



License and Variance Board Meeting - Final

August 23, 2023

10:00 AM

C. **V23-057** Public Hearing - Variance Request - V23-057 - Variance Continuation for Variance Case V20-007 - Land Lot 489 - 2661 Grady Street - Ashley Camp



City of Smyrna

Issue Sheet

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

File Number: V23-057

Agenda Date: 8/23/2023

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: C

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-057 - Variance Continuation for Variance Case V20-007 - Land Lot 489 - 2661 Grady Street - Ashley Camp

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting a variance continuation for a covered outdoor patio at 2661 Grady Street. The applicant received approval for the variance in February 2020 (Variance Case V20-007) to allow for an exterior side setback reduction from 10 feet to 7.3 feet. Since the originally approved variance has expired, the applicant is required to request another variance to extend the allowable time frame. The minimum side setback is required based upon the standards associated with the zoning stipulations recorded on the approved subdivision plat from 2011.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting a variance to reduce the exterior side setback for 2661 Grady Street from 10 feet to 7.3 feet for the construction of a covered outdoor patio. 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 condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation 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: August 11, 2023

RE: **VARIANCE CASE V23-057**
2661 Grady Street – Variance Continuation for Variance Case V20-007

BACKGROUND

The applicant is requesting a variance continuation for a covered outdoor patio at 2661 Grady Street. The applicant received approval for the variance in February 2020 (Variance Case V20-007) to allow for an exterior side setback reduction from 10 feet to 7.3 feet. Since the originally approved variance has expired, the applicant is required to request another variance to extend the allowable time frame. The minimum side setback is required based upon the standards associated with the zoning stipulations recorded on the approved subdivision plat from 2011.

ANALYSIS

The subject parcel is a 0.15-acre lot located on the northern intersection of Grady Street and Elle Court in the Grady Manor subdivision (see Figure 1). The subject parcel and all adjacent properties are zoned RDA and are occupied by single-family residences.

The applicant is proposing to construct a new gable roof over an existing concrete patio and add a ventless fireplace. Patios do not currently require permitting and do not need to meet the required building setbacks since they are flush with the ground. The existing patio is currently encroaching into the exterior side setback by 2.7 feet. The footprint of the patio will remain unchanged with the construction and the existing brick retaining wall will stay in place. The addition of the gabled roof over the patio requires the need for the variance due to the roof structure encroaching into the building setbacks.

Since the lot has three road frontages, there is little outdoor space available to the applicant. Community Development believes the variance requested is the minimum variance needed to construct a usable outdoor space. 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.

STAFF COMMENTS

The applicant is requesting a variance to reduce the exterior side setback for 2661 Grady Street from 10 feet to 7.3 feet for the construction of a covered outdoor patio. According to Section

VARIANCE CASE V23-057

August 11, 2023

Page 2 of 6

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 condition:

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

Figure – 1



Figure – 2
 Site Plan

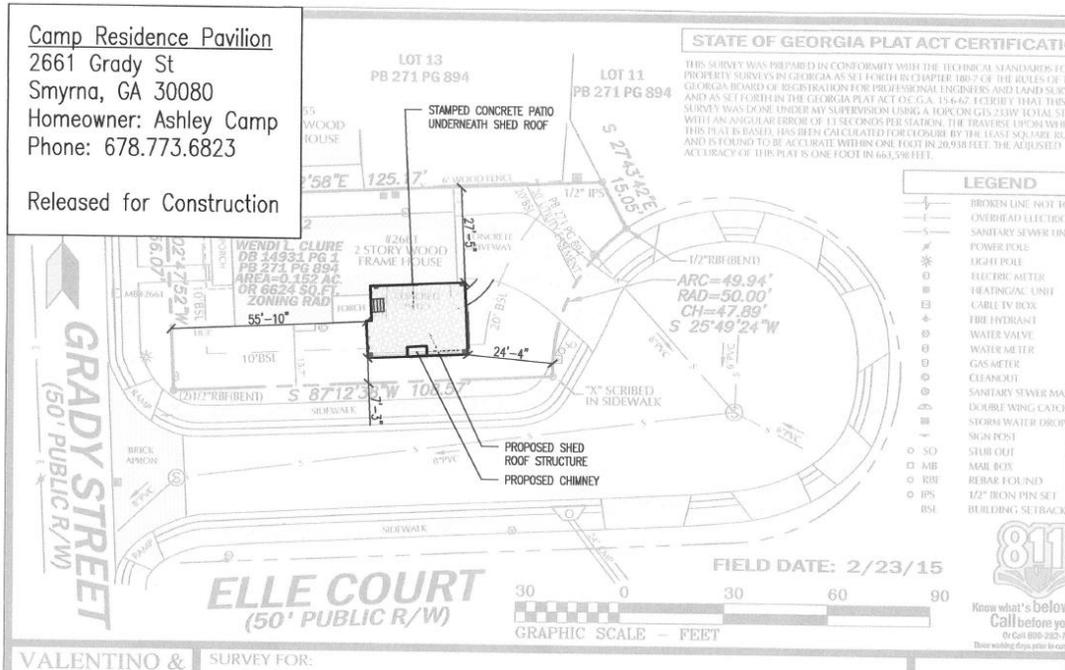


Figure – 3
 Subject Property



Figure – 4
Existing Patio and Retaining Wall



Figure – 5
Adjacent Property across Grady Street



Figure – 6
Adjacent Property across Grady Street



Figure - 7
Adjacent Property to the North



Figure - 8
Adjacent Property to the Northeast



Figure - 9
Adjacent Property across Elle Court



Variance Application**VAR-23-28**

Submitted On: Jul 16, 2023

Applicant

 Ashley Camp
 678-773-6823
@ ashleybcamp@gmail.com

Primary Location

2661 GRADY ST SE
SMYRNA, GA 30080

Applicant Information**First Name**

Ashley

Last Name

Camp

Street Address

2661 Grady Street SE

City

Smyrna

State

GA

Zip Code

30080

Email

ashleybcamp@gmail.com

Phone Number

678-773-6823

Are you the titleholder of the subject property?

Yes

Property Information**Property Address**

2661 Grady Street Smyrna GA 30080

Description of Requested Variances

setback

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.

Property currently has existing concrete patio and brick retaining wall. Property Owner wants to install roof over the patio and add ventless fireplace.

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



APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

APPLICANT: Ashley Camp
Representative's Name (print): Ashley Camp
Address: 2661 Grady St SE Smyrna, GA 30080
Business Phone: Cell Phone: 678-773-6823 Home Phone:
E-Mail Address: ashleybcamp@gmail.com
Signature of Representative: [Signature]

TITLEHOLDER: Ashley Camp
Address: 2661 Grady St SE Smyrna GA 30080
Business Phone: Cell Phone: 678-773-6823 Home Phone:
Signature: [Signature]

VARIANCE: Present Zoning: RDA Type of Variance: setback

Explain Intended Use: outdoor covered patio

Location: Land Lot(s): 489 District: 17 Size of Tract: 152 Acres

CONTIGUOUS ZONING

North: RDA
East: RDA
South: RDA
West: RDA

**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

Property currently has existing concrete patio and brick retaining wall. Property owner requests to install roof over patio to the wall and add ventless fireplace.

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Ashley Camp

Intends to make an application for a variance for the purpose of installing a covered patio
on the southside of 2661 Grady St SE. where existing
patio and retaining wall is currently
on the premises described in the application.

NAME	ADDRESS
<u>Stephan Cole</u>	<u>2674 GRADY ST SE</u>
<u>Ashley Stephens</u>	<u>1065 ELLE CT SE</u>
<u>Willie Stelford</u>	<u>1070 Ellr Ct SE</u>
<u>[Signature]</u>	<u>2673 Grady St.</u>
<u>[Signature]</u>	<u>1075 Elle Ct SE</u>
<u>[Signature]</u>	<u>1060 Elle Ct SE</u>
<u>[Signature]</u>	<u>1080 Elle Ct SE</u>
<u>[Signature]</u>	<u>2655 GRADY ST SE</u>
<u>[Signature]</u>	<u>2478 Grady St SE</u>
<u>[Signature]</u>	<u>2482 Grady St SE</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 properties directly across a street.

