

Variance Application

VAR-23-26

Submitted On: Jul 3, 2023

Applicant

 Michael Guobaitis
 470-926-0905
 admin@civilaceeng.com

Primary Location

220 EARLY PKWY SE
SMYRNA, GA 30080

Applicant Information

First Name

Jordan

Last Name

Deeney

Street Address

419 E Crossville Rd, Suite 103

City

Roswell

State

Georgia

Zip Code

30075

Email

michael@civilaceeng.com

Phone Number

470-926-0905

Are you the titleholder of the subject property?

No

Titleholder Information

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

Charles & Carole Fouts Trust

Street Address

716 13th St

City

Port Royal

State

SC

Zip Code

29935

Email Address

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Phone Number

770-833-3653

Property Information

Property Address

220 Early Pkwy

Description of Requested Variances

Stream buffers

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. This subdivision was developed in 1977 with the intention for all lots to be developed as residential. The original owner of this property decided to keep this lot for themselves with their home at 198 Early Pkwy. The lot has remained undisturbed and overgrown with undesirable vegetation. A 20' drainage easement runs across the property and based on visual inspection, there is a spring inside the ditch with active water flowing. Due to the spring and water flow, state and county stream buffers will apply. It appears the adjacent properties were developed many years ago before stream buffers were enforced. It can be seen from aerial imagery that the adjacent properties have incorporated the ditch/stream into their yard landscaping rather than allowing a natural buffer to form.

2. The hardship is not self-created, this lot has remained undisturbed since the subdivision was developed in the 1970s.

3. The stream buffers, particularly the impervious setback and the 50' city buffer are restricting a driveway and building from ever getting constructed on this property.

4. The developer proposes to construct a 3,800 SF, 4 bedroom- 3 bathroom and 3-car garage residence. Due to the topography of the lot, the building will most likely include a basement with access from the east side. Based on current real estate data, this is the desirable size of home being constructed in the area and would add exceptional value to the subdivision and the city. Restricting the depth of the home to stay out of the 50' buffer and impervious setback would greatly limit the ability to build a desirable layout in the home.

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, Charles & Carole Fouts, swear that I am the Property Owner of the property

located at: 220 Early Pkwy

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): James Sigsbee and Jordan Deeney

Address: 419 E Crossville Rd, Suite 103, Roswell, GA 30075

Telephone: 470-926-0905 Email: michael@civlaceeng.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.)

DocuSigned by:

Charles Fouts

7/5/2023

EDA15066865848B...

DocuSigned by:

Carole Fouts

7/5/2023

EDA15066865848B...

Signature of Property Owner

716 13th Street

Address

Charles & Carole Fouts

Name of Property Owner (print clearly)

Port Royal, SC 29935

City, State, Zip

Comprehensive Narrative

- 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.**

This subdivision was developed in 1977 with the intention for all lots to be developed as residential. The original owner of this property decided to keep this lot for themselves with their home at 198 Early Pkwy. The lot has remained undisturbed and overgrown with undesirable vegetation. A 20' drainage easement runs across the property and based on visual inspection, there is a spring inside the ditch with active water flowing. Due to the spring and water flow, state and county stream buffers will apply. It appears the adjacent properties were developed many years ago before stream buffers were enforced. It can be seen from aerial imagery that the adjacent properties have incorporated the ditch/stream into their yard landscaping rather than allowing a natural buffer to form.

- 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.**

The hardship is not self-created, this lot has remained undisturbed since the subdivision was developed in the 1970s.

- 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.**

The stream buffers, particularly the impervious setback and the 50' city buffer are restricting a driveway and building from ever getting constructed on this property.

- 4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.**

The developer proposes to construct a 3,800 SF, 4 bedroom- 3 bathroom and 3-car garage residence. Due to the topography of the lot, the building will most likely include a basement with access from the east side. Based on current real estate data, this is the desirable size of home being constructed in the area and would add exceptional value to the subdivision and the city. Restricting the depth of the home to stay out of the 50' buffer and impervious setback would greatly limit the ability to build a desirable layout in the home.

