



## License and Variance Board Meeting - Final

August 23, 2023

10:00 AM

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**B. V23-056** Public Hearing - Variance Request - V23-056 - Allow 6-foot wooden fence in front yard on a corner lot - Land Lot 688 - 2000 Oakdale Court - Vanessa Cummings



# City of Smyrna

## Issue Sheet

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

File Number: V23-056

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**Agenda Date:** 8/23/2023

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** B

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V23-056 - Allow 6-foot wooden fence in front yard on a corner lot - Land Lot 688 - 2000 Oakdale Court - Vanessa Cummings

***Ward 7 Councilmember - Kathy Young***

**ISSUE AND BACKGROUND:**

The applicant is requesting a variance to reduce the front setback from 35 feet to 21 feet to allow for the construction of an addition on a single-family residence at 2000 Oakdale Court. The applicant is also requesting a variance to allow for a 6-foot wooden fence in the front yard along Oakdale Road. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet. Section 503-A controls the location and height of fences in the Zoning Code.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum front setback of 35 feet and Section 503-A, which requires a four-foot fence in the front yard. 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 encroachments 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 the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. The existing driveway entrance along Oakdale Road shall be removed. There shall be no vehicular access to the property along Oakdale Road.
3. The fence shall be erected at least 5 feet from the edge of the sidewalk along Oakdale Road.
4. Approval from the Cobb/Douglas Health Department shall be required prior to permit issuance.



# City of Smyrna

## Issue Sheet

File Number: V23-056

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

# 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: August 15, 2023

**RE: VARIANCE CASE V23-055**  
**2000 Oakdale Court – Reduce the front setback from 35 feet to 21 feet**

**VARIANCE CASE V23-056**  
**2000 Oakdale Court – Allow 6-foot wooden fence in front yard on a corner lot**

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#### BACKGROUND

The applicant is requesting a variance to reduce the front setback from 35 feet to 21 feet to allow for the construction of an addition on a single-family residence at 2000 Oakdale Court. The applicant is also requesting a variance to allow for a 6-foot wooden fence in the front yard along Oakdale Road. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet. Section 503-A controls the location and height of fences in the Zoning Code.

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#### ANALYSIS

The subject parcel is a 0.25-acre lot located to the southwest of the intersection of Oakdale Court and Oakdale Road (see Figure 1). The subject parcel and adjoining parcels to the north and west are zoned R-15 and are occupied by single-family detached homes. The adjacent properties to the east are zoned R-15 and Light Industrial and are occupied by a warehouse and package delivery facility, respectively. The adjacent property to the south is zoned Office-Distribution and is currently vacant.

The applicant is proposing to fully renovate the existing one-story home; the roughly 260 square foot addition will expand the kitchen and living room while adding a second bedroom and office to make the home a two bedroom and two bath configuration. A new roughly 156 square foot covered front porch will replace the existing 24 square foot stoop for more curb appeal and reprieve from the elements during inclement weather.

The subject property is currently occupied by a 720 square feet single-family home with a septic tank directly off the rear of the home. The home was built in 1952, prior to the adoption of the City's Zoning Ordinance, so it has an existing non-conforming front setback of 34 feet on the eastern side of the home. The septic tank requires a 10-foot clearance around its perimeter, making a rear expansion impossible without moving the septic tank elsewhere on the property. Due to the existing layout of the existing home and septic tank location, any addition to the

existing footprint would be within the front setback. Strict application of the ordinance would require the entire interior layout be modified to add the desired square footage on the western portion of the home. Since the home is currently non-conforming, the hardship is not self-created. Additionally, the existing one-story home is 720 square feet, while the minimum house size of R-15 is 2,000 square feet. With the renovations, the home will be roughly 1,200 square feet, bringing the home closer to compliance with the R-15 floor area requirement.

The subject property currently has one driveway that bisects the property with driveway aprons on both Oakdale Court and Oakdale Road. Due to the limited sight distance along Oakdale Road and the heavy traffic along the industrial corridor, the applicant will be removing the driveway apron off Oakdale Road with no future vehicular access from that side of the property.

