



## License and Variance Board Meeting - Final

May 08, 2024  
10:00 AM

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**G. V24-024** Public Hearing - Variance Request - V24-024 - Reduce the northern side setback from 12 feet to 5 feet - Land Lot 524 - 3149 Dunn Street - Wes Fortier



# City of Smyrna

## Issue Sheet

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

File Number: V24-042

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**Agenda Date:** 5/8/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** G

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-024 - Reduce the northern side setback from 12 feet to 5 feet  
- Land Lot 524 - 3149 Dunn Street - Wes Fortier

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

**ISSUE AND BACKGROUND:**

The applicant is seeking a variance to reduce the northern side setback for a garage and porch addition on an existing single-family home located at 3149 Dunn Street. Section 801 sets the setback requirements in the R-20 zoning district.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The gravel driveway shall be replaced with pavers (or a similar hard surface) prior to completion of the building permit.

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: April 29, 2024

RE: **VARIANCE CASE V24-024**  
**3149 Dunn Street – Reduce the northern side setback from 12 feet to 5 feet**

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#### BACKGROUND

The applicant is seeking a variance to reduce the northern side setback for a garage and porch addition on an existing single-family home located at 3149 Dunn Street. Section 801 sets the setback requirements in the R-20 zoning district.

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#### ANALYSIS

The subject parcel is a 0.53-acre lot on the east side of Dunn Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20, with the exception of the parcels to the north and west, which are zoned R-15; all are occupied by single-family detached residences.

The subject property is currently occupied by a 2,985 square foot one-story home with a 76 square foot shed in the rear of the property. The applicant is proposing an addition to the existing home to more closely align with neighboring properties, as all but one neighboring property has built a new two-story home within the last 10 years. The existing one-car garage on the northern side of the home will be extended roughly 372 square feet to create a more standard two-car garage that will have storage in the rear. The renovation will also include a roughly 650 square foot second-story addition, which will only be constructed over the new two-car garage and will include a new bedroom and bathroom. Additionally, a covered front porch (roughly 340 square feet) will be erected over the existing concrete stoop and walkway.

The existing garage is serviced by a single-car concrete driveway, which has been expanded with gravel over time to the 5-foot driveway setback. To access the new proposed garage, the applicant will be using the existing driveway and putting pavers in place of the gravel to bring the driveway into compliance. Since the gravel driveway is being replaced and the house sits well off the front setback line, no additional variances are needed for the addition to the property.

Due to the existing driveway, the most logical area to construct the garage addition is within the northern side setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would limit the applicant to a one-car garage, as the required width expansion for a second car could not be maintained within the setback. Since

## VARIANCE CASE V24-024

April 29, 2024

Page 2 of 5

a two-car garage is the standard of current homes, this hardship is not self-created. Community Development believes the variance is the minimum variance needed to bring the home in line with the neighboring R-20 properties. At the time of this report, Community Development has not received any opposition to the request.

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### STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The gravel driveway shall be replaced with pavers (or a similar hard surface) prior to completion of the building permit.

