



License and Variance Board Meeting - Final

May 24, 2023
10:00 AM

-
- I. **V23-036** Public Hearing - Variance Request - V23-036 - Reduce the southern side setback from 12 feet to 7.9 feet - Land Lot 519 - 2484 Adams Drive - Rick Kolb



City of Smyrna

Issue Sheet

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

File Number: V23-041

Agenda Date: 5/24/2023

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: I

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-036 - Reduce the southern side setback from 12 feet to 7.9 feet - Land Lot 519 - 2484 Adams Drive - Rick Kolb

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting several variances to build a new single-family home at 2484 Adams Drive on a substandard lot. Section 1208 of the Zoning Ordinance requires a variance to build on a lot of record below minimum requirements. Section 801 of the Zoning Ordinance establishes the restrictions for properties in the R-20 zoning district, which requires 12-foot building side setbacks and a maximum of 25% of impervious surface area in the front yard.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's minimum lot area, side setbacks, and impervious surface requirements established for the R-20 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 variances will not adversely affect surrounding properties. Therefore, Community Development recommends approval of the requested variances with the following condition:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: May 12, 2023

RE: VARIANCE CASE V23- 034
2484 Adams Drive – Allow new construction on lot of record below minimum requirements

VARIANCE CASE V23- 035
2484 Adams Drive – Reduce the northern side setback from 12 feet to 8.3 feet

VARIANCE CASE V23- 036
2484 Adams Drive – Reduce the southern side setback from 12 feet to 7.9 feet

VARIANCE CASE V23- 037
2484 Adams Drive – Reduce the driveway setback from 5 feet (Withdrawn)

VARIANCE CASE V23- 038
2484 Adams Drive – Allow over 25% of the front yard to be impervious surface area

BACKGROUND

The applicant is requesting several variances to build a new single-family home at 2484 Adams Drive on a substandard lot. Section 1208 of the Zoning Ordinance requires a variance to build on a lot of record below minimum requirements. Section 801 of the Zoning Ordinance establishes the restrictions for properties in the R-20 zoning district, which requires 12-foot building side setbacks and a maximum of 25% of impervious surface area in the front yard.

ANALYSIS

The subject parcel is a 0.19-acre lot located on the west side of Adams Drive (see Figure 1). The subject parcel and adjacent parcels to the north and west are zoned R-20 whereas the adjacent parcels to the south and east are zoned RDA; all are occupied by detached single-family homes. The subject parcel is located within the J. H. Taylor Subdivision, which was platted in 1944 in Cobb County, prior to the current Smyrna Zoning Ordinance, which was implemented in 1974.

The subject property was annexed into the City in May 2021 through House Bill 744, which brought several Unincorporated Cobb County islands into the City's jurisdiction. Through the

VARIANCE CASE V23-034 through 038

May 12, 2023

Page 2 of 6

annexation, all annexed properties were brought into the City of Smyrna in the R-20 zoning district, which was Cobb County's equivalent zoning district. However, the subject property is only 8,042 square feet while the R-20 zoning district requires a minimum lot size of 20,000 square feet. Since the subject property is an existing lot of record, originally filed for platting in 1944 in Cobb County and then annexed accordingly into the City, the hardship is not self-created.

The applicant is proposing to demolish the existing 742 square foot ranch house and build a new 3,920 square foot two-story single-family home on the subject property, which will include three bedrooms and three bathrooms. The façade will be a mixture of brick and hardiplank. As mentioned, the existing one-story home is 742 square feet, well below the minimum house size of the R-20 zoning district at 2,100 square feet. With the rebuild, the home will be brought into compliance with the R-20 zoning district floor area requirement.

Due to the property being well below the required 20,000 square feet lot area, the setback requirements create an unfeasible buildable area. The proposed home is centered in the middle of the lot to minimize the scale of the variances needed but due to the constraints of the site, the applicant is requesting to reduce the side setbacks to build the new home. Additionally, to limit land disturbance, the new home is being placed on roughly the same footprint as the previous home, including the front setback encroachment. However, in accordance with Section 1205, since the average front setback for the homes zoned R-20 within 200 feet is 16 feet, no variance is required to allow for a 25-foot front setback.

