



## License and Variance Board Meeting - Final

March 12, 2025  
10:00 AM

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H. **V25-025** Public Hearing - Variance Request - V25-025 - Reduce the streetside setback from 10 feet to 6.3 feet - Land Lot 486 - 3050 Nichols Street - Marc McAfee



# City of Smyrna

## Issue Sheet

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

File Number: V25-056

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**Agenda Date:** 3/12/2025

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V25-025 - Reduce the streetside setback from 10 feet to 6.3 feet - Land Lot 486 - 3050 Nichols Street - Marc McAfee

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

**ISSUE AND BACKGROUND:**

The applicant is requesting to reduce the streetside setback for an addition at 3050 Nichols Street. The streetside setback of 20 feet is regulated by the Medlin Place at Smyrna Heights plat, recorded in 2007. Note that during rezoning (Z06-003) and subsequent platting, the developer was required to dedicate 10-feet of right-of-way along Medlin Street. Due to this dedication, the 20-foot streetside setback is from the street as opposed to the property line. Thus, the applicant's request for the streetside setback reduction will take into account the original dedication and be a reduction from the existing setback of 10 feet.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to reduce the streetside setback to renovate the existing property at 3050 Nichols Street. 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. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends 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. The bonus suite shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.



# City of Smyrna

## Issue Sheet

File Number: V25-056



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



**Variance Application****VAR-25-10**

Submitted On: Jan 31, 2025

**Applicant**

 Marc McAfee  
 678-230-0892  
@ bulldog220@hotmail.com

**Primary Location**

3050 NICHOLS ST SE  
SMYRNA, GA 30080

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

Marc

**Last Name**

McAfee

**Street Address**

3050 Nichols Street SE

**City**

Smyrna

**State**

Georgia

**Zip Code**

30080

**Email**

bulldog220@hotmail.com

**Phone Number**

6782300892

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

Yes

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

3050 Nichols Street SE

**Description of Requested Variances**

There is a shared sewer line and setback running through part of our back yard. We ask that we be allowed to encroach a few feet into that setback space in order to build a structure on top of the present impervious surface there now, which is our driveway. We don't have another spot to expand because of lot size and impervious surface restrictions.

**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.**

--

**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.**

Because of the size of our lot and the existing impervious surface limits, our only choice to expand our home area is in the rear of our property over the existing driveway. If one looks at the location of the private sewer line there and its setback, as well as the site plan for the planned structure to be built on the present driveway, no structure will be built on top of the line itself or really encroaching into the setback more than a tiny corner measuring a few feet. We ask that we be allowed to build the corner of the structure slightly encroaching no more than 5 feet into that setback. We hope you will agree it is an exceptionally, extraordinarily small request.

**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

# NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LANDOWNERS

By signature, it is hereby acknowledged that I have been notified that Marc and Lauren McAfee

Intends to make an application for a variance for the purpose of Adding onto the back of our house and slightly encroaching on the setback of the shared sewer line  
on the premises described in the application.

NAME	ADDRESS
<u>Laura Harty</u>	<u>3056 Nichols St</u>
<u>Mar Harty, Medlin Hsa President</u>	<u>1160 Medlin St</u>
<u>Jan G. Phelan</u>	<u>1171 Medlin St</u>
(Sent via confirmed mail)	<u>1164 Love St</u>
(Sent via confirmed mail)	<u>1170 Love St</u>
<u>John Harty</u>	<u>1184 Medlin St</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 property on the same street.

**UNITED STATES POSTAL SERVICE.**  
SMYRNA  
850 WINDY HILL RD SE  
SMYRNA, GA 30080-1910  
(800) 275-8777

01/29/2025 01:42 PM

Product	Qty	Unit Price	Price
Priority Mail® Window FR Env Smyrna, GA 30080 Flat Rate Expected Delivery Date Fri 01/31/2025 Tracking #: 9505 5121 1547 5029 9985 91 Insurance Up to \$100.00 included	1		\$10.10
<b>Total</b>			\$0.00 \$10.10
Priority Mail® Window FR Env Smyrna, GA 30080 Flat Rate Expected Delivery Date Fri 01/31/2025 Tracking #: 9505 5121 1547 5029 9986 14 Insurance Up to \$100.00 included	1		\$10.10
<b>Total</b>			\$0.00 \$10.10
<b>Grand Total:</b>			\$20.20