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226
 770-434-6600

2022 Property Tax Notice

CAMP DANNY M & ASHLEY
 2661 GRADY ST SE
 SMYRNA, GA 30080

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2022 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
2577	2661 GRADY ST STREET LIGHT RESIDENTIAL	17-0489-0-0970	473,810.00	189,524.00	0.00	189,524.00	8.99	1,703.82 42.00

Pay online at <http://portal.smyrnaga.gov/MSS/citizens/default.aspx>

Important Messages - Please Read

Total of Bills by Tax Type

<p>Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00</p>	<p>Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600</p> <p>If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100</p>	Pen	0.00
		Int	0.00
		Fees	0.00
		Adjustments	0.00
		Payments	0.00
		Back Taxes	0.00
		TOTAL DUE	1745.82
		DATE DUE	11/15/2022

CAMP DANNY M & ASHLEY
 2661 GRADY ST SE
 SMYRNA, GA 30080

← If this address is incorrect, please write the correct address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
2577	17-0489-0-0970 STREET LIG	1703.82 42.00
DATE DUE		TOTAL DUE
11/15/2022		1745.82

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK



2022 COBB COUNTY PROPERTY TAX BILL

TAX COMMISSIONER

Pay online at www.cobbtax.org or (866) 729-2622
See the back of this bill for more payment information

HEATHER WALKER
CHIEF DEPUTY

736 Whitlock Ave, Ste • 100 Marietta, GA 30064
(770) 528-8600 • tax@cobbtax.org

Phone: 770-528-8600
Fax: 770-528-8679

A copy of your bill was sent to your mortgage company. See the **back of this bill** for more information about mortgage companies.



Pay Online

PAYMENT DUE: October 15, 2022

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Property Owner(s)	Address	Due Date	Amount
CAMP DANNY M & ASHLEY	2661 GRADY ST	10/15/2022	\$4,566.40

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption
17048900970	\$473,810	\$189,524	0.15	6 - City of Smyrna	Yes; 111 Basic

Taxing Authority	Assessed Value	-	Exemption	=	Net Assessment	x	Millage Rate	=	Taxes Due
SCHOOL	189,524	-	10,000	=	179,524	x	0.0189	=	\$3,393.00
Levied by the Cobb County Board of Education representing approximately 74.30% of your taxes due.									
COUNTY GENERAL	189,524	-	50,824	=	138,700	x	0.00846	=	\$1,173.40
COUNTY BOND	189,524	-	0	=	189,524	x	0	=	\$0.00
COUNTY FIRE	N/A	-	N/A	=	N/A	x	N/A	=	N/A

Levied by the Board of Commissioners representing approximately 25.70% of your taxes due.

Taxpayer Reassessment Relief Act: You received an increased exemption of \$40,824.00 because your property's value was reassessed.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2022	17048900970	10/15/2022	Pay: N/A	or \$4,566.40

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due	Amount Enclosed
2022	17048900970	10/15/2022	Pay: N/A	or \$4,566.40	

Late fees apply after 10/15/2022
(See back of Bill)

IS YOUR INFORMATION UP TO DATE?

My mailing address has changed.

I no longer own this property.

Date Moved: _____

New Mailing Address:

Signature : _____

2022 Cobb County Property Tax Bill

Internal Use

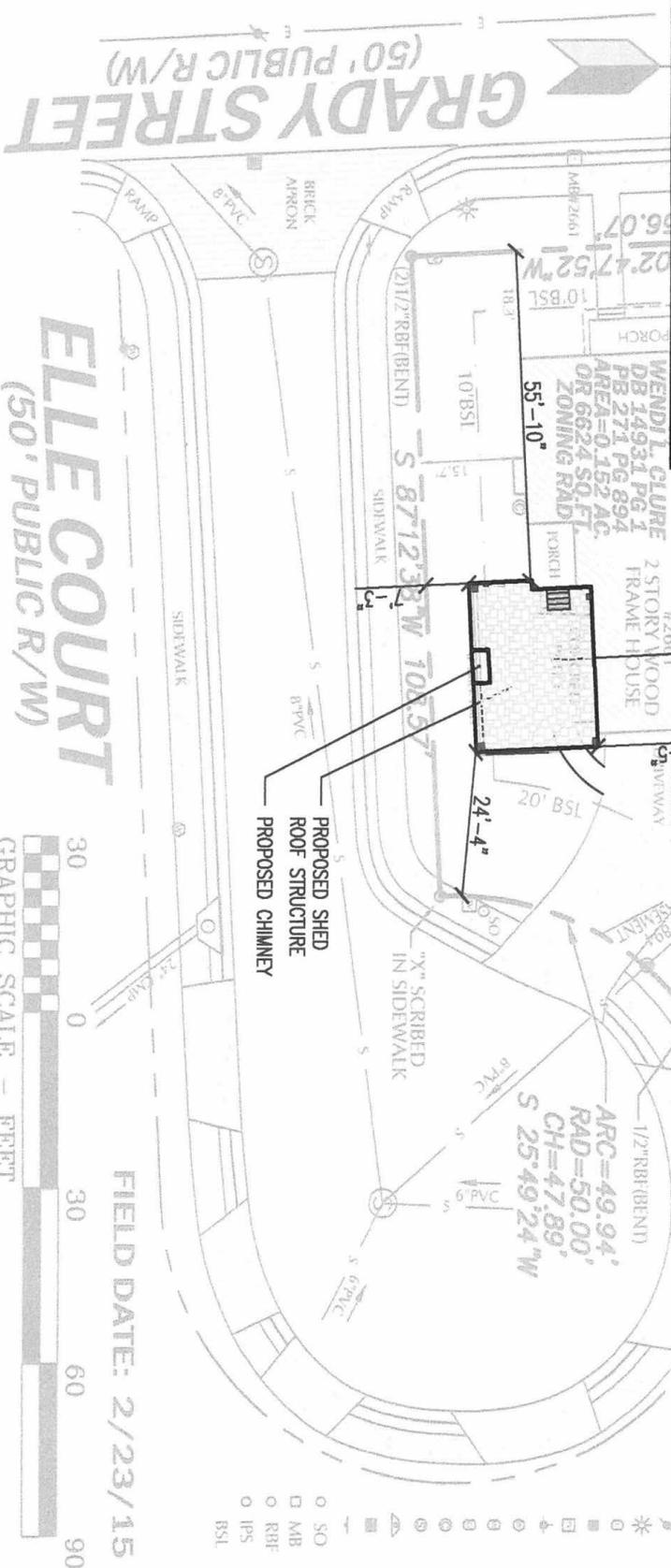
CAMP DANNY M & ASHLEY

or Current Property Owner
2661 GRADY ST SE

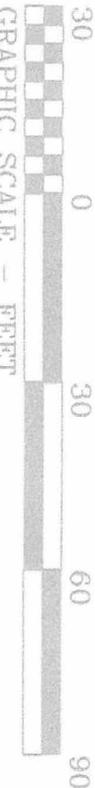


SMYRNA, GA 30080

Camp Residence Pavilion
 2661 Grady St
 Smyrna, GA 30080
 Homeowner: Ashley Camp
 Phone: 678.773.6823
 Released for Construction



ELLE COURT
 (50' PUBLIC R/W)



SURVEY FOR:

DANNY CAMP, ASHLEY CAMP, AND UNITED COMMUNITY BANK

VALENTINO & ASSOCIATES INC.
 LAND SURVEYORS
 1280 WINCHESTER PARK WAY
 SUITE 243
 SMYRNA, GEORGIA 30080
 PHONE: (770) 438-0015
 FAX: (770) 435-6050
 WEB: VALENTINOSURVEY.COM
 STATE-OF-GEORGIA LAND SURVEYING BIRTH LICENSE NO. 15F000794

LAND LOT 489 17TH DISTRICT 2ND SECTION CITY OF SMYRNA, COBB COUNTY, GEORGIA
 DATE: 2/25/2015 SCALE: 1" = 30' JOB NO. 15-014 FILE NO. 15-014.DWG SHEET 1 OF 1

STATE OF GEORGIA PLAT ACT CERTIFICATION

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TORCON GTS 233W TOTAL STATION WITH AN ANGULAR ERROR OF 13 SECONDS PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE METHOD AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 20,930 FEET. THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 663,598 FEET.

