



License and Variance Board Meeting - Final

February 28, 2024
10:00 AM

E. V24-014 Public Hearing - Variance Request - V24-014 - Increase the maximum impervious surface area from 35% to 43.2% - Land Lot 406 - 4322 Goswell Road - Teresa Pastore



City of Smyrna

Issue Sheet

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

File Number: V24-031

Agenda Date: 2/28/2024

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 - V24-014 - Increase the maximum impervious surface area from 35% to 43.2% - Land Lot 406 - 4322 Goswell Road - Teresa Pastore

Ward 4 Councilmember - Charles

ISSUE AND BACKGROUND:

The applicant is requesting a variance to increase the impervious surface area from 35% to 43.2% due to the addition of a pool in the rear yard. Section 801 sets the maximum impervious area in the R-15 zoning district at 35%.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's maximum impervious area to retain a swimming pool on the property. 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 impervious surface increase will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the requested variance is conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to completion of the pool permit.

Variance Application

VAR-24-7

Submitted On: Jan 18, 2024

Applicant

 Teresa Pastore
 404-825-1627
@ teresa@sundialpools.com

Primary Location

4322 GOSWELL RD SE
SMYRNA, GA 30082

Applicant Information

First Name

Teresa

Last Name

Pastore

Street Address

5087 Dallas Hwy, Suite 600

City

Powder Springs

State

Georgia

Zip Code

30127

Email

teresa@sundialpools.com

Phone Number

770-575-4359

Are you the titleholder of the subject property?

No

Titleholder Information

Full Name (I.e., First and Last Name, or Name of Entity)

Anthony and Ashley Inglese

Street Address

4322 Goswell Road SE

City

Smyrna

State

Georgia

Zip Code

30082

Email Address

--

Phone Number

770-575-4359

Property Information

Property Address

4322 Goswell Rd SE

Description of Requested Variances

Swimming Pool Variance

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.

Sundial Pools is asking to have a pool and decking that make sense in this backyard. We request to increase the pool size to 15' x 30', add pool decking and a retaining wall of 24" tall. In addition, we would like to leave the existing steps off the back porch in tact. Total additional square footage we are requesting not to exceed 800 SF of impervious area.

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 678-631-5387 / Fax 770-431-2808

I, Ashley Inglese, swear that I am the Property Owner of the property
located at 4322 Goswell Rd, Smyrna GA 30082
as shown in the records of Cobb County, Georgia, which is the subject property of the attached application.

I authorize the business named below to act as the Contractor of Record in pursuit of this permit.

Contractor Business Name (print clearly): Sundial Pools, LLC
Business Contact Person: Teresa Pastore
Business Address: 5087 Dallas Hwy Ste 600, Powder Spring GA 30127
Contact Telephone: 404-825-1627
Contact Email: teresa@sundialpools.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.)

Ashley Inglese
Signature of Property Owner

4322 Goswell Rd. Smyrna GA 30082
Address

Ashley Inglese
Name of Property Owner (print clearly)

Smyrna, GA 30082
City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Ashley and Tony Inglese

Intends to make an application for a variance for the purpose of _____
Installing a swimming pool in their backyard.

_____ on the premises described in the application.

NAME

ADDRESS

TEJESH KASABIA
Jyoti Shetty
Valerie Dixon
Larry Ramsey

4324 Goswell Rd, Smyrna, GA 30082
4325 Goswell Rd. Smyrna 30082
4320 Goswell Rd Smyrna, GA 30082
4217 Chatterbox Lane Smyrna GA 30082

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

9589 0710 5270 1059 3143 12

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

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

Smyrna, GA 30082

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$2.65
<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 \$0.92

Total Postage and Fees \$8.97



Sent To Mr + Mrs Maddox
Street and Apt. No., or PO Box No. 4323 GDSwell Rd
City, State, ZIP+4® Smyrna, GA 30082

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions



BROOKSTONE
5330 BROOKSTONE DR NW STE 250
ALPHARETTA, GA 30115-7183
(800)275-8777

01/29/2024 12:22 PM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

First-Class Mail® Letter	1		\$0.90
--------------------------	---	--	--------

Seaside, GA 33062
Weight: 0 to 1.50 oz
Estimated Delivery Date
Thu 01/25/2024

Certified Mail®			\$4.40
-----------------	--	--	--------

Tracking #	9589 0710 5270 1059 3143	\$2
------------	--------------------------	-----