Credit Card Remit  
Card Name: MasterCard  
Account #: XXXXXXXXXX9605  
Approval #: 29504S  
Transaction #: 957  
AID: A0000000041010  
AL: MASTERCARD  
Contactless

# City of Smyrna



## Parcel Find

PARCEL: 17-0486-0-1310  
LOCATION: 3050 NICHOLS ST  
NAME: \*\* VARIOUS \*\*

EFF DATE: 01/23/2025

YEAR	CAT	BILL #	SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2024	RE-R	11169	N	3050 NICHOLS ST	925.30	0.00	0.00
2023	RE-R	11048	N	3050 NICHOLS ST	755.48	0.00	0.00
2022	RE-R	10933	N	3050 NICHOLS ST	917.30	0.00	0.00
2021	RE-R	10710	N	3050 NICHOLS ST	917.30	0.00	0.00
2020	RE-R	10585	N	3050 NICHOLS ST	875.30	0.00	0.00
2019	RE-R	10537	N	3050 NICHOLS ST	875.30	0.00	0.00
2018	RE-R	10495	N	3050 NICHOLS ST	875.30	0.00	0.00
2017	RE-R	10481	N	3050 NICHOLS ST	875.30	0.00	0.00
2016	RE-R	10229	N	3050 NICHOLS ST	1,245.37	0.00	0.00
2015	RE-R	10150	N	3050 NICHOLS ST	875.30	0.00	0.00
2014	RE-R	10060	N	3050 NICHOLS ST	875.30	0.00	0.00
2013	RE-R	9900	N	3050 NICHOLS ST	875.30	0.00	0.00
2012	RE-R	1155871	N	3050 NICHOLS ST	875.30	0.00	0.00
2011	RE-R	1138345	N	3050 NICHOLS ST	143.84	0.00	0.00
2010	RE-R	1123688	N	3050 NICHOLS ST	158.22	0.00	0.00
2009	RE-R	1097321	N	3050 NICHOLS ST	413.06	0.00	0.00
TOTAL DUE NOW						0.00	0.00
TOTAL UNPAID						0.00	0.00

\*\* END OF REPORT - Generated by Mike Hickenbottom \*\*



Printed: 1/23/2025

## 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:  
ROUNDPOINT MORTGAGE SERVICING CORP

**MCAFEE MARC WILSON & LAUREN  
WEBSTER**

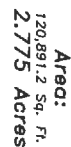
**Payment Date: 10/14/2024**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	17048601310	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	\$5,456.19	\$0.00	




Scan this code with your  
mobile phone to view  
this bill!!





**REVIEWS**



**WEST GEORGIA SURVEYORS, INC.**  
 731 Sandtown Road  
 Marietta, Georgia 30008  
 (770) 428-2122  
 (770) 422-9178  
 FAX: (770) 422-9178

**FINAL PLAY**  
**Medlin Place • Smyrna Heights**

CURVED 15-16' WINDY HILLS, HUNTERS COUNTRY  
 WATERS AND ALL THE PROFIT! SELL, SAVOR! CALL 221-2172

LAND (L):	Corridor Design, Dtl. 5	CC: L7	
DESIGNER:	776		ORIG. M/A
OWNER:	776		776
COAST:	6000		50-187
STREET:	50-187		50-187
DATE:	October 24, 2008		SCALE: 1"=30'
			CC: CC-03-08

# 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 V25-025**  
**3050 Nichols Street – Reduce the streetside setback from 10 feet to 6.3 feet**

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#### BACKGROUND

The applicant is requesting to reduce the streetside setback for an addition at 3050 Nichols Street. The streetside setback of 20 feet is regulated by the Medlin Place at Smyrna Heights plat, recorded in 2007. Note that during rezoning (Z06-003) and subsequent platting, the developer was required to dedicate 10-feet of right-of-way along Medlin Street. Due to this dedication, the 20-foot streetside setback is from the street as opposed to the property line. Thus, the applicant's request for the streetside setback reduction will take into account the original dedication and be a reduction from the existing setback of 10 feet.

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#### ANALYSIS

The subject parcel is a 0.16-acre lot located at the southeast intersection of Medlin Street and Nichols Street. There is also a private 30-foot utility easement in the rear, which acts as the shared driveway for all properties along the west side of Nichols Street, effectively abutting the subject property along three roadways (see Figure 1). The subject parcel and adjoining parcels to the south, east and west are zoned RDA and are within the Medlin Place at Smyrna Heights subdivision; two of the parcels to the north are zoned R-15 while the third parcel is zoned RD. All adjacent properties are occupied by single-family detached homes with the exception of the property to the west, which is the detention pond and amenity area for the Medlin Place at Smyrna Heights subdivision.