Job Recipient List/Review








My Mailing 07032023

Job #: **8076643**Quantity: **7**Will mail on or before: **07/06/2023**

Active Recipients

[7 Active Recipients]

[Filter](#)

AcctNo	Name1	Name2	Address 1	Address 2	City	State	Zip	Proof	Tracking	Status	Signature
1	Daniel & Taylar Caraway		198 Early Pkwy		Smyrna GA		30082	View	Tracking		View
2	Gregory H & Donna M Ferguson		179 Early Pkwy		Smyrna GA		30082	View	Tracking		View
3	Margaret S Stocks		225 Early Pkwy		Smyrna GA		30082	View	Tracking		View
4	Robert & Alma A Mainor		130 Oak Forest Dr		Smyrna GA		30082	View	Tracking		View
5	Joseph & Nicola Jane Pariseau		242 Early PKwy		Smyrna GA		30082	View	Tracking		View
6	Barbara W Davis		3815 Cline Dr		Smyrna GA		30082	View	Tracking		View
7	Ana E & Luis E Cordova		3811 Cline Dr		Smyrna GA		30082	View	Tracking		View

[7 Active Recipients]

Removed Recipients

[0 Recipient Have Been Removed]

[AcctNo](#) [Name1](#) [Name2](#) [Address 1](#) [Address 2](#) [City](#) [State](#) [Zip](#) [Proof](#) [Tracking](#) [Status](#) [Signature](#)

[0 Recipient Have Been Removed]

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1-888-501-5288

Munis Self Service

Real Estate (Your House or Land)

[View Bill](#)[View bill image](#)

As of	7/1/2023
Bill Year	2022
Bill	5693
Owner	FOUTS CHARLES L & CAROLE A
Parcel ID	17026600240

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2022	\$293.72	\$293.72	\$0.00	\$0.00	\$0.00
Interest			\$4.83			\$0.00
TOTAL		\$293.72	\$293.72	\$0.00	\$0.00	\$0.00

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Owner Information

CHARLES & CAROLE FOUTS TRUST
198 EARLY PKWY
SMYRNA, GA 30082

Payment Information

Status	Unpaid
Last Payment Date	04/18/2023
Amount Paid	\$766.08

Property Information

Parcel Number	17026600240
Acres	0
Assessed Value	\$28,000
Fair Market Value	\$70,000
Tax District	6 - City of Smyrna
Homestead Exemption	NONE

Bill Information

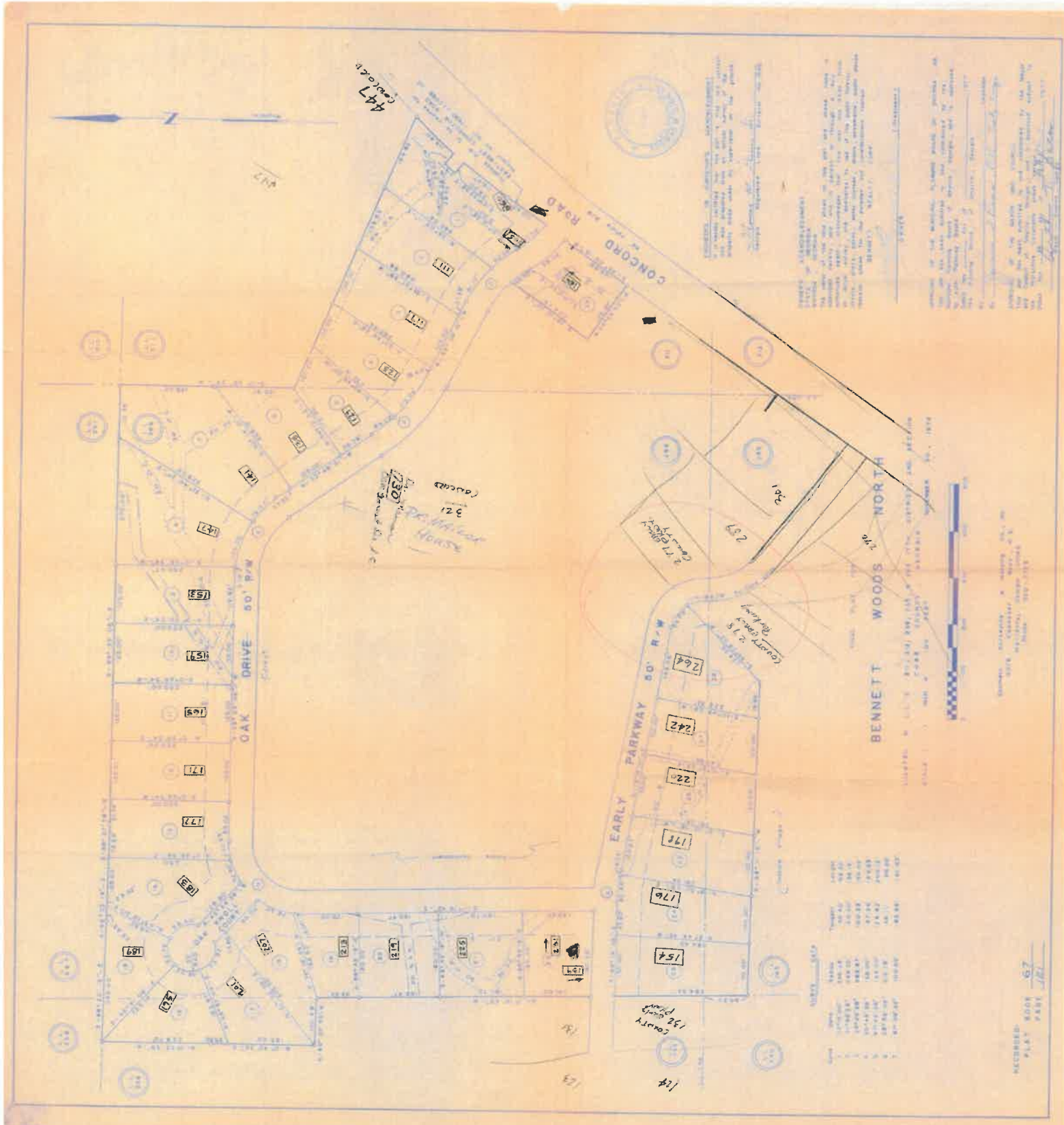
Record Type	Parcel
Bill Type	Adjusted
Tax Year	2022
Due Date	05/15/2023