Return Receipt			\$3.65
----------------	--	--	--------

Tracking #	9590 9432 8396 3156 6373	\$4
------------	--------------------------	-----

Total			\$8.97
-------	--	--	--------

Grand Total			\$8.97
-------------	--	--	--------

Credit Card Reel:			\$8.97
-------------------	--	--	--------

Card Name: VISA

Account #: 0000000000000000

Approval #: 005772

Transaction #: 991

ATN: 4000000000000000

AL: US DEBIT

PIV: Not Required

Chip

Text your tracking number to 28777 (USPS)

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.

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://infomaildelivery.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 1-800-413-7420.



CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226
770-434-6600

2023 Property Tax Notice

INGLESE ANTHONY
INGLESE ASHLEY
4322 GOSWELL RD
SMYRNA, GA 30082

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2023 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
8293	4322 GOSWELL RD STREET LIGHT RESIDENTIAL	17-0406-0-0630	647,800.00	259,120.00	0.00	259,120.00	8.99	2,329.49 42.00

Pay online at <https://payments.smyrnaga.gov/>

Important Messages - Please Read

Total of Bills by Tax Type

Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00

Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600

THIS TAX BILL HAS BEEN REDUCED BY 161.82 AS A RESULT OF THE HOMEOWNER TAX RELIEF ENACTED BY THE GOVERNOR AND THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA

Pen	0.00
Int	0.00
Fees	0.00
Adjustments	-161.82
Payments	0.00
Back Taxes	0.00
TOTAL DUE	2209.67
DATE DUE	11/15/2023

INGLESE ANTHONY
INGLESE ASHLEY
4322 GOSWELL RD
SMYRNA, GA 30082

← If this address is incorrect,
please write the correct
address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
8293	17-0406-0-0630 STREET LIG	2329.49 42.00
DATE DUE		TOTAL DUE
11/15/2023		2209.67

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK

Real Estate (Your House or Land)

[Return to view bill](#)

Payments/Adjustments

As of 1/8/2024					
Bill Year			2023		
Bill			8293		
Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Adjustment	11/20/2023	11/20/2023	293141		\$0.00
Payment	10/24/2023	10/25/2023	3252474	CORELOGIC	\$2,209.67
Abatement	9/17/2023	9/18/2023	4083	HOMEOWNER TAX RELIEF GRANT	(\$161.82)

[Return to view bill](#)



Printed: 1/8/2024

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:
PENNYMAC

INGLESE ANTHONY
INGLESE ASHLEY

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17040600630	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	\$5,743.22		\$0.00



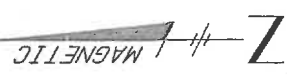
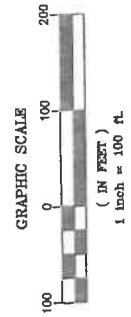
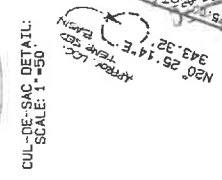
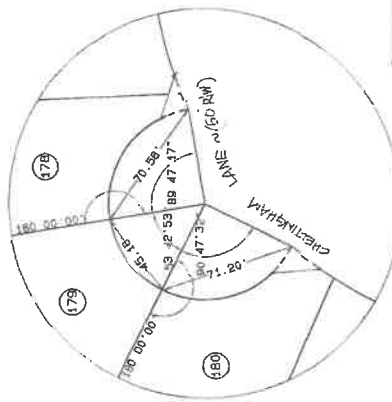
Scan this code with your
mobile phone to view
this bill!!

