



License and Variance Board Meeting - Final

January 24, 2024
10:00 AM

-
- B. V23-106** Public Hearing - Variance Request - V23-106 - Allow new construction on lot of record below minimum requirements - Land Lot 629 - 3286 Creatwood Trail - Sahra Ahmed



City of Smyrna

Issue Sheet

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

File Number:

Agenda Date: 1/24/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: B

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-106 - Allow new construction on lot of record below minimum requirements - Land Lot 629 - 3286 Creatwood Trail - Sahra Ahmed

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is requesting to build a new single-family home at 3286 Creatwood Trail on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

The property received approval for a side setback variance request by the License and Variance Board in April 2021 (Variance Case V21-031). The applicant has submitted a new request with a different site plan to build a new house instead of an addition due to changes in construction costs since the original submittal.

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.

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 V23-106
3286 Creatwood Trail – Allow new construction on lot of record below minimum requirements

BACKGROUND

The applicant is requesting to build a new single-family home at 3286 Creatwood Trail on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

The property received approval for a side setback variance request by the License and Variance Board in April 2021 (Variance Case V21-031). The applicant has submitted a new request with a different site plan to build a new house instead of an addition due to changes in construction costs since the original submittal.

ANALYSIS

The subject parcel is a 0.34-acre lot located on the north side of Creatwood Trail, at the entrance to the Creatwood Forest subdivision (see Figure 1). The subject parcel and adjacent parcels to the south and east are zoned R-15 and are occupied by detached single-family homes. The adjacent properties to the west are zoned RDA and are also occupied by detached single-family homes. The adjacent property to the north is zoned NS-C (Neighborhood Shopping- Conditional) and is occupied by a variety of commercial uses. The subject parcel is part of the Creatwood Forest subdivision, which was platted in 1960, prior to the current Smyrna Zoning Ordinance, which was implemented in 1974.

The subject property is 14,891 square feet, while the R-15 zoning district requires a minimum lot size of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1960, 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 applicant is proposing to demolish the existing 1,080 square foot house and build a new 3,019 square foot two-story single-family home with a walk-out basement. The house plans include a 3-car garage and a pool in the future, with a façade of board and batten. As mentioned, the existing one-story home is 1,080 square feet, well below the minimum house

VARIANCE CASE V23-106

January 2, 2024

Page 2 of 5

size of the R-15 zoning district at 2,000 square feet. With the new construction, the home will be brought into compliance with the R-15 zoning district floor area requirement.

The subject property is unique in that it has less square footage 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



Figure – 2
Site Plan

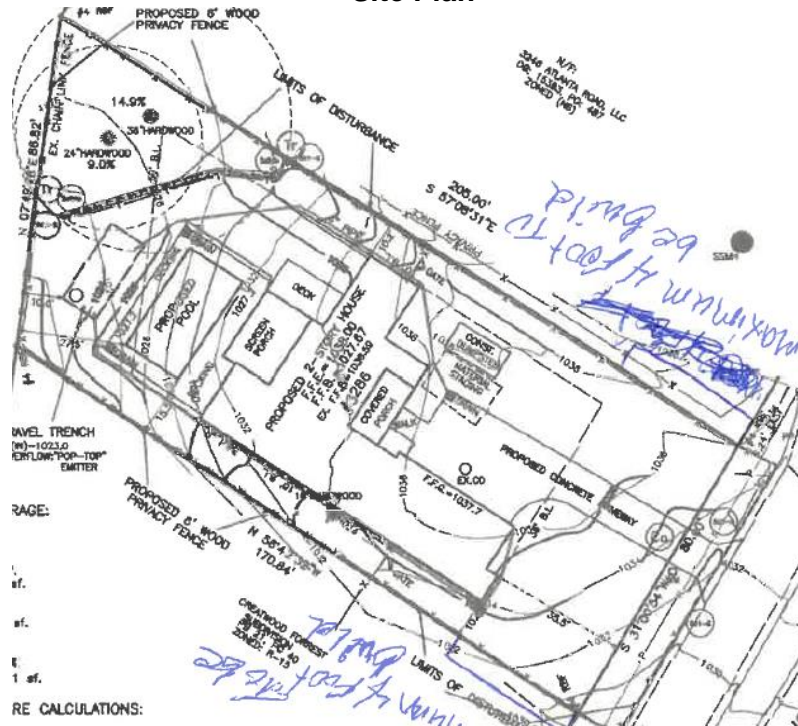


Figure – 3
Building Elevations (Front and Rear)



