



## License and Variance Board Meeting - Final

December 13, 2023

10:00 AM

---

**E. V23-079** Public Hearing - Variance Request - V23-079 - Allow a gravel parking surface -  
Land Lot 446 - 2270 Belmont Circle - Cynthia Devine



# City of Smyrna

## Issue Sheet

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

File Number:

---

**Agenda Date:** 12/13/2023

**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 - V23-079 - Allow a gravel parking surface - Land Lot 446 - 2270 Belmont Circle - Cynthia Devine

***Ward 5 Councilmember - Susan Wilkinson***

**ISSUE AND BACKGROUND:**

The applicant is requesting a variance to retain a gravel driveway at 2270 Belmont Circle. The applicant needs a variance from 905 of the City's Zoning Ordinance which requires all parking in single-family residential districts to be on a hard surface.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the City's single-family parking requirements, which are established in Section 905 of the Zoning Ordinance. 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 variance will not adversely affect surrounding properties and therefore, recommends approval of the requested variance with the following condition:

1. Approval of the requested variance is conditioned upon the substantial compliance with the site plan 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: November 20, 2023

**RE: VARIANCE CASE V23-079**  
**2270 Belmont Circle – Allow a gravel parking surface**

---

#### **BACKGROUND**

The applicant is requesting a variance to retain a gravel driveway at 2270 Belmont Circle. The applicant needs a variance from 905 of the City's Zoning Ordinance which requires all parking in single-family residential districts to be on a hard surface.

---

#### **ANALYSIS**

The subject parcel is a 0.70-acre lot located on the north side Belmont Circle, near the intersection of Belmont Circle and Woodland Trail (see Figure 1). The subject parcel and adjacent parcels to the south are occupied by detached single-family homes while the adjacent parcels to the east and west are vacant; all are zoned R-15. The adjacent parcel to the north is zoned RM-12 and is occupied by the Woodland Arms apartment complex.

In October 2023, the applicant was given two Notices of Violation for accessory structures in the front yard and a gravel parking surface without the appropriate permits or variances. Once notified of the violations, the applicant immediately began working with City staff to correct the violations.

The applicant is proposing to retain a gravel driveway leading to the single-family home and detached garage. Per the applicant, the gravel driveway has existed since the home was built in 1930. Section 905 in reference to the City's parking standards reads, "Within all single-family residential zoning districts (R-30, R-20, R-15 and RDA), the parking or storage of motor vehicles shall be prohibited within the required front yard except upon a hard-surface driveway which serves a dwelling structure located on the property." The City's parking standards do not provide any exemptions from this requirement for specific uses or zoning districts. Therefore, the applicant is requesting a variance to retain the gravel driveway.

The gravel driveway has existed prior to the City's Zoning Ordinance, so the variance is not self-created. Additionally, a concrete driveway apron was poured in 2016 prior to the start of the gravel drive to keep any gravel from entering the right-of-way. Community Development is supportive of the proposed variance due to the concrete apron and does not foresee any

negative impacts to the surrounding neighbors. At the time of this report, Community Development has not received any opposition to the request.

---

### STAFF COMMENTS

The applicant is requesting to deviate from the City's single-family parking requirements, which are established in Section 905 of the Zoning Ordinance. 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 variance will not adversely affect surrounding properties and therefore, recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance is conditioned upon the substantial compliance with the site plan submitted with the variance application.

Figure – 1



**Figure – 2  
Proposed Site Plan**



**Figure – 3  
Subject Property**



**Figure – 4**  
**Existing Gravel Driveway**



**Figure – 5**  
**Adjacent Property to the West**



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



**Figure – 7**  
**Adjacent Property across Belmont Circle**







### VAR-23-45

Variance Application

Status: Active

Submitted On: 10/23/2023

### Primary Location

2270 BELMONT CIR SE  
SMYRNA, GA 30080

### Owner

Cynthia Devine  
2270 BELMONT CIR 2270  
Belmont Circle SE Smyrna,  
GA 30080

### Applicant

Cynthia Devine  
 770-541-0805  
 siddevine1@gmail.com  
 2270 Belmont Circle SE  
Smyrna, GA 30080

---

## Applicant Information

**First Name\***

Cynthia

**Last Name\***

Devine

**Street Address\***

2270 Belmont Circle SE

**City\***

Smyrna

**State\***

GA

**Zip Code\***

30080

**Email\***

siddevine1@gmail.com

**Phone Number\***

7705410805

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

Yes

## Property Information

**Property Address\* **

2270 Belmont Circle SE

**Description of Requested Variances\* **

non-conforming use variance for gravel driveway

---

## 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.\* **

The home on the property was built in 1930 and had a gravel driveway when I purchased it 6/8/2013. Photos from April 2013 and October of 2012 can be viewed on Google Streetview.

