

Variance Application

Applicant

Primary Location

VAR-23-17

Submitted On: Apr 6, 2023

 Anthony Pope
 4047193342
 tonyp@atelier7llc.com

2979 JONQUIL DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Anthony

Last Name

Pope

Street Address

2321 Delverton Dr

City

Dunwoody

State

Georgia

Zip Code

30338

Email

tonyp@atelier7llc.com

Phone Number

404-719-3342

Are you the titleholder of the subject property?

No

Titleholder Information

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

Britt and Maria Pereira

Street Address

1495 Forest Dr.

City

Smyrna

State

Georgia

Zip Code

30080

Email Address

britt@atlantastarplumbing.com

Phone Number

770-917-8885

Property Information

Property Address

2979 Jonquil Dr, Smyrna, GA 30080

Description of Requested Variances

Front Yard Setback Reduction for Parking Area

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.

Section 717.142 (d) requires that new parking areas be setback 15 feet from the public right-of-way. The project site has an additional overlay condition to be met - CDD-02, which expands the front yard setback to 50 feet. The overlay moves our building footprint closer to the rear yard setback creating a front yard parking requirement. Based on Cobb County Engineering requirements for parking lot design, the parking requirements cannot be met without a variance.

We are requesting a reduction from 15 feet to 5 feet to allow the parking to be incorporated into the front yard setback.

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: Atelier 7 Architects, LLC

Representative's Name (print): Anthony Vincent Pope

Address: 2321 Delverton Dr, Dunwoody, GA 30338

Business Phone: 404-981-8060 Cell Phone: 404-719-3342 Home Phone: _____

E-Mail Address: tonyp@atelier7llc.com

Signature of Representative: Anthony Vincent Pope

Digitally signed by Anthony Vincent Pope
Date: 2023.04.06 09:59:09 -04'00'

TITLEHOLDER: Bream Properties c/o Britt and Maria Pereira

Address: 1495 Forest Dr, Smyrna, GA

Business Phone: 770-917-8885 Cell Phone: 404-859-0663 Home Phone: 678-613-4314

Signature: Britt Pereira

Digitally signed by Britt Pereira
Date: 2023.04.06 10:04:23 -04'00'

VARIANCE:

Present Zoning: GC Type of Variance: Reduction in parking area setback
from right-of-way; Allow for the Accessory Structure to be placed in north setback

Explain Intended Use: Constructing a new parking lot on the west side of the property.

Location: 2979 Jonquil Dr, Smyrna, GA 30080

Land Lot(s): 631 District: 17th Size of Tract: 0.667 Acres

CONTIGUOUS ZONING

North: GC

East: R-15

South: GC

West: R-15

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

Section 717.142 (d) requires that new parking areas be setback 15-feet from the public right-of-way. The project site has an additional overlay condition to be met - CDD-02, which expands the front yard setback to 50-feet. The overlay moves our building footprint closer to the rear yard setback creating a front yard parking requirement. Based on Cobb County Engineering requirements for parking lot design, the parking requirements cannot be met without a variance.

We are requesting a reduction from 15-feet to 5-feet to allow the parking to be incorporated in the front yard setback.

Sec 501.2- We seek approval to locate the dumpster within the north site setback. The dumpster will be positioned 5 feet from the property.

**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, Britt Pereira, swear that I am the Property Owner of the property

located at: 2979 Jonquil Dr, 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): Atelier 7 Architects, c/o Anthony Vincent Pope

Address: 2321 Delverton Dr, Dunwoody, GA 30338

Telephone: 404-719-3342 Email: tonyp@atelier7llc.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.)

Britt Pereira

Digitally signed by Britt Pereira
Date: 2023.04.06 11:17:18
-04'00'

Signature of Property Owner

1495 Forest Dr, Smyrna, GA 30080

Address

Britt Pereira

Name of Property Owner (print clearly)

Smyrna GA 30080

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Atlanta Star Plumbing

Intends to make an application for a variance for the purpose of Front Yard Set Back Reduction for Parking and Side Yard Set Back reduction for dumpster at rear of property.

on the premises described in the application.

