



Variance Application

VAR-24-51

Submitted On: Aug 5, 2024

Applicant

 Ari Kowalsky
 4046615482
@ arijay@bellsouth.net

Primary Location

3024 TRAE CT SE
SMYRNA, GA 30080

Applicant Information

First Name

Ari

Last Name

Kowalsky

Street Address

840 Monroe Circle NE, Unit B

City

Atlanta

State

GA

Zip Code

30308

Email

arijay@bellsouth.net

Phone Number

404-661-5482

Are you the titleholder of the subject property?

No

Titleholder Information

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

Trae Court Development LLC

Street Address

840 Monroe Circle NE, Unit B

City

Atlanta

State

GA

Zip Code

30308

Email Address

arijay@bellsouth.net

Phone Number

404-661-5482

Property Information

Property Address

3024 Trae Court SE Smyrna GA 30080

Description of Requested Variances

To allow rear deck of proposed residence to encroach rear building setback by 8.6'

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.

The zoning calls for a 22' driveway and 2 car garage facing the street. Since the lot is very narrow and limited in depth, in addition it falls off sharply at the rear, we are requesting a variance to build the rear deck in the rear setback. Without this variance, it is unlikely for the prospective homeowners to have any usable outdoor space. It should be noted that the existing detention pond close to this lot is positioned further back towards the rear property line as to what the proposed deck would be. It should also be noted that the living space is not big enough to enable us to sacrifice interior usable space to allow for a rear deck. The posts of the proposed deck would be within the private drainage easement, however they would not affect the drainage swell that is required as per the site plan.

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, Ari Kowalsky as Manager Trae Court Developmet LLC, swear that I am the Property Owner of the property

located at: 3024 Trae Court SE, Smyrna, GA 30080

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): Ari Kowalsky

Address: 840 Monroe Cir NE, Unit B, Atlanta GA 30308

Telephone: 4046615482 Email: arijay@bellsouth.net

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

840 Monroe Cir NE, Unit B

Address

Ari Kowalsky as manager

Name of Property Owner (print clearly)

Atlanta, GA 30308

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Trae Court Development LLC

Intends to make an application for a variance for the purpose of _____
Reduce the rear setback

_____ on the premises described in the application.

NAME

ADDRESS

James Smith Jr

1102 Church St SE Smyrna GA 30080

Peresvito, V. Walein

1119 Medlin St, Smyrna GA 30080

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.



APPLICATION FOR VARIANCE
TO THE CITY OF SMYRNA

Type or Print Clearly

APPLICANT: Trae Court Development LLC

Representative's Name (print): Ari Kowalsky

Address: P O Box 889083 Atlanta GA 30356

Business Phone: 404-661-5482 Cell Phone: 404-661-5482 Home Phone:

E-Mail Address: arijay@bellsouth.net

Signature of Representative: 

TITLEHOLDER: Trae Court Development LLC

Address: P O Box 889083 Atlanta GA 30356

Business Phone: 404-661-5482 Cell Phone: 404-661-5482 Home Phone:

Signature: 

VARIANCE:

Present Zoning: RM10 Type of Variance: Reduce the rear setback

Explain Intended Use: Construct a rear deck for proposed new house

Location: 3024 Trae Court SE Smyrna GA 30080 (Lot # 2)

Land Lot(s): 71, 72, 73, 74 District: 17th Size of Tract: 0.075 Acres

CONTIGUOUS ZONING

North: RM10

East: R15

South: Multifamily

West: RAD

**ZONING ORDINANCE
SECTION 1403 VARIANCE REVIEW STANDARDS**

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

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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.

Please include your narrative here, or you may submit a typed narrative as a supplement to this application.

COMPREHENSIVE NARRATIVE

The zoning calls for a 22' driveway and 2 car garage facing the street. Since the lot is very narrow and limited in depth, in addition it falls off sharply at the rear, we are requesting a variance to build the rear deck in the rear setback. Without this variance, it is unlikely for the prospective homeowners to have any usable outdoor space. It should be noted that the existing detention pond close to this lot is positioned further back towards the rear property line as to what the proposed deck would be. It should also be noted that the living space is not big enough to enable us to sacrifice interior usable space to allow for a rear deck. The posts of the proposed deck would be within the private drainage easement, however they would not affect the drainage swell that is required as per the site plan.

Munis Self Service

Real Estate (Your House or Land)

View Bill

| | |
|-----------|----------------------------|
| As of | 8/5/2024 |
| Bill Year | 2023 |
| Bill | 17630 |
| Owner | TRAE COURT DEVELOPMENT LLC |
| Parcel ID | 17048700460 |

[View payments/adjustments](#)

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|--------------|------------|----------|------------------|---------|----------|--------|
| 1 | 11/15/2023 | \$962.47 | \$962.47 | \$0.00 | \$0.00 | \$0.00 |
| TOTAL | | \$962.47 | \$962.47 | \$0.00 | \$0.00 | \$0.00 |

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PROBABILITY 2.0, 1998, 2.1, 40