Figure – 1



Figure – 2  
Site Plan

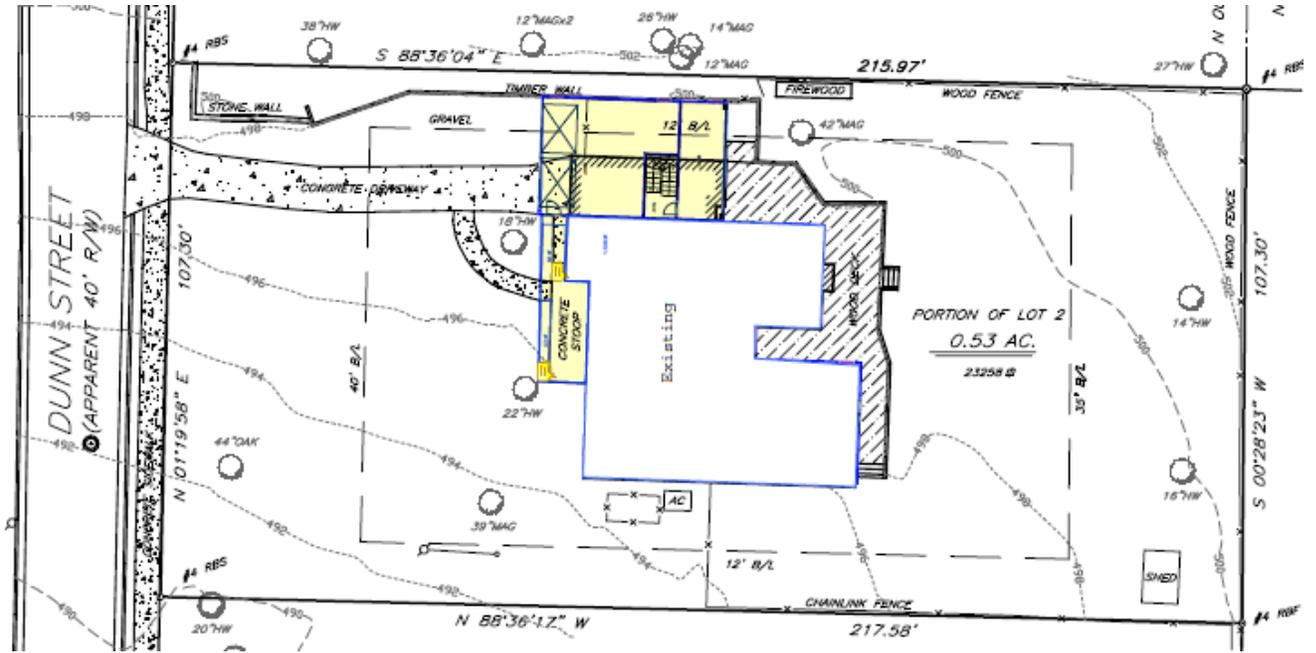


Figure – 3  
Proposed Front Elevation



**Figure – 4**  
**Subject Property**



**Figure – 5**  
**Adjacent Property to the South**



**Figure – 6**  
**Adjacent Property to the North**



**Figure – 7**  
**Adjacent Property across Dunn Street**

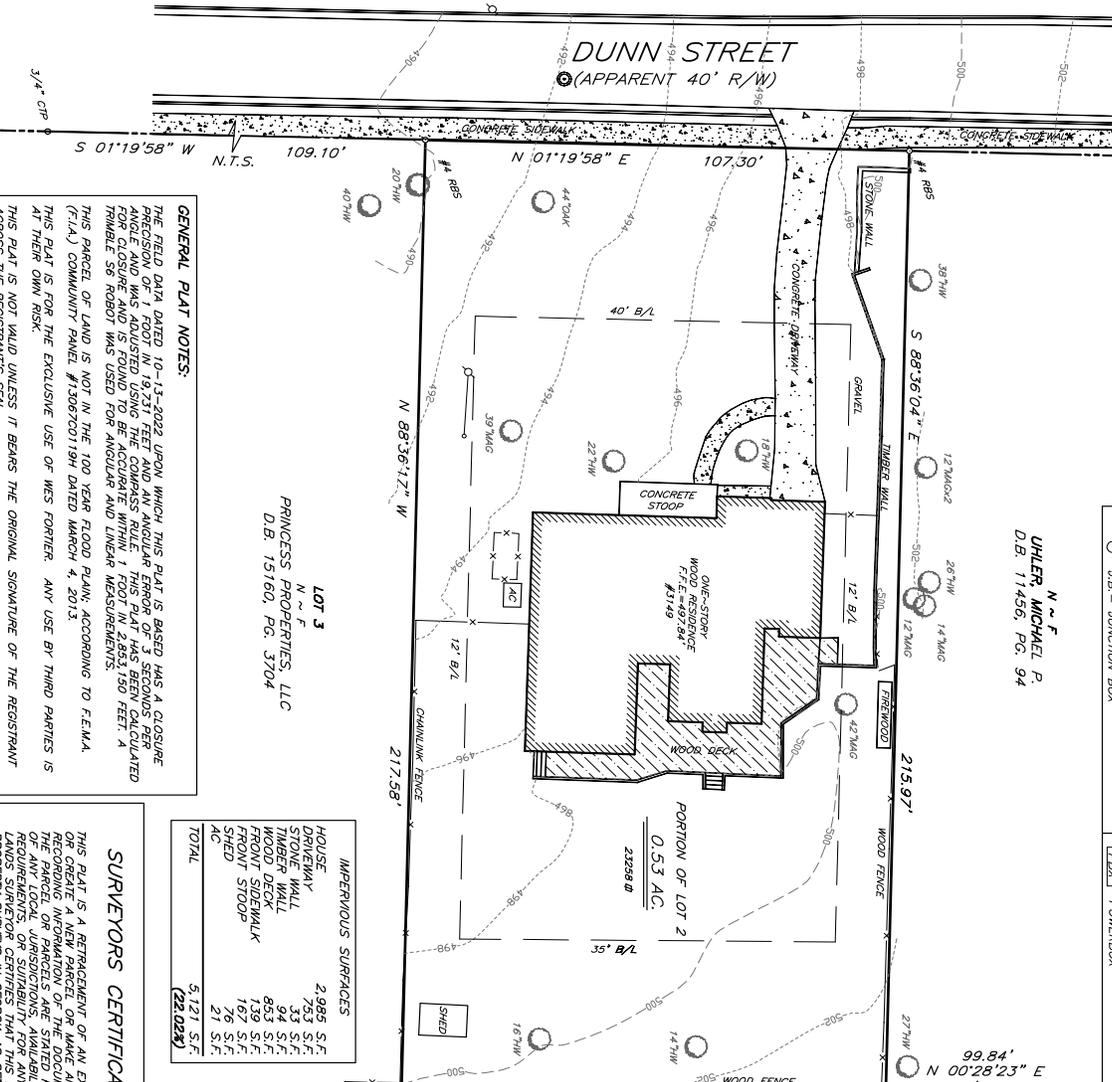


# Current Survey



MAGNETIC NORTH

DUNN STREET  
 (APPARENT 40' R/W)



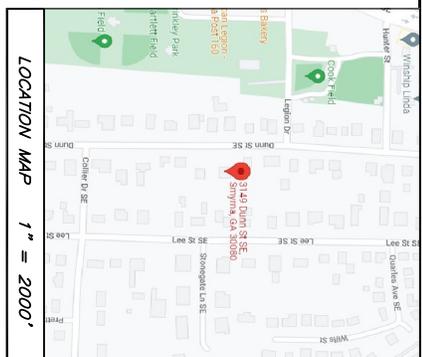
THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, INTERESTS, RIGHTS, RESERVATIONS, OR NOT DISCLOSED IN THE TITLE ABSTRACT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

**ZONING:**  
 CURRENTLY ZONED: R-20  
 MINIMUM YARD REQUIREMENTS:  
 FRONT SETBACK - 10'  
 (MINOR) - 40'  
 (OTHER) - 35'  
 SIDE SETBACK - 12'  
 REAR SETBACK - 35'

LEGEND	
□	P.R. - POWER POLE
⊗	L.P. - LIGHT POLE
⊕	F.H. - FIRE HYDRANT
⊙	M.H. - SANITARY SEWER MANHOLE
⊚	W.M. - WATER METER
⊛	G.M. - GAS METER
⊜	RBS - REINFORCING BAR SET