filed in Office 7-3-98
 of Plot Page 175 page 61
 Gary C. Stephenson, clerk
 b/s

LOT #	AREA (SF)	LOT #	AREA (SF)
22	10,660	177	9,906
23	11,598	178	9,906
24	10,128	179	12,464
25	10,104	180	10,400
26	10,121	181	10,830
27	10,330	182	10,428
28	10,338	183	10,484
29	10,155	184	10,445
30	10,721	185	10,156
31	10,168	186	11,529
32	10,206	187	11,611
33	10,231	188	9,925
34	10,353	189	11,428
35	13,323	190	10,307
36	20,064	191	11,121
37	25,074	192	10,839
38	17,132	193	11,325
39	17,800	194	9,826
40	13,598	195	9,826
41	9,721	196	9,826
42	9,721	197	9,826
43	9,721	198	9,826
44	9,721	199	9,826
45	9,721	200	9,826
46	9,721	201	9,826
47	9,721	202	9,826
48	9,721	203	9,826
49	9,721	204	9,826
50	9,721	205	9,826
51	9,721	206	9,826
52	9,721	207	9,826
53	9,721	208	9,826
54	9,721	209	9,826
55	9,721	210	9,826
56	9,721	211	9,826
57	9,721	212	9,826
58	9,721	213	9,826
59	9,721	214	9,826
60	9,721	215	9,826
61	9,721	216	9,826
62	9,721	217	9,826
63	9,721	218	9,826
64	9,721	219	9,826
65	9,721	220	9,826
66	9,721	221	9,826
67	9,721	222	9,826
68	9,721	223	9,826
69	9,721	224	9,826
70	9,721	225	9,826
71	9,721	226	9,826
72	9,721	227	9,826
73	9,721	228	9,826
74	9,721	229	9,826
75	9,721	230	9,826
76	9,721	231	9,826
77	9,721	232	9,826
78	9,721	233	9,826
79	9,721	234	9,826
80	9,721	235	9,826
81	9,721	236	9,826
82	9,721	237	9,826
83	9,721	238	9,826
84	9,721	239	9,826
85	9,721	240	9,826
86	9,721	241	9,826
87	9,721	242	9,826
88	9,721	243	9,826
89	9,721	244	9,826
90	9,721	245	9,826
91	9,721	246	9,826
92	9,721	247	9,826
93	9,721	248	9,826
94	9,721	249	9,826
95	9,721	250	9,826
96	9,721	251	9,826
97	9,721	252	9,826
98	9,721	253	9,826
99	9,721	254	9,826
100	9,721	255	9,826
101	9,721	256	9,826
102	9,721	257	9,826
103	9,721	258	9,826
104	9,721	259	9,826
105	9,721	260	9,826
106	9,721	261	9,826
107	9,721	262	9,826
108	9,721	263	9,826
109	9,721	264	9,826
110	9,721	265	9,826
111	9,721	266	9,826
112	9,721	267	9,826
113	9,721	268	9,826
114	9,721	269	9,826
115	9,721	270	9,826
116	9,721	271	9,826
117	9,721	272	9,826
118	9,721	273	9,826
119	9,721	274	9,826
120	9,721	275	9,826
121	9,721	276	

CURVE DATA				CHORD DEPARTURE				DELTA				CHOIR				TANGENT				IN-DEGREE OF CURVE			
TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC	TS	PC
15	214.06	544.47	37.30	136.00	69.95	35.00	150.72	34.02	45.26	20.20	45.26	20.20	45.26	20.20	45.26	20.20	45.26	20.20	45.26	20.20	45.26	20.20	45.26
16	153.08	517.57	39.00	290.00	65.00	35.00	150.70	79.02	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95
17	130.55	530.00	40.00	680.00	11.00	0.00	130.36	35.48	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25	08.25
18	308.28	722.45	40.00	182.00	56.30	30.00	173.66	205.03	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18	31.18
19	242.19	775.07	40.00	435.00	30.35	00.00	229.45	118.93	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17	19.17
20	146.79	515.42	39.00	275.00	30.35	00.00	142.50	75.19	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05	20.05

NOTE: 4 CONC. SIGNALS. (AS SHOWN).



FINAL PLAT OF
KING VALLEY AT VININGS
UNIT 2
LOCATED IN City of Smyrna
LAND LOTS 405 & 406 ~
17th DISTRICT ~ 2nd SECTION ~
COBB COUNTY, GEORGIA

[illegible]

CIVIL ENGINEERS & LAND SURVEYORS
SUITE 120
1954 AIRPORT ROAD
ATLANTA, GEORGIA 30341
PHONE: (770) 451-7463
FAX: (770) 455-3095

SCALE: 1" = 100'

DATE SURVEYED: _____
DATE DRAFTED: 8-19-98
SURVEYED BY: T. GREEN
DRAWN BY: A.G.
CHECKED BY: SCS/SPS
FIELD BOOK #: 1951/1955
JOB NUMBER: 990124

DISC FILE: G:\AAG\1980124\FP
COUNTY: COBB
PLAT FILE: 8
SHEET: 2 OF 2

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: February 19, 2024

RE: **VARIANCE CASE V24-014**
4322 Goswell Road – Increase the maximum impervious surface area from 35% to 43.2%

BACKGROUND

The applicant is requesting a variance to increase the impervious surface area from 35% to 43.2% due to the addition of a pool in the rear yard. Section 801 sets the maximum impervious area in the R-15 zoning district at 35%.