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the South

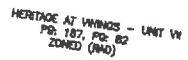


Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Property across Creatwood Trail





- 21) ALL WORK WITHIN CITY WITH CITY OF SUTTER DESIGN AND CONSTRUCTION SHALL COMPLY. SHANINE SHALL BE CHARGED, AND PENALTY MUST BE PLACED AS REFERRED TO CONTROL. EROSION.
- 22) NO ADDITIONAL DRAINAGE DEVICES SHALL BE DIVERTED DURING CITY RIGHT-OF-WAY.
- 23) IF ANY EROSION OCCURS, IT SHALL BE STOPPED IMMEDIATELY AND REPORTED TO THE CITY OF SUTTER.
- 24) A FIVE (5) FOOT WIDE SHOULDER IS REQUIRED ALONG ALL PUBLIC STREETS, AND IN SOME CASES TO MEET WITH A 2-FOOT GRADE STRIP ADJACENT TO THE DRAIN.
- 25) ALL ROAD AND STREET STRUCTURES SHALL CONFORM TO GEORGIA DEPARTMENT OF TRANSPORTATION OR CORP CITY STANDARD SPECIFICATIONS AND DETAILS.
- 26) CONSTRUCTION WITHIN CORP CITY OF RESIDENTIAL OCCUPANCIES WILL BE ALLOWED FROM 8:00 AM AND 4:00 PM. THE HOURS OF 7:00 AM AND 8:00 PM, AND SUNDAY FROM 8:00 AM AND 4:00 PM.
- 27) HOURS FOR CONSTRUCTION ACTIVITIES MUST BE PROVIDED ON SITE, OFF OF THE PROJECT.
- 28) FLAGGERS AND TRAFFIC CONTROL WILL BE PROVIDED AT ALL TIMES OF LANE CLOSURE ON ALL ROADS, INCLUDING THE LOADING AND UNLOADING OF EQUIPMENT.
- 29) BULKER SHALL BE RESPONSIBLE FOR INSTALLATION OF BULKERS AND THE C.O.
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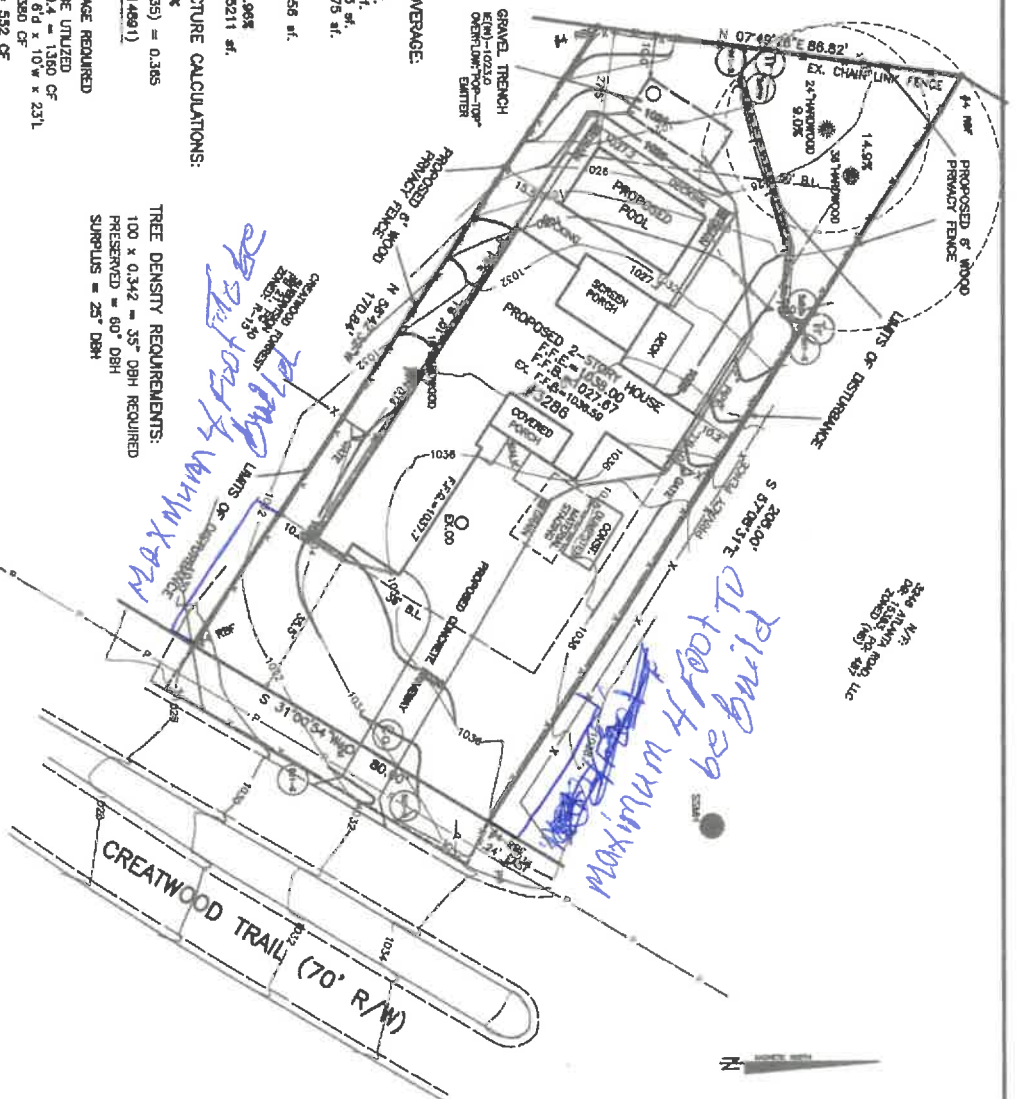
HOUSE = 2,420 sf.
 DRIVEWAY = 1065 sf.
 FRONT WALK = 46 sf.
 FRONT PORCH = 153 sf.
 SCREEN PORCH = 275 sf.
 DECK = 166 sf.
 WALLS = 20 sf.
 POOL/DECKING = 1056 sf.
 TOTAL = 5206 sf.