The applicant is proposing to renovate the existing 3,102 square foot two-story home with a 500 square foot addition on the rear of the house. The proposed renovations will consist of remodeling both floors of the home. On the first floor, the existing garage will be extended to create a two-car garage with accompanying tandem one-car garage and workshop. The second floor will be expanded to add a new bonus room, complete with a full bathroom, bedroom, and kitchenette; the façade will be a mixture of shake, hardyplank, and board and batten to match the existing home. Per the applicant, the bonus suite is to be used when the applicant works the night shift and needs a space separated from a busy young family during the day. This will also be used by any visiting family or friends but will not be used as a rental. The second-floor bonus suite will be accessed via exterior stairs to come off the main walkway to the rear of the house. Although there will be no interior connection between the bonus suite and the main house, there

## VARIANCE CASE V25-025

March 5, 2025

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is no other logical area to create access, as the master bathroom and closet occupy the existing house on the only area of potential connectivity. Since this is unique to this property, no negative precedent would be set.

The existing house is on a corner lot that faces Nichols Street but has road frontage on both Medlin Street and Nichols Street, not to mention the private drive on the rear. As part of the renovations, the garage will be extended 3.7 feet closer to Medlin Street to provide room for the standard two-car garage while maintaining the existing line of the home (note that the existing home already encroaches into the streetside setback by 0.7 feet). Since the existing home is currently encroaching into the streetside setback, any expansion on the rear of the home would require a variance. Since the existing home is currently non-conforming, the hardship is not self-created. Additionally, the new addition will also be encroaching into the private 20-foot sanitary sewer easement at the rear of the property by 1.3 feet; this has been approved to remain by the Public Works Department and the Medlin Place at Smyrna Heights HOA during plan review.

Due to the existing driveway location, the most logical area to construct the addition is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would deny the applicant the ability to add any square footage to the northern or western side of the home without moving the foundation of the existing home. The variance proposed is the minimum variance needed to increase the home's footprint in the rear. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. At the time of this report, Community Development has not received any calls in opposition to the request.

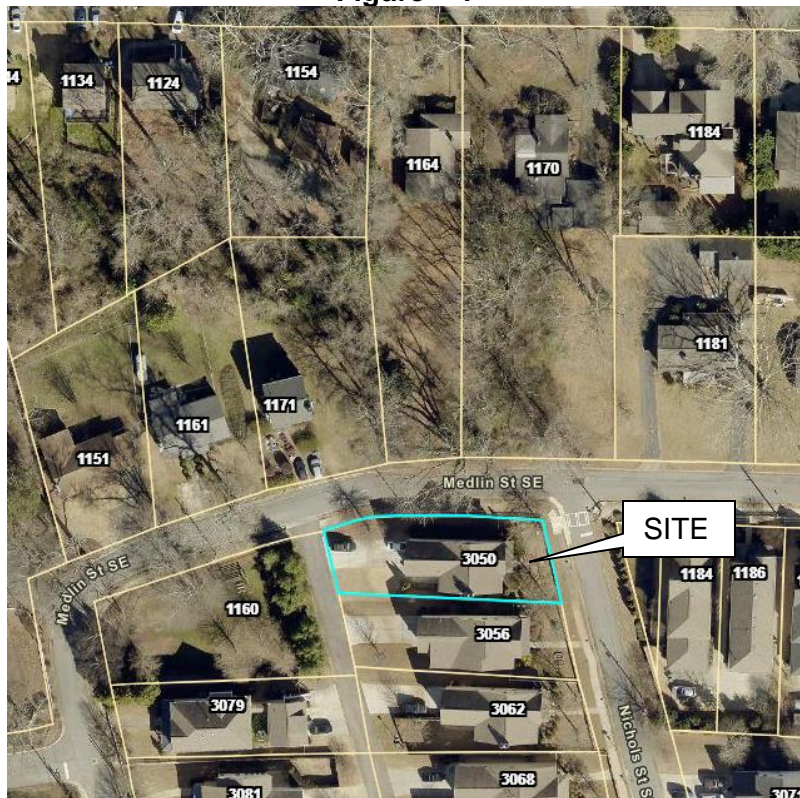
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### STAFF COMMENTS

