Requested Variances**

Impervious Surface Variance

**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.**

Smyrna is a community cherished by families seeking stability, and for the Black Family, it's been a beloved home for over a decade. However, a barrier to enhancing their family life looms due to zoning regulations restricting impervious surfaces, particularly concerning the pool construction. We are requesting approval of a variance application for a pool that has already been constructed and is near completion because of several factors but the most impactful issues are a failed negotiation for the purchase of 1,300 square feet of the adjacent lot that would have eliminated the variance requirement. Unfortunately, Mr. Black, negotiating in good faith, did not have a written agreement and the property owner sold his home prior to finalizing the deal with Mr. Black. The new owner of the property has been approached but discussions have not materialized in a positive manner.

The Black Family seeks to create a safe and enjoyable environment for their two children, aspiring to foster family togetherness and healthy recreation. The pool addition not only provides a space for bonding but also to encourage outdoor activities, promoting physical well-being and family interaction. In the wake of 2020 quarantines, the ability to have healthy recreation and togetherness in all communities is at a premium.

The pool construction exceeds the allowable impervious surface, but it's crucial to note that the house and driveway are already at the maximum limit. Meaning, any addition of any kind would require a variance. The Black Family has conscientiously adhered to regulations but finds themselves constrained due to the neighborhood being built at the maximum limits. The pool addition increases the impervious surface and is not a substantial deviation from the existing conditions, but with the implantation of infiltration and retention devices we are confident there is no significant impact to the neighbors.

The Black Family respectfully requests the variance board to consider the precedents set by prior approvals for swimming pools and decks that slightly surpassed the maximum impervious cover. While refraining from formally requesting a list of approvals, the Blacks are cognizant of instances, such as 2656 Parks Edge Drive, where similar variances were granted in recent years under the same ordinances. Strict adherence to the zoning code, without approval of this application, could be perceived as impeding the Blacks from reasonable land use and result in an unequal application of the zoning code, given the similarity to previously approved requests under identical ordinances in recent years.

The Black Family has been an integral part of Smyrna for over a decade, contributing positively to the community. Their commitment is evident in their desire to remain in their home for years to come. By granting this variance, Smyrna demonstrates its appreciation for long-standing residents and encourages their continued investment in the community.

In addressing any concerns regarding the variance, the Black Family has retained the services of SJ Murphy LLC, and is willing to implement measures to mitigate possible impacts as noted in the attached plans.

Granting the variance for the pool construction to the Black Family aligns with Smyrna's spirit of community support and fairness. It allows a long-standing family to enrich their lives while contributing positively to the neighborhood. It's an opportunity for Smyrna to demonstrate flexibility within regulations to support families and ensure the town's growth and prosperity.

**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



**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080  
Office Phone 678-631-5387 / Fax 770-431-2808

I, Anthony & Ashley Black

swear that I am the Property Owner of the property

located at: 728 Park Manor Drive SE Smyrna, GA 30082

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): FairBanks Construction Services, LLC

Address: 2900 Alexander St SE Smyrna, GA 30080

Telephone: 404-867-9549

Email: joel@fairbanks-services.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

  
Signature of Property Owner

728 Park Manor Dr SE

Address

Anthony & Ashley Black

Name of Property Owner (print clearly)

Smyrna, GA 30082

City, State, Zip

## Comprehensive Narrative – 728 Park Manor Variance Application

Smyrna is a community cherished by families seeking stability, and for the Black Family, it's been a beloved home for over a decade. However, a barrier to enhancing their family life looms due to zoning regulations restricting impervious surfaces, particularly concerning the pool construction. We are requesting approval of a variance application for a pool that has already been constructed and is near completion because of several factors but the most impactful issues are a failed negotiation for the purchase of 1,300 square feet of the adjacent lot that would have eliminated the variance requirement. Unfortunately, Mr. Black, negotiating in good faith, did not have a written agreement and the property owner sold his home prior to finalizing the deal with Mr. Black. The new owner of the property has been approached but discussions have not materialized in a positive manner.

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Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.66
<b>Total Postage and Fees</b>	<b>\$8.56</b>

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 Street and Apt. No., or PO Box No. 124 Park Manor Dr  
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728 Park Manor



