



## License and Variance Board Meeting - Final

March 12, 2025  
10:00 AM

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**E. V25-013** Public Hearing - Variance Request - V25-013 - Allow new construction on lot of record below minimum requirements - Land Lot 486 - 1068 McLinden Ave - PLR Properties, Inc



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V25-032

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**Agenda Date:** 2/12/2025

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V25-013 - Allow new construction on lot of record below minimum requirements - Land Lot 486 - 1068 McLinden Ave - PLR Properties, Inc

***Ward 3 Councilmember - Travis Lindley***

**ISSUE AND BACKGROUND:**

The applicant is requesting to build a new single-family home on a substandard lot at 1068 McLinden Avenue. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 zoning district. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development believes that the requested variance will not adversely affect surrounding properties. Therefore, staff recommend approval of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. An as-built survey shall be submitted prior to foundation pour due to the proximity to the setbacks.
3. The chain link fence along Hollis Street cannot be replaced in its current location without first obtaining an additional variance.

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Caitlin Crowe, Planner I

Date: March 5, 2025

**RE: VARIANCE CASE V25-013**  
**1068 Mclinden Avenue – Allow new construction on lot of record below minimum requirements**

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#### BACKGROUND

The applicant is requesting to build a new single-family home on a substandard lot at 1068 Mclinden Avenue. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

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#### ANALYSIS

The subject parcel is a 0.27-acre lot located at the southwest intersection of Mclinden Avenue and Hollis Street (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are occupied by detached single-family homes. The subject parcel is part of the Dunton subdivision, which was platted in 1950, prior to the current Smyrna Zoning Ordinance, which was implemented in 1976.

The applicant is proposing to demolish the majority of the existing 1,184 square foot house to the foundation and build a new 3,177 square foot one-story single-family home which will consist of 5 bedrooms and 4 ½ bathrooms and a hardiplank façade. The home will be accessed off the existing driveway off Mclinden Avenue, which will be repaved as part of the project. Per the applicant, the existing chain link fence that circles the property will be removed from the front of the property and remain untouched in the rear. Although chain link fencing is not allowed per Section 503-A.3, since it has existed at least since 2008, it is considered legal non-conforming. However, if it is replaced in any way, additional variances would be required.

The subject property is 11,914 square feet, while the R-15 zoning district requires a minimum lot size of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1950, the hardship is not self-created. If it were not for the nonconforming lot, no other variances would be required to build the new home. As mentioned, the existing one-story home is 1,184 square feet, which is below the minimum house size of the R-15 zoning district of 2,000 square feet. With the new construction, the home will be brought into compliance with the R-15 zoning district floor area requirement.

## VARIANCE CASE V25-013

March 5, 2025

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The subject property is unique in that it has less square footage than what the R-15 zoning district requires. The hardship is not self-created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Community Development does not believe building a new single-family home on the subject property in accordance with the R-15 zoning requirements will negatively impact the surrounding properties as there is an existing home on the subject property. The same variance was granted across the street at 1069 McInden Avenue in 2020 (V20-054) so there is a precedence for this type of variance in the immediate neighborhood. At the time of this report, Community Development has not received any calls in opposition to the request.