Due to the property having road frontage on both Oakdale Court and Oakdale Road, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 23.3 feet from the property line off Oakdale Road. Being a corner lot on a frequently traveled road, the privacy and safety can often be compromised. Thus, the applicants are requesting a variance to allow a six-foot wooden privacy fence 5 feet from the back of sidewalk on Oakdale Road to provide security and privacy from the busy roadway. Due to the corner lot, Community Development believes it is the minimum variance needed to enclose the yard.

The orientation of the existing house and septic tank location prevents the applicant from building an addition within the building setbacks. Strict application of the ordinance would deny the applicant the ability to add any building square footage to the subject property without removing the septic tank or foundation of the home. The variance proposed is the minimum variance needed to increase the home's footprint and bring it closer to compliance with R-15 standards. 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 requests.

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## **STAFF COMMENTS**

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum front setback of 35 feet and Section 503-A, which requires a four-foot fence in the front yard. 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 encroachments 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 the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

VARIANCE CASE V23-055 & V23-056

August 15, 2023

Page 3 of 7

2. The existing driveway entrance along Oakdale Road shall be removed. There shall be no vehicular access to the property along Oakdale Road.
3. The fence shall be erected at least 5 feet from the edge of the sidewalk along Oakdale Road.
4. Approval from the Cobb/Douglas Health Department shall be required prior to permit issuance.

Figure – 1



Figure – 2  
Site Plan



Figure – 3  
Front Elevation



**Figure – 4**  
**Subject Property from Oakdale Court**



**Figure – 5**  
**Subject Property from Oakdale Road**



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



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



**Figure – 8**  
**Adjacent Property across Oakdale Road**



**Figure – 9**  
**Adjacent Property across Oakdale Court**



**Variance Application**

**Applicant**

**Primary Location**

**VAR-23-29**

 Vanessa Cummings

2000 OAKDALE CT SE

 4045393022

SMYRNA, GA 30080

Submitted On: Jul 17, 2023

@ enssa2018@gmail.com

**Applicant Information**

**First Name**

Vanessa

**Last Name**

Cummings

**Street Address**

2000 Oakdale Court SE

**City**

Smyrna

**State**

Georgia

**Zip Code**

30082

**Email**

enssa2018@gmail.com

**Phone Number**

4045393022

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

Yes

**Property Information**

**Property Address**

2000 Oakdale Court SE, Smyrna, GA, 30082

**Description of Requested Variances**

Building variance to make additions to property in order to increase square footage and variance to adjust fencing on/around property to make home safer for occupants and increase yard space.

**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. Building variance to make additions to property

- a. Home is only 720sq ft, which is inadequate for a family. We would like to have at least 1,200sq ft of liveable space.
- b. We were told by the seller's agent (and it was shown on the listing) that the home was connected to the sewer. After purchasing, we made plans to extend to the backyard, however during the planning phase, found that we instead have a septic tank and sewer is not even available in the area. At this time, we have been told by the Cobb/Douglas Health Department that we would need 10ft of clearance to build around the septic tank at all. As there is not enough land space to accommodate, we have had to adjust plans and attempt to build out toward Okdale Road and Oakdale Court.

2. Fencing adjustment:

- a. We would like to increase safety of property by improving the barrier between the house and main road. Man vehicles and fedex semi trucks frequent Oakdale court.
- b. We would like to see befter fencing around the property that will help to keep out some of the trash from the main road.c.
- c. We would like to increase the amount of yard space that is possible for our baby, little dogs and kitten.
- d. We would also like to use the fencing as somewhat of a noise barrier to cut down on some level of noise from the main road.
- e. We are hoping that the extended fencing would also give us some extra privacy from those driving by on this main road that sometimes has slow moving traffic.