Taxes

Base Taxes	\$766.08
Penalty	\$0.00
Interest	\$0.00
Fees	\$0.00
Good Through	
Balance Due	\$0.00

Property Address

220 EARLY PKWY



RECORDED
PLAT BOOK 67
PAGE 101

Surveyed by H. H. HARRIS, Surveyor, D.C., on
1914, for the purpose of showing the location of the
BENNETT WOODS NORTH
Tract, containing 100 acres, more or less,
situate in the County of Loudoun, State of Virginia.



Map of the BENNETT WOODS NORTH Tract, containing 100 acres, more or less, situate in the County of Loudoun, State of Virginia, as surveyed by H. H. HARRIS, Surveyor, D.C., on 1914, for the purpose of showing the location of the BENNETT WOODS NORTH Tract, containing 100 acres, more or less, situate in the County of Loudoun, State of Virginia.

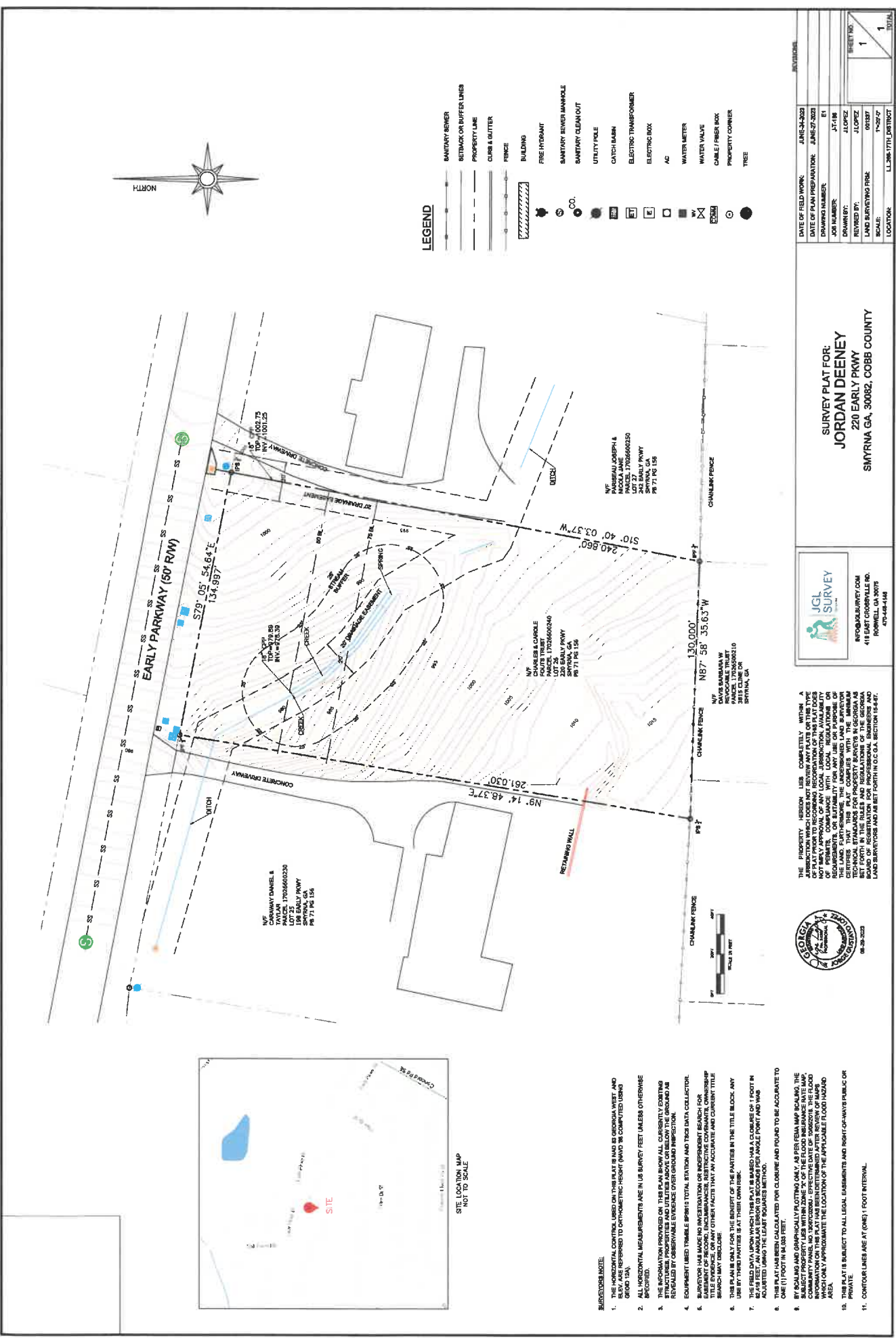
Lot	Area	Owner
151	1.00	...
152	1.00	...
153	1.00	...
154	1.00	...
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156	1.00	...
157	1.00	...
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197	1.00	...
198	1.00	...
199	1.00	...
200	1.00	...

Surveyed by H. H. HARRIS, Surveyor, D.C., on 1914, for the purpose of showing the location of the BENNETT WOODS NORTH Tract, containing 100 acres, more or less, situate in the County of Loudoun, State of Virginia.

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LEGEND

- SANITARY SEWER
- SETBACK OR BUFFER LINES
- PROPERTY LINE
- CURB & BUTTER
- FENCE
- BUILDING
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- SANITARY CLEANOUT
- UTILITY POLE
