



License and Variance Board Meeting - Final

September 13, 2023
10:00 AM

E. V23-060 Public Hearing - Variance Request - V23-060 - Reduce the southern setback from 12 feet to 10.4 feet - Land Lot 525 - 3419 King Springs Road - Chris Broughton



City of Smyrna

Issue Sheet

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

File Number: V23-056

Agenda Date: 9/13/2023

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: E

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-060 - Reduce the southern setback from 12 feet to 10.4 feet - Land Lot 525 - 3419 King Springs Road - Chris Broughton

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is seeking a variance to reduce the southern side setback for a garage and deck addition on an existing non-conforming single-family home located at 3419 King Springs Road. Section 801 sets the setback requirements in the R-20 zoning district and Section 1102 sets the requirements for extending nonconforming uses.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 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: August 31, 2023

RE: VARIANCE CASE V23-060
3419 King Springs Road – Reduce the southern side setback from 12 feet to 10.4 feet

BACKGROUND

The applicant is seeking a variance to reduce the southern side setback for a garage and deck addition on an existing non-conforming single-family home located at 3419 King Springs Road. Section 801 sets the setback requirements in the R-20 zoning district and Section 1102 sets the requirements for extending nonconforming uses.

ANALYSIS

The subject parcel is a 1.06-acre lot on the east side of King Springs Road, at the intersection of King Springs Road and Oakview Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20, with the exception of the parcels to the west, which are zoned R-15; all are occupied by single-family detached residences.

The subject property is currently occupied by a 1,417 square foot home with a 1,008 square foot detached garage and 164 square foot shed in the rear of the property. The existing home, originally built in 1954 (prior to the adoption of the City's Zoning Ordinance), has an existing nonconforming setback of 10.4 feet on the southern side of the home. The applicant is proposing to fully renovate the existing one-story home to more closely align with neighboring properties. The existing carport on the northern side of the home will be enclosed with a roughly 341 square foot addition to expand the living room and add a master bedroom and bathroom. A new 870 square foot 3-car side-entry garage with a second-floor loft and bathroom will be added on the front of the existing home to mirror the neighboring property to the south. Additionally, a roughly 263 square foot covered deck will be erected in the rear, off the existing open wood deck.

Due to the existing nonconforming foundation of the home, the most logical area to construct the garage addition is within the southern side setback to decrease disturbance to the subject property and surrounding neighbors. Since the home is currently non-conforming, the hardship is not self-created. Since the home currently sits 107 feet away from the front property line and is on a large acre lot, no additional variances are needed for the proposed work.

VARIANCE CASE V23-060

August 31, 2023

Page 2 of 5

Moreover, the existing one-story home is 1,417 square feet, whereas the minimum house size of the R-20 zoning district is 2,100 square feet. With the renovations, the home will be roughly 3,500 square feet, bringing the home into compliance with the R-20 zoning district floor area requirement.

Due to the layout and foundation of the existing home, the garage addition will be constructed within the nonconforming setback, which currently encroaches into the southern side setback by roughly two feet. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the southern portion of the existing home since the structure is already encroaching into the side setback. Community Development believes the variance is the minimum variance needed bring the home in line with the neighboring R-20 properties.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 elevations submitted with the variance application.