**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

# Request for Building Variance

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**Property Address:**

2000 Oakdale Court, Smyrna, GA, 30082

**Applicants:**

Vanessa Cummings (404.539.3022)  
Ensen Ambriz (404.580.9439)

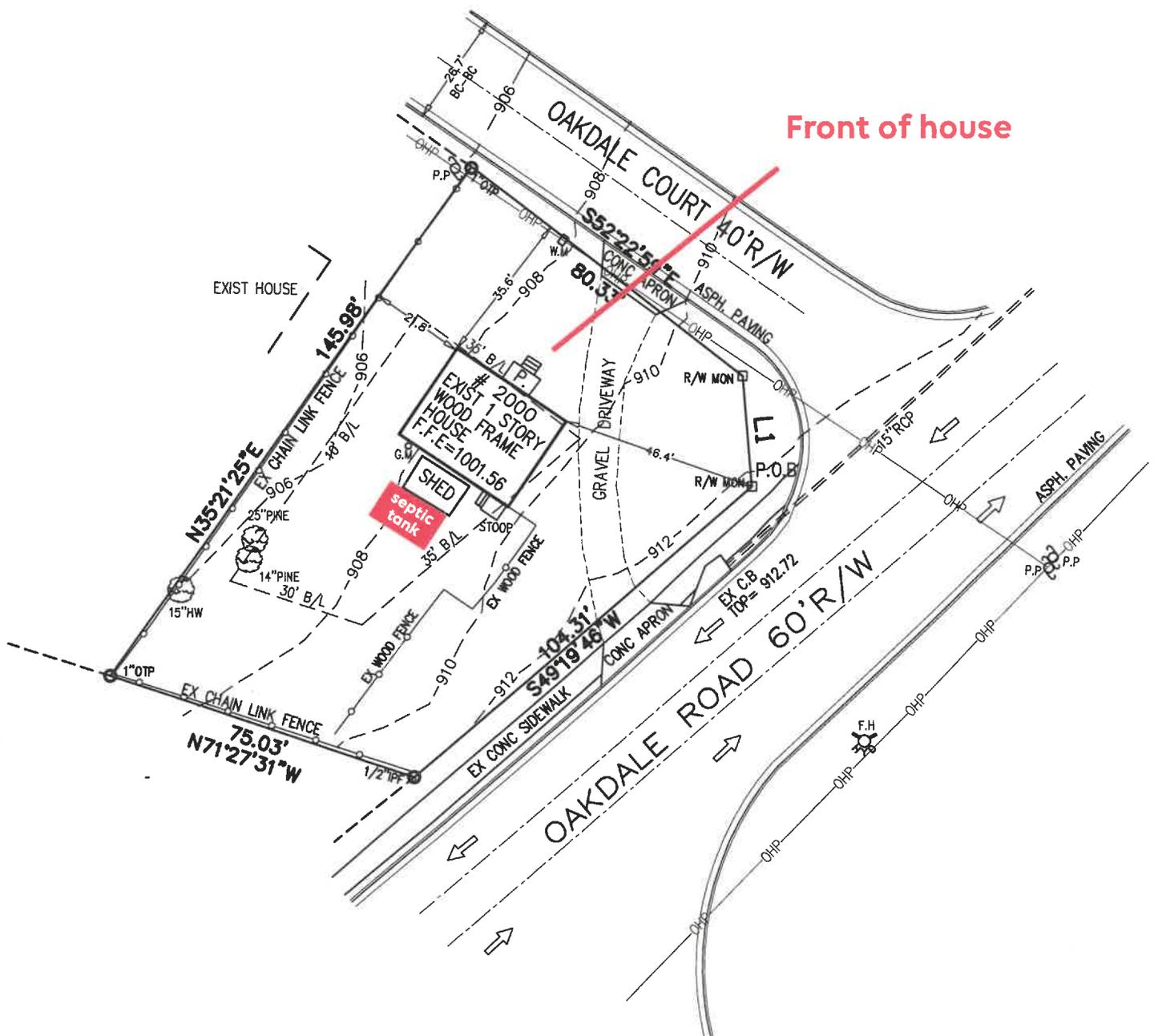
**Email:**

enssa2018@gmail.com

## 2000 Oakdale Court, Smyrna, GA, 30082

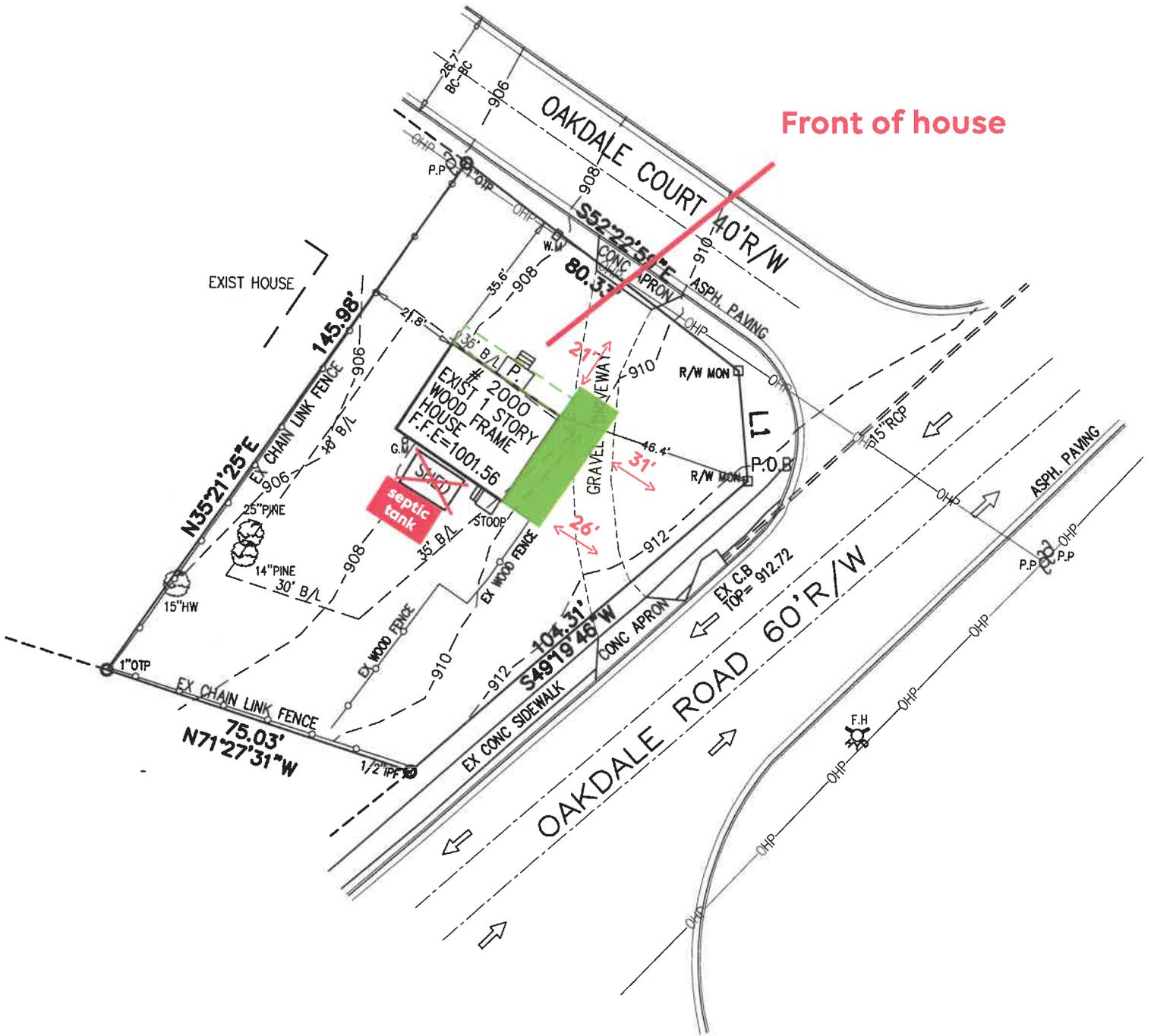
Before purchasing this home, we noticed that the listing mentioned that the property was connected to the sewer system. We also confirmed this information with the seller's agent prior to putting an offer in. Unfortunately, after the purchase, we were made aware that the home instead has a septic tank in the backyard...and that it is close to the structure.

This has become problematic for us, as we planned to build out toward the backyard in an effort to increase the square footage as the home is only around 700sq ft. At this time, we have had to make revisions to our plans, and adjustments to work around the septic tank that was built close to the structure. Because of this, we are requesting a variance so that we can instead build out toward Oakdale Road and Oakdale Court.



