



License and Variance Board Meeting - Final

April 24, 2024
10:00 AM

D. V24-023 Public Hearing - Variance Request - V24-023 - Allow a gravel driveway - Land
Lot 408 - 824 Reed Road - Chris Westerman



City of Smyrna

Issue Sheet

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

File Number: V24-041

Agenda Date: 4/24/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: D

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-023 - Allow a gravel driveway - Land Lot 408 - 824 Reed Road
- Chris Westerman

Ward 4 Councilmember - Charles

ISSUE AND BACKGROUND:

The applicant is requesting two variances: to reduce the front setback from 35 feet to 18.9 feet and allow a gravel driveway for a garage addition at 824 Reed Road. Section 801 requires a front setback of 35 feet in the R-15 zoning district and Section 905 requires all parking in single-family residential districts to be on a hard surface.

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 front setback of 35 feet and a paved parking surface. 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 placing the garage in the front setback and gravel driveway will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan submitted with the variance application.
2. The combination plat to adjust the property line to accommodate the new driveway location shall be recorded with the Cobb County Superior Court prior to permitting.
3. A concrete driveway apron shall be installed in the City right-of-way for the new driveway entrance along Green Forest Parkway.

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 V24-022
824 Reed Road – Reduce the front setback from 35 feet to 18.9 feet

VARIANCE CASE V24-023
824 Reed Road – Allow a gravel driveway

BACKGROUND

The applicant is requesting two variances: to reduce the front setback from 35 feet to 18.9 feet and allow a gravel driveway for a garage addition at 824 Reed Road. Section 801 requires a front setback of 35 feet in the R-15 zoning district and Section 905 requires all parking in single-family residential districts to be on a hard surface.

ANALYSIS

The subject parcel is currently a 0.55-acre lot located at the southwest intersection of Reed Road and Green Forest Parkway, platted in the Green Forest Subdivision in 1979 (see Figure 1). In conjunction with the variance application, the applicant has submitted for a combination plat to acquire 0.61 acres from the neighboring property at 5000 Green Forest Parkway. Once recorded, the subject parcel will be 1.16 acres. The subject parcel and all adjacent parcels are zoned R-15 and are all occupied by detached single-family homes.

The applicant is proposing to remodel the existing 1,844 square foot split-level home by adding a 1,280 square foot garage addition on the eastern side of the home, connected via a 13.5-foot breezeway. The existing house is currently under the minimum house size of 2,000 square feet in the R-15 zoning district; with all the renovations, the home will be over 3,124 square feet, bringing the home into compliance with the R-15 floor area requirement. The addition will consist of two floors; the first will primarily be used to store and service the applicant's antique vehicles while the second floor will have an office space and full bathroom to use while in the garage. The garage will be rear-entry and erected in a modern style with a hardy plank façade, which will be painted to match the existing home.

The existing home is pushed up to the front setback with a large rear and side yard due to the Colonial Pipeline easement in the rear of the property (which is roughly 63 feet in width). The property geometry tapers drastically as the property moves southeast towards the intersection of Reed Road and Green Forest Parkway. Due to this tapering and the existing pipeline

VARIANCE CASE V24-022 & 023

April 15, 2024

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easement, the applicant is proposing to extend the line of the existing home with a 16.1-foot encroachment into the front setback. Moreover, the building on the adjacent property to the south is over 100 feet away from the proposed addition.

In order to access the new rear-entry garage, the applicant has proposed a new driveway access from Green Forest Parkway to enter from the side of the lot and cut through the Colonial Pipeline easement. To gain the required access along Green Forest Parkway, the applicant has acquired property from the neighboring lot at 5000 Green Forest Parkway. Due to the steep grade change along Green Forest Parkway and existing pipeline markers, the proposed driveway is roughly 30 feet from the road intersection. The City Engineer has reviewed the proposed driveway location and, although would prefer the driveway moved as far from the intersection as possible, can support the proposed location.