Figure – 1



Figure – 2
Proposed Site Plan

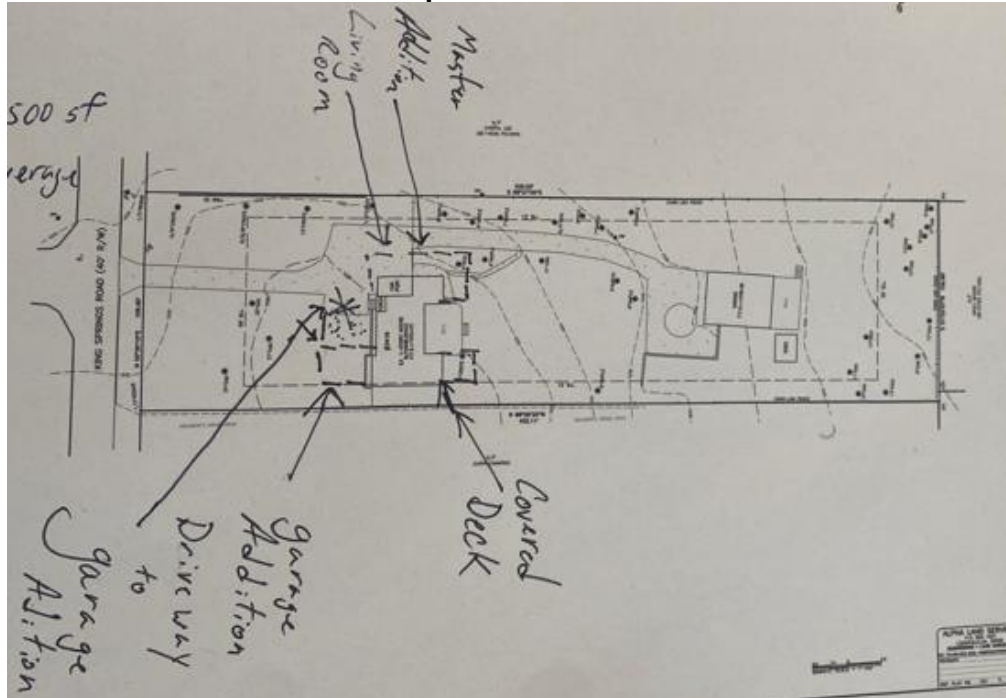


Figure – 3
Proposed Floor Plan

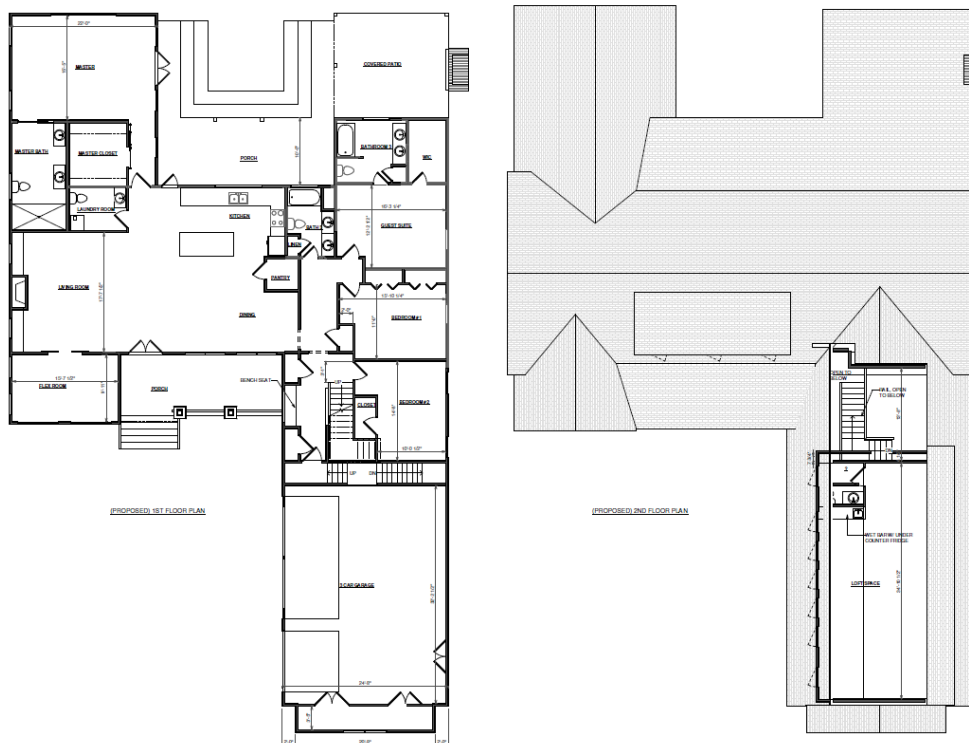


Figure – 4
Subject Property



Figure – 5
Adjacent Property to the South



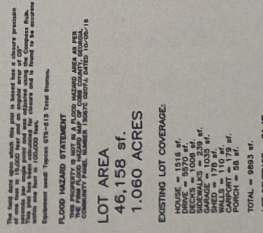
Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Properties across King Springs Road

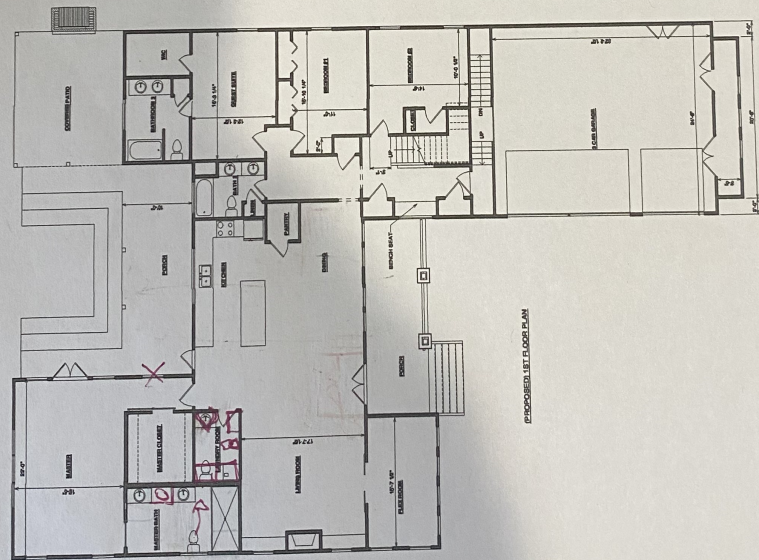
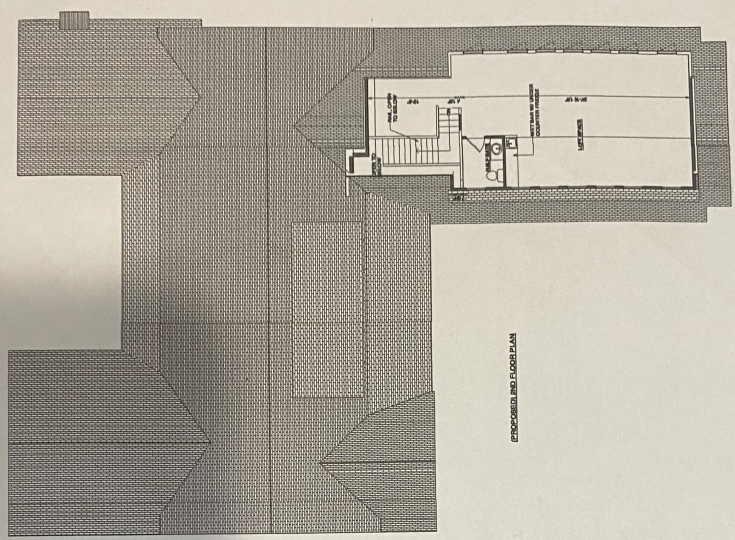


