

Variance Application

Applicant

Primary Location

VAR-23-51

 Steven Jones
 4042182756
@ sjones@taylorenghish.com

1800 LAKE PARK DR SE
SMYRNA, GA 30080

Submitted On: Nov 6, 2023

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 UNITED STATES POSTAL SERVICE 0000			
USPS® Tracking Number Firm-specific Identifier		Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
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.							

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<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

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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

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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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 Street and Apt. No., or PO Box
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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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Smyrna, GA 30080

Certified Mail Fee \$4.35

Extra Services & Fees (check box, add fee as appropriate)

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Postage \$1.83

Total Postage and Fees \$9.73

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 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

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Mebane, NC 27302

Certified Mail Fee \$4.35

Extra Services & Fees (check box, add fee as appropriate)

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<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

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

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	



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