The existing home has a one-car driveway along the northern property line, which is encroaching into the required 5-foot driveway setback. When the new home is erected, the applicant is proposing to move the driveway to be in line with the new garage, which will be 8.3 feet from the property line. However, due to the narrowness of the lot, the typical standard of a two-car driveway (along with the front setback encroachment) will be more than 25% of the front yard. Since the driveway width is typical of today's homes and will allow additional parking off the narrow road of Adams Drive, staff is supportive of the variance.

The subject property is unique in that it has less square footage than what the R-20 zoning district requires; the hardship is not self-created as the property is an existing lot of record. The setback variances requested are the minimum variances needed to build a new single-family home on the subject property in line with the surrounding neighborhood. Furthermore, variances of this nature have been approved in the past for the property to the north, 2474 Adams Dr (V21-028), so no negative precedent would be set. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the City's minimum lot area, side setbacks, and impervious surface requirements established for the R-20 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 variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variances with the following condition:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



Figure – 2
Site Plan

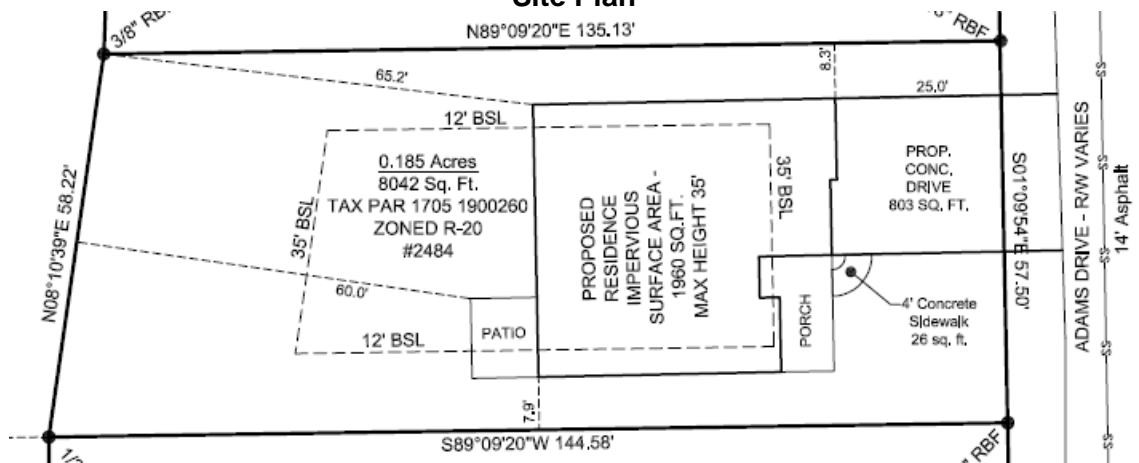


Figure – 3
Front Elevation



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property to the North

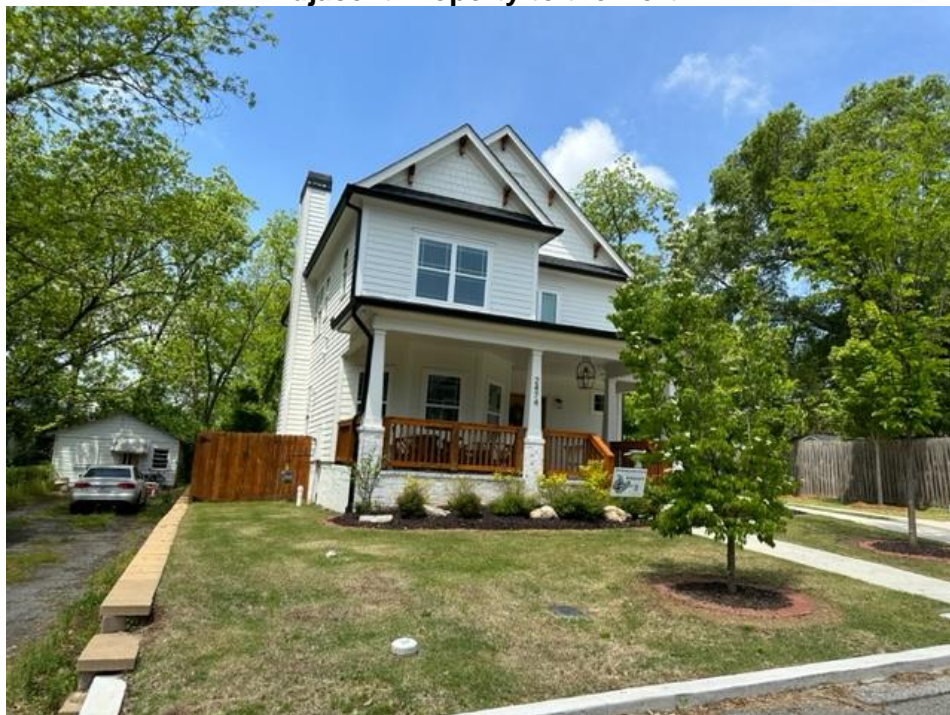


Figure – 7
Adjacent Property across Adams Drive



Figure – 8
Adjacent Property across Adams Drive





Variance Application

Applicant

Primary Location

VAR-23-20

Submitted On: May 5, 2023

 Richard Kolb
 404-518-3542
@ rkolb3553@aol.com

2484 ADAMS DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Rick

Last Name

Kolb

Street Address

2332 Poplar Springs Drive

City

Brookhaven

State

GA

Zip Code

30319

Email

rkolb3553@aol.com

Phone Number

404-518-3542

Are you the titleholder of the subject property?

No

Titleholder Information

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

Terry McCollister

Street Address

3901 Blustery Way

City

Marietta

State

GA

Zip Code

30066

Email Address

glennnda@ansleyatalanta.com

Phone Number

678-755-3711

Property Information

Property Address

2484 Adams Drive

Description of Requested Variances