NAME	ADDRESS
<u>Keith Akhlaghi Rewcable Trust</u>	<u>1086 Woodruff Plantation Pkwy</u>
	<u>Maletta, Georgia 30067</u>
<u>EJ Drive LLC.</u>	<u>4794 Rebel Trail</u>
	<u>Atlanta, Georgia 30327</u>
<u>Carolyn & William Lyman</u>	<u>2976 Emon Rd</u>
	<u>Smyrna, Georgia 30080</u>
<u>Kelly Sanders</u>	<u>2982 Emon Rd</u>
	<u>Smyrna, Georgia 30080</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.

7022 2410 0002 4501 8820

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

Atlanta Star Plumbing
 Atlanta, GA 30327

Certified Mail Fee \$4.15
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63
 Total Postage and Fees \$8.13

Sent To **EJ Drive LLC**
 Street and Apt. No., or PO Box No.
4914 Rebel Trail
 City, State, ZIP+4®
Atlanta, Georgia 30327

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

7022 2410 0002 4501 8820

U.S. Postal Service
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 Atlanta, GA 30327

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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63
 Total Postage and Fees \$8.13

Sent To **Kelly Sanders**
 Street and Apt. No., or PO Box No.
2486 Emond Road
 City, State, ZIP+4®
 Smyrna, Georgia 30080

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

7022 2410 0002 4501 8806

U.S. Postal Service
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Atlanta Star Plumbing
 Atlanta, GA 30327

Certified Mail Fee \$4.15
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63
 Total Postage and Fees \$8.13

Sent To **Carolyn & William Lyman**
 Street and Apt. No., or PO Box No.
2486 Emond Road
 City, State, ZIP+4®
Smyrna, Georgia 30080

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

7022 2410 0002 4501 8806

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☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63
 Total Postage and Fees \$8.13

Sent To **Keth Arh i aghi Revocable Trust**
 Street and Apt. No., or PO Box No.
186 Wadniff Plantation PKY
 City, State, ZIP+4®
Marietta, GA 30067

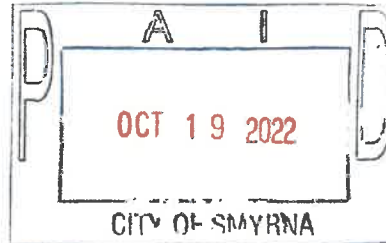
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226
770-434-6600

2022 Property Tax Notice

EJ DRIVE LLC
4794 REBEL TRL
ATLANTA, GA 30327

BREAN PROPERTIES, LLC
1495 FOREST DR.
SMYRNA, GA 30080



Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2022 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
5037	2979 JONQUIL DR STREET LIGHT RESIDENTIAL	17-0631-0-0280	230,000.00	92,000.00	0.00	92,000.00	8.99	827.08 42.00

Pay online at <http://portal.smyrnaga.gov/MSS/citizens/default.aspx>

Important Messages - Please Read

Total of Bills by Tax Type

Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00	Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600	Pen	0.00
		Int	0.00
	If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100	Fees	0.00
		Adjustments	0.00
	Payments	0.00	
	Back Taxes	0.00	
	TOTAL DUE		869.08
	DATE DUE		11/15/2022



Carla Jackson
Cobb County Tax Commissioner
PO Box 649
Marietta, GA 30061-0649
770 528-8600

Receipt Number: 164607 - 164608

Page: 1 of 1

Amount Tendered: \$2,793.84

Less Change: \$0.00

Entered: 10/12/2022 12:41:36 PM

Amount Applied: \$2,793.84

Date Received: 10/12/2022

Business Date: 10/12/2022

Less Refunds: \$14.53

Cashier: 06 SA

Register: WS06 MAIN-FC04

Net Applied: \$2,779.31

Receipt Applied To:

Parcel ID	Year	Location	Amount	Description/Notes
17-0555-0-007-0	P22	1495 FOREST DR	\$262.19	Current Year
17-0631-0-028-0	P22	2979 JONQUIL DR	\$2,517.12	Current Year
Refunds		\$14.53		ATLANTA STAR PLUMBING CORPORATION
TOTAL REFUNDS		\$14.53	\$2,779.31	TOTAL NET APPLIED

Form of Payment	Amount	Reference	Payer
ELEC. DEPOSIT	\$2,793.84	1939	ATLANTA STAR PLUMBING CORPORATION
TOTAL:	\$2,793.84		

Thank you for your payment.

ATLANTA STAR PLUMBING CORPORATION
2978 JONQUIL DRIVE SE
SMYRNA GA 30080

Printed: 10/12/2022 12:41:39 PM by SA
ReCo.custrcpt V1.1-050120