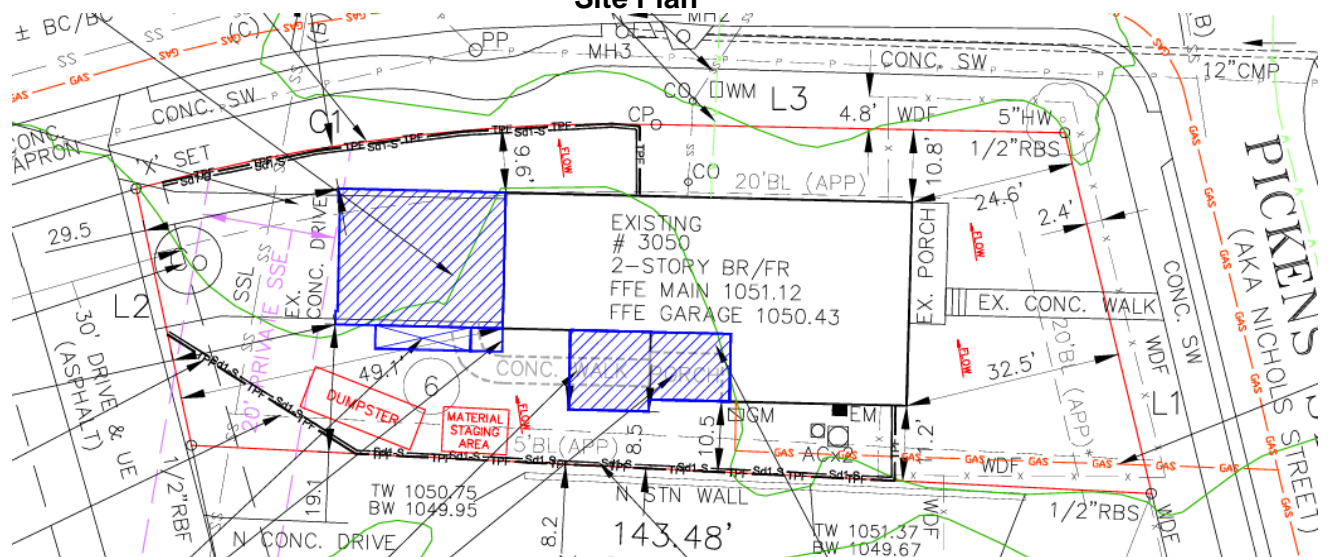
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1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
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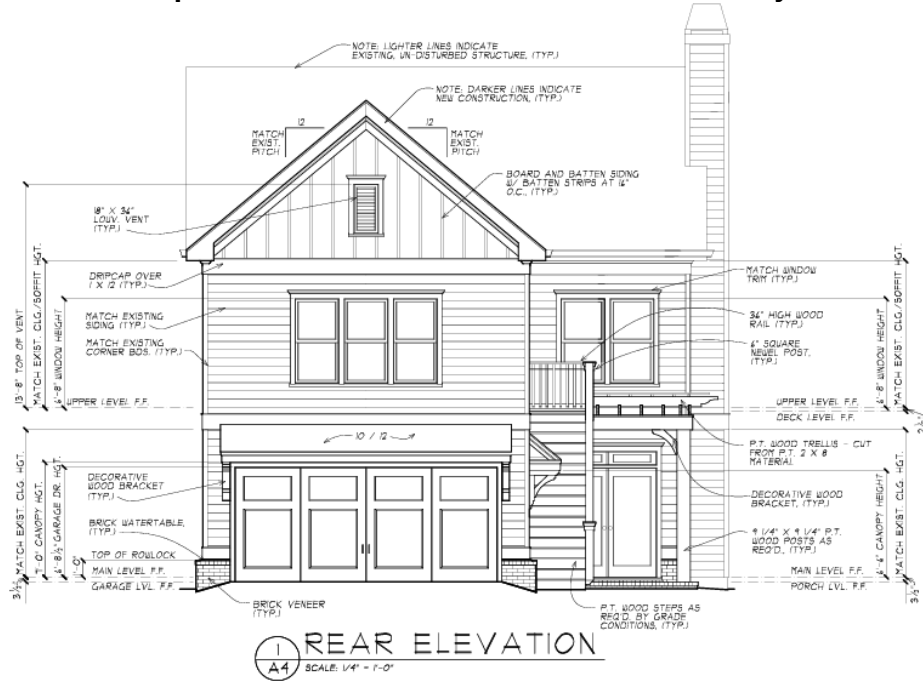
### Figure – 1