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### STAFF COMMENTS

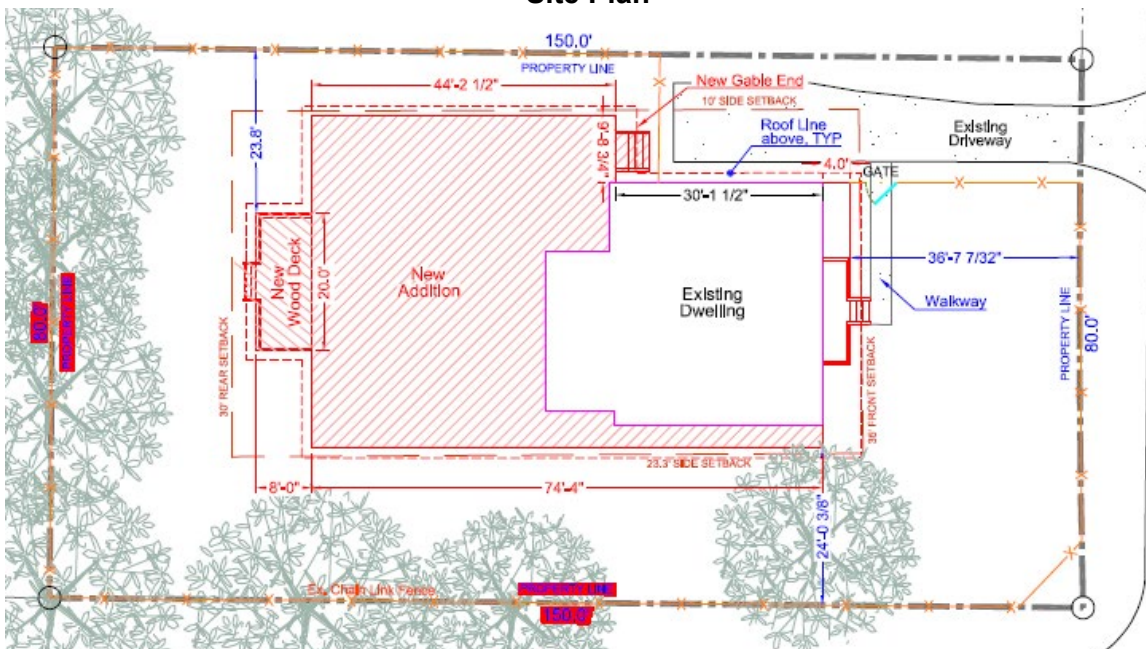
The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 zoning district. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development believes that the requested variance will not adversely affect surrounding properties. Therefore, staff recommend **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. An as-built survey shall be submitted prior to foundation pour due to the proximity to the setbacks.
3. The chain link fence along Hollis Street cannot be replaced in its current location without first obtaining an additional variance.