# Proposed Home Layout - 2000 Oakdale Court, Smyrna, GA, 30082

For the additions, we are requesting 12ft from the home in the direction of Oakdale Road.



# Request for Fence Variance

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**Property Address:**

2000 Oakdale Court, Smyrna, GA, 30082

**Applicants:**

Vanessa Cummings (404.539.3022)

Ensen Ambriz (404.580.9439)

**Email:**

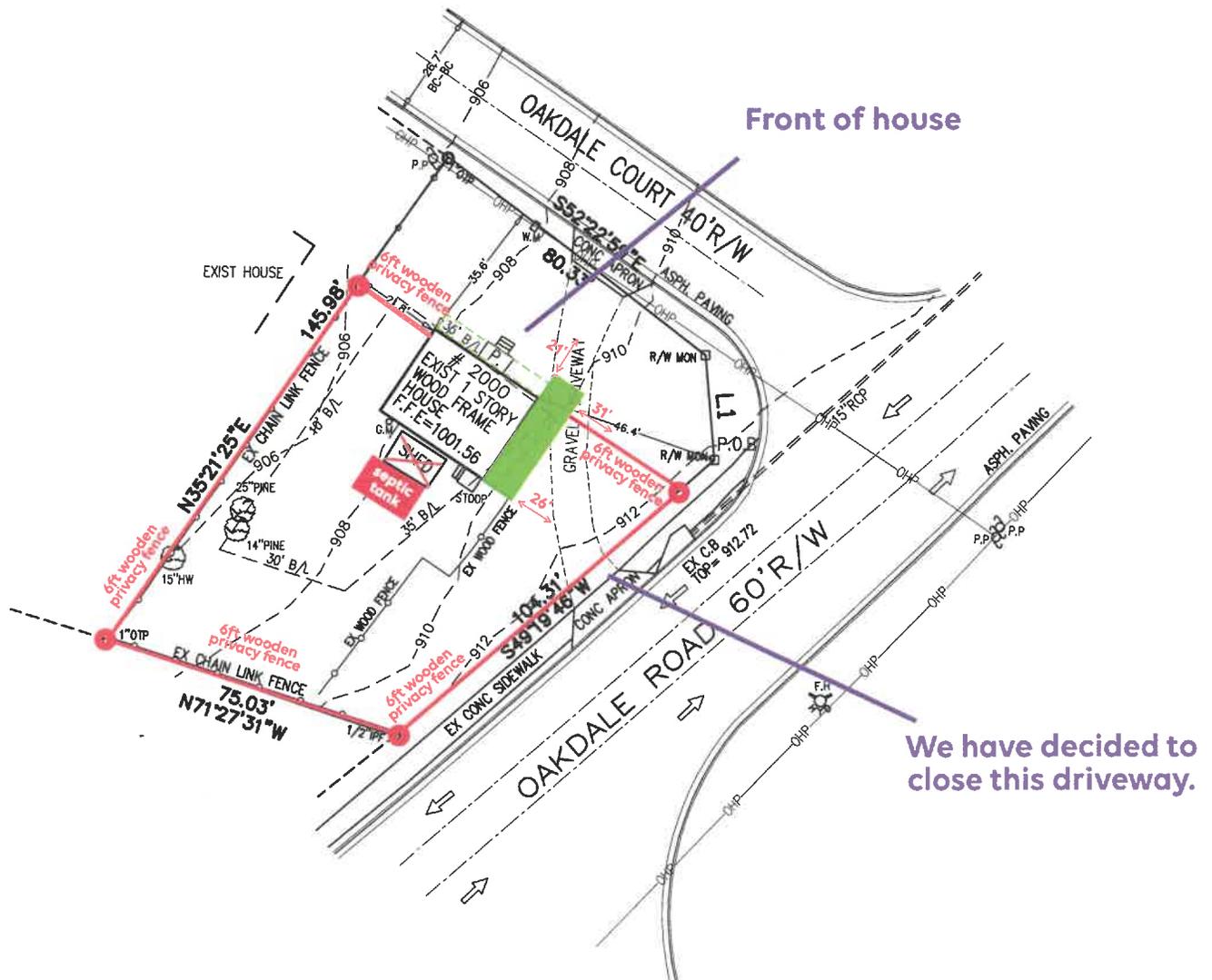
enssa2018@gmail.com

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## Proposed Privacy Fencing (6ft – wooden)