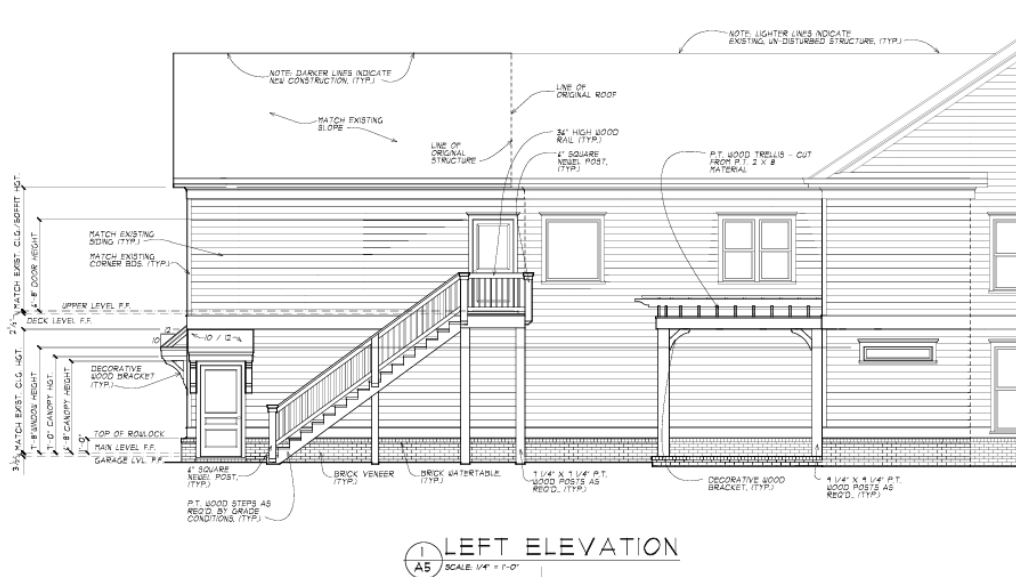
## Figure – 2 Site Plan



**Figure – 3**  
**Proposed Rear Elevation from Shared Driveway**

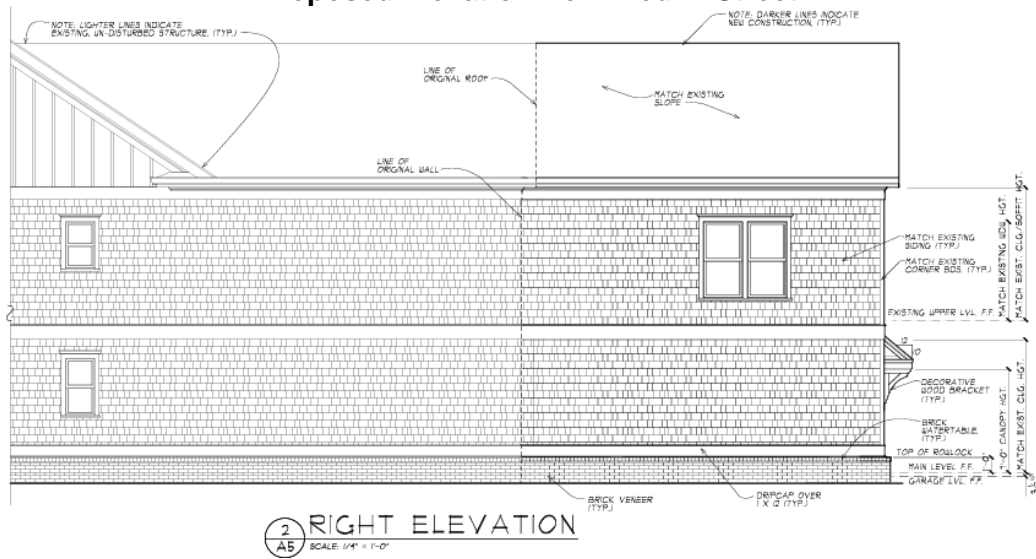


**Figure – 4**  
**Proposed Side Elevation**





**Figure - 5**  
**Proposed Elevation from Medlin Street**



**Figure - 6**  
**Subject Property from Nichols Street**



**Figure - 7**  
**Subject Property from Medlin Street**



**Figure - 8**  
**Proposed Location of the Addition**





**Figure - 9**  
**Adjacent Property to the South**



**Figure - 10**  
**Adjacent Properties across Medlin Street**







**Figure - 11**  
**Adjacent Property across Nichols Street**



**Figure - 12**  
**Adjacent Property across the Shared Driveway**







Curve	Radius	Length	Chord	Chord Bear.
C1	273.49'	78.53'	78.26'	N 82°58'10"E

Course	Bearing	Distance
L1	S 13°33'.42"E	55.14'
L2	N 12°13'.31"W	39.02'
L3	S 88°48'.17"E	60.98'

