



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 Ingles

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
<u>TEJESH KASABIA</u>	<u>4324 Goswell Rd, Smyrna, GA 30082</u>
<u>Jyra Slutzky</u>	<u>4325 Goswell Rd. Smyrna 30082</u>
<u>VASEN DIXON</u>	<u>4320 Goswell Rd Smyrna, GA 30082</u>
<u>Larry Ramsey</u>	<u>4217 Chatterbox Lane Smyrna GA 30082</u>
_____	_____
_____	_____
_____	_____
_____	_____

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach the card to the back of the mailpiece, or on the front if space permits.

1. **Address Recipient to:**
 Mrs. Mrs. Maddox
 4323 Oswald Rd
 Spring, GA ~~30807~~
 30802

COMPLETE THIS SECTION ON DELIVERY

A. Signature None

B. Received by printed name Address Date of delivery No

D. Signature (Addressee's name) No Yes

3. **Service Type**

<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Priority Mail Express
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Registered Mail Restricted Delivery	

9589 0720 5270 1059 3143 12

9590 9402 8398 3158 8373 84

PS Form 3811, July 2020 PSN 7503-02-000-9003

Domestic Return Receipt

9589 0710 5270 1059 3143 12

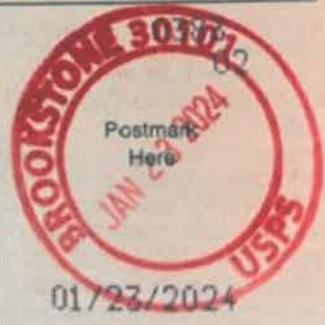
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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 applicable)	\$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



BROOKSTONE
 5390 BROOKSTONE DR NW STE 250
 ACWORTH, GA 30101-7183
 (800)275-8777

01/23/2024 12:22 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.90
Return: GA 33062 Weight: 0 To 1.50 oz Estimated Delivery Date: Thu 01/24/2024 Certified Mail® Tracking # 9589 0710 5270 0059 3143 \$2 Return Receipt Tracking # 9590 9432 8396 3156 6373 \$3.65			
Total			\$8.97

Grand Total \$8.97

Credit Card Refill:
 Card Name: VISA
 Account #: 00000000000000000000
 Approval #: 005772
 Transaction #: 951
 AID: 40000000000000000000 Chip
 AL: US DEBIT
 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.

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 us 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.

2T ENTER 650T 0270 105T
 6569 0710 5270 0059 3143
 9589 0710 5270 0059 3143
 9590 9432 8396 3156 6373
 \$8.97
 01/23/2024 12:22 PM
 5390 BROOKSTONE DR NW STE 250
 ACWORTH, GA 30101-7183

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!

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

NO.	DATE	DESCRIPTION



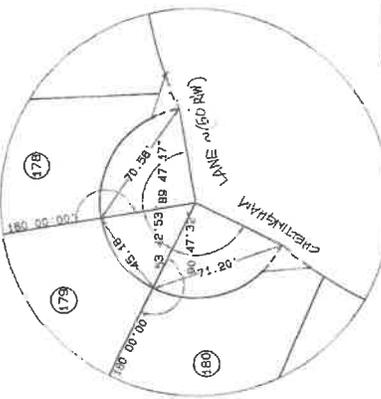
Watts & Browning Engineers, Inc.
 CIVIL ENGINEERS & LAND SURVEYORS
 1854 ALPHABET ROAD
 SUITE 420
 ATLANTA, GEORGIA 30341
 PHONE: (770) 485-5288

SCALE:	1" = 100'
DATE SURVEYED:	8-19-98
SURVEYED BY:	T. GREEN
DRAWN BY:	AAG
CHECKED BY:	SLS/SFS
FIELD BOOK #:	1951/1886
JOB NUMBER:	980124
DISC. FILE:	G:\AAG\980124\FP
COUNTY:	COBB
PLAT FILE:	B
SHEET:	2 OF 2

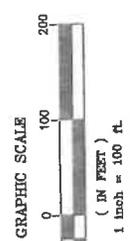
403 P1.
 filed in office 9-3-98
 Plat with 175 pages
 Gayle Thompson plans

