



License and Variance Board Meeting - Final

April 24, 2024
10:00 AM

-
- B. V24-021** Public Hearing - Variance Request - V24-021 - Increase the maximum impervious surface area from 35% to 40.5% - Land Lot 416 - 850 Bank Street - Carter Ambrester



City of Smyrna

Issue Sheet

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

File Number: V24-039

Agenda Date: 4/24/2024

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 - V24-021 - Increase the maximum impervious surface area from 35% to 40.5% - Land Lot 416 - 850 Bank Street - Carter Armbruster

Ward 5 Councilmember - Susan Wilkinson

ISSUE AND BACKGROUND:

The applicant is seeking a variance to allow an increase in the impervious surface area from 35% to 40.5% to construct a deck on the rear of the single-family home located at 850 Bank Street. Section 801 sets the maximum impervious area of the R-15 zoning district at 35% and Section 1102 sets the requirements for extending non-conforming uses.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. The applicant is requesting to maintain the increase of the impervious surface area to 40.5% to allow for the construction of a deck. 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; therefore, staff recommends approval of the requested variance with the following condition:

1. Approval of the variance is conditioned upon 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: April 15, 2024

RE: VARIANCE CASE V24-021
850 Bank Street – Increase the maximum impervious surface area from 35% to 40.5%

BACKGROUND

The applicant is seeking a variance to allow an increase in the impervious surface area from 35% to 40.5% to construct a deck on the rear of the single-family home located at 850 Bank Street. Section 801 sets the maximum impervious area of the R-15 zoning district at 35% and Section 1102 sets the requirements for extending non-conforming uses.

ANALYSIS

The subject parcel is a 0.25-acre lot located on the south side of Bank Street, at the intersection of Bank Street and Eastfield Road (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached homes.

The applicant is proposing to construct a deck on the rear of the property over existing concrete and gravel surfaces, both of which are considered impervious. The existing property is currently over the maximum impervious area of 35% by roughly 5% due to the size of the driveway, which encompasses most of the rear yard. Since the Stormwater Ordinance does not differentiate between replaced and new impervious area, a variance is required for the nonconforming impervious area. Additionally, per Section 1102, “no nonconforming building, structure or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the provisions of this ordinance.” With the addition of the deck and thus an expansion of both use and value, the property is no longer considered legally nonconforming. However, since the existing property was already non-conforming, the hardship is not self-created.

Since the increase in impervious surface area was an existing condition on the site and there is no addition of land disturbing activities or stormwater runoff, the City Engineer has determined that a mitigation plan is not required in order to support the variance.

Community Development believes the variance is the minimum variance needed to construct an outdoor amenity on the property. Strict application of the ordinance would deny the applicant any ability to modify any portion of the rear yard since the existing impervious area is already

over the allowable maximum impervious coverage. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. The applicant is requesting to maintain the increase of the impervious surface area to 40.5% to allow for the construction of a deck. 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; therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1

