



License and Variance Board Meeting - Final

January 10, 2024
10:00 AM

E. **V23-097** Public Hearing - Variance Request - V23-097 - Allow new construction on lot of record below minimum requirements - Land Lot 664 - 2608 Argo Drive - Nichelle Bell



City of Smyrna

Issue Sheet

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

File Number:

Agenda Date: 1/10/2024

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 - V23-097 - Allow new construction on lot of record below minimum requirements - Land Lot 664 - 2608 Argo Drive - Nichelle Bell

Ward 2 Councilmember - Latonia P. Hines

ISSUE AND BACKGROUND:

The applicant is requesting to build a new single-family home at 2608 Argo Drive on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 zoning district. 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. 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.



NAME: MDA	SHEET:
DATE: 2023	
SCALE: 1/4" = 1'-0"	



CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: January 2, 2024

**RE: VARIANCE CASE V23-097
2608 Argo Drive – Allow new construction on lot of record below minimum requirements**

BACKGROUND

The applicant is requesting to build a new single-family home at 2608 Argo Drive on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

ANALYSIS

The subject parcel is a 0.27-acre lot located on the west side of Argo Drive (see Figure 1). The subject parcel and the adjacent parcels to the north and west are zoned R-15. Two of the adjacent parcels to the south are zoned R-12, with the third zoned R-15. The adjacent parcels to the east are zoned RDA. The subject parcel and adjacent parcels are all occupied by detached single-family homes with the exception of one parcel to the north, which is currently vacant. The subject parcel is a homesite which was first recorded in the Cobb County Deed Book in 1955, prior to the current Smyrna Zoning Ordinance, which was implemented in 1974.

The subject property is only 11,579 square feet with a 50-foot road frontage while the R-15 zoning district requires a minimum lot size of 15,000 square feet and 85 feet of road frontage. Since the subject property is an existing lot of record, originally filed in the Deed Book in Cobb County in 1955, the hardship is not self-created. If it were not for the nonconforming lot, no other variances would be required to build the new home.

The existing 1,117 square foot home is currently in a state of disrepair and has been vacant for several years (see Figures 4 and 5). Aside from the nonconforming lot, the existing home is also encroaching into both the front and northern side setbacks and is well below the minimum house size of the R-15 zoning district at 2,000 square feet. The applicant is proposing to demolish the existing house and build a new roughly 2,500 square foot two-story single-family home on the subject property in compliance with all setbacks and floor area requirements for the R-15 zoning district. The new façade will be primarily siding with a brick water table with a modern look to the architecture.

The subject property is unique in that it has less square footage and road frontage than what the R-15 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Community Development does not believe building a new single-family home on the subject property in accordance with the R-15 zoning requirements will negatively impact the surrounding properties. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 zoning district. 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. 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

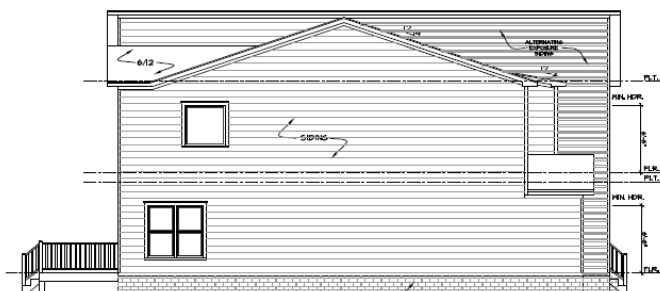


Page 3 of 6

SCALE: 1/4" = 1'-0"



SCALE $1/4'' = 1'-0''$



NOTE $1/6^{\circ} = 1-0^{\circ}$


$$\text{SCALE: } 1/4" = 1'-0"$$

Figure – 4
Subject Property



Figure – 5
Existing Structure



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property to the North





Figure – 8
Adjacent Property across Argo Drive



Figure – 9
Adjacent Property across Argo Drive



Variance Application	Applicant	Primary Location
VAR-23-53	 Nichelle Bell  678-900-4772 @ paatl1968@gmail.com	2608 ARGO DR SE SMYRNA, GA 30080

Applicant Information

First Name	Last Name
Nichelle	Bell
Street Address	City
P.O. Box 115404	Atlanta
State	Zip Code
GA	30311
Email	Phone Number
paatl1968@gmail.com	6789004772
Are you the titleholder of the subject property?	
No	

Titleholder Information

Full Name (i.e., First and Last Name, or Name of Entity)	Street Address
H-Slater Holdings LLC	12898 SW 26 St
City	State
Miramar	GA
Zip Code	Email Address
33027	hslate1@yahoo.com
Phone Number	
786-365-2919	

Property Information

Property Address
2608 Argo Drive
Description of Requested Variances
Allow construction on non-conforming lot (Section 1208)

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.

There are extraordinary and exceptional conditions which generally do not apply to lots which were created after 2007 and/or to existing dwellings which are merely altered or added onto.

2.

The actions of the City of Smyrna, Georgia, in adopting Section 1208 in 2007, long after the establishment of the lot, rendered a legal, non-conforming buildable Lot of Record, previously occupied by a structure, as an unbuildable lot. This action was antithetical to the established Lot of Record as defined in Section 402, Definitions and to zoning generally.