Since the driveway will primarily cut through the Colonial Pipeline Easement, the applicant has gained an Encroachment Agreement with Colonial Pipeline Company to use the property for access. In the Agreement, the company stipulates that the drive must be gravel with a concrete apron since they do not allow permanent structures to be installed within the easement. Since this is a stipulation added by the Colonial Pipeline Company, this hardship is not self-created. As the Agreement already requires, a concrete apron is also stipulated by the Public Works Department so that all gravel is retained on the property and does not enter the City right-of-way.

The variances proposed are the minimum variances needed to construct any type of addition in line with the current home due to the existing Colonial Pipeline Easement. The hardship is not self-imposed, as the easement existed prior to the construction of the home. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved. At the time of this report, Community Development has not received any calls in opposition to these requests.

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 front setback of 35 feet and a paved parking surface. 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 placing the garage in the front setback and gravel driveway will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

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VARIANCE CASE V24-022 & 023

April 15, 2024

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Figure – 1



**Figure – 2
Site Plan**

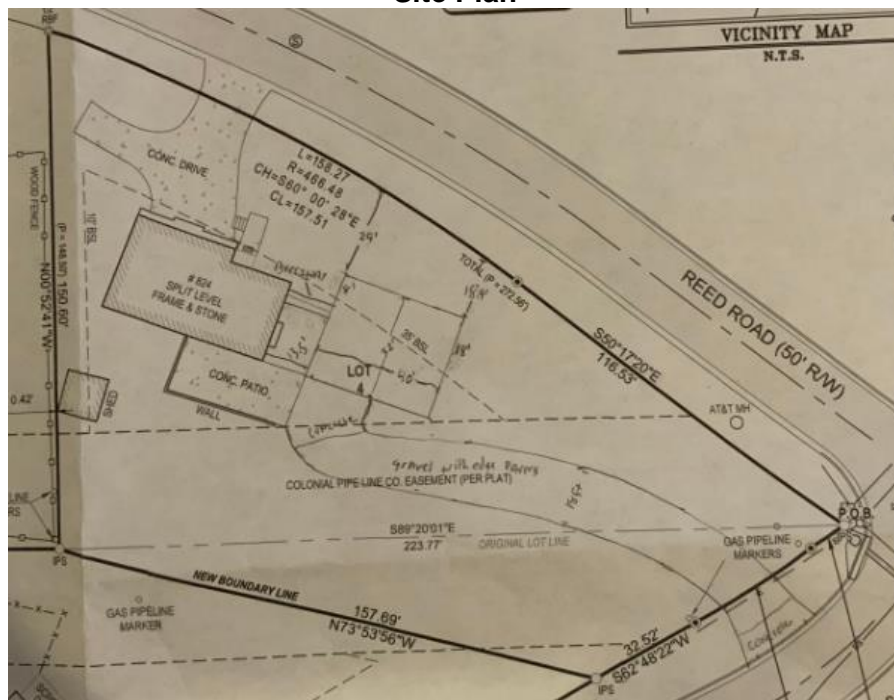


Figure – 3
Front Elevation Facing Reed Road