⊝	RBF - REINFORCING BAR FOUND
⊞	CTF - CRIMP TOP PIPE FOUND
⊟	OTF - OPEN TOP PIPE FOUND
⊠	R/W MON. - RIGHT-OF-WAY MONUMENT
⊡	TYPE OF FENCE
⊢	U.B. - JUNCTION BOX
⊣	D.I. - DROP INLET / YARD INLET
⊤	C.B. - CATCH BASIN
⊥	R.C.P. - REINFORCED CONCRETE PIPE
⊦	M.H. - CORRUGATED METAL PIPE
⊧	F.F.E. - FINISHED FLOOR ELEVATION
⊨	W.V. - WATER VALVE
⊩	U.E. - UNDERGROUND ELECTRIC
⊪	S.B. - SOUTHERN BELL MANHOLE
⊫	G. - GAS LINE
⊬	O/H - OVERHEAD POWER LINES
⊭	H.M. - HEADWALL
⊮	W. - WATER LINE
⊯	P.W.B. - POWERBOX

N ~ F  
 UHLER, MICHAEL P.  
 D.B. 11456, PG. 94

N ~ F  
 CONYERS, KATHERINE D.  
 D.B. 15454, PG. 5757



**GENERAL PLAT NOTES:**

THE FIELD DATA DATED 10-13-2022 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 19,731 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN A FOOT IN 2,853,190 FEET. A TRIANGLE OR ROBOT WAS USED FOR ANGLE AND LINER MEASUREMENTS.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN, ACCORDING TO FEMA (F.I.A.) COMMUNITY PANEL #13067C019H DATED MARCH 4, 2013.