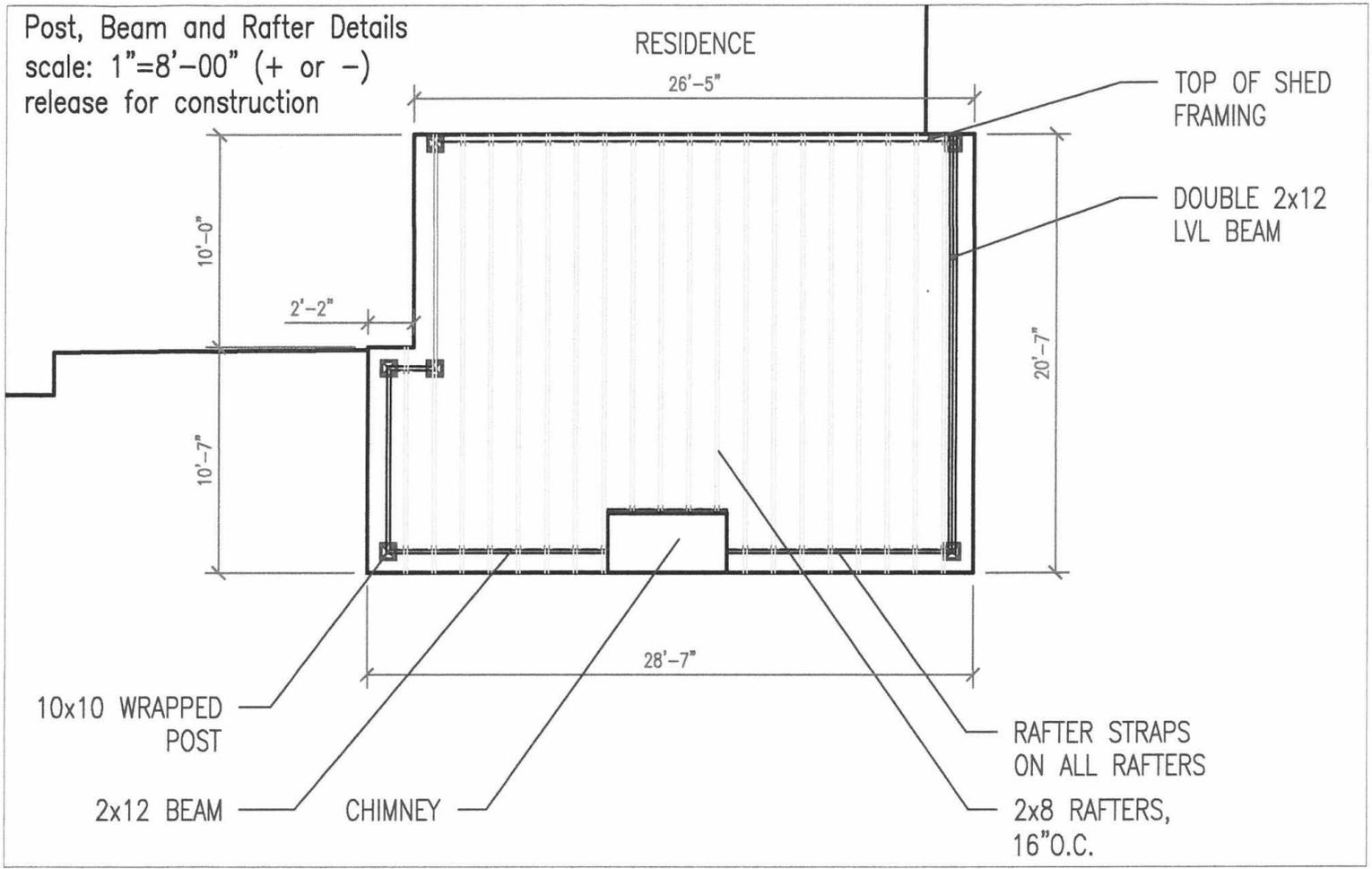
LEGEND

- BROKEN LINE NOT TO OVERHEAD ELECTRIC
- SANITARY SEWER LINE
- POWER POLE
- LIGHT POLE
- ELECTRIC METER
- HEATING/AC UNIT
- CABLE TV BOX
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- GAS METER
- CLEANOUT
- SANITARY SEWER MANHOLE
- DOUBLE WING CATCH
- STORM WATER DROP
- SIGN POST
- STUB OUT
- MAIL BOX
- REBAR FOUND
- 1/2" IRON PIN SET BUILDING SETBACK

