

Variance Application**VAR-23-51**

Submitted On: Nov 6, 2023

Applicant

 Steven Jones
 4042182756
 @sjones@taylorenghish.com

Primary Location1800 LAKE PARK DR SE
SMYRNA, GA 30080**Applicant Information****First Name**

Depew Holdings, LLC

Last Name

Depew Holdings, LLC

Street Address

2637 Parks Edge Drive SE

City

Smyrna

State

Georgia

Zip Code

30080

Email

jessa.depew@thequadacademy.com

Phone Number

9126611411

Are you the titleholder of the subject property?

Yes

Property Information**Property Address**

1800 Lake Park Drive SE

Description of Requested Variances

Zoning Ord. Sec. 503-A.3 (Front Yard Fence Height - 6 ft.); Zoning Ord. Sec. 501.2 (Front Yard Accessory Structures)

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.

1. The property is uniquely developed with structures and improvements occupying most of the property, except the front yard. Use of the property as an education facility requires outdoor/playground facilities with a fence in excess of 4 feet (the maximum height permitted under the zoning ordinance). The only space for such facilities is in the front yard. That is not true for other properties in the same district. Therefore, the property has extraordinary and exceptional conditions which do not generally apply to other properties in the same district.
2. The hardship resulting from the property is due to no fault of the applicant/owner. The hardship is a result of ordinances adopted after the property was developed and a reuse of a property, which was previously under-utilized. The use of the property as an educational facility requires playground/outdoor play area that can only be located in the front yard on the property, and a fence of 6 feet high is required for such facilities.
3. Strict application of the relevant provisions of the zoning code would deprive the applicant and owner of a reasonable use of the property. The variances are necessary to permit a playground for an educational facility to be located on the property.
4. As noted above, the only location on the property on which outdoor/playground space can be located is in the front yard. Additionally, a 6 foot fence is required for such space. Accordingly, the proposed variances are the minimum variances which makes possible the reasonable use of the property as an educational facility.

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



APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

APPLICANT: Depew Holdings, LLC c/o Steven L. Jones, Taylor English Duma LLP
Representative's Name (print): Steven L. Jones
Address: 1600 Parkwood Circle, Suite 200, Atlanta, Georgia
Business Phone: N/A Cell Phone: 404-218-2756 Home Phone: N/A
E-Mail Address: jessa.depew@thequadacademy.com & sjones@taylorenghish.com
Signature of Representative: Steven L. Jones Digitally signed by Steven L. Jones Date: 2023.11.13 11:50:44 -05'00'

TITLEHOLDER: Depew Holdings, LLC
Address: 2637 Parks Edge Drive SE, Smyrna, Georgia 30080
Business Phone: N/A Cell Phone: 912-661-1411 Home Phone: N/A
Signature: Steven L. Jones Digitally signed by Steven L. Jones Date: 2023.11.13 11:51:54 -05'00'

VARIANCE:
Present Zoning: OI Type of Variance: (1) Allow a 6-ft. fence in front yard; (2) allow additional accessory structures; (3) allow accessory structures within the front yard; and (4) reduce the side setback for a dumpster
Explain Intended Use: A Pre-K and Elementary School

Location: 1800 Lake Park Dr. SE, Smyrna, GA 30080
Land Lot(s): 743 District: 17th, 2nd Section Size of Tract: 2.347 Acres

CONTIGUOUS ZONING

North: RM-12
East: OI
South: RM-12
West: RM-12

ZONING ORDINANCE
SECTION 1403 VARIANCE REVIEW STANDARDS

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.

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

COMPREHENSIVE NARRATIVE

1. The property is uniquely developed with structures and improvements occupying most of the property, except the front yard. Use of the property as an education facility requires outdoor/playground facilities with a fence in excess of 4 feet (the maximum height permitted under the zoning ordinance). The only space for such facilities is in the front yard. That is not true for other properties in the same district. Therefore, the property has extraordinary and exceptional conditions which do not generally apply to other properties in the same district.
2. The hardship resulting from the property is due to no fault of the applicant/owner. The hardship is a result of ordinances adopted after the property was developed and a reuse of a property, which was previously under-utilized. The use of the property as an educational facility requires playground/outdoor play area that can only be located in the front yard on the property, and a fence of 6 feet high is required for such facilities.
3. Strict application of the relevant provisions of the zoning code would deprive the applicant and owner of a reasonable use of the property. The variances are necessary to permit a playground for an educational facility to be located on the property.
4. As noted above, the only location on the property on which outdoor/playground space can be located is in the front yard. Additionally, a 6 foot fence is required for such space. Accordingly, the proposed variances are the minimum variances which makes possible the reasonable use of the property as an educational facility.



Certificate of Mailing — Firm

Name and Address of Sender

Steven L. Jones
1600 Parkwood Circle
Atlanta, GA 30339

TOTAL NO.
of Pieces Listed by Sender

5

TOTAL NO.
of Pieces Received at Post Office™

5

Affix Stamp Here
Postmark with Date of Receipt.