At this time, we are requesting a variance to extend our fencing outward toward Oakdale Road for a number of reasons:

1. **Safety** – Because of the challenges that we are facing concerning the septic tank, and the need to build out toward Oakdale Road, we are requesting permission to extend our privacy fencing to the property line in order to create a first line of defense type safety barrier, protecting occupants from the very close road/automobiles/large semi-trucks (Fedex distribution center is across the road).
2. **Privacy** – As this is a very busy main road with somewhat slow moving traffic during rush hour, it's easy to notice individuals sitting in their cars casually observing as they wait to proceed..
3. **Noise Reduction** – Once again, this is a busy and somewhat noisy street, especially as a large Fedex warehouse is right across the street, meaning trucks are constantly driving along Oakdale Road.
4. **Child & Pet Safety** – For the safety of our young daughter, two dogs and kitten that could run into traffic, but also to give them enough yard space so that they can play. We have also noticed a large dog roaming around the neighbourhood off-leash, which is concerning.
5. **Cleanliness** – To help keep at least some of our yard clear of all of the debris and trash flying directly onto the property from the main road.



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
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 Total Postage and Fees \$5.01

Sent To Resident/Home Owner  
 Street and Apt. No., or PO Box No. 5228 Oakdale Road  
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



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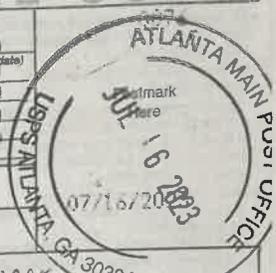
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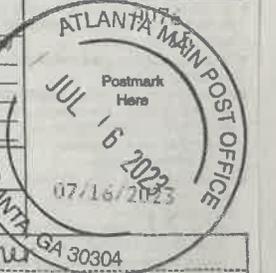
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



**From:** [Mike Hickenbottom](#)  
**To:** [Caitlin Crowe](#)  
**Subject:** RE: 2000 Oakdale Ct  
**Date:** Monday, July 17, 2023 10:15:49 AM

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Hey Caitlin,

All the Smyrna taxes are paid in full for 2000 Oakdale Court.

Thank you,

Mike Hickenbottom  
City of Smyrna  
678-631-5325

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**From:** Caitlin Crowe <[ccrowe@smyrnaga.gov](mailto:ccrowe@smyrnaga.gov)>  
**Sent:** Monday, July 17, 2023 9:43 AM  
**To:** Mike Hickenbottom <[mhickenbottom@smyrnaga.gov](mailto:mhickenbottom@smyrnaga.gov)>  
**Subject:** 2000 Oakdale Ct

Good morning Mike,

Can I get confirmation that 2000 Oakdale Ct is up to date on their taxes?

Thank you!

**Caitlin Crowe**  
Planner I, Community Development  
City of Smyrna  
Phone: (678) 631-5360  
[ccrowe@smyrnaga.gov](mailto:ccrowe@smyrnaga.gov)



Printed: 7/17/2023

# 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:  
JOHN W & JULIA B NORTON

**NORTON JOHN W**

**Payment Date: 12/8/2022**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2022	17068800220	10/15/2022	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$16.52	\$75.51	\$0.00	\$0.00	\$1,602.19	\$0.00