EXISTING HOUSE  
FEE MAIN 1051.12

SSMH1 1051.93  
INV IN 1044.63  
INV OUT 1044.43

SSMH2 1048.62  
INV IN 1042.32  
INV OUT 1042.12

SSMH3 1047.84  
INV IN(A) 1041.14  
INV IN(B) 1041.24  
INV IN(C) 1041.24  
INV OUT 1040.94

SSMH4 1048.42  
INV IN(A) 1042.32  
INV IN(B) 1042.22  
INV OUT 1041.82

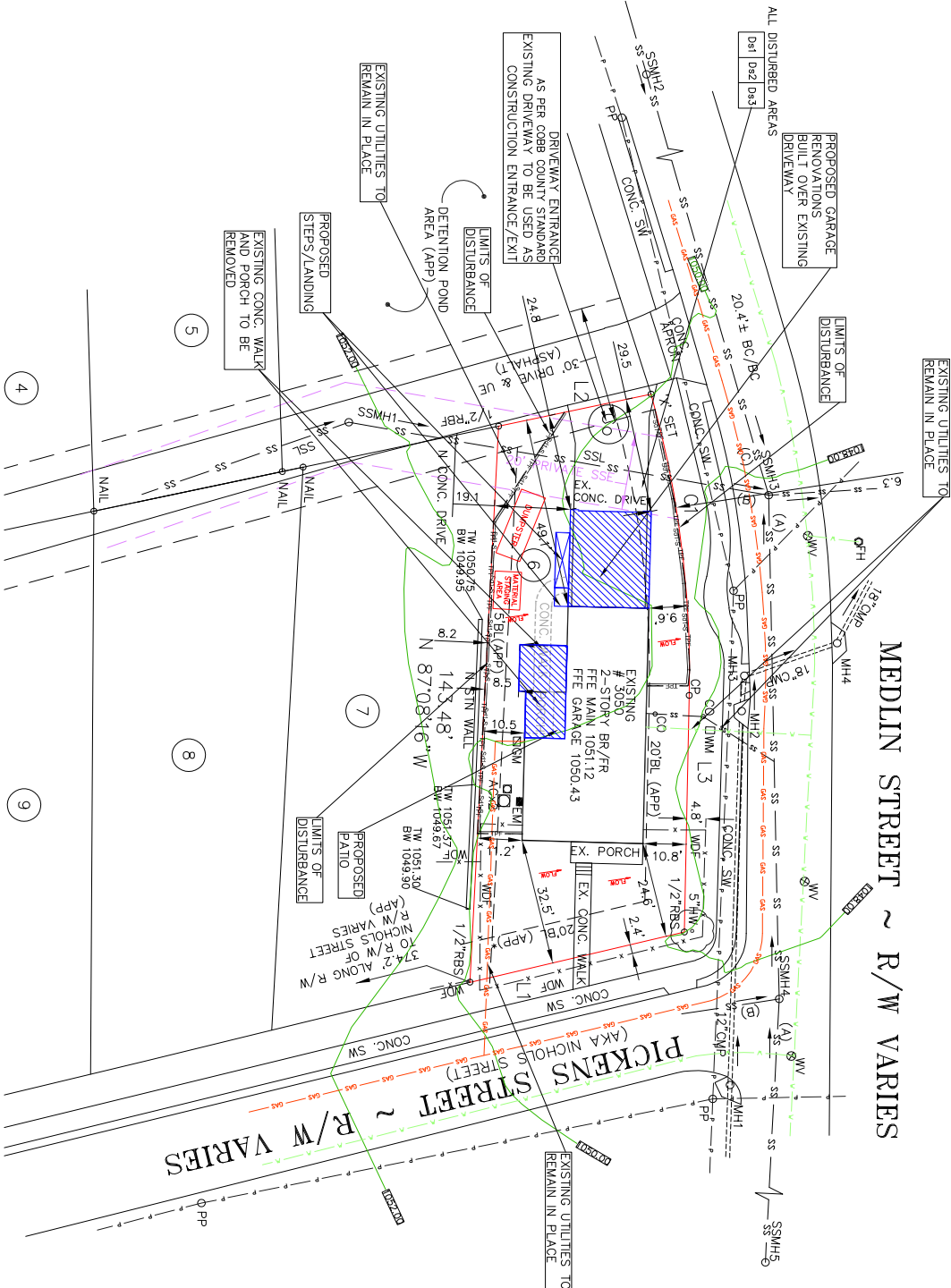
SSMH5 1056.38  
INV OUT 1051.98

MH1 1049.03  
INV IN 1046.93  
INV OUT 1046.53

MH2 1047.48  
INV IN 1044.78  
INV OUT 1044.58

MH3 1047.56  
INV IN 1044.86  
INV OUT 1044.76

MH4 1047.47  
INV IN 1044.27  
INV OUT 1044.17



- INDICATES S&I TYPE C SILT FENCE
- INDICATES S&I TYPE S SILT FENCE
- INDICATES S&I TYPE HB HABUALES
- INDICATES TREE PROTECTION FENCE

INDICATES STRUCTURAL ROOF PLATE

- INDICATES DISTURBED AREA STABILIZATION
- INDICATES DISTURBED AREA STABILIZATION
- INDICATES DISTURBED AREA STABILIZATION
- INDICATES DISTURBED AREA STABILIZATION

TOTAL LAND AREA  
6960.95 SF / 0.159 AC

ALLOWABLE LOT COVERAGE  
3132.42 SF / 0.071 AC / 45%

EXISTING LOT COVERAGE (PRE-REMOVALS)  
2950.00 SF / 0.068 AC / 42.4%

EXISTING LOT COVERAGE (POST-REMOVALS)  
2745.00 SF / 0.063 AC / 39.4%

PROPOSED LOT COVERAGE (POST DEVELOPMENT)  
3119.00 SF / 0.072 AC / 44.8%

DISTURBED AREA  
1671.00 SF / 0.038 AC

# EROSION CONTROL

STABILIZATION MEDIAN PLACE AT SHIRAZ HEIGHTS

LAND LOT 466

CSBB COUNTY, GEORGIA

FIELD WORK DATE: SEP 16, 2024

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