ANALYSIS

The subject parcel is a 0.23-acre lot located on the northwest side of Goswell Road in the King Valley at Vinings subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

A pool permit was issued to the subject property in December 2023 for a 22-foot x 11-foot pool with no pool decking to keep the property under the maximum impervious surface area. However, the pool that was delivered to the property was 30-feet x 15-feet, an increase of 208 square feet than what was approved. Rather than remove the larger pool, the applicant has chosen to submit a variance and subsequent mitigation plan for an increase in impervious surface area.

The subject property is currently occupied by a 2,548 square foot single-family home and 450 square foot swimming pool currently under construction in the rear of the property. After the addition of the pool and the accompanying decking to the property, the impervious surface area increased 8.2% (or 819 square feet) over the allowable 35%. The applicant is proposing to retain the pool in its current form and location.

To offset the increase in impervious surface area, the applicant is adding two flo-wells to the northwest corner of the rear yard. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to final pool inspection.

Community Development believes the requested variance is the minimum variance needed to retain the pool on the property. Similar variances have been approved throughout the city when an appropriate mitigation method has been included and implemented.

STAFF COMMENTS

The applicant is requesting to deviate from the City's maximum impervious area to retain a swimming pool on the property. 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 impervious surface increase will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance is conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to completion of the pool permit.

Figure – 1



Figure – 2
Site Plan

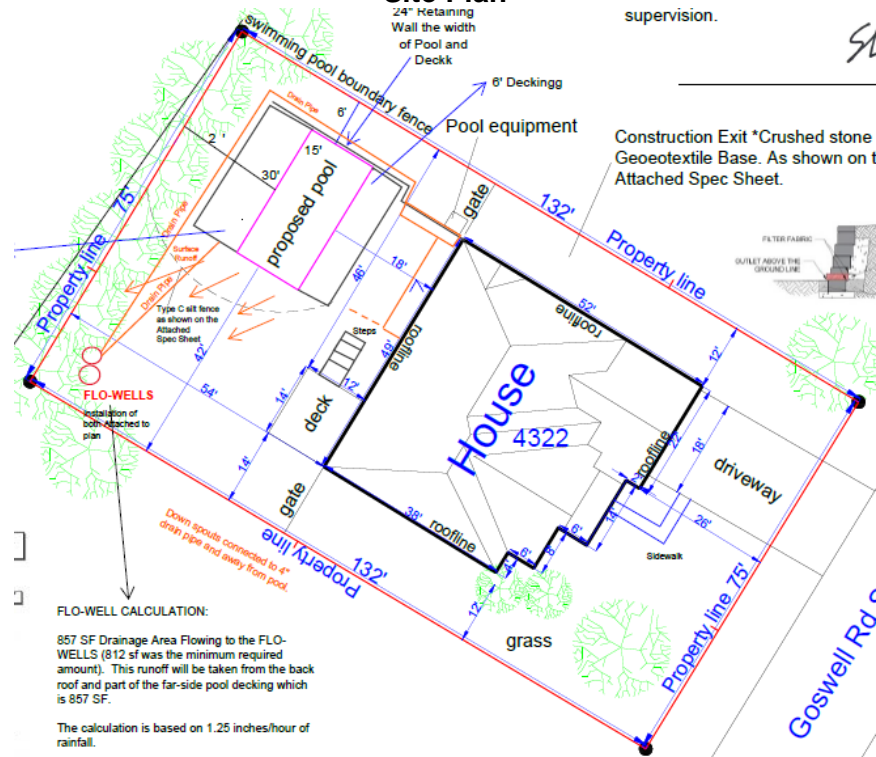


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Goswell Road