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



# Similar Design of Home Exterior – 2000 Oakdale Court, Smyrna, GA, 30082

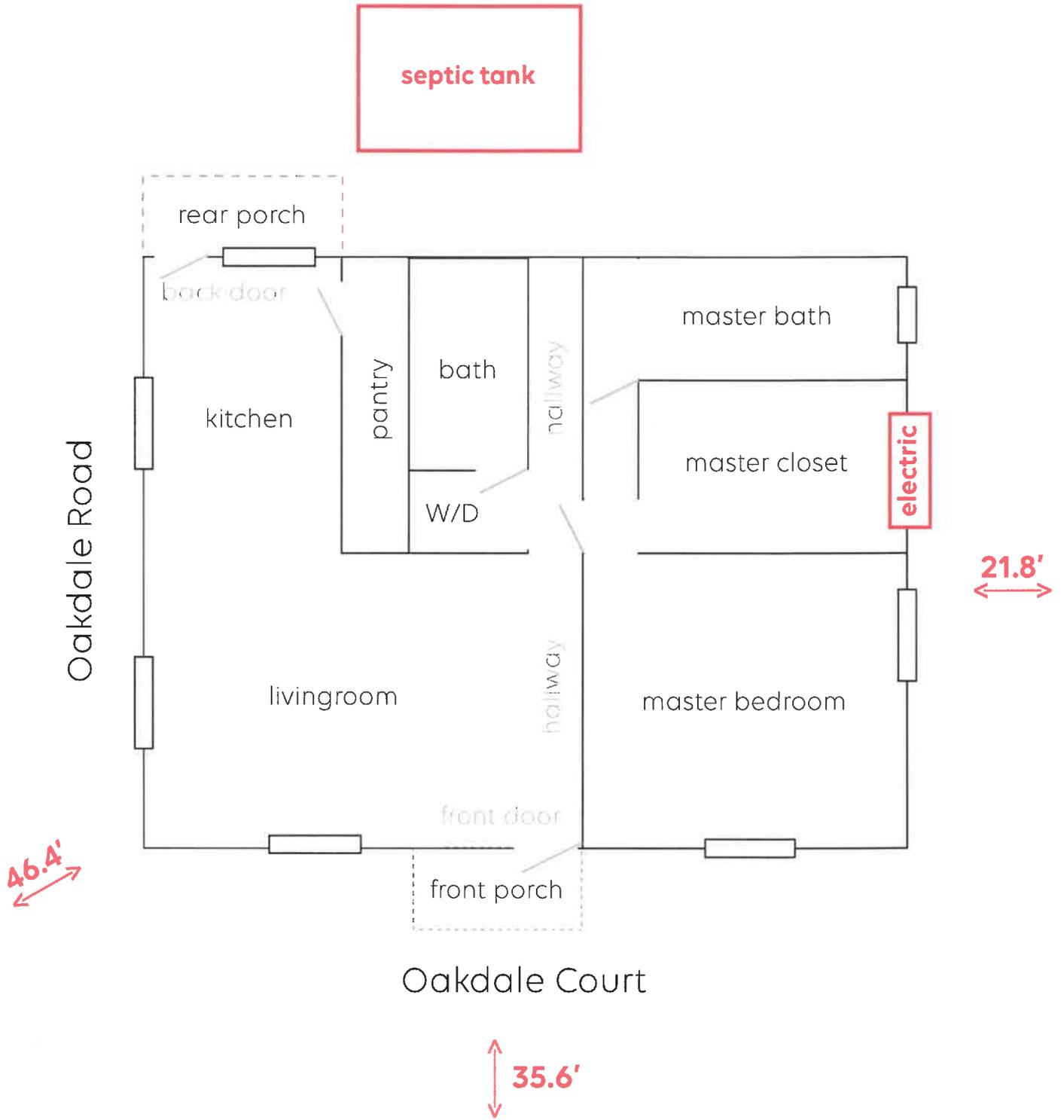
Current house



Proposed layout (similar)