| | | | | | |
|--|--|--|--|-------------|--|
| ALPHA LAND SERVICES P.O. BOX 1000 LAWRENCE, KS 66044 | | 3419 KING SPRINGS ROAD THE PARCEL: 7052500400 | | SUNSET FARM | |
| EXCISE | | LAST 1/2 | | US | |
| SECTION | | T17N | | S16E | |
| RANGE | | R17E | | B16E | |
| TOWNSHIP | | T17N | | S16E | |
| COUNTY | | CONE | | B16E | |
| STATE | | KS | | B16E | |
| FED. DATE | | 04-12-11 | | B16E | |
| P. 41 | | P. 41 | | B16E | |



Approx + 2,500 sf
lot Covered

| | | | | | | | |
|---|--|--|--|--|--|---|--|
| FLOOR PLANS A3.1 PROJECT ADDRESS: 1415 WEST 10TH ST ATLANTA, GA 30309 | | OWNER CONTACT: CHENG AND TIAN BROUGHTON 404.277.2818 CHENG@CHENGANDTIAN.COM | | DESIGNED BY: CHENG MALONE DESIGN 1125 NORTH 78TH AVE ATLANTA, GA 30328 | | THIS WORK IS THE INTELLECTUAL PROPERTY OF CHENG MALONE DESIGN U.S. AND SHALL NOT BE REPRODUCED WITHOUT PERMISSION | |
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Variance Application**VAR-23-34****Applicant**

 Chris Broughton
 4049092956
@ broughtoninc1@gmail.com

Primary Location

3419 KING SPRINGS RD SE
SMYRNA, GA 30080

Applicant Information**First Name**

Chris

Last Name

Broughton

Street Address

1170 Pinehurst Dr

City

Smyrna

State

GA

Zip Code

30080

Email

Broughtoninc1@gmail.com

Phone Number

4049092956

Are you the titleholder of the subject property?

Yes

Property Information**Property Address**

3419 KINGSPRINGS RD

Description of Requested Variances

The house is currently approx. 19 inches over the set back on the right or south side of the property standing on Kingsprings looking at the house.

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.

We are currently planning to do a renovation with a courtyard side entry garage we are using our existing driveway. We are seeking to do the addition in line with the existing structure, which is currently over the set back by approximately 19 inches.

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

9589 0710 5270 0455 3937 78

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☐ Adult Signature Restricted Delivery \$0.00

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Total Postage and Fees \$5.01

Sent to 3420 Dean St
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 PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Total Postage and Fees \$5.01

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 Street and Apt. No., or PO Box No.
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Postage \$0.66

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06/75 08/05/2023

View Bill [View bill image](#)

of

Year 2022
2129

er BROUGHTON CHRISTOPHER L & TARA K

cel ID [17052500400](#)

[w_payments/adjustments](#)

| allment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|--------------|------------|------------|------------------|---------|----------|--------|
| | 11/15/2022 | \$1,256.15 | \$1,256.15 | \$0.00 | \$0.00 | \$0.00 |
| TOTAL | | \$1,256.15 | \$1,256.15 | \$0.00 | \$0.00 | \$0.00 |



Printed: 8/11/2023

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:
CHASE

BROUGHTON CHRISTOPHER L & TARA K**Payment Date: 10/10/2022**

| Tax Year | Parcel ID | Due Date | Appeal Amount | | | Taxes Due |
|----------|-------------|------------|---------------|-------------|---------|-----------|
| 2022 | 17052500400 | 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 | \$3,695.13 | \$0.00 | |



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