THIS PLAT IS FOR THE EXCLUSIVE USE OF WES FORTIER. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY. THEREFORE, EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OR INTERESTS, CLAIMS, INTERESTS, RIGHTS, RESERVATIONS, OR NOT DISCLOSED IN THE TITLE ABSTRACT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

LOT 3  
 N ~ F  
 PRINCESS PROPERTIES, LLC  
 D.B. 15160, PG. 3704

IMPERVIOUS SURFACES

HOUSE	2,985 S.F.
DRIVEWAY	753 S.F.
STONE WALL	33 S.F.
WATER WALL	84 S.F.
WOOD DECK	139 S.F.
FRONT STOOP	167 S.F.
SHED	76 S.F.
AC	21 S.F.
TOTAL	5,121 S.F. (222,028)

N ~ F  
 DILUZZO, NICHOLAS A.  
 D.B. 15515, PG. 2143

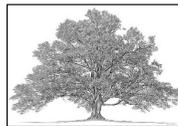
**SURVEYORS CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDED INFORMATION OF THE DOCUMENTS, MAPS, PLATS OR OTHER INSTRUMENTS WHICH OPERATED UPON THE LAND, OR ANY LOCAL ORDINANCES, AVAILABILITY OF TERMS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND, FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLETES WITH THE MINIMUM TECHNICAL STANDARDS FOR BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 19-6-67.

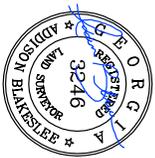
K. ADDISON BLAKESLEE GA RLS #3246

10-13-2022  
 DATE

TOPOGRAPHIC SURVEY FOR:  
 WES FORTIER  
 LOCATED IN LAND LOT 524  
 17TH DISTRICT, 2ND SECTION  
 PORTION OF LOT 2  
 PEARL J. TIMMERMAN PROPERTY  
 CITY OF SMYRNA  
 COBB COUNTY, GEORGIA



**PRISTINE**  
 LAND SERVICES  
 Land Surveyors • Landscapes • Environmental  
 4131 Bolingbrook Dr.  
 Marietta, Georgia 30062  
 Phone 404.787.1012  
 www.pristinelandservices.com