# Current Home Layout - 2000 Oakdale Court, Smyrna, GA, 30082

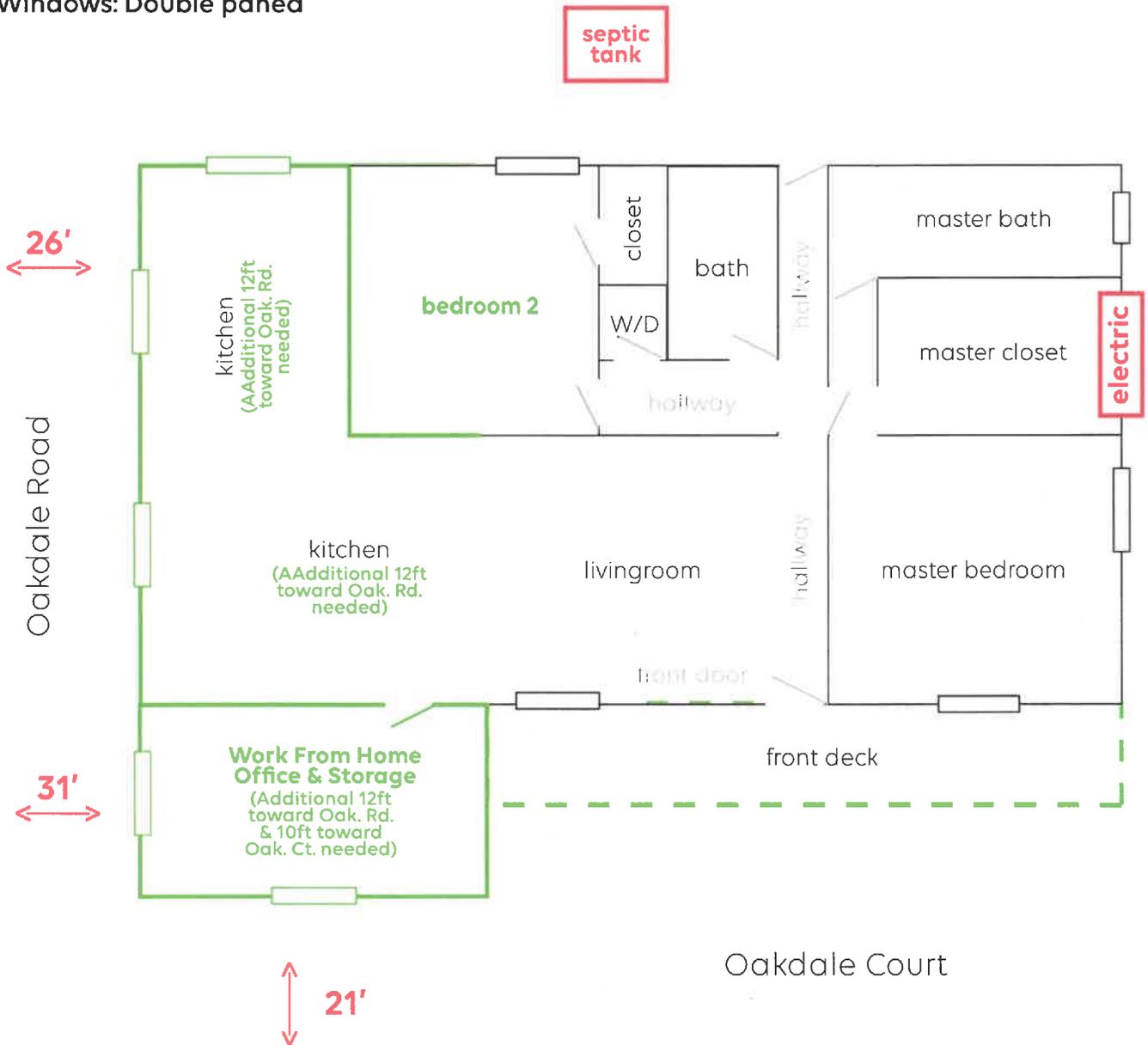


# Proposed Home Layout – 2000 Oakdale Court, Smyrna, GA, 30082

For the additions, we are requesting 12ft from the home in the direction of Oakdale Road as our aim is to avoid the septic tank completely.

**MATERIALS:**

- Foundation: Concrete blocks, floor joists (2x10)
- Wall construction: 2x4x8 Wooden framing
- Sub-flooring: 3/4 OSB
- Roofing: Roof frame ceiling joist (2x8)
- Roofing: Shingles
- Walls: Sheetrock
- Wall insulation: R-15
- Ceiling insulation: R-30
- Exterior: Vinyl siding (to match current home)
- Windows: Double paned





# Proposed Home Layout – 2000 Oakdale Court, Smyrna, GA, 30082

For the additions, we are requesting 12ft from the home in the direction of Oakdale Road.