PROPERTY ADDRESS:

3050 NICHOLS STREET

SARASOTA, FL 34230

24 LINDA KORTE

FL 404-282-5747

PROFESSIONAL LAND SURVEYOR

NO. 400120579

DATE: 09/20/2024

PROJECT: SURVEY LAND EXPRESS, INC

LAND SURVEYING SERVICES

RELEASED FOR CONSTRUCTION

SHEET 2 OF 3

MARC McAFEE & LAUREN

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LAND SURVEYING SERVICES

RELEASED FOR CONSTRUCTION

SHEET 2 OF 3

MARC McAFEE & LAUREN

DATE: 09/20/2024

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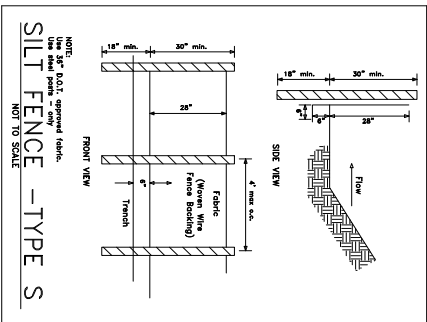
MARC McAFEE & LAUREN

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IN MY OPINION, THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE RELEVANT STATUTES AND REGULATIONS OF LAW.







Medlin Place at Smyrna Heights HOA  
Architectural Control Committee

February 17, 2025

Marc,

Thank you for submitting the exterior plans for your home renovation to the Committee via email on February 7, along with your stated intentions to minimally disrupt the common spaces within our community.

We have reviewed the plans as a group and the members of the committee are in agreement with your proposal moving forward with our approval.

Warm regards,

A handwritten signature in black ink, appearing to read "Marcus McCray".

**Marcus McCray**

Medlin Place at Smyrna Heights Association  
Architectural Control Committee  
[marcus@mccray\\_email](mailto:marcus@mccray_email)  
(334) 354- 9140