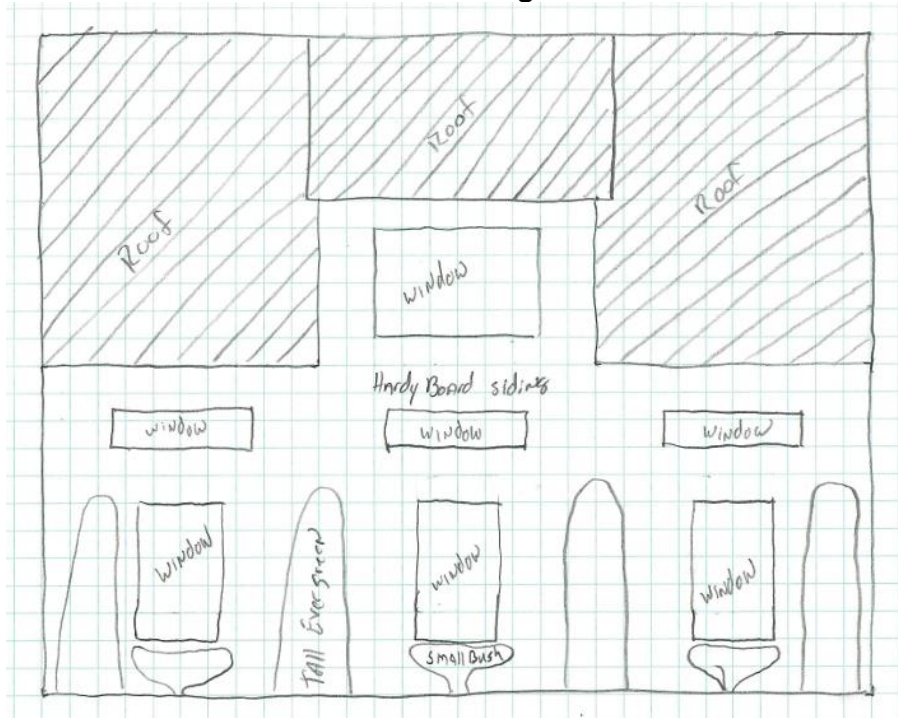


Figure – 4
Rear Elevation



Figure – 5
Subject Property



Figure – 6
Existing Home on Subject Property



Figure – 7
Adjacent Property to the South

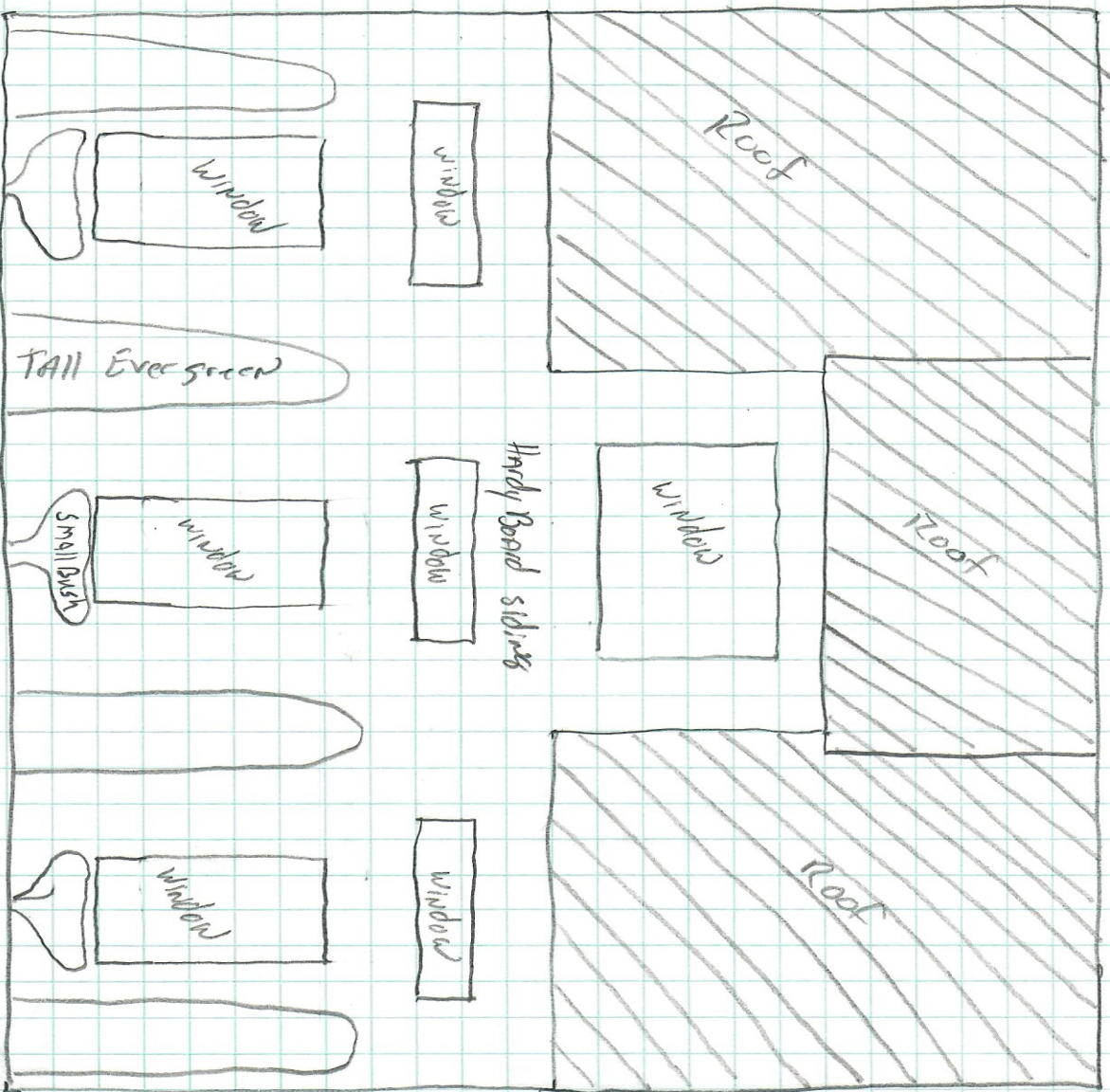


Figure – 8
Adjacent Property across Reed Road



[illegible]

Side looking from Reed Rd
similar to Back side on Pipeline







Variance Application

VAR-24-21

Submitted On: Mar 17, 2024

Applicant

 Chris Westerman
 770-480-1493
@ fstgsxr2002@yahoo.com

Primary Location

824 REED RD SE
SMYRNA, GA 30082

Applicant Information

First Name

Chris

Last Name

Westerman

Street Address

824 Reed Rd Se

City

SMYRNA

State

GA

Zip Code

30082

Email

FSTGSXR2002@YAHOO.COM

Phone Number

7704801493

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

824 REED RD SE

Description of Requested Variances

- 1: Need a variance for the garage I want to build being over the setback.
- 2: With the new garage the driveway must be on Green Forest and that requires driving over the Colonial Pipeline and they want a gravel driveway in case of repair on the pipeline.

Please check the box below if the requested variance(s) includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer.

--

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.

With the shape of the property we have little room to put a garage. We are sandwiched on a corner lot and have the Colonial Pipeline behind us that prevents using the backyard. The only space it leaves is on the side of the house. With the way Reed Rd curves our property curves with it and puts us over the setback. The plan has the garage flush with the