SMYRNA  
850 WINDY HILL RD SE  
SMYRNA, GA 30080-1910  
(800)275-8777

01/08/2024 02:58 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.66
Smyrna, GA 30082			
Weight: 0 lb 0.90 oz			
Estimated Delivery Date			
Wed 01/10/2024			
Certified Mail®			\$4.35
Tracking #:			
9589 0710 5270 1614 9948 43			
Return Receipt			\$3.55
Tracking #:			
9590 9402 8417 3156 0535 31			
Total			\$8.56
First-Class Mail® Letter	1		\$0.66
Smyrna, GA 30082			
Weight: 0 lb 0.90 oz			
Estimated Delivery Date			
Wed 01/10/2024			
Certified Mail®			\$4.35
Tracking #:			
9589 0710 5270 1614 9948 36			
Return Receipt			\$3.55
Tracking #:			
9590 9402 8417 3156 0534 94			
Total			\$8.56
First-Class Mail® Letter	1		\$0.66
Smyrna, GA 30082			
Weight: 0 lb 0.90 oz			
Estimated Delivery Date			
Wed 01/10/2024			
Certified Mail®			\$4.35
Tracking #:			
9589 0710 5270 1614 9948 29			
Return Receipt			\$3.55
Tracking #:			
9590 9402 8417 3156 0535 00			
Total			\$8.56
First-Class Mail® Letter	1		\$0.66
Smyrna, GA 30082			
Weight: 0 lb 0.90 oz			
Estimated Delivery Date			
Wed 01/10/2024			
Certified Mail®			\$4.35
Tracking #:			
9589 0710 5270 1614 9996 95			
Return Receipt			\$3.55
Tracking #:			
9590 9402 8417 3156 0535 17			
Total			\$8.56

First-Class Mail® 1 \$0.66  
Letter  
Smyrna, GA 30082  
Weight: 0 lb 0.90 oz  
Estimated Delivery Date  
Wed 01/10/2024  
Certified Mail® \$4.35  
Tracking #: 9589 0710 5270 1614 9997 01  
Return Receipt \$3.55  
Tracking #: 9590 9402 8417 3156 0535 24  
Total \$8.56

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Grand Total: \$42.80  
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Credit Card Remit \$42.80  
Card Name: VISA  
Account #: XXXXXXXXXXXXX5689  
Approval #: 05309G  
Transaction #: 981  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required CHASE VISA  
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UFN: 128019-0675  
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Clerk: 55



APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

APPLICANT: FairBanks Construction Services, LLC

Representative's Name (print): Joel Powell

Address: 2900 Alexander St SE

Business Phone: 678-305-0444 Cell Phone: 404-867-9549

Home Phone:

E-Mail Address: Joel@Fairbanks-Services.com

Signature of Representative:

TITLEHOLDER: Anthony & Ashley Black

Address: 728 Park Manor Drive SE Smyrna, GA 30082

Business Phone: Cell Phone: 404-202-8475

Home Phone:

Signature:

VARIANCE:

Present Zoning: RAD

Type of Variance: Single-Family Attached/Detached

Explain Intended Use: to promote the development of single-family, owner-occupied attached and/or detached dwelling units at a low-medium density.

Location: 728 Park Manor Drive SE Smyrna, GA 30080

Land Lot(s): 26

District: 17th

Size of Tract: 0.11

Acres

CONTIGUOUS ZONING

North: RAD

East: RAD

South: RAD

West: RAD

Parcel Find

PARCEL: 17-0382-0-0630  
 LOCATION: \*\* MULTIPLE \*\*  
 NAME: \*\* VARIOUS \*\*

EFF DATE: 01/08/2024

YEAR	CAT	BILL #	SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2023	RE-R	1663	N	728 PARK MANOR DR SE	799.39	0.00	0.00
2022	RE-R	1621	N	728 PARK MANOR DR SE	1,566.81	0.00	0.00
2021	RE-R	1570	N	728 PARK MANOR DR SE	1,399.17	0.00	0.00
2020	RE-R	1523	N	728 PARK MANOR DR SE	1,399.17	0.00	0.00
2019	RE-R	1496	N	728 PARK MANOR DR SE	1,327.39	0.00	0.00
2018	RE-R	1485	N	728 PARK MANOR DR SE	1,194.59	0.00	0.00
2017	RE-R	1442	N	728 PARK MANOR DR SE	1,194.59	0.00	0.00
2016	RE-R	1423	N	728 PARK MANOR DR SE	1,194.59	0.00	0.00
2015	RE-R	1405	N	728 PARK MANOR DR SE	1,023.10	0.00	0.00
2014	RE-R	1360	N	728 PARK MANOR DR SE	919.21	0.00	0.00
2013	RE-R	1351	N	728 PARK MANOR DR SE	179.80	0.00	0.00
2012	RE-R	1163210	N	728 PARK MANOR DR SE	197.78	0.00	0.00
2011	RE-R	1143091	N	728 PARK MANOR DR SE	179.80	0.00	0.00
2010	RE-R	1125529	N	728 PARK MANOR DR SE	179.80	0.00	0.00
2009	RE-R	1108026	N	728 PARK MANOR DR	359.60	0.00	0.00
2008	RE-R	1079439	N	728 PARK MANOR DR	413.06	0.00	0.00
2007	RE-R	1062033	N	728 PARK MANOR DR		0.00	0.00
TOTAL DUE NOW						0.00	0.00
TOTAL UNPAID						0.00	0.00

\*\* END OF REPORT - Generated by Mike Hickenbottom \*\*



Printed: 1/8/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER  
HEATHER WALKER CHIEF DEPUTY  
Phone: 770-528-8800  
Fax: 770-528-8679

Payer:  
PNC MORTGAGE

BLACK ANTHONY L & ASHLEY R

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17038200630	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	\$4,536.96	\$0.00



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