A variance will be required in order to build a new home on a lot that is currently considered "non-conforming" based upon square footage, as well as reductions to the front and side setbacks.

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.

Acknowledgement

Applicant understands that if he/she swears to a false statement made in the application, he/she may be subject to prosecution for violation of the City of Chicago Code, Section 16-05-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) year and not more than five (5) years, both of which would deprive the applicant of reasonable use of the property for which the variance is sought.

Applicant Signature:

true

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 applicant believes the the requested variances are reasonable in that by granting them, the Board will be permitting a reasonable use of the property, based upon what is currently located on the adjacent lots, as well as many additional lots within close proximity.



City, State, Zip



**APPLICATION FOR VARIANCE
TO THE CITY OF SMYRNA**

Type or Print Clearly

APPLICANT: Brookhaven Home Designs, LLC

Representative's Name (print): Rick Kolb

Address: 2332 Poplar Springs Drive, Brookhaven, GA 30319

Business Phone: _____ Cell Phone: 404-518-3542

Home Phone: _____

E-Mail Address: rkolb@remax.net

Signature of Representative: _____

A handwritten signature in black ink, appearing to read "Rick Kolb", written over a horizontal line.

TITLEHOLDER: Terry McCollister

Address: 3901 Blustery Way, Marietta, GA 30066

Business Phone: _____

Cell Phone: _____

Home Phone: _____

Signature: _____

A handwritten signature in black ink, appearing to read "Jane McCollister", written over a horizontal line.

dotloop verified
05/04/23 11:07 AM EDT
N9FL-KBWD-B4YF-UHFS

VARIANCE:

Present Zoning: R-20 Type of Variance: Requesting permission to build on a "non-conforming" lot,
as well as reduction to front and side setbacks.

Explain Intended Use: The applicant seeks permission to build a new 4BR/3BA home, approximately 2,650sf.

Location: 2484 Adams Drive, Smyrna, GA 30080

Land Lot(s): 15

District: 17th

Size of Tract: 0.185

Acres

CONTIGUOUS ZONING

North: R-20

East: RDA

South: R-20

West: R-20

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

Applicant seeks to tear down the existing structure and construct a new 4BR/3BA home on the property. This lot is currently deemed "non-conforming" due to the total square footage, so applicant is requesting a variance allowing this construction to proceed. Applicant is also requesting a reduced front setback to 20' as well as reduced side setbacks of 7'6" on each side.

This is in line what has been approved previously on either side of this lot.