Figure – 1

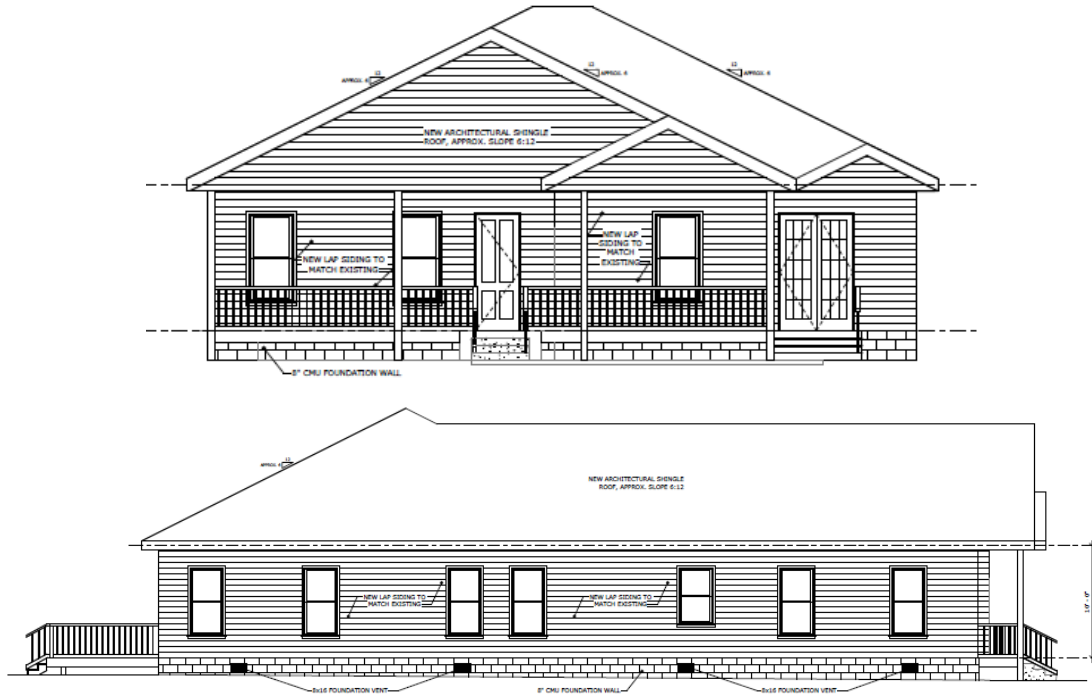


Figure – 2  
Site Plan





**Figure – 3**  
**Building Elevations (from Mclinden Avenue & Hollis Street)**



**Figure – 4**  
**Subject Property from Mclinden Avenue**

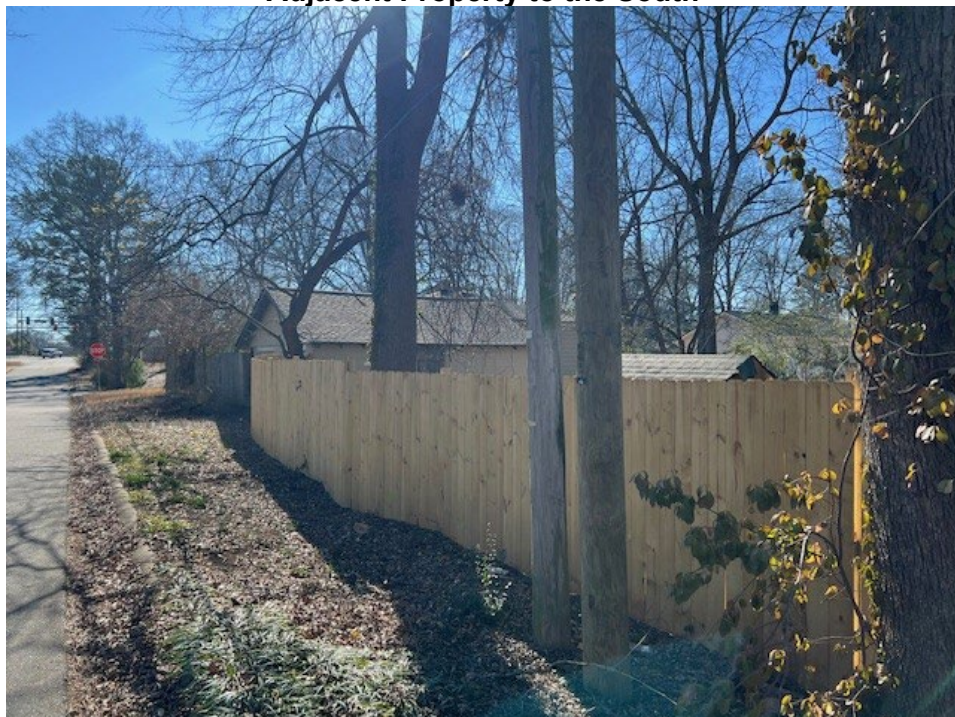




**Figure – 5**  
**Subject Property from Hollis Street**



**Figure – 6**  
**Adjacent Property to the South**





**Figure – 7**  
**Adjacent Property to the West**



**Figure – 8**  
**Adjacent Property across Hollis Street**





**Figure – 9**  
**Adjacent Property across Mclinden Avenue**



CALCULATION OF IMPERVIOUS SURFACE	
Lot Area (ft <sup>2</sup> )	11914
Existing Impervious Area (ft <sup>2</sup> )	
House	1184
Addition	0.00
Patio & Walkways	71.00
Accessory Structures (i.e. tool shed, detached garage, etc)	0.00
Swimming Pool	0.00
In-ground Above-ground	0.00
Sidewalk (portion on Lot)	0.00
Driveway/Driveway Apron (portion on Lot)	590.00
OTHER:	None
<b>TOTAL EXISTING IMPERVIOUS SQUARE FOOTAGE / PERCENTAGE OF LOT AREA</b>	<b>1845.00</b>
Proposed Impervious Area (ft <sup>2</sup> )	
Structures (New Addition)	1,833.00
Structures (New Wood Deck)	160.00
Driveway	0.00
Patio & Walkways	0.00
Swimming Pool	0.00
In-ground Above-ground	0.00
OTHER:	0.00
<b>TOTAL PROPOSED IMPERVIOUS SQUARE FOOTAGE / PERCENTAGE OF LOT AREA</b>	<b>1993.00</b>
<b>COMBINED TOTAL OF IMPERVIOUS SURFACE OF LOT AREA SQUARE FOOTAGE/PERCENTAGE</b>	<b>3838.00</b>
	3838.00 / 11914.00 = 0.322 (32.2%)

