


Variance Application**VAR-24-74**

Submitted On: Dec 5, 2024

Applicant

 Joshua Gentes
 7708737313
@ joshgentes@gmail.com

Primary Location

3910 W COOPER LAKE DR SE
SMYRNA, GA 30082

Applicant Information**First Name**

Portico

Last Name

Properties

Street Address

2389 Carrington Way

City

Marietta

State

Ga

Zip Code

30067

Email

tlewis@porticocustomhomes.com

Phone Number

770-873-7313

Are you the titleholder of the subject property?

No

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

Mark Kupcewicz

Street Address

600 W. Sandtown Road SW

City

Marietta

State

GA

Zip Code

30064

Email Address

markkupcewicz@aol.com

Phone Number

678-878-9830

Property Information**Property Address**

3910 W. Cooper Lake Dr Se

Description of Requested Variances

We are seeking a variance for encroachment on the 50 ft and 75 ft stream buffers for the purpose of constructing a single family home.

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.

true

****If the request includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer, a stormwater mitigation plan is REQUIRED prior to submittal of the variance application.****

Please contact City Engineer, Mark Wolff with any questions relating to the stormwater mitigation plan; 678-631-5546 or mwolff@smyrnaga.gov.

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

- 1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- 2. The locations of all streams on the property, including along property boundaries;
- 3. The location and extent of the proposed buffer or setback intrusion;
- 4. Whether alternative designs are possible which require less intrusion or no intrusion;
- 5. The long-term and construction water-quality impacts of the proposed variance;
- 6. Whether as a result of an exchange of buffer area the net buffer area is not reduced; and
- 7. Whether issuance of the variance is at least as protective of natural resources and the environment.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.
T

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 770-319-5387 / Fax 770-431-2808

I, Mark Kupcewicz, swear that I am the Property Owner of the property

located at: 3910 W Cooper Lake Dr 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): Portico Properties Inc

Address: 2389 Carrington Way, Marietta, GA 30067

Telephone: 770-617-1009

Email: tlewis@porticocustomhomes.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

600 W. Sandtown Road SW

Address


Name of Property Owner (print clearly)

Marietta, GA 30064

City, State, Zip

LETTER OF HARDSHIP AND INTENT

APPLICANT: Portico Properties
2389 Carrington Way
Marietta, Georgia 30067

December 5, 2024

Caitlin Crowe
City of Smyrna
3180 Atlanta Road
Smyrna, Georgia 30080

Re: Variance application of Portico Properties on property, located at 3910 W. Cooper Lake Drive SE in Land Lot 315, 17th District, Smyrna, Georgia for a variance to build a house within the 50-foot stream buffer and 75-foot impervious setback.

The applicant seeks a variance for the above referenced property, pursuant to the site plan attached hereto and incorporated herein by reference. This letter shall be construed as the Letter of Hardship and Intent for the Variance Application.

The proposal calls for construction of a single-family residence on the property. The lot is approximately 1.027 acre and is currently zoned R-15. The proposed 2-story house will have a full basement and access from W. Cooper Lake Road with an 18-foot-wide driveway. The finished area of the house is approximately 2,423 sf and the foot print is approximately 1,677 sf. The limits of disturbance on the lot are the minimum required to grade the lot and build the house and the disturbed area is approximately 7,500 sf.

The lot was platted in 1974 with other lots in this area. Since that time, the lot has been shown on applicable tax maps and property taxes levied. The lot was platted prior to the Georgia Erosion and Sediment Act of 1975, which established buffers adjacent to 'Waters of the State.' And it was platted long before the 2004 City of Smyrna 50 ft non-disturbance and 75 ft impervious stream buffers being. There is an existing creek that runs through the middle of the property and that essentially makes the lot 'undevelopable' once these buffers were imposed. There is also a 20' sanitary sewer easement that runs along the creek. The proposed house can be built without disturbance of the 25-foot state buffer, but a variance will be required for the 50-foot city stream buffer and 75-foot impervious buffer. A small portion of the lot may be within the 100-year flood plain, however; no disturbance will occur within the 100-year flood plain.

Based on the current design for the property, a variance will be needed because the current buffers will prevent the lot from being developed and render the lot unusable.

Therefore, two variances are required to reduce the 50-foot stream buffer and 75-foot impervious buffer to 0 feet. The 25-foot State Water Buffer will remain undisturbed.

The hardship that exists on the property was inherited from the platting of this lot prior to the establishment of the Georgia Erosion and Sediment Act of 1975 and subsequently the City of Smyrna Stream Buffer regulations. This lot is undevelopable without these variances. The layout and improvements on the lot have been designed to have minimal impacts on the remainder of the property.

The disturbed area within the stream buffers will be revegetated to make the ground stabilized to prevent soil erosion.

The property has a 35-foot front building setback. We considered moving the house forward to reduce impacts to the buffers, however, the buffers would still have disturbance and impervious surface. We felt strongly that it was important to conform with the adjacent houses on W. Cooper Lake Drive and not push this house closer to the street. Based on that consideration, the proposed variance request would be for the rear of the house and not visible from the street.