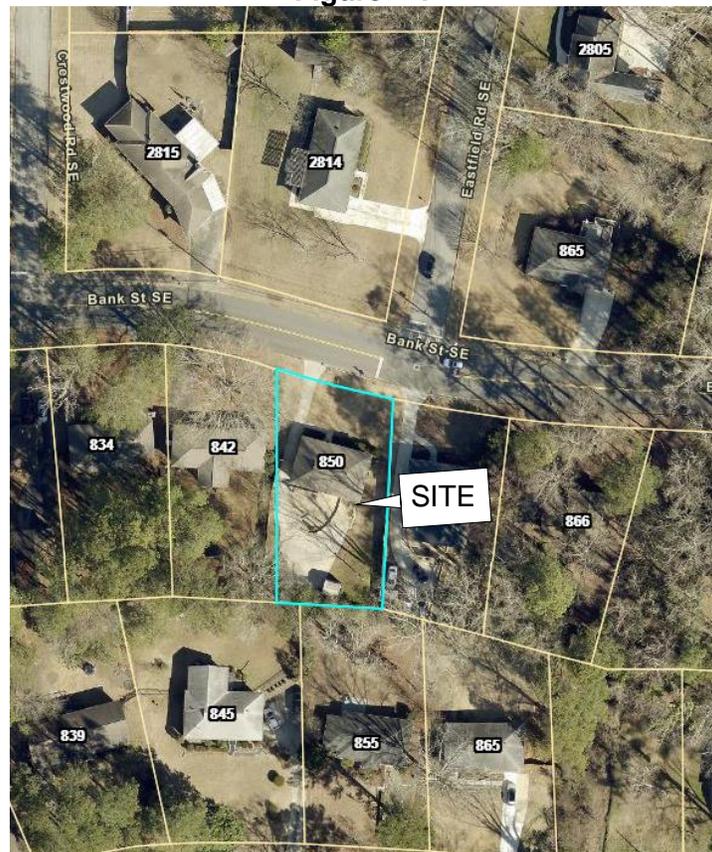


Figure – 2
Proposed Site Plan

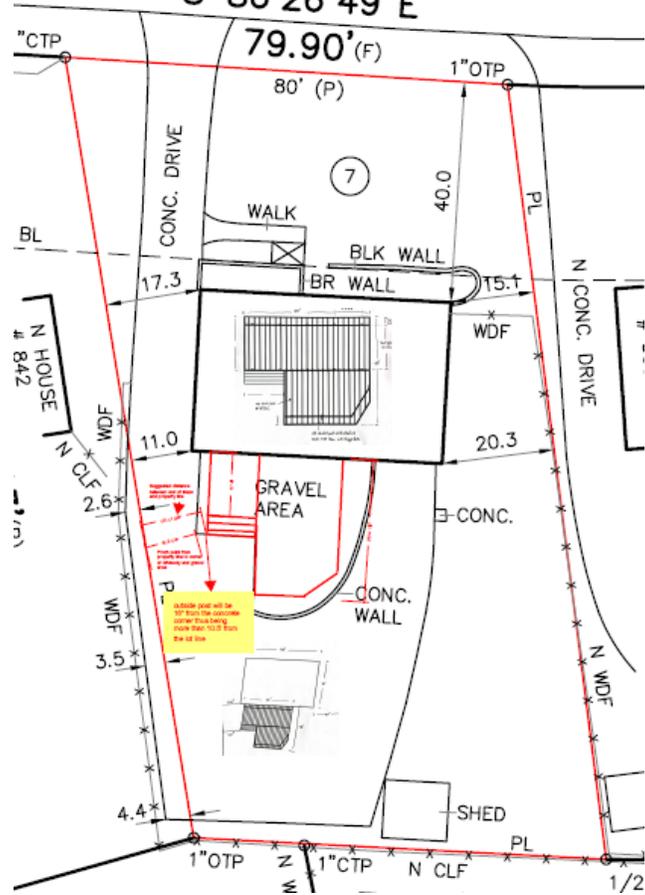


Figure – 3
Proposed Deck



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the East



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property across Bank Street

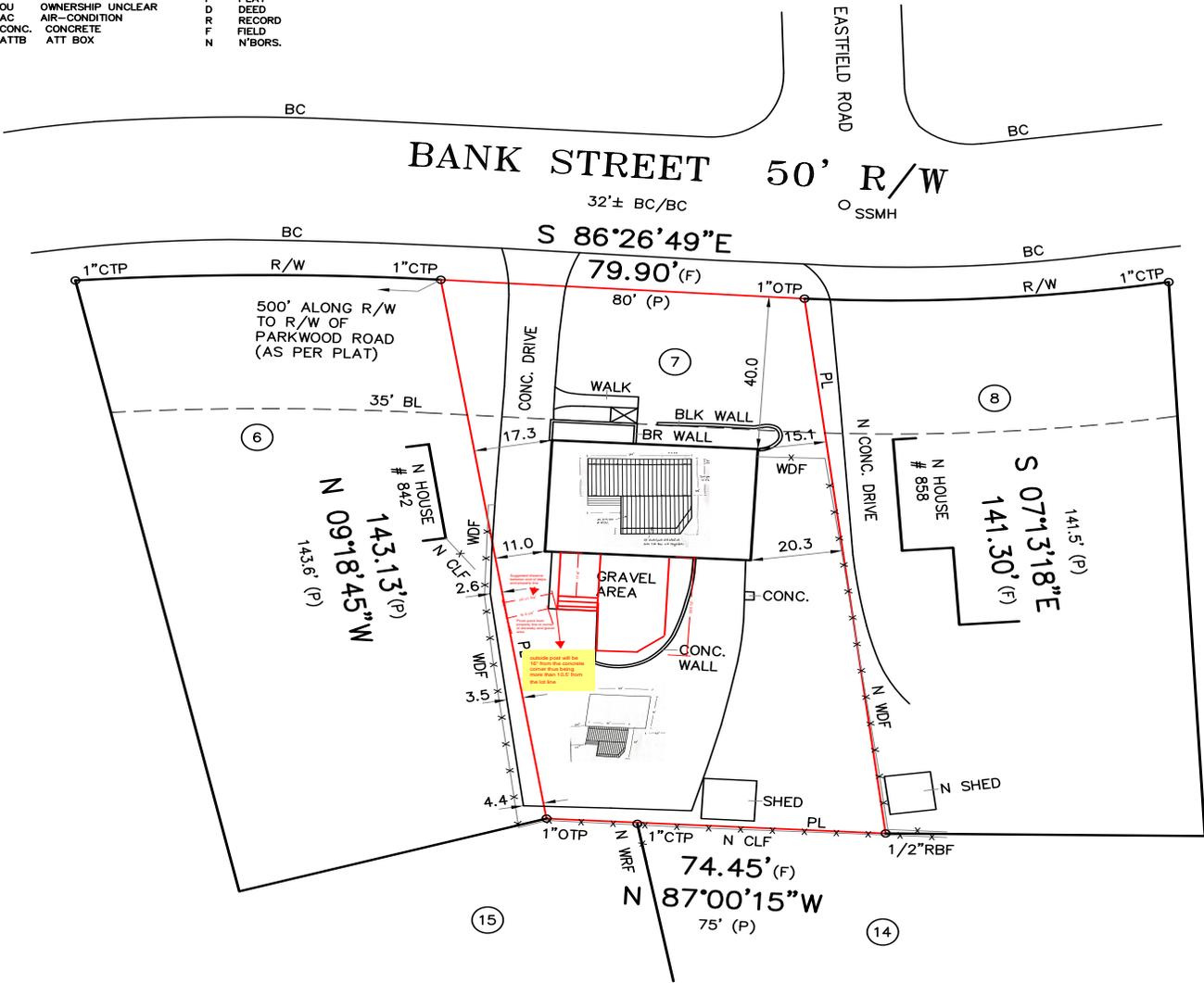


*** LEGEND ***

POB POINT OF BEGINNING	IPF IRON PIN FOUND	INDICATES STAIRS
LLL LAND LOT LINE	IPS IRON PIN SET	
MH MAN HOLE	OTP OPEN TOP PIPE FOUND	
SSL SANITARY SEWER LINE	CTP CRIMP TOP PIPE FOUND	
CO SAN SEWER CLEANOUT	RB REINFORCING BAR	
CB CATCH BASIN	RBF REINFORCING BAR FOUND	
JB JUNCTION BOX	RBS REINFORCING BAR SET	
DI DRAINAGE INLET	MAG MAGNETIC READING	
YI YARD INLET	AIF ANGLE IRON FOUND	
HW HEAD WALL	CP CALCULATED POINT	
PP POWER POLE	-X-X- FENCE	
LP LIGHT POLE	CLF CHAIN LINK FENCE	
PW POWER LINE	WDF WOOD FENCE	