front of the house. Due to using that location the only viable way to access it is through Green Forest Pkwy which would require putting the driveway over the Colonial Pipeline and they want a gravel driveway if they have to dig anything up where the driveway would be.

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 to Chris Westerman

Intends to make an application for a variance for the purpose of Gravel Driveway & over Boundary
Setback for A garage at 624 Reed Rd SE

on the premises described in the application.

NAME	ADDRESS
<u>MATTHEW LAFOY Matthew Lafoy</u>	<u>825 Reed Rd Smyrna Ga 30082</u>
<u>ANDREW MOYLAN Andrew Moylan</u>	<u>815 Reed Rd Smyrna GA 30082</u>
<u>Jessica Lyles Jessica Lyles</u>	<u>816 Reed Rd Smyrna GA 30082</u>
<u>JULIA AMATO Julia Amato</u>	<u>5000 GREEN FOREST PKWY SMYRNA 30082</u>
<u>JESSICA LYLES Jessica Lyles</u>	<u>5005 Green Forest Pkwy Smyrna 30082</u>
<u>Brenda ACETUNO Brenda Acetuno</u>	<u>4015 Green Forest Pkwy</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.



**UNITED STATES
POSTAL SERVICE.**

SMYRNA
850 WINDY HILL RD SE
SMYRNA, GA 30080-1910
(800) 275-8777

03/25/2024

12:06 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.68

Smyrna, GA 30082
Weight: 0 lb 0.70 oz
Estimated Delivery Date
Wed 03/27/2024 \$4.40

Certified Mail® Tracking # 9589 0710 5270 1614 9794 99 \$5.08

Total \$5.08

Grand Total: \$5.08

Credit Card Remit \$5.08

Card Name: VISA
Account #: XXXXXXXXXXXX2232
Approval #: 020601
Transaction #: 069
AID: A000000980840 Contactless
AL: US DEBIT

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 up 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.