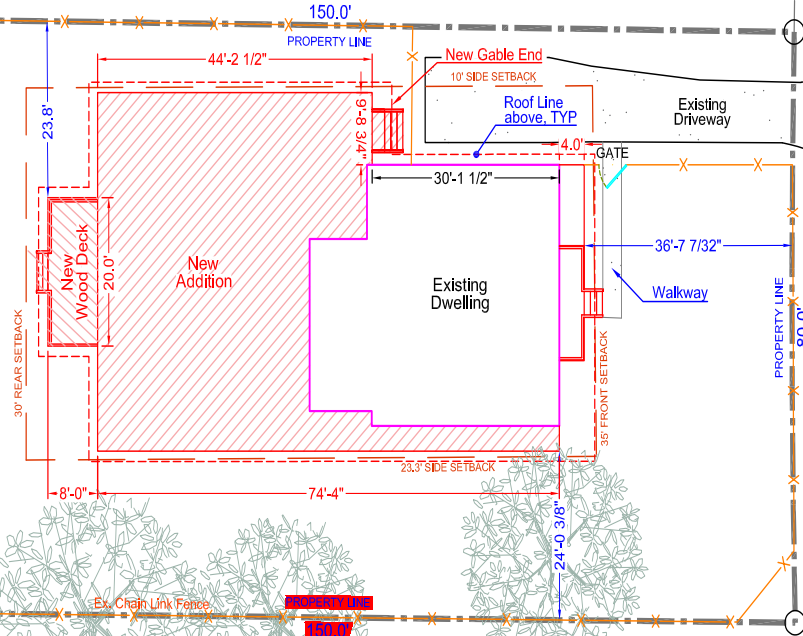
1061 DELL AVE SE  
APN:17048600470

1051 DELL AVE SE  
APN:17048600460

1060 MCLINDEN AVE SE  
APN:17048600450

MCLINDEN AVE SE  
40' R/W

HOLLIS ST  
40' R/W



Note:

AN AS-BUILT SURVEY WILL BE REQUIRED PRIOR TO THE FOUNDATION POUR DUE TO THE PROXIMITY TO SETBACKS

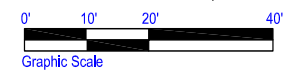
THE CHAIN LINK FENCE IN THE FRONT WILL BE REMOVED; THE CHAIN LINK FENCE IN THE BACK WILL REMAIN UNDISTURBED, THE CHAIN LINK FENCE CANNOT BE REPLACED WITHOUT A VARIANCE

Parcel No. (APN) 17048600440  
Parcel Use R3 - RESIDENTIAL 1 FAMILY  
Zoning R-15  
XXX  
Building Area 1184 SF  
Lot Area 11914 SF (0.27 ACRES)  
Building/Lot Area 0.10

1068 MCLINDEN AVE SE

SMYRNA, GA 30080

Scale: 1" = 20'



**THIS IS NOT A LEGAL SURVEY  
NOR IS IT INTENDED TO BE OR REPLACE ONE**  
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise locations of any feature, object or boundary.





CALCULATION OF IMPERVIOUS SURFACE	
Lot Area (ft <sup>2</sup> )	11914
Existing Impervious	Area (ft <sup>2</sup> )
House	1184
Addition	0.00
Patio & Walkways	71.00
Accessory Structures (i.e. tool shed, detached garage, etc)	0.00
Swimming Pool	0.00
In-ground Above-ground	0.00
Sidewalk (portion on Lot)	0.00
Driveway/Driveway Apron (portion on Lot)	590.00
OTHER:	None
<b>TOTAL EXISTING IMPERVIOUS SQUARE FOOTAGE / PERCENTAGE OF LOT AREA</b>	<b>1845.00</b>
Proposed Impervious	Area (ft <sup>2</sup> )
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In-ground Above-ground	0.00
OTHER:	0.00
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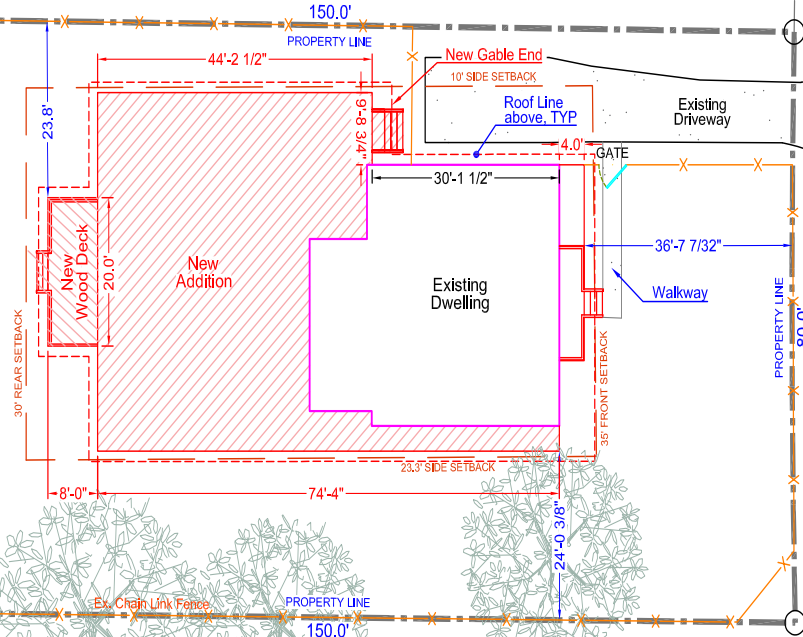
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MCLINDEN AVE SE  
40' R/W