Applicant and Owner respectfully request that the City of Smyrna grant variances listed above for this property pursuant to the proposed site plan.

Very truly yours,

Josh Gentes
Agent for applicant

UNITED STATES POSTAL SERVICE® Instructions for Requesting Return Receipt (Electronic)

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- 1) Select "Track & Confirm."
 - 2) Enter the label number from your Certified Mail™, Registered Mail™, Insured Mail, or COO receipt.
 - 3) Select "Request Return Receipt (Electronic)."
 - 4) Enter your name and e-mail address.
- Please make your request for a Return Receipt (Electronic) within 90 days from the date of mailing.
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☐ Return Receipt (hardcopy) \$2.80
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☐ Certified Mail Restricted Delivery \$3.50
☐ Adult Signature Required \$3.50
☐ Adult Signature Restricted Delivery \$3.50

Postage
\$3.00

Total Postage and Fees
\$6.50

Sent to: **Darren and Julie Rouin**
Street and Apt. No., or PO Box No.
300 W COPELAND ST
City, State, ZIP+4®
Marietta GA 30062

PS Form 3800, January 2023 (PSN 7530-02-000-9041) See Reverse for Instructions

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☐ Certified Mail Restricted Delivery \$3.50
☐ Adult Signature Required \$3.50
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Postage
\$3.00

Total Postage and Fees
\$6.50

Sent to: **YL Luo**
Street and Apt. No., or PO Box No.
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Postage
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Sent to: **Yan Ma**
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Postage
\$3.00

Total Postage and Fees
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Sent to: **George Lionakis & Lisa Lionakis**
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Marietta GA 30062

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Total Postage and Fees
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Sent to: **Rudine Russell & Lauren Wilson**
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☐ Adult Signature Required \$3.50
☐ Adult Signature Restricted Delivery \$3.50

Postage
\$3.00

Total Postage and Fees
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Sent to: **David C. Hinkle**
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☐ Certified Mail Restricted Delivery \$3.50
☐ Adult Signature Required \$3.50
☐ Adult Signature Restricted Delivery \$3.50

Postage
\$3.00

Total Postage and Fees
\$6.50

Sent to: **Valerie & Carrie Brennan**
Street and Apt. No., or PO Box No.
300 W COPELAND ST
City, State, ZIP+4®
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GREENHAW ROAD
1230 GREENHAW RD
MAHLETTA, PA 15062-9007
(800) 275-8777

12/06/2024 04:08 PM

Product	Qty	Unit Price	Total Price
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First-Class Mail®	1		\$0.73
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Letter
Mettite, PA 30060
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 55

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 64

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 93

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 86

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 48

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 62

e-Return Receipt		\$2.62	
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Total			\$8.20
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First-Class Mail®	1		\$0.73
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Letter
Seyrna, PA 30062
Weight: 0 lb 0.60 oz
Estimated Delivery Date
Mon 12/09/2024

Certified Mail®		\$4.85	
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Tracking #:
9589 0710 5270 0330 4577 79

e-Return Receipt		\$2.62	
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Total			\$8.20
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Grand Total:			\$57.40
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Credit Card Remit			\$57.40
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Card Name: VISA
Account #: XXXXXXXXXXXX452
Approval #: 048406
Transaction #: 120
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required CAPITAL ONE VISA

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Parcel Find

PARCEL: 17-0313-0-0290
LOCATION: ** MULTIPLE **
NAME: ** VARIOUS **
EFF DATE: 12/05/2024

YEAR	CAT	BILL	#SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2024	RE-R	9753	N	3910 W COOPER LAKE DR	157.88	0.00	0.00
2023	RE-R	9662	N	3910 W COOPER LAKE DR	149.88	0.00	0.00
2022	RE-R	9506	N	3910 W COOPER LAKE DR	149.88	0.00	0.00
2021	RE-R	9344	N	3910 W COOPER LAKE DR	149.88	0.00	0.00
2020	RE-R	9247	N	3910 W COOPER LAKE DR	107.88	0.00	0.00
2019	RE-R	9232	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2018	RE-R	9189	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2017	RE-R	9175	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2016	RE-R	8918	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2015	RE-R	8822	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2014	RE-R	8729	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2013	RE-R	8581	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2012	RE-R	1164921	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2011	RE-R	1147373	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2010	RE-R	1129837	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2009	RE-R	1112411	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2008	RE-R	1094970	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2007	RE-R	1077100	N	3910 W COOPER LAKE DR	31.50	0.00	0.00
2006	RE-R	1059654	N	3910 W COOPER LAKE DR	32.13	0.00	0.00
2005	RE-R	1043137	N	3910 W COOPER LAKE DR	32.35	0.00	0.00
2004	RE-R	1027403	N	3910 WEST COOPER LAKE DR	32.62	0.00	0.00
2003	RE-R	1011888	N	3910 WEST COOPER LAKE DR	32.79	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: 12/5/2024

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:
Mark Kupcewicz

KUPCEWICZ MARK

Payment Date: 10/9/2024

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	17031500290	10/15/2024	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$325.92	\$0.00	



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