LOT COVERAGE = 35%
 $R_v = 0.05 + 0.009(35) = 0.365$
 $WQV = \frac{(1.2)(0.365)(14681)}{12}$
 = 544 CF STORAGE REQUIRED
 GRAVEL TRENCH TO BE UTILIZED
 GRAVEL VOLUME: $544/0.4 = 1360$ CF
 TRENCH DIMENSIONS: $6' d \times 10' w \times 23' l$
 GRAVEL VOLUME = 1360 CF
 STORAGE PROVIDED = 552 CF

De1 De2 De3 De4



DISTURBED AREA = 14,050 sf.
0.323 ACRES

CLASSIFICATION: R-15
MINIMUM LOT AREA = 15,000 sf.
MINIMUM FLOOR AREA = 2000 sf
MAXIMUM LOT COVERAGE = 35%
MINIMUM LOT WIDTH = 65 FEET
SETBACKS: FRONT = 35 FEET
SIDE = 10 FEET
REAR = 30 FEET



OWNER/24 HR CONTACT: LOT AREA:
SARAH AHMED 14,891 sf.
SARAHAHMED1@BELL.SOUTH.NET 0.342 ACRES
(404)552-8868

RELEASED FOR CONSTRUCTION

Variance Application	Applicant	Primary Location
VAR-23-58	 Sahra Ahmed	3286 CREATWOOD TRL SE
Submitted On: Dec 19, 2023	 4045528869	SMYRNA, GA 30080
	@ sarahahmed1@bellsouth.net	