GW GUY WIRE	WRF WIRE FENCE	
SSE SANITARY SEWER ESMT.	IRF IRON FENCE	
DE DRAINAGE EASEMENT	FC FENCE CORNER	
UE UTILITY EASEMENT	WW NET WEATHER	
AE ACCESS EASEMENT	BL BUILDING LINE	
TB TOP OF BANK	R/W RIGHT-OF-WAY	
BB BOTTOM OF BANK	PC PROPERTY CORNER	
CMP CORRUGATED METAL PIPE	PL PROPERTY LINE	
RCP REINFORCED CONC. PIPE	CL CENTER LINE	
APP AS PER PLAT	CPT CARPORT	
APD AS PER DEED	SP SCREEN PORCH	
APR AS PER RECORD	PR PORCH	
APF AS PER FIELD	PT PATIO	
BC BACK OF CURB	SH SHED	
EP EDGE OF PAVEMENT	STR STORAGE	
EB ELECTRIC POWER BOX	FH FIRE HYDRANT	
EM ELECTRIC METER	CBX CABLE BOX	
GM GAS METER	COL COLUMN	
GV GAS VALVE	BLK BLOCK	
WM WATER METER	BR BRICK	
WV WATER VALVE	FR FRAME	
OH OVERHANG	WD WOOD	
LND LANDING	SN SIGN	
OU OWNERSHIP UNCLEAR	P PLAT	
AC AIR-CONDITION	D DEED	
CONC. CONCRETE	R RECORD	
ATTB ATT BOX	F FIELD	
	N N'BERS.	