The lot is deficient in the required lot width of 85 feet measured at the front building setback line. Additionally, the lot is deficient in the minimum lot size required by R-15 of 15,000 square feet. However, these conditions were antecedent to the present zoning. Other new construction in the general area has the benefit of same or similar lot conditions which will be a repeat problem with demolitions.

3.

The strict application of the ordinance would deprive the Applicant of the use of the property that would otherwise be a vested, legal non-conforming status. An unbuildable lot has little or no economic value.

4.

The requested variance is the minimum variance which makes possible a reasonable use of the property which would otherwise become a vacant neighborhood eyesore and a deprivation of value to the community.

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

**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080

Office Phone 770-319-5387 / Fax 770-431-2808

I, Hugo Slater/H-Slater Holdings LLC, swear that I am the Property Owner of the property

located at: 2608 Argo Drive, Smyrna GA 30080

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Nichelle Bell

Address: P.O. Box 115404 Atlanta GA 30310

Telephone: 678-900-4772 Email: paatl1968@gmail.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

Signature of Property Owner

12898 SW 26 Street

Address

Hugo Slater/H-Slater Holdings LLC

Name of Property Owner (print clearly)

Miramar, FL 33027

City, State, Zip

N. Bell
P.O. Box 115404
Atlanta GA 30310

CERTIFIED MAIL



7011 1150 0000 9995 1869

Retail



RDC 99



30280

U.S. POSTAGE
FROM LETTER
ATLANTA, GA
DEC 04 2002

\$5.25

95200411362

Brothers Keepers Properties LLC
2590 Argo Dr SE
Smyma GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310



U.S. POSTAGE
FCM LETTER
ATLANTA, GA 30303
NOV 22, 2023
\$5.25
R2305H128058-13

Variance
Application

Brothers Keepak Properties LLC
2602 Argo Dr SE
Smyrna, GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310



U.S. POSTAGE
FCM LETTER
ATLANTA, GA 30303
NOV 22, 2023
\$5.25
R2305H128058-13

Variance
Application

Alessandro Cuomo
2611 Argo Dr SE
Smyrna GA 30080

Bell
Box 115404
Atlanta GA 30310



U.S. POSTAGE
FCM LETTER
ATLANTA, GA 30303
NOV 22, 2023
\$5.25
R2305H128058-13

Variance
Application

Stephanie Britton
2603 Davenport St SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310



\$5.25

Variance
Application

Karen Luster
2619 Argo Dr SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310



\$5.25

Variance
Application

Ryan Evans
2616 Argo Dr SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310

CERTIFIED MAIL



\$5.25

Variance
Application

Phillip & Melleesa King
2572 Argo Dr SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310

CERTIFIED MAIL



7011 1150 0000 9996 3657

\$5.25

Variance
Application

Saeid & Leila Khamassi-Sabin
2614 Bates St SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310

CERTIFIED MAIL



7011 1150 0000 9996 3640

\$5.25

Variance
Application

Jacquetta M. Clark
2616 Bates St SE
Smyrna GA 30080

N. Bell
P.O. Box 115404
Atlanta GA 30310

CERTIFIED MAIL



7011 1150 0000 9996 3602

\$5.25

Variance
Application

Brothers Keepers Properties LLC
Property Owners of 2540 Argus Dr
2602 Argus Dr SE
Smyrna GA 30080



Nichelle Bell <paatl1968@gmail.com>

Fw: Confirmation of Payment

1 message

hugo slater <hslate1@yahoo.com>
Reply-To: hugo slater <hslate1@yahoo.com>
To: Nichelle Bell <paatl1968@gmail.com>

Fri, Dec 1, 2023 at 12:55 PM

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "ACI Payments, Inc. - Customer Service" <customerservice@acipayonline.com>
To: "Hugo Slater" <hslate1@yahoo.com>
Sent: Fri, Dec 1, 2023 at 12:53 PM
Subject: Confirmation of Payment



Dear ACI Payments, Inc. Customer:

Thank you for selecting ACI Payments, Inc. for electronic payment of Real Estate Tax. Your payment of \$868.10 was sent to Smyrna, City of on 12-01-2023. Your confirmation number is 090229.

To check the status of your payment, visit the ACI Payments, Inc. Web site at https://acipayonline.com/pc_paym.jsp. Please be prepared to provide your e-mail address hslate1@yahoo.com and one of the following two items:

-Your confirmation number, 090229

OR

-The last four digits of the card you used for payment, 4157

To become a registered user of ACI Payments, Inc., enabling you to access your complete tax and fee payment history, visit our web site at http://acipayonline.com/pc_sign.jsp.

Again, thank you for using ACI Payments, Inc. We hope you enjoy the convenience, cash management, and payment card benefits earned from your payment.

WLB ASSOCIATES INCORPORATED



Land Surveying • Site Planning • Site Development

December 4, 2023

Attn: Caitlin Crowe
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080


Reference: 2608 Argo Drive

Dear Ms. Crowe,

Upon completing a title search for the property located at 2608 Argo Drive Smyrna, GA. 30080, it has been determined that this property is not located within a recorded subdivision as per Cobb County records.

If we can be of further assistance, please do not hesitate to contact us.

Best Regards,

WLB Associates, INC.
Wesley Brown, PLS


349 Cheryl Court
Jonesboro, Georgia 30238
Tel: (678)743-4665
Fax: (678)298-9871
Email: Wlbassociates@gmail.com