- CATCH BASIN
- ELECTRIC TRANSFORMER
- ELECTRIC BOX
- AC
- WATER METER
- WATER VALVE
- CABLE / FIBER BOX
- PROPERTY CORNER
- TREE

DATE OF FIELD WORK: JUNE 24, 2023
DATE OF PLAN PREPARATION: JUNE 27, 2023
DRAWING NUMBER: E1
JOB NUMBER: J1-18
DRAWN BY: J. LOPEZ
REVIEWED BY: J. LOPEZ
LAND SURVEYING FIRM: J. LOPEZ
SCALE: 1"=25'-0"
LOCATION: LL 286-17TH DISTRICT

SURVEY PLAT FOR:
JORDAN DEENEY
220 EARLY PKWY
SMYRNA GA, 30082, COBB COUNTY

THE PROPERTY HEREIN LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVEAL ANY PLATS OF THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDED INFORMATION ON THIS PLAT DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO ONE (1) FOOT IN 4,000 FEET.

BY SCALING AND GRAPHICALLY PLACING ONLY, AS PER FEMA MAP SCALING, THE SUBJECT PROPERTY LIES WITHIN ZONE "X" OF THE FLOOD INSURANCE RATE MAP. INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS AND ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AND NOT BE USED FOR ANY OTHER PURPOSE.

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF-THAT-PUBLIC OR PRIVATE.

11. CONTOUR LINES ARE AT (ONE) (1) FOOT INTERVAL.

THE PROPERTY HEREIN LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVEAL ANY PLATS OF THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDED INFORMATION ON THIS PLAT DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT. THE LAND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND DETERMINED THAT THE INFORMATION HEREON IS TRUE AND CORRECT.