U.S. POSTAGE PAID
MARIETTA, GA
30068
NOV 13 23
AMOUNT
\$2.85
R2304H109924-07



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Postmaster, per (name of receiving employee)

David J. Smith

USPS® Tracking Number
Firm-specific Identifier

Address
(Name, Street, City, State, and ZIP Code™)

Postage

Fee

Special Handling

Parcel Airift

1. Hillsdale Community Association

150 Interstate North Pkwy, SE
Atlanta, GA 30339

2. Lake Park Partners Phase I LLC

3424 Peachtree Road
Suite 300
Atlanta, GA 30326

3. UCB Holdings Inc.

1950 Lake Park Drive
Smyrna, GA 30080

4. Post Villages Owners Association

c/o Property Tax Dept. 207
P.O. Box 4900
Scottsdale, AZ 85261-4900

5. CCP Brighton LLC & Cannell Trust Brighton LLC

402 Sam Snead Dr.
Mebane, NC 27302

6.



7019 1640 0001 2736 7228

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Atlanta, GA 30326

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$7.55
<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	\$1.83
Total Postage and Fees	\$9.73

Sent To
Street and Apt. No., or PO Box
City, State, ZIP+4®

Lake Park Partners Phase I LLC
3424 Peachtree Road
Suite 300
Atlanta, GA 30326

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 0160 0000 8838 4366

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
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Total Postage and Fees	\$9.73

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City, State, ZIP+4®

Hillsdale Community Association
150 Interstate North Pkwy, SE
Atlanta, GA 30339

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Scottsdale, AZ 85261

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Extra Services & Fees (check box, add fee as appropriate)	\$7.55
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City, State, ZIP+4®

Post Villages Owners Association
c/o Property Tax Dept. 207
P.O. Box 4900
Scottsdale, AZ 85261-4900

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Smyrna, GA 30080

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$7.55
<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
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Total Postage and Fees	\$9.73

Sent To
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

UCB Holdings Inc.
1950 Lake Park Drive
Smyrna, GA 30080

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0001 2736 7259

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Mebane, NC 27302

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$7.55
<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	\$1.83
Total Postage and Fees	\$9.73

Sent To
Street and Apt. No.
City, State

CCP Brighton LLC & Cannell Trust Brighton LLC
402 Sam Snead Dr.
Mebane, NC 27302

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Depew Holdings, LLC

Intends to make an application for a variance for the purpose of _____
_____ permitting playground/outdoor facilities and a 6 foot fence in the front yard of the property known as
_____ 1800 Lake Park Drive SE/Cobb County Tax Parcel Number 170734002200 *as well as other variances*
on the premises described in the application. *described in the attachments*

NAME	ADDRESS
Hillsdale Community Association	150 Interstate North Pkwy. SE, Atlanta, GA 30339
Lake Park Partners Phase I LLC	3424 Peachtree Rad, Suite 300, Atlanta, GA 30326
UCB Holdings Inc.	1950 Lake Park Drive, Smyrna, GA 30080
Post Villages Owners Association	C/o Property Tax Dept. 207, P.O. Box 4900 Scottsdale, AZ 85261-4900
CCP Brighton LLC & Cannell Trust Brighton LLC	402 Sam Snead Dr. Mebane NC 27302

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.

Munis Self Service

Real Estate (Your House or Land)

View Bill [View bill image](#)

As of 11/6/2023

Bill Year 2023

Bill 13618

Owner PGB PROPERTIES LLC

Parcel ID 17073400220

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$8,728.50	\$8,728.50	\$0.00	\$0.00	\$0.00
TOTAL		\$8,728.50	\$8,728.50	\$0.00	\$0.00	\$0.00



