



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:

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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







11/3/2023

VAR-23-45	Primary Location	Applicant
Variance Application	2270 BELMONT CIR SE	Cynthia Devine
Status: Active	SMYRNA, GA 30080	770-541-0805
Submitted On: 10/23/2023	Owner	siddevine1@gmail.com
	Cynthia Devine	2270 Belmont Circle SE
	2270 BELMONT CIR 2270	Smyrna, GA 30080
	Belmont Circle SE Smyrna,	
	GA 30080	

Applicant Information

First Name*	Last Name*
Cynthia	Devine
Street Address*	City*
2270 Belmont Circle SE	Smyrna
State*	Zip Code*
GA	30080
Email*	Phone Number*
siddevine1@gmail.com	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 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
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.

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Atlanta, GA 30338

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.66

Total Postage and Fees \$5.01

Sent To
 Woodland Arms Apartments
 4488 N. Shallowford Rd. Ste. 201
 Atlanta, GA 30338

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

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Pine Mountain, GA 31822

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.66

Total Postage and Fees \$5.01

Sent To
 Patricia Striplin
 P.O. Box 1105
 Pine Mountain, GA 31822

PS Form 3800, January 2023 PSN 7530-02-000-9047 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® Tracking #: \$4.35

Total 9589 0710 5270 0455 4125 16 \$5.01

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® Tracking #: \$4.35

Total 9589 0710 5270 0455 4122 40 \$5.01

Grand Total: \$10.02

Credit Card Remit \$10.02

Card Name: AMEX
 Account #: XXXXXXXXXX6000
 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 USPS Tracking or call 1-800-222-1811.

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 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 at 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

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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
TOTAL		\$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!!

2270 BC

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

Fri, Oct 13, 2023 at 7:26 PM