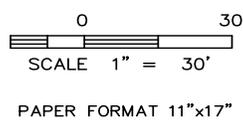
SURVEY NOTES:

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
- THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
- SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



PROPERTY ADDRESS:
850 BANK STREET, SE
SMYRNA, GA 30080

LAND AREA:
0.246 AC



PLAT PREPARED FOR:	
CARTER ARMBRESTER	
LOT 7	BLOCK C
SUBDIVISION CHENEY WOODS UNIT	
LAND LOT 416	17TH DISTRICT 2ND SECTION
COBB COUNTY, GEORGIA	
FIELD WORK DATE MAR 07, 2024	PRINTED/SIGNED MAR 11, 2024
PLAT BOOK 13 ,PAGE 10	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
DEED BOOK 16134 ,PAGE 2701	

EUGENE A. STEPAND
REGISTERED PROFESSIONAL
No. 3197

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

SURVEY LAND EXPRESS, INC.
LAND SURVEYING SERVICES

SJ
COORD # 20240343
DWG # 20240343

24 LENOX POINTE,
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

Variance Application

VAR-24-16

Submitted On: Feb 19, 2024

Applicant

 Carter Armbruster
 7708719591
 cartera@tallcotthome.com

Primary Location

850 BANK ST SE
SMYRNA, GA 30080

Applicant Information

First Name

Carter

Last Name

Armbruster

Street Address

86 Church Road

City

Smyrna

State

GA

Zip Code

30082

Email

CarterA@Tallcotthome.com

Phone Number

7708719591

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

850 Bank St Smyrna GA

Description of Requested Variances

Building a back deck onto the back of the house where part of the old driveway sat

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 goal is to build a walk out back deck over the area where the old drive way sat in the backyard against the house. The old driveway sloped back toward the house and caused many water intrusion problems in the basement. We tore up the old driveway and graded it away from the house and

covered that area in stone for proper drainage. Me and my fiance would love to build a back porch over a portion of this area now for usable and useful space and as a way to get into the house from behind.

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

SOHO Office
 2500 Dallas Hwy. SW Suite 202
 Marietta, GA 30064
 (770) 590-8511

USPS First Class Mail 13.70
 \$0.79 discount -0.79
 Track #: 9589071052700638540845
 Ret Rcpt: 9589040275062098756636
 USPS First Class Mail 13.70
 Track #: 9589071052700638540869
 Ret Rcpt: 9589040275062098756674
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 \$0.79 discount -0.79
 Track #: 9589071052700638540876
 Ret Rcpt: 9589040275062098756629
 USPS First Class Mail 13.70
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 Track #: 9589071052700638540852
 Ret Rcpt: 9589040275062098756629
 USPS First Class Mail 13.70
 \$0.79 discount -0.79
 Track #: 9589071052700638540883
 Ret Rcpt: 9589040275062098756650

SUBTOTAL 65.34
 TAX 0.00
 TOTAL 65.34

TEND American Express 55.34

Discounts: \$3.16
 Total savings: \$3.16

Total shipments: 0
 Customer: None selected

#189680 03/18/2024 03:20 PM
 Workstation: 0 - Master Workstation
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ite (Your House or Land)

[View bill image](#)

2/19/2024

2023

16981

TALLCOTT HOME RENOVATIONS LLC

17041600790

[adjustments](#)

Pay By	Amount	Payments/Credits	Balance	Interst
11/15/2023	\$325.87	\$325.87	\$0.00	\$0.
	\$325.87	\$325.87	\$0.00	\$0.

[View & Print Back of Bill](#)

[View & Print Receipt](#)

[Address Change/Ownership Change Notification](#)

[eAlerts](#)

Payment Information

Status ✔ Paid
 Last Payment Date 10/17/2023
 Amount Paid \$2,781.30

Search for /

Bill Information

Record Type Parcel
 Bill Type Original
 Tax Year 2023
 Due Date 10/15/2023

Taxes

Base Taxes
 Penalty
 Interest
 Fees
 Good Through
 Balance Due

17041600790
 0
 \$155,640
 \$389,100
 6 - City of Smyrna
 111 Basic

40% Assessed Value	- Less Exemption	= Net Tax Value	x Millage	= Calculated Tax Value
155,640	10,000	145,640	0.018700	\$2,723.47
155,640	0	155,640	0.000000	\$0.00
155,640	109,388	46,252	0.008460	\$391.29
155,640	0	155,640	0.000000	\$0.00
155,640	2,000	153,640	0.000000	\$0.00

UNIT 3
CHENEY WOODS SUB.

LAND 2075 371 410 413 - 415
17th DIST 2nd SECT
CITY of SMYRNA
COBB COUNTY, GA.
NOTES: BEARING ANGLES
AUGUST 19 1934 SCHEM 100
DEED 2437 1934 COBB COUNTY RECORDS
PL 211 P. 215 - COBB COUNTY RECORDS
APPROVED THIS 1934
SMYRNA LAND CO. BY _____

APPROVED THIS 1934
By _____
Chairman of Planning Board Smyrna, GA