Printed: 11/15/2023

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:
James Depew

PGB PROPERTIES LLC

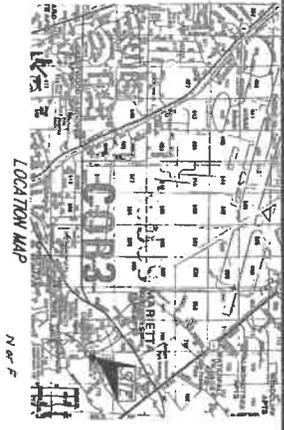
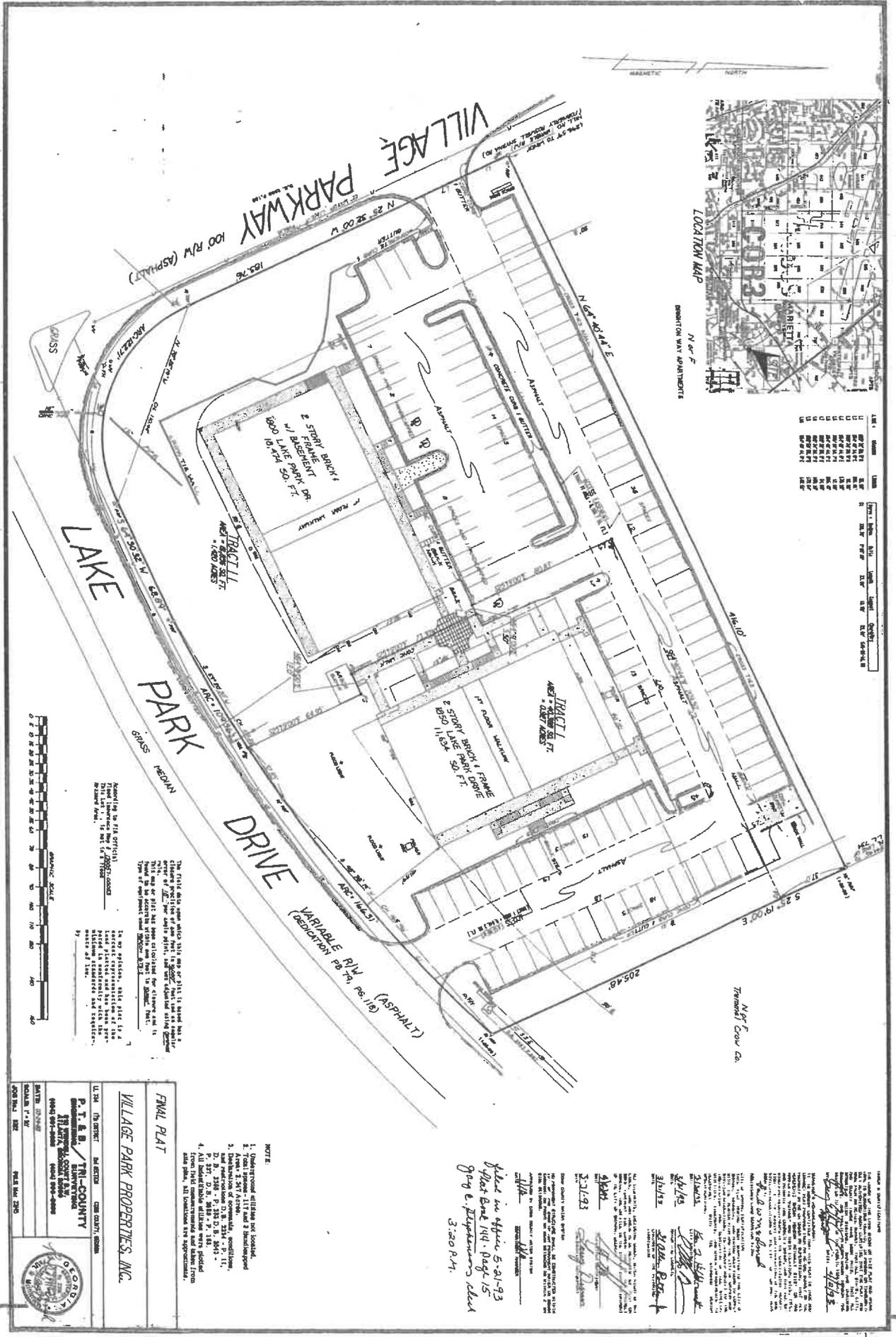
Payment Date: 11/2/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17073400220	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	\$26,116.19	\$0.00



Scan this code with your mobile phone to view this bill



Lot	Area	Notes
1	1.00	...
2	1.00	...
3	1.00	...
4	1.00	...
5	1.00	...
6	1.00	...
7	1.00	...
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48	1.00	...
49	1.00	...
50	1.00	...



Approved by the City of Atlanta, Georgia, on 5/21/93. This plat is subject to the provisions of the Georgia Subdivision Control Act, Chapter 37 of the Official Code of Georgia Annotated, as amended. The City of Atlanta, Georgia, is hereby authorized to issue this plat on the condition that the applicant shall comply with the provisions of the Georgia Subdivision Control Act, Chapter 37 of the Official Code of Georgia Annotated, as amended.

- NOTE:
1. Unimproved utility easement not located.
 2. Total square feet of 117 and 2 landscaped.
 3. Distribution of common areas, conditions, and regulations to be 2394 sq. ft. 11.
 4. All individual utility easements located on the plan. All locations are approximate.

PLAT NO. 231-93
 FILED IN OFFICE 5-21-93
 PLAT BOOK 144, PAGE 15
 GUY E. BISHOP, REGISTERED SURVEYOR
 3,200 P.M.

FINAL PLAT

VILLAGE PARK PROPERTIES, INC.

PLAT NO. 231-93

FILED IN OFFICE 5-21-93

PLAT BOOK 144, PAGE 15

GUY E. BISHOP, REGISTERED SURVEYOR

3,200 P.M.