Applicant Information

First Name	Last Name
Sahra	Ahmed
Street Address	City
3286 Creatwood Trail	Smyrna,
State	Zip Code
Georgia	30080
Email	Phone Number
Sarahahmed1@bellsouth.net	4045528869

Are you the titleholder of the subject property?
Yes

Property Information

Property Address
3286 Creatwood Trail Smyrna ,GA 30080
Description of Requested Variances
Build new construction on nonconforming lot of record

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.
All of the lots around the lot in question are smaller than 15,000 sq ft but are zoned R-15.

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

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified that _____

Sabra Ahmed
Intends to make an application for a variance for the purpose of New Construction

_____ on the premises described in the application.

NAME	ADDRESS
<u>Makeda Smith</u>	<u>3286 Millwood Tr SE</u> Smyrna GA 30080
<u>Shanna Nichols</u>	<u>3288 Millwood Tr. SE</u> Smyrna GA 30080
<u>Angel Kanteti</u>	<u>3292 Millwood Tr SE</u> Smyrna GA 30080
<u>PHIL WHITE</u>	<u>3246 Atlanta Rd SE</u> Smyrna GA 30080
<u>DAVAR A. GHAFI</u>	<u>3291 Creatwood Trail,</u> Smyrna GA 30080
<u>Rocio Proano</u>	<u>3285 Creatwood Trail</u> Smyrna GA 30080
<u>Danielle D. Yui</u>	<u>3290 Millwood Trail</u> 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.



U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

SMYRNA GA 30080

Certified Mail Fee	\$4.30
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

0675 23

Postmark
Here

SMYRNA POST OFFICE

12/20/2023

Sent To 3892 Creatural Trail
Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]
SMYRNA GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9041 See Reverse for Instructions \$5.01

Approval #: XXXXXXXXXX3054
Transaction #: 020697
AID: A0000000031010
AL: VISA CREDIT Contactless

Text your tracking number to 800-837-8772

City of Smyrna

TAX BILLING RECEIPT

3233331

10/13/23 14:13: 2023 Real Estate

CLERK : mhickenb

PROPERTY: 17062900100

CUST #: 57094

LOCATION: 3286 CREATWOOD TRL

	PRINCIPAL	INTEREST
GEURIN MAURICE JR & AHMED SAHR		
REAL PROPE	1163.56	0.00
STREET LIG	42.00	0.00

Paid by/Ref: WELLS FARGO

Check Amount:	0.00
Cash Amount :	0.00
Total Amount:	1,205.56
Change Due :	0.00
New Balance	0.00



Printed: 12/18/2023

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:
WELLS FARGO REAL ESTATE TAX SERVICE