HOLLIS ST  
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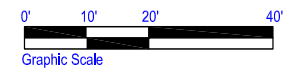
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1068 MCLINDEN AVE SE

SMYRNA, GA 30080

Scale: 1" = 20'



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**Variance Application****VAR-25-2**

Submitted On: Jan 7, 2025

**Applicant**

 Pam Tatum  
 770-315-5036  
@ plrpropertiesga@gmail.com

**Primary Location**

1068 MCLINDEN AVE SE  
SMYRNA, GA 30080

**Applicant Information****First Name**

PLR Properties Inc. / Pam

**Last Name**

Tatum

**Street Address**

2824 Shea Way

**City**

Marietta

**State**

GA

**Zip Code**

30060

**Email**

plrpropertiesga@gmail.com

**Phone Number**

770-315-5036

**Are you the titleholder of the subject property?**

Yes

**Property Information****Property Address**

1068 McLinden Ave Smyrna GA 30080

**Description of Requested Variances**

A variance for new construction on a nonconforming lot since the property is less than 15,000 sq ft.

**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.**

false

**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 property does not currently meet code requirements and therefore has to be fully renovated. The current square footage of the space does not comfortably accommodate the average single-family size. The proposed plans allow for the intended use which is similar to other properties in this district and does not create any hardship or disregard for surrounding homeowners. These changes would not increase development impact, such as traffic, parking or noise. The proposed plans consider revisions that would provide the applicant reasonable use of the property while still maintaining zoning and variance restrictions. In addition, these changes would enhance curb appeal and align with the aesthetics of the neighborhood and reflect the market value of nearby homes.

**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

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☐ Adult Signature Required \$

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Postage

\$

Total Postage and Fees

\$

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1067 McLinden Ave.  
Street and Apt. No., or PO Box No.

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☐ Adult Signature Required

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Postage

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Total Postage and Fees

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City, State, ZIP+4®

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Postage

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Total Postage and Fees

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City, State, ZIP+4®

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POSTOFFICE 2890

02 6294 E000 0225 0720 6856

The UPS Store #2280  
1750 Powder Springs Rd Sw Ste 190  
Marietta, GA 30064-4861  
770-514-7299

Terminal.....: POS2280B

Date.: 1/6/2025

Employee.....: 233077

Time.: 04:55 PM

ITEM NAME	QTY	PRICE	TOTAL
Metered Mail Ground Advantage			\$44.32
	1	\$44.32	
Tax			\$0.00
MMKKFF3EE49E8			
Tracking Number			

Subtotal \$44.32

Shipping/Other Charges \$0.00

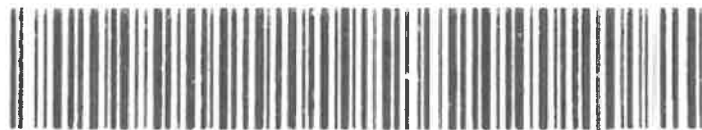
Total tax \$0.00

Total \$44.32

Cards \$44.32

Items Designated NR are NOT eligible  
for Returns, Refunds or Exchanges.

US Postal Rates Are Subject to Surcharge.