7021 1970 0000 6256 0596

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SMYTH GA 30141
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Certified Mail Fee \$4.15

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

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Hiram GA 30141

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To
Joel Smit
Street and Apt. No., or PO Box No.
2414 Adams Drive
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Smyrna GA 30080

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Postage \$

Total Postage and Fees \$

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Michael & Pamela Cargal
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2461 Adams Drive
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Smyrna GA 30080

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To
Ron Dickinsen
Street and Apt. No., or PO Box No.
2466 Adams Dr.
City, State, ZIP+4®
Smyrna GA 30080

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

Munis Self Service

Real Estate (Your House or Land)

View Bill

As of	5/2/2023
Bill Year	2022
Bill	11002
Owner	MCCOLLISTER TERRY
Parcel ID	17051900260

View payments/adjustments

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2022	\$616.25	\$616.25	\$0.00	\$0.00	\$0.00
TOTAL		\$616.25	\$616.25	\$0.00	\$0.00	\$0.00

Real Estate (Your House or Land)

[Return to view bill](#)

Payments/Adjustments

As of 5/2/2023

Bill Year	2022
Bill	11002

Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Payment	10/14/2022	10/14/2022	2969498	MCCOLLISTER TERRY	\$616.25

[Return to view bill](#)



Printed: 5/2/2023

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:
Jane Mccollister

MCCOLLISTER TERRY

Payment Date: 9/25/2022

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2022	17051900260	10/15/2022	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$1,747.65	\$0.00	



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

GENERAL NOTES:

1. NO. 1000 Series - Chain Production - 1102.000' - Angular Error = 0.0001"
2. Measurements were taken with a Chain 300' on 04/02/2023 and were balanced using the Computer Rule.
3. All measurements were taken on 04/02/2023.
4. Plat Production: 11/04/2023.
5. No portion of the property lies within a Special Flood Area as shown on the Flood Insurance Rate Map (FIRM) for the area.
6. The plat was prepared by a Licensed Professional Surveyor in the State of Georgia.
7. The public records referenced herein reflect only those records that are on file in the public records office and do not constitute a title search or title opinion.

As required by subsection (b) of O.C.G.A. Section 15-6-67, the plat has been prepared by a land surveyor and approved by an applicable local jurisdiction for recording as evidenced by approval, signature, stamp, or electronic signature of the appropriate official of the local jurisdiction. The local jurisdiction is the City of Smyrna, Georgia, and the plat is subject to the provisions of the Georgia Surveying Act, O.C.G.A. Section 15-6-67, and the Georgia Surveying Board Rules, O.C.G.A. Section 15-6-68. The surveyor certifies that the plat contains no fraud, forgery, or other illegal act, and that the surveyor is not a party to any fraud, forgery, or other illegal act. The surveyor also certifies that the plat complies with the rules and regulations of the Georgia Surveying Board and the Georgia Surveying Act, O.C.G.A. Section 15-6-67.

William J. Gilbert - O.C.G.A. Section 15-6-68

Date: May 1, 2023



OWNER'S ACKNOWLEDGMENT

THE OWNER OF THE LAND SHOWN ON THIS PLAT KNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND SPECIFICALLY FOR THE USE OF THE PUBLIC RECORDS. THE OWNER HEREBY CERTIFIES THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SHOWN FOR THE PURPOSES AND CONSIDERATION EXPRESSED.

OWNER: DATE:

PREPARED BY'S ACKNOWLEDGMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE INSTRUMENTS USED WERE OF SUFFICIENT ACCURACY, AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF GEORGIA.

REGISTERED - WILLIAM J. GILBERT, GEORGIA, R.L.S. 2043

CITY OF SMYRNA DEVELOPMENT CERTIFICATION

THIS PLAT, HAVING BEEN SUBMITTED TO THE CITY OF SMYRNA AND HAVING BEEN FOUND TO COMPLY WITH THE CITY OF SMYRNA ZONING REGULATIONS, IS HEREBY CERTIFIED FOR RECORDING. THE CITY OF SMYRNA ZONING REGULATIONS IS APPROVED SUBJECT TO REGULATION AND EDUCATION OF STANDARDS DESIGN SPECIFICATIONS.

CITY ENGINEER: DATE:

PLANNING AND ZONING COMMISSION: DATE:

COMMUNITY DEVELOPMENT DIRECTOR: DATE:

ENGINEERING DEPARTMENT: DATE:

BUILDING INSPECTOR: DATE:

PLAT NOTES:

1. BOUNDARY 4 BEING SET AT ALL CORNERS UNLESS OTHERWISE SHOWN.
 2. TOTAL AREA: 0.185 ACRES.
 3. TOTAL NUMBER OF LOTS: 1.
 4. DENSITY - LOTS/ACRE.
 5. SETBACKS:
 - FRONT BUILDING LINE: 15'
 - REAR BUILDING LINE: 30'
 - SIDE BUILDING LINE: 5'
 6. EXISTING ZONING: R20 (20-000).
 7. BUILDING SETBACKS ALONG ROAD WETLANDS FROM ROAD.
 8. THERE ARE NO CULTURAL FEATURES, INCLUDING CEMETERIES AND OR HISTORIC FEATURES ON THIS PROPERTY.
- REFERENCE MATERIAL:
 1. A Line of the Property 2.11' Taken by R.L. Smith from 09/19/04.
 2. A Line of the Property 2.11' Taken by R.L. Smith from 09/19/04.
 3. A Line of the Property 2.11' Taken by R.L. Smith from 09/19/04.
 4. A Line of the Property 2.11' Taken by R.L. Smith from 09/19/04.

LEGEND:

- BSL BUILDING SETBACK LINE
- PT POINT OF BEGINNING
- R/W RIGHT-OF-WAY
- PS PLANNING AND ZONING COMMISSION
- LL LAND LOT
- LL LAND LOT LINE
- CA CATCH BASIN

0 50 100
SCALE: 1" = 50'

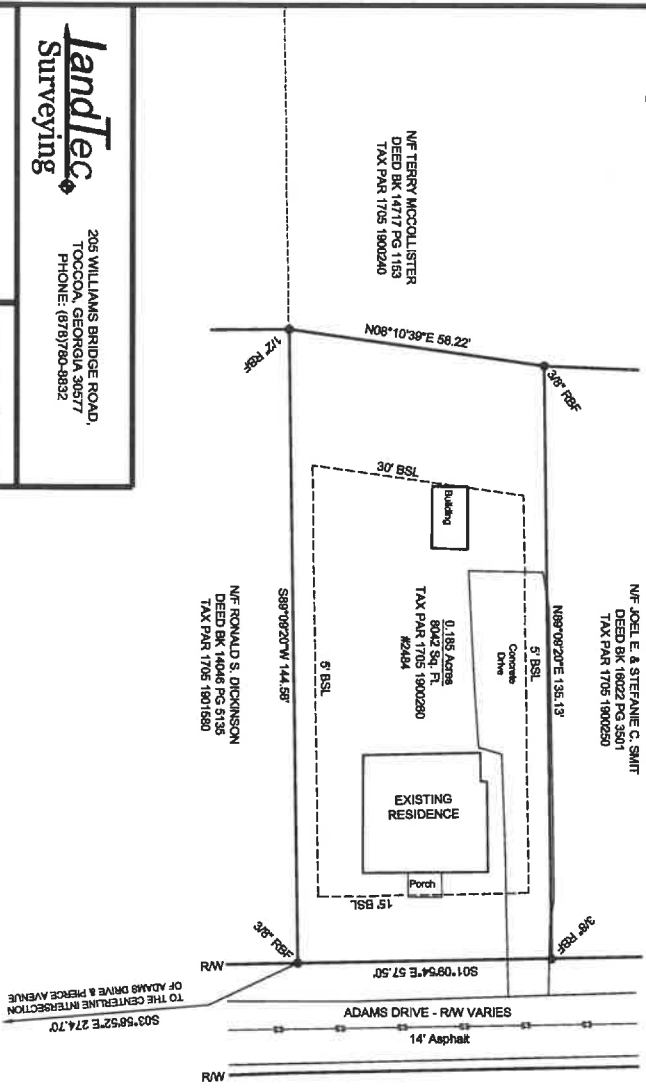


205 WILLIAMS BRIDGE ROAD,
TOCCOA, GEORGIA 30077
PHONE: (878)780-8832

BOUNDARY SURVEY OF 2484,
ADAMS DRIVE FOR:
BROOKWOOD HOME
DESIGNS, LLC

LOCATED IN:
CROSS COUNTY, GEORGIA

DETAILED:	JBG
CC:	WJG
DATE:	05/01/2023
SCALE:	1"=50'
JOB NUMBER:	23-01
SHEET NUMBER:	1 OF 1





AREA CALCULATIONS

FINISHED, CONDITIONED

FINISHED, UNCONDITIONED

FIRST FLOOR	1,664 SF	GARAGE	441 SF
SECOND FLOOR	1,520 SF	FRONT PORCH	151 SF
		REAR PORCH	144 SF
TOTAL	3,184 SF	TOTAL	736 SF

TOTAL AREA OF PLAN
3,920 SQUARE FEET

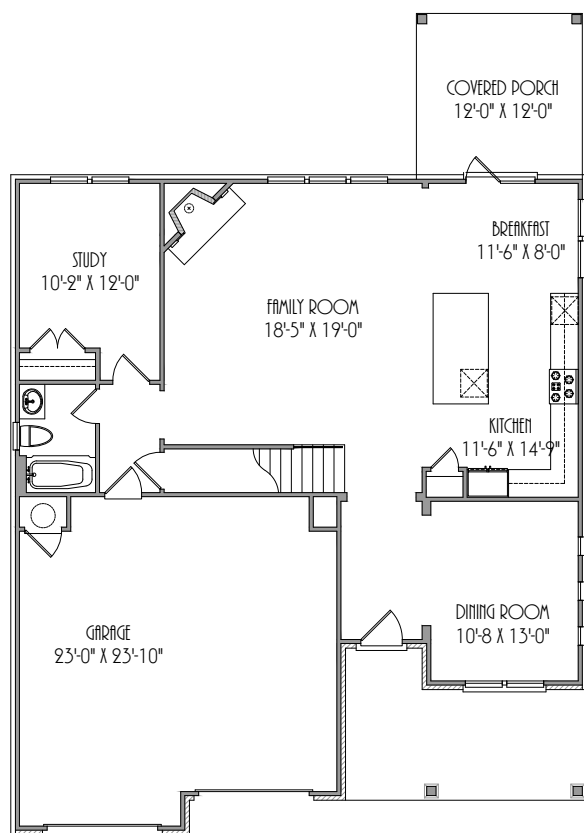
FULLER STUDIOS

KEN@FULLER-STUDIOS.COM
404.787.1897

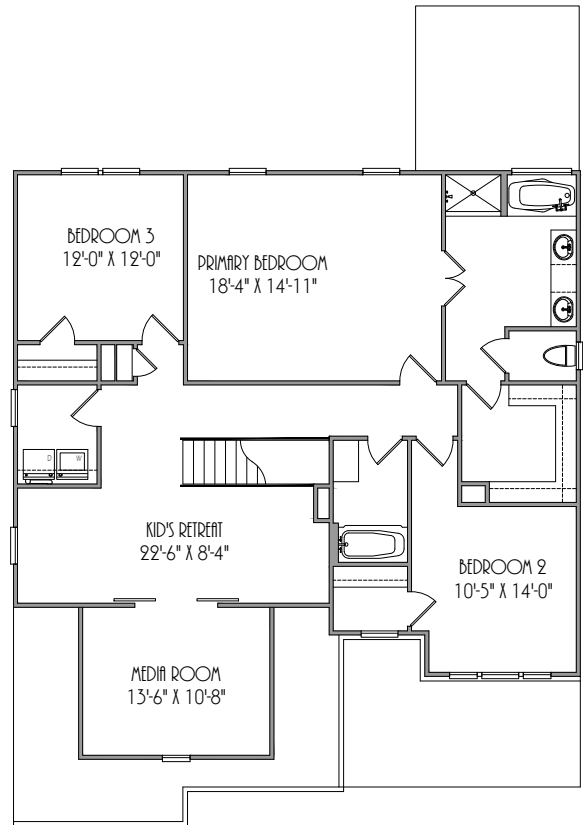
SHELBY C - WALKER COURT SMYRNA, GEORGIA



DESIGN # 2204
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FIRST FLOOR



SECOND FLOOR


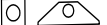
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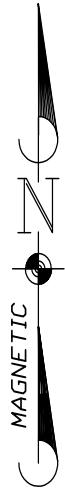
KEN@FULLER-STUDIOS.COM
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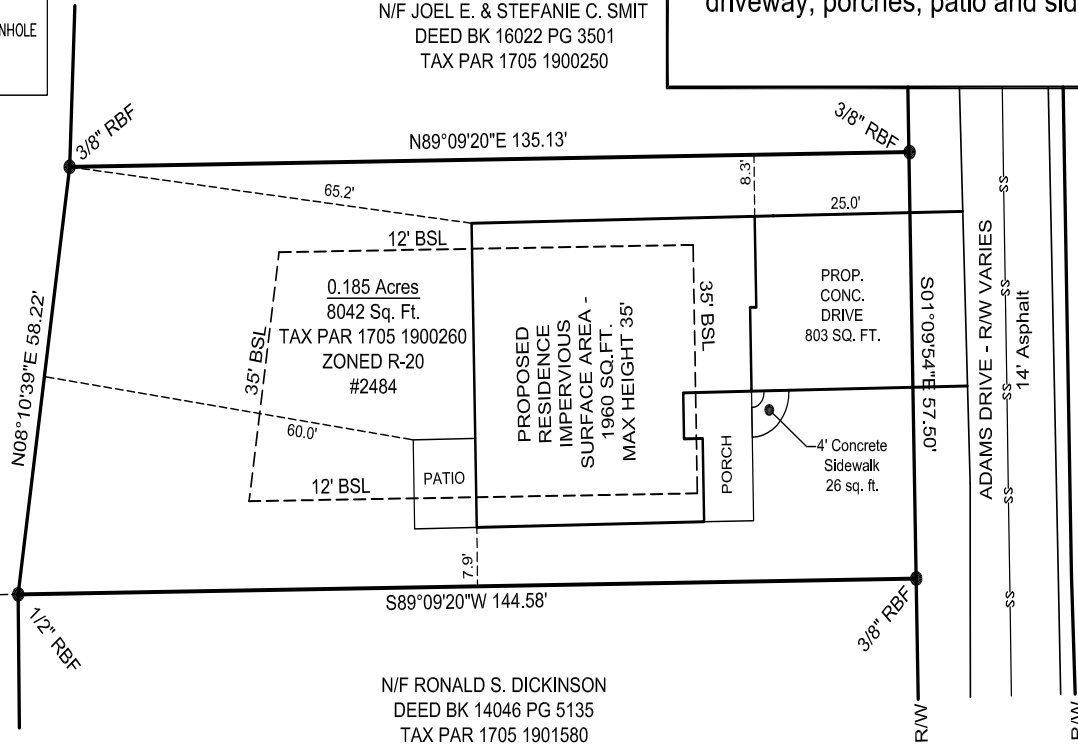
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LEGEND:

BSL	BUILDING SETBACK LINE	POB	POINT OF BEGINNING
IPF	IRON PIN FOUND	R/W	RIGHT-OF-WAY
IPS	IRON PIN SET (#4 REBAR)	WM	WATER METER
LL	LAND LOT		SANITARY MANHOLE
LLL	LAND LOT LINE		CATCH BASIN



N/F TERRY MCCOLLISTER
DEED BK 14717 PG 1153
TAX PAR 1705 1900240



- Total Lot Size - 0.185 Acres (8,042 Sq. Ft.)
- Total Allowable Impervious Surface - 35 %
- Total Proposed Impervious Surface including residence, driveway, porches, patio and sidewalks - 2789 sq. ft. (34.6 %)

PLAT NOTES:

- 1.) NUMBER 4 REBAR SET AT ALL CORNERS UNLESS OTHERWISE SHOWN.
- 2.) TOTAL AREA: 0.185 ACRES
- 3.) TOTAL NUMBER OF LOTS: 1
- 4.) DENSITY ---UNITS/ACRE
- 5.) SETBACKS:
FRONT BUILDING LINE: 35'
REAR BUILDING LINE 35'
SIDE BUILDING LINE 12'
- 6.) EXISTING ZONING: R-20
- 7.) BUILDING SETBACKS ALONG ROAD MEASURED FROM R.O.W.
- 8.) THERE ARE NO CULTURAL FEATURES, INCLUDING CEMETERIES AND OR HISTORIC FEATURES ON THIS PROPERTY.

REFERENCE MATERIAL:

1. A Plat of The Property of J.H. Taylor by R.E. Smith dated 06/10/1944.
2. A Plat of The Property of Henry Adams and J.M. Adams Lot Nos. 72 - 73 - Belmont Subdivision by J.P. Phillips, date January 24, 191

LandTec
Surveying

205 WILLIAMS BRIDGE ROAD,
TOCCOA, GEORGIA 30577
PHONE: (678)780-8832

SITE PLAN OF 2484
ADAMS DRIVE FOR:
**BROOKWOOD HOME
DESIGNS, LLC**

LOCATED IN:
LAND LOT 519, 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DRAWN:	JBG
CC:	WJG
DATE:	5/5/2023
SCALE:	1"=20'
JOB NUMBER:	23-051
SHEET NUMBER:	1 OF 1