CURVE DATA

ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT	DEGREE OF CURVE
CS	S44°47'30"E	135.00	69°35'00"	190.22	134.02	42°28'20"
CC	S13°00"E	250.00	35°05'00"	150.70	79.02	22°45'00"
C7	S30°00"E	600.00	11°00'00"	130.35	25.46	08°25'13"
C6	S72°45'00"E	984.00	56°30'00"	273.06	108.03	31°10'31"
C10	S70°30'E	435.00	30°35'00"	273.45	128.83	13°10'17"
C13	S45°30'W	275.00	50°35'00"	142.50	75.19	20°08'05"



LOT #	AREA (SF)	LOT #	AREA (SF)
22	12160	177	9308
23	11196	178	8140
24	10128	179	12,964
25	10104	180	10,680
26	10121	181	10,630
27	10130	182	10,639
28	10138	183	10,654
29	10155	184	10,645
30	10172	185	10,656
31	10169	186	11,823
32	10206	187	9,521
33	10233	188	9,521
34	10353	189	11,428
35	10383	190	10,907
36	10474	191	11,117
37	10474	192	10,803
38	17132	210	11,325
39	17600	211	9,926
40	13268	212	9,925
154	9721	213	9,925
155	9754	214	9,925
156	11438	215	9,825
157	9164	216	10,783
158	11198	217	11,386
159	10143	218	12,905
160	11954	219	12,533
161	9141	220	10,756
162	8764	221	10,932
163	8845	222	10,067
164	8947	223	9,963
165	9382	224	10,046
166	9564	225	10,461
167	10301	226	10,657
174	10323	227	10,879
175	10019	228	10,530
176	11102		



6066 1011 11-910

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.

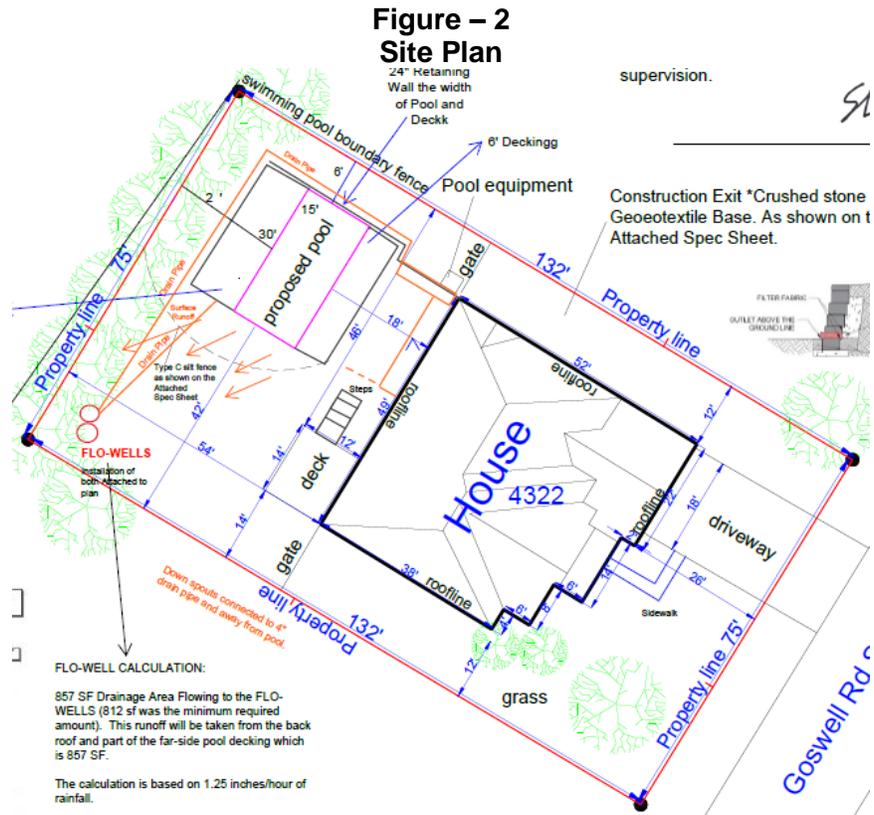
STAFF COMMENTS

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 – 3
Subject Property**



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Goswell Road