REVISIONS

DATE	BY	REVISIONS
10-13-2022	DRANBY, KAB	CHECKED BY: KAB
		PROJECT NO. E022221

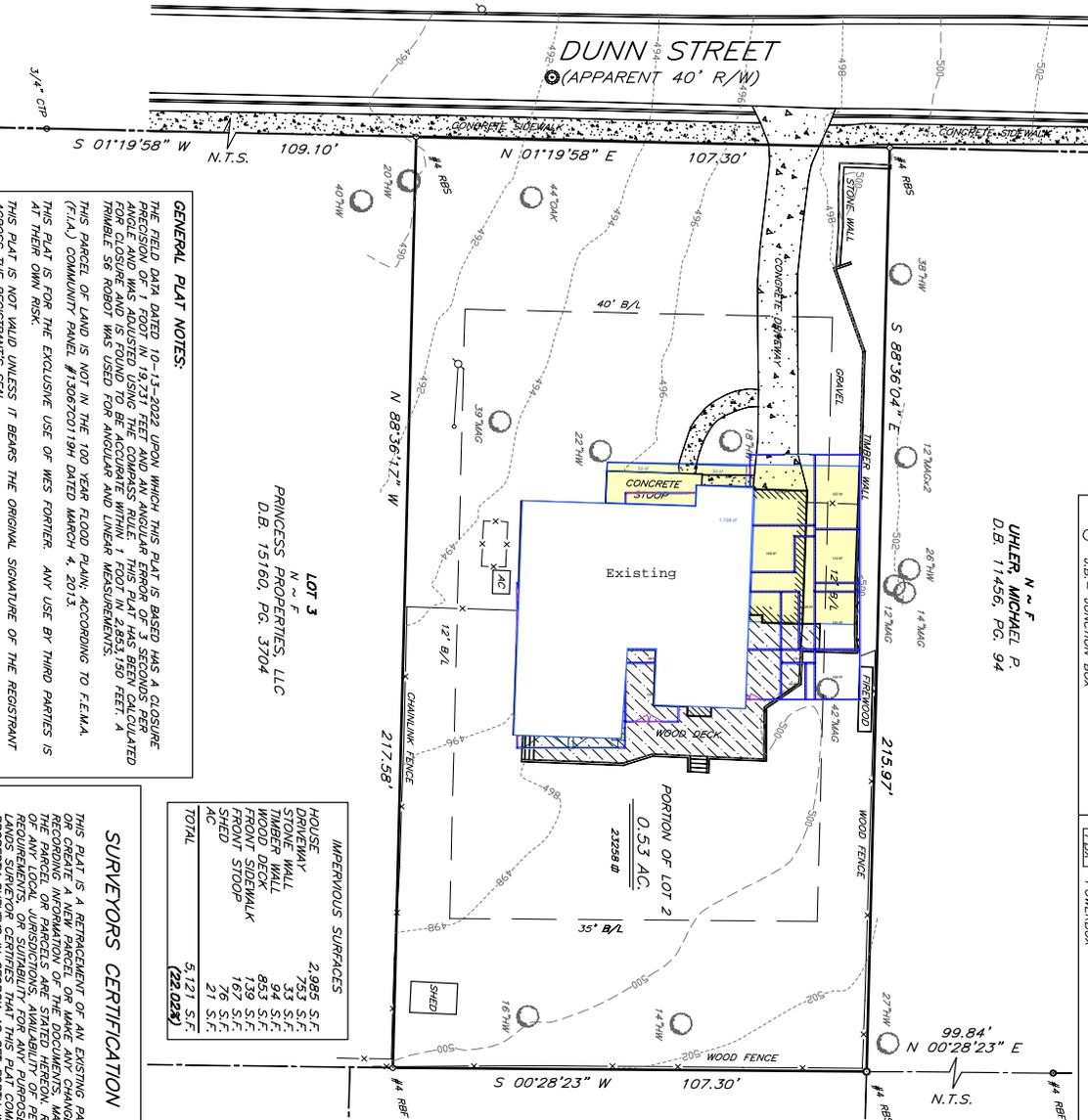
DUNN.DWG

# Proposed Addition



MAGNETIC NORTH

DUNN STREET  
(APPARENT 40' R/W)



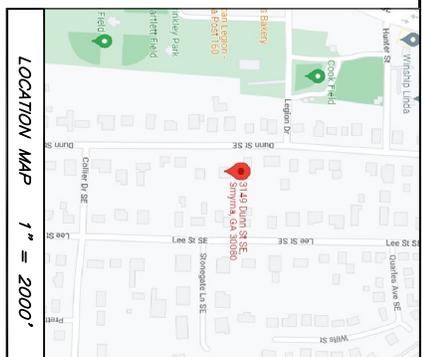
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(OTHER) - 35'  
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⊪	G. - GAS LINE
⊫	O/H. - OVERHEAD POWER LINES
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⊮	POWERBOX

N ~ F  
**UHLER, MICHAEL P.**  
D.B. 11456, PG. 94

N ~ F  
**CONYERS, KATHERINE D.**  
D.B. 15454, PG. 5757



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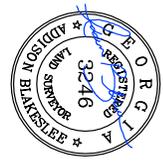
*Michael P. Uhl*  
K. ADDISON BLAKESLEE GA RLS #3246

**IMPERVIOUS SURFACES**

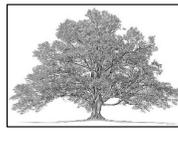
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TOTAL	5,121 S.F. (222,028)