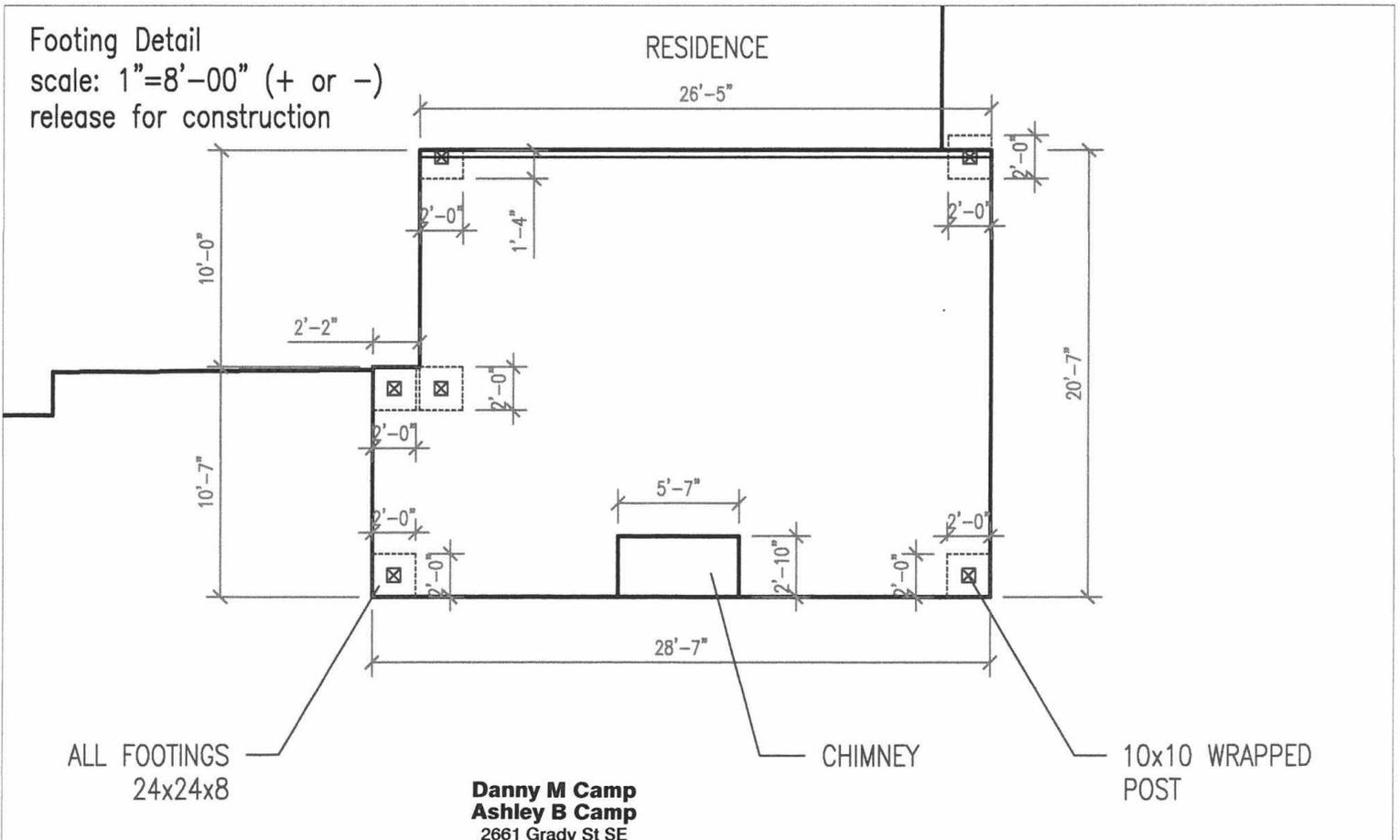
Know what's below
 Call before you dig
 811
 Or Call 888-2-82-7
 Three working days prior to work



Post, Beam and Rafter Details
 scale: 1"=8'-00" (+ or -)
 release for construction



Footing Detail
 scale: 1"=8'-00" (+ or -)
 release for construction



Danny M Camp
 Ashley B Camp
 2661 Grady St SE
 Smyrna, GA 30080-1913



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