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Printed: 1/7/2025

## 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:  
CAMPBELL & BRANNON

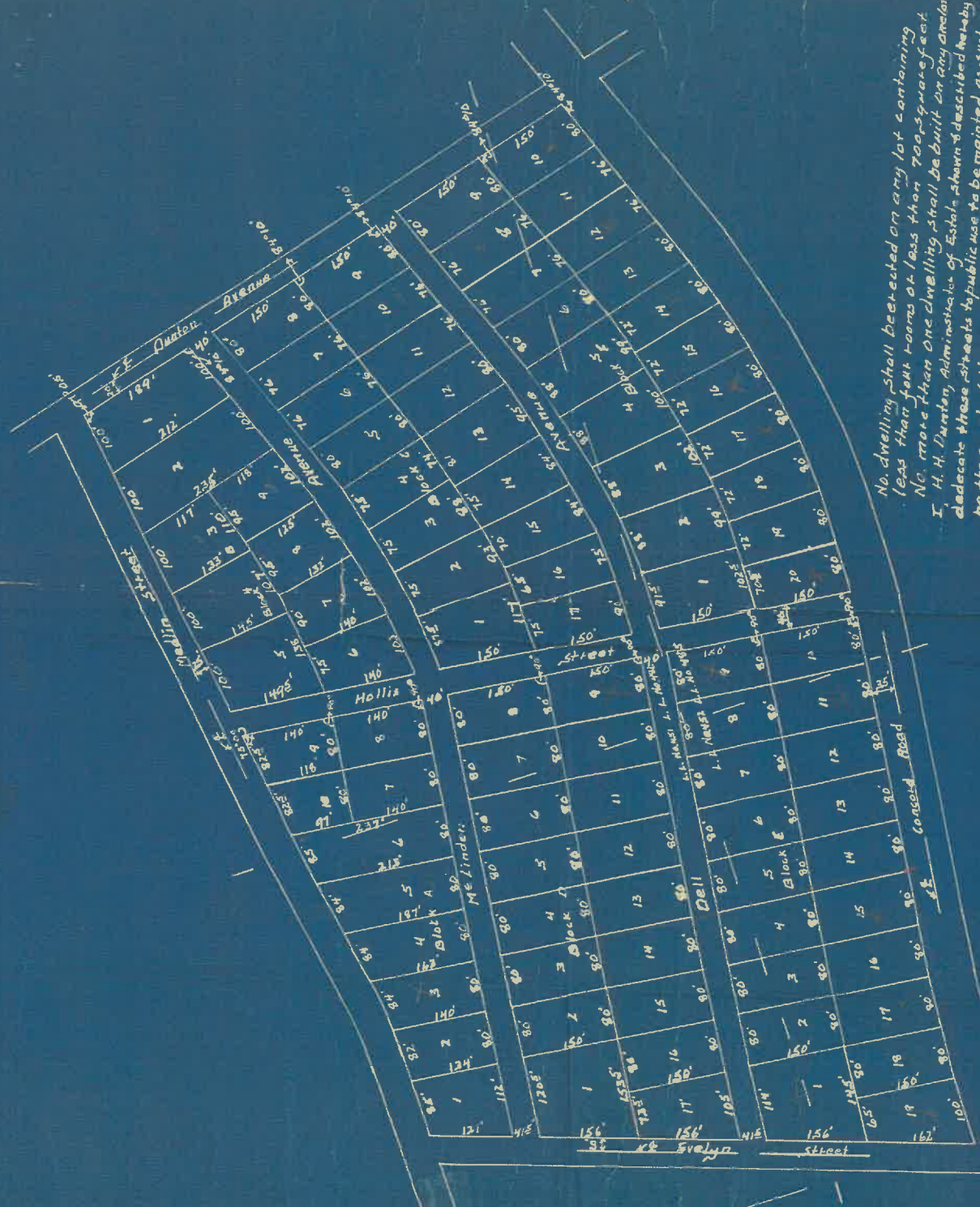
**MORRISON B MAXENE**

**Payment Date: 10/3/2024**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	17048600440	10/15/2024	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$191.97	\$0.00	



Scan this code with your  
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No dwelling shall be erected on any lot containing less than four rooms or less than 700 square feet. No more than one dwelling shall be built on any one lot. I, H. H. Danton, Administrator of Estate shown & described hereby dedicate these streets to public use to be maintained as such be the county & the min. building regulation laws of Georgia. I, H. H. Danton, Administrator of Estate shown & described hereby hereby adopt this plan for Subdivision.

Signed: *[Signature]*  
 Adminstrator  
 Approved: *[Signature]*  
 Chairman Cobb Co Planning Comm  
 A 20 ft min building shall be required on front of all lots and on side of lots at street corners.

Estate of Mary A. Danton  
 Located in L.L. Nos. 451-452-415-486  
 17th District - 2nd Section - Cobb County - Ga.  
 Total Area = 300 Acres  
 J. P. Phillips - Surveyor  
 Ga. State License No 148  
 April 7, 1940  
 L.P. at all Lot Corners