UFN: 128019-0675
Receipt #: 840-53000027-3-5662625-2
Clerk: 04

**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 \$0.00
Smyrna, GA 30082 \$0.00
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68 \$0.00
Total Postage and Fees \$5.08 \$0.68

Sent To Residents

03/25/2024

Street and Apt. No., or PO Box No. 408 Green Forest Pkwy
City, State, ZIP+4® Smyrna GA 30082

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



Real Estate (Your House or Land)

Payments/Adjustments

As of 3/17/2024

Bill Year	2023			
Bill	18671			
Activity	Posted	Entered	Reference #	Paid By/Reference
Adjustment	11/20/2023	11/20/2023	293322	
Payment	10/20/2023	10/24/2023	3240560	LERETA
Abatement	9/17/2023	9/18/2023	4182	HOMEOWNER TAX RELIEF GRANT

[Return to view](#)



Printed: 3/17/2024

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:
DELTA COMMUNITY CREDIT UNION

WESTERMAN CHRISTOPHER D & KELLI J

Payment Date: 10/5/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17040800630	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	\$2,397.20	\$0.00



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

Plot Book 172
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CITY OF SMYRNA CERTIFICATION
THIS PLAT HAVING BEEN SUBMITTED TO THE CITY OF SMYRNA AND HAVING BEEN FOUND TO COMPLY THE SUBDIVISION AND ZONING REGULATIONS, IS APPROVED SUBJECT TO THE INSTALLATION OF ALL STREETS, UTILITIES AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

DATE 1/23/79
ENGINEER
ZONING ADMINISTRATOR
Allen Patten

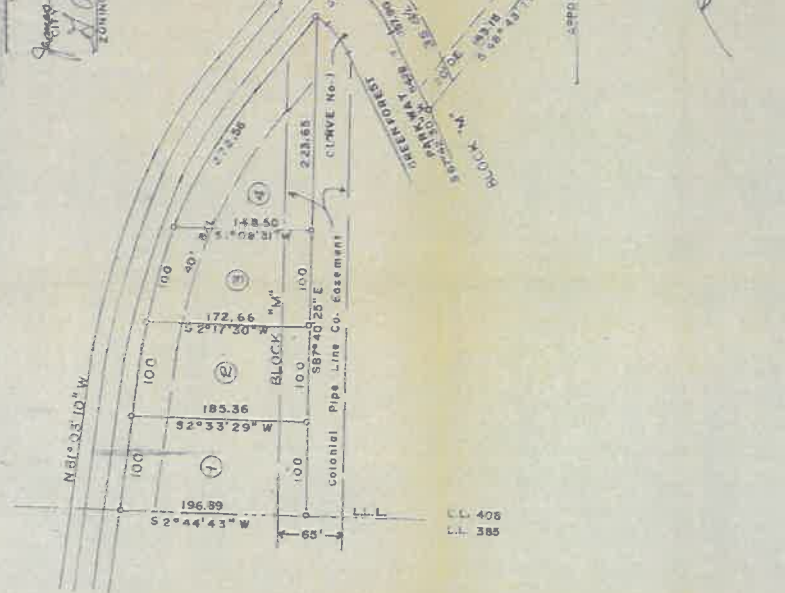
OWNERS ACKNOWLEDGEMENT
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES, HEREIN SHOWN FOR THE CONSIDERATION HEREIN EXPRESSED.

DATE 1/23/79
OWNER

SURVEYORS ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE PINS HAVE BEEN PLACED AS SHOWN HEREON AND IS TO THE ACCURACY AND SPECIFICATION REQUIRED BY THE CITY OF SMYRNA.

DATE 1/23/79
GEORGE A REGISTERED LAND SURVEYOR No. 1473



PLAT OF
GREENFOREST SUBDIVISION UNIT 7
LAND LOTS 407 & 408 - 17th DISTRICT 2nd SECTION
CITY OF SMYRNA - COBB COUNTY, GEORGIA
W. P. LORD - SURVEYOR - REGISTRATION No. 1473
JANUARY 23, 1979 SCALE 1" = 100'

Unit 7

Approved by Mayor
3-19-79

Noted
Lot No. 4 Not
Shown
Surveyor's Office
3-19-79