**REVISIONS**

DATE	10-13-2022
SCALE	1"=20'
DRAWN BY	T. KAB
CHECKED BY	T. KAB
PROJECT NO.	E022221



TOPOGRAPHIC SURVEY FOR:  
**WES FORTIER**  
LOCATED IN LAND LOT 524  
17TH DISTRICT, 2ND SECTION  
PORTION OF LOT 2  
PEARL J. TIMMERMAN PROPERTY  
CITY OF SMYRNA  
COBB COUNTY, GEORGIA



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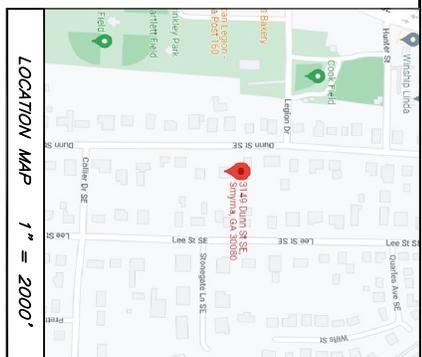
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

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⊕ T.F.E. - TYPE OF FENCE	⊕ P.B. - POWERBOX
⊕ J.B. - JUNCTION BOX	

N ~ F  
**UHLER, MICHAEL P.**  
 D.B. 11456, PG. 94

N ~ F  
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**LOT 3**  
 N ~ F  
**PRINCESS PROPERTIES, LLC**  
 D.B. 15160, PG. 3704

IMPERVIOUS SURFACES

HOUSE	2,985 S.F.
DRIVEWAY	753 S.F.
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*Michael P. Uhl*  
 K. ADDISON BLAKESLEE GA RLS #3246

10-13-2022  
 DATE

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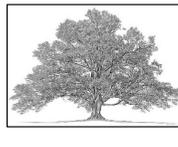
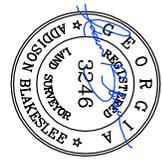
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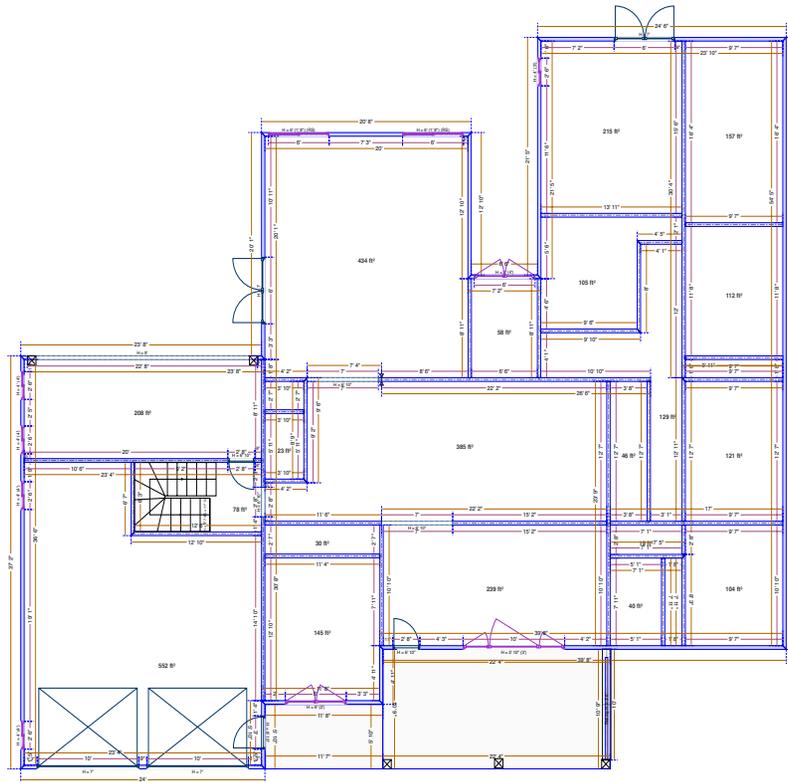
DUNN DVG



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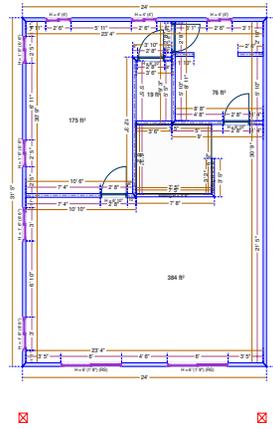
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Scale: 1:150