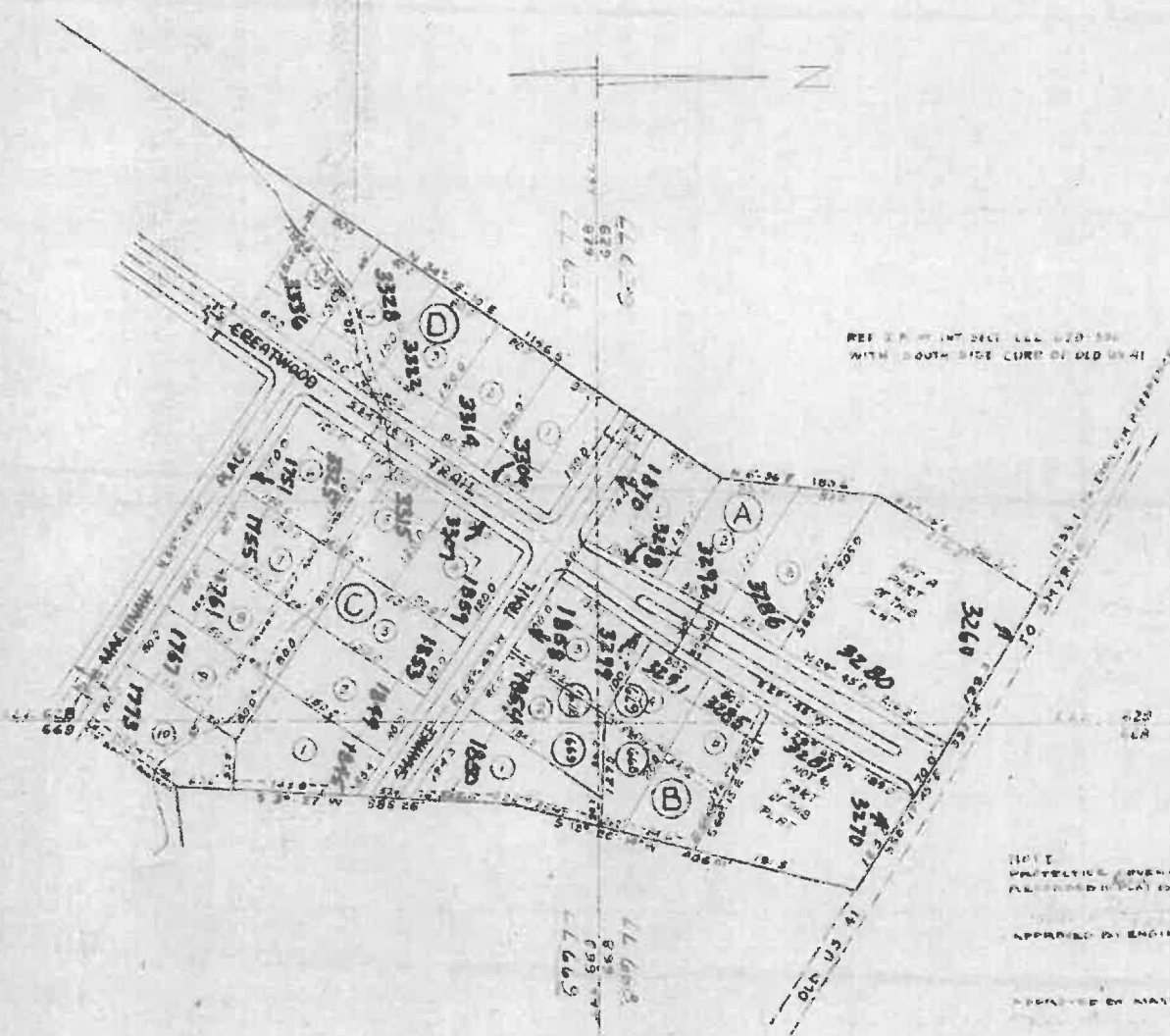
GEURIN MAURICE JR & AHMED SAHRA

Payment Date: 9/30/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17062900100	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	\$3,515.26	\$0.00	



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



REF. TO INT. DEPT. L.L. 123-534
WITH SOUTH SIDE CURB OF OLD HIGHWAY

NOTICE
PROTECTIVE OVERLAYS FOR THE SECTION
RECORDED IN PLAT BOOK 21 PAGE 40 DATE 8-30-60
APPROVED BY ENGINEER CITY OF GUYANA
DATE 8-30-60
APPROVED BY MAYOR CITY OF GUYANA
DATE 8-30-60

THIS PLAT RECORDED IN PLAT BOOK 21 PAGE 40 DATE 8-30-60
THIS PLAT REVISED TO SHOW GAS METER LOTS & T.R. 100 8-30-60



FOREST
GREATWOOD SUBDIVISION

RICE HALL ENGINEERING INC.		12345
12345 GUYANA		12345
SECTION 1 OF UNIT 2		12345
GREATWOOD FOREST SUBDIVISION		12345
LAND LOTS 1751-1950 AND		12345
11 DISTRICT 11 SECTION 1100 GUYANA		12345
SCALE 1"=100'	DATE 8-30-60	12345
APPROVED BY L.H.H.		12345
		12345

Issued For Construction