---

## 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:\*

Cynthia Devine  
Oct 23, 2023

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Cynthia Devine  
AKA Cynthia Devine Living Trust  
Intends to make an application for a variance for the purpose of Gravel parking surface  
at 2270 Belmont Circle SE Smyrna, GA 30080

on the premises described in the application.

NAME	ADDRESS
Steven & Cheryl Santiago <i>Steven Santiago</i> <i>Cheryl Santiago</i>	2275 Belmont Cir SE Smyrna, GA 30080

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

9589 0710 5270 0455 4125 16

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Atlanta, GA 30338

Certified Mail Fee \$4.35  
 Extra Services & Fees (check box, add fee)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.66  
 Total Postage and Fees \$5.01

0675 03  
 SMYRNA POST OFFICE  
 Postmark Here  
 24 2023  
 10/24/2023

Sent To  
 Woodland Arms Apartments  
 Street and Apt. No., or PO Box No.  
 4588 N. Shallowford Rd. Ste. 201  
 City, State, Zip+4  
 Atlanta, GA 30338

PS Form 3800, January 2023 PSN 7530-02-000-90-7 See Reverse for Instructions

9589 0710 5270 0455 4122 40

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Pine Mountain, GA 31822

Certified Mail Fee \$4.35  
 Extra Services & Fees (check box, add fee)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.66  
 Total Postage and Fees \$5.01

SMY 0675 03  
 POST OFFICE  
 OCT 24 2023  
 10/24/2023

Sent To  
 Patricia Striplin  
 Street and Apt. No., or PO Box No.  
 P.O. Box 1105  
 City, State, Zip+4  
 Pine Mountain GA 31822

PS Form 3800, January 2023 PSN 7530-02-000-90-7 See Reverse for Instructions



SMYRNA  
 850 WINDY HILL RD SE  
 SMYRNA, GA 30080-1910  
 (800)275-8777

10/24/2023 12:40 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.66
Atlanta, GA 30338 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 10/26/2023			
Certified Mail®			\$4.35
Tracking #:	9589 0710 5270 0455 4125 16		
<b>Total</b>			<b>\$5.01</b>

First-Class Mail® Letter	1		\$0.66
Pine Mountain, GA 31822 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 10/26/2023			
Certified Mail®			\$4.35
Tracking #:	9589 0710 5270 0455 4122 40		
<b>Total</b>			<b>\$5.01</b>

<b>Grand Total:</b>			<b>\$10.02</b>
Credit Card Remit			\$10.02
Card Name: AMEX Account #: XXXXXXXXXXXX6000 Approval #: 844658 Transaction #: 162 AID: A000000025010801 Contactless AL: AMERICAN EXPRESS PIN: Not Required			

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail  
 Track your Packages  
 Sign up for FREE   
<https://informedelivery.usps.com>

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

Tell us about your experience. Go to: <https://postalexperience.com/Pos> or scan this code with your mobile device.



or call 1-800-410-7420

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Cynthia Devine  
AKA Cynthia Devine Living Trust  
Intends to make an application for a variance for the purpose of Gravel parking surface  
at 2270 Belmont Circle SE Smyrna, GA 30080

on the premises described in the application.

**NAME**

**ADDRESS**

Hanna Marie Martin  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2285 Belmont Circle SE  
Smyrna, GA 30080  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

Hanna Martin *Hanna Martin* 10/29/23

## Real Estate (Your House or Land)

[Newer unpaid bill\(s\) exist for this parcel.](#)

[View bill image](#)[View Bill](#)

[View billAs ofdate](#)

**Bill Year** 2022

**Bill** 4030

**Owner** CYNTHIA DEVINE LIVING TRUST

**Parcel ID** 17044600750

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2022	\$674.50	\$674.50	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		\$674.50	\$674.50	\$0.00	\$0.00	\$0.00



Printed: 10/18/2023

# 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:  
 CYNTHIA DEVINE

**CYNTHIA DEVINE LIVING TRUST**

**Payment Date: 10/5/2023**

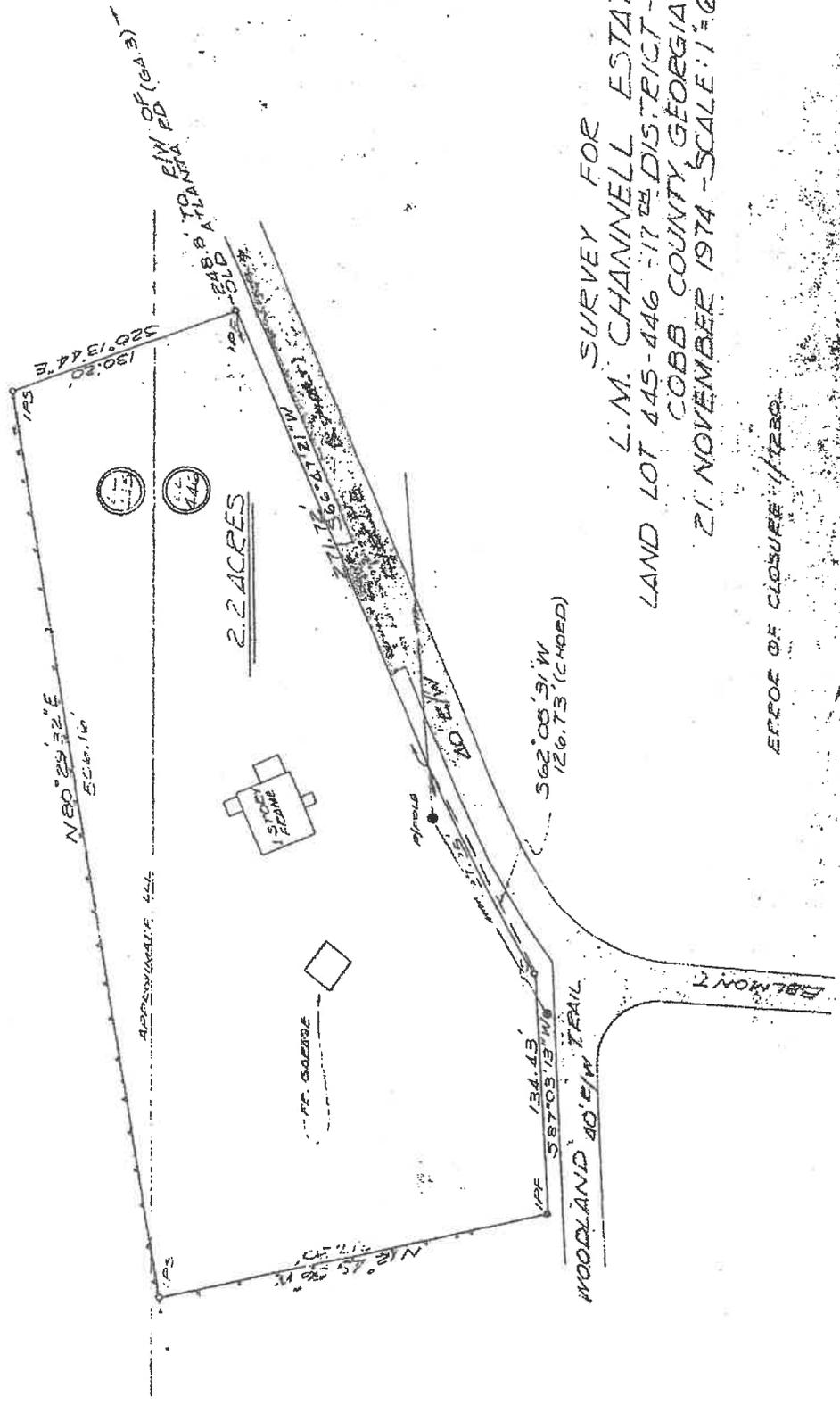
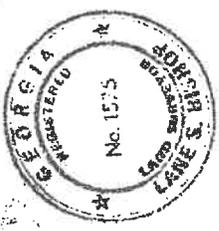
Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17044600750	10/15/2023	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$1,088.98	\$0.00	



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

RECEIVED  
 DEPARTMENT OF THE AGS  
 FROM THE  
 FIELD SURVEY MADE  
 UNDER NY SUPERVISOR

*Filed in office  
 Feb. 7, 1975  
 The Lee Zemy  
 Clerk*



SURVEY FOR  
 L. M. CHANNELL ESTATE  
 LAND LOT 445-446 - 17<sup>TH</sup> DISTRICT - 2<sup>ND</sup> SECTION  
 COBB COUNTY, GEORGIA  
 21 NOVEMBER 1974 - SCALE 1"=60'

EFFECT OF CLOSURE 1/1/75



Cynthia Devine <siddevine1@gmail.com>

2270 BC

Cynthia Devine <siddevine1@gmail.com>  
To: Cynthia Devine <siddevine1@gmail.com>

Fri, Oct 13, 2023 at 7:26 PM

