



## License and Variance Board Meeting - Final

May 24, 2023  
10:00 AM

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K. **V23-038** Public Hearing - Variance Request - V23-038 - Allow over 25% of the front yard to be impervious surface area - 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: V23-043

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**Agenda Date:** 5/24/2023

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** K

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V23-038 - Allow over 25% of the front yard to be impervious surface area - 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

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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**

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#### **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.

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#### **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.

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### **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

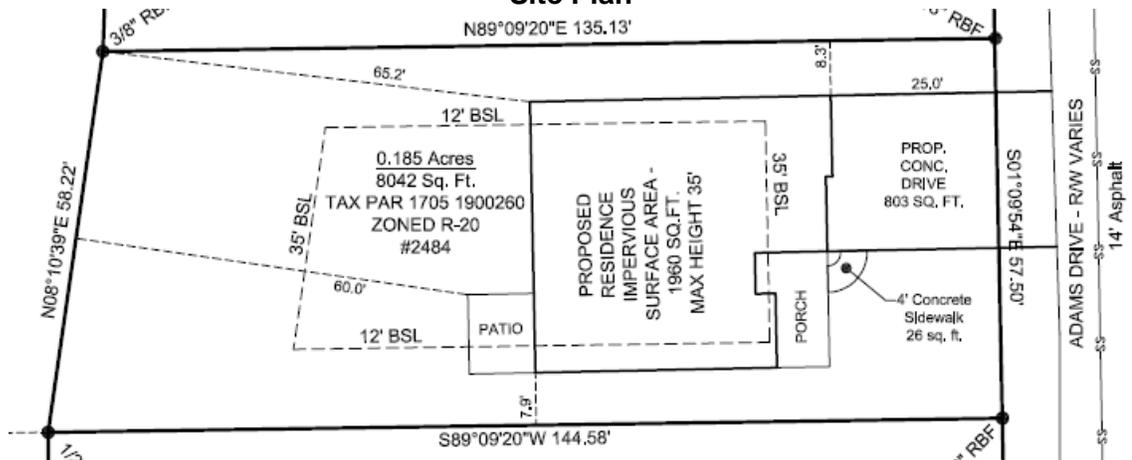
applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variances 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**



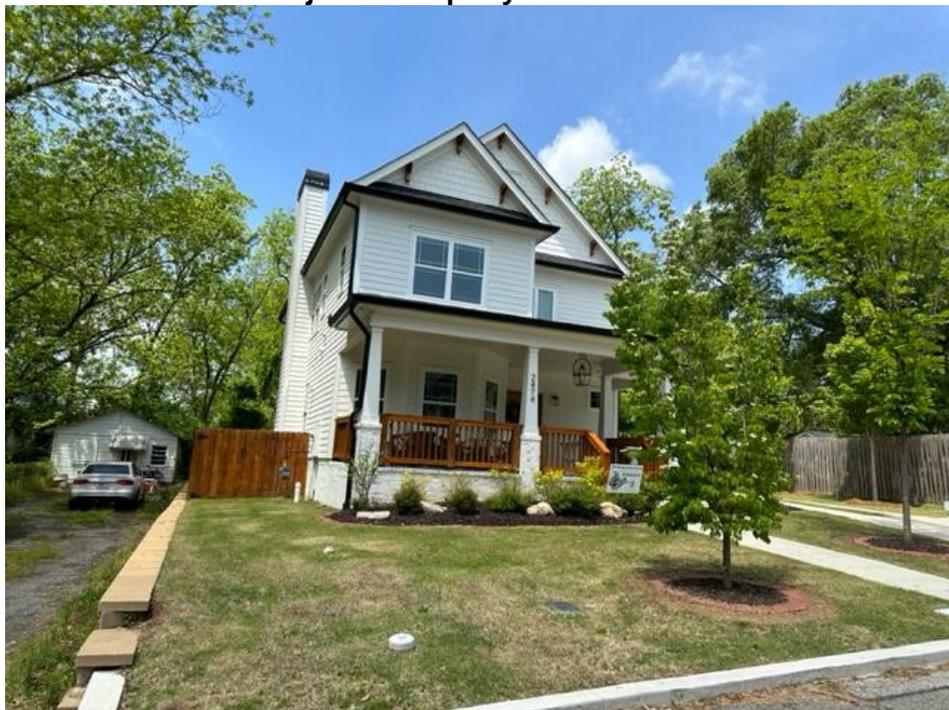
**Figure – 4**  
**Subject Property**



**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**

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

2484 ADAMS DR SE  
SMYRNA, GA 30080

Submitted On: May 5, 2023

**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:





**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, Jane McCollister, swear that I am the Property Owner of the property

located at: 2484 Adams Drive, 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): Rick Kolb

Address: 2332 Poplar Springs Drive

Telephone: 404-518-3542 Email: rkolb@remax.net

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.)

*Jane McCollister*  
dotloop verified  
05/04/23 11:07 AM EDT  
J3Q-CU7V-YAPV-MKOG

Signature of Property Owner

3901 Blustery Way NE Marietta GA

Address

\_\_\_\_\_  
Name of Property Owner (print clearly)

\_\_\_\_\_  
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: [Handwritten Signature]

TITLEHOLDER: Terry McCollister

Address: 3901 Blustery Way, Marietta, GA 30066

Business Phone: Cell Phone: Home Phone:

Signature: Jane McCollister [dotloop verified stamp]

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



7021 1970 0000 6256 0596

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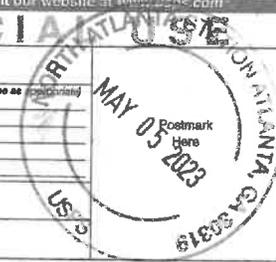
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Postage \$

Total Postage and Fees \$

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Return Receipt (electronic) \$

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Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To  
Joel Smit  
Street and Apt. No., or PO Box No.  
2414 Adams Drive  
City, State, ZIP+4®  
Smyrna GA 30080

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Michael & Pamela Cargal  
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Smyrna GA 30080

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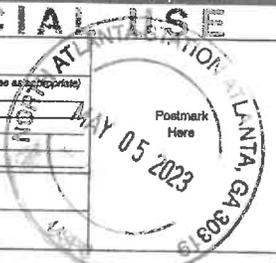
Adult Signature Restricted Delivery \$

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Ron Dickinsen  
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2461 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

<b>As of</b>	5/2/2023
<b>Bill Year</b>	2022
<b>Bill</b>	11002
<b>Owner</b>	MCCOLLISTER TERRY
<b>Parcel ID</b>	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
<b>TOTAL</b>		\$616.25	\$616.25	\$0.00	\$0.00	\$0.00

Munis Self Service

Real Estate (Your House or Land)

[Return to view bill](#)

Payments/Adjustments

As of 5/2/2023

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Bill Year	2022
Bill	11002

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

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[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!

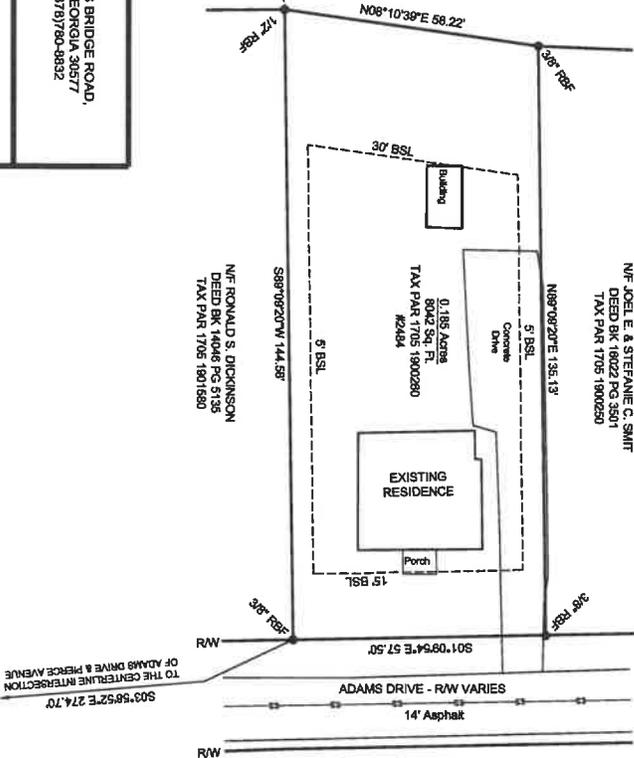


**LandTec**  
Surveying

205 WILLIAMS BRIDGE ROAD,  
TOCCOA, GEORGIA 30077  
PHONE: (878)790-8832

BOUNDARY SURVEY OF 2484  
ADAMS DRIVE FOR:  
**BROOKWOOD HOME  
DESIGNS, LLC**  
LOCATED IN: 2ND SECTION  
LAND LOT 519, 17TH DISTRICT, COBB COUNTY, GEORGIA

DATE:	05/07/2023
SCALE:	1"=30'
JOB NUMBER:	23-031
SHEET NUMBER:	1 OF 1



**GENERAL NOTES:**

- 1) Notes: Date: Closure Precision - 1/2023; Angle Error = 0.00174.
- 2) Measurements were taken with a Carlson BR7 on 04/20/2023 and were balanced using the Compass Rule.
- 3) All measurements were taken on 04/20/2023.
- 4) Plot Precision: 1/100,000".
- 5) No portion of the property lies within a Special Flood Area as shown on the FEMA Flood Map, 15070C0217K, dated 03/28/2012.
- 6) This plot was prepared by the Surveyor and is not to be construed as a title search or this option.
- 7) The public records referenced herein reflect only those recorded in the public records and do not constitute a title search or this option.



William J. Gilbert - GA REG #2343

Date: May 1, 2023

**OWNER'S ACKNOWLEDGMENT**

THE OWNER OF THE LAND SHOWN ON THIS PLAN KNOWS THAT THIS PLAN HAS BEEN PREPARED BY A LICENSED SURVEYOR AND ACCEPTS THE USE OF THE PUBLIC RECORDS AND THE SURVEYOR'S RECORDS SHOWN FOR THE PURPOSES AND CONSIDERATION EXPRESSED.

OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

**PREPARED BY'S ACKNOWLEDGMENT**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE INSTRUMENTS USED WERE ACCURATELY USED, AND THAT THE ACCURACY AND SPECIFICATIONS OF THE SURVEY ARE AS STATED ON THE PLAN.

RESIGNED - **William J. Gilbert** GEORGIA REG. 2343

**CITY OF SMYRNA DEVELOPMENT CERTIFICATION**

THIS PLAN, HAVING BEEN SUBMITTED TO THE CITY OF SMYRNA AND HAVING BEEN FOUND TO COMPLY WITH THE CITY OF SMYRNA ZONING REGULATIONS IS APPROVED SUBJECT TO REGULATION AND EDUCATION OF THE CITY OF SMYRNA. THE CITY OF SMYRNA DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY OR THE STANDARDS DESIGN SPECIFICATIONS.

CITY ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

PLANNING AND ZONING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

ENGINEERING DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

BUILDING INSPECTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

PLAT NOTES:

- 1) NUMBER 4 REAR 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: 15'
    - REAR BUILDING LINE: 30'
    - SIDE BUILDING LINE: 5'
  - 6) EXISTING ZONING AND CONTINGUAL: (Z20-006)
  - 7) BUILDING SETBACKS ALONG ROAD WASHED FROM ROAD.
  - 8) THERE ARE NO CULTURAL FEATURES, INCLUDING CHURCHES AND OR HISTORIC FEATURES ON THIS PROPERTY.
- REFERENCE MATERIAL:  
1. A Plan of the Property of J.L. Taylor by R.E. Smith dated 09/19/04.  
2. A Plan of the Property of J.L. Taylor by R.E. Smith dated 09/19/04.  
3. A Plan of the Property of J.L. Taylor by R.E. Smith dated 09/19/04.  
4. A Plan of the Property of J.L. Taylor by R.E. Smith dated 09/19/04.



**LEGEND:**

BSL	BUILDING SETBACK LINE	PBS	POINT OF BEGINNING
RF	IRON PIN FOUND	R/W	RIGHT-OF-WAY
PS	IRON PIN SET (4x REBAR)	WM	WATER METER
LL	LAND LOT	SM	SMITERY MARKER
UL	LAND LOT LINE	CB	CATCH BASIN

**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

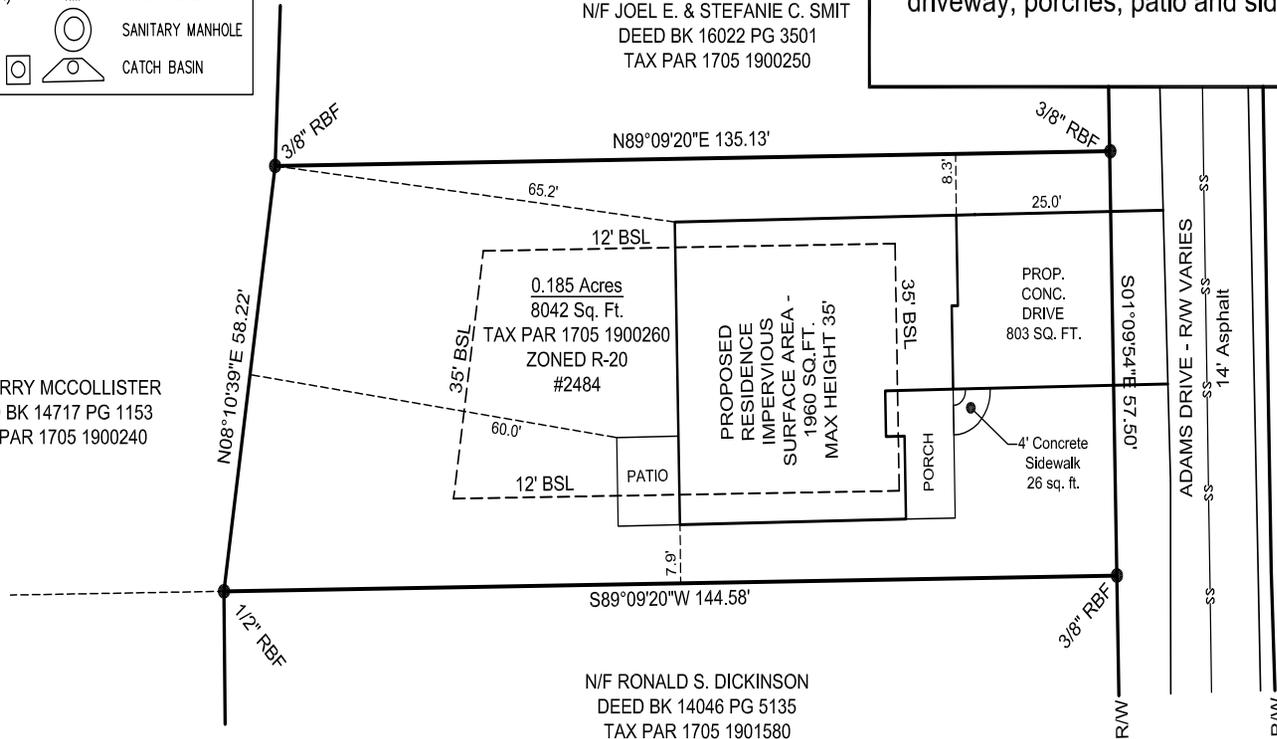
- Total Lot Size - 0.185 Acres (8,042 Sq. Ft.)
- Total Allowable Impervious Surface - 35%
- Total Proposed Impervious Surface including residence, driveway, porches, patio and sidewalks - 2789 sq. ft. (34.6%)



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

N/F JOEL E. & STEFANIE C. SMIT  
DEED BK 16022 PG 3501  
TAX PAR 1705 1900250

N/F RONALD S. DICKINSON  
DEED BK 14046 PG 5135  
TAX PAR 1705 1901580



**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:**

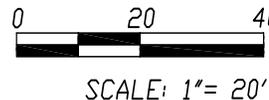
1. A Plat of The Property of J.H. Taylor by R.E. Smith dated 06/10/1944.
2. A Plat of The Property of Henry Adams and J.M. Adams Lot Nos. 72 - 73 - Belmont Subdivision by J.P. Phillips, date January 24, 191



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

SITE PLAN OF 24.84  
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





## 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

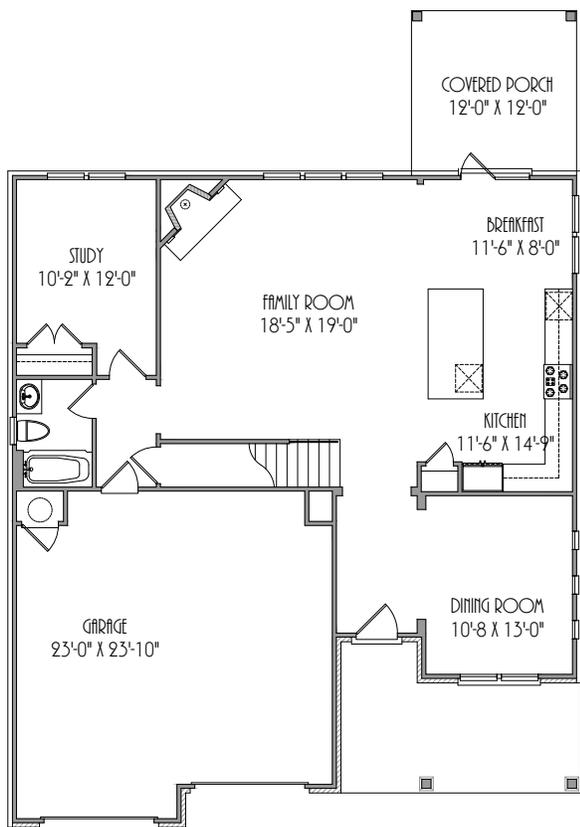
SHELBY C - WALKER COURT SMYRNA, GEORGIA



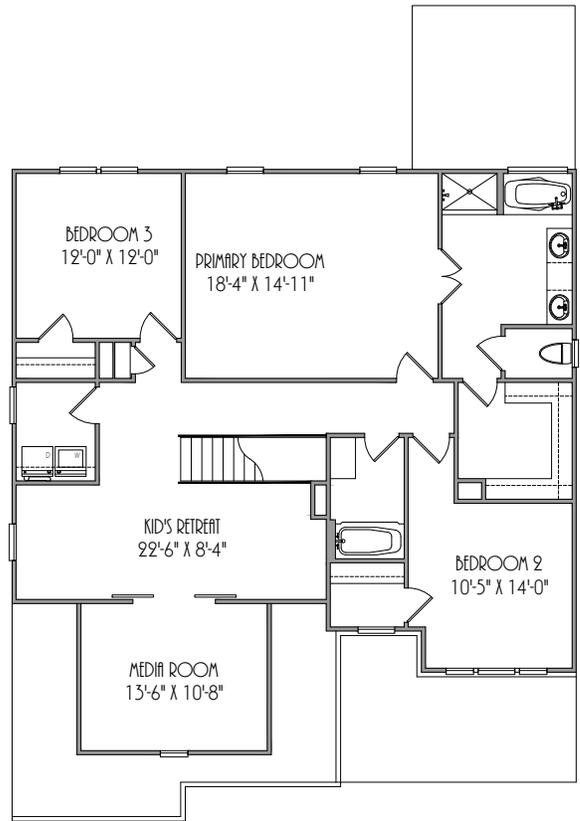
DESIGN # 2204



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FIRST FLOOR



SECOND FLOOR

FULLER STUDIOS

KEN@FULLER-STUDIOS.COM  
404.787.1897

SHELBY C - WALKER COURT SMYRNA, GEORGIA



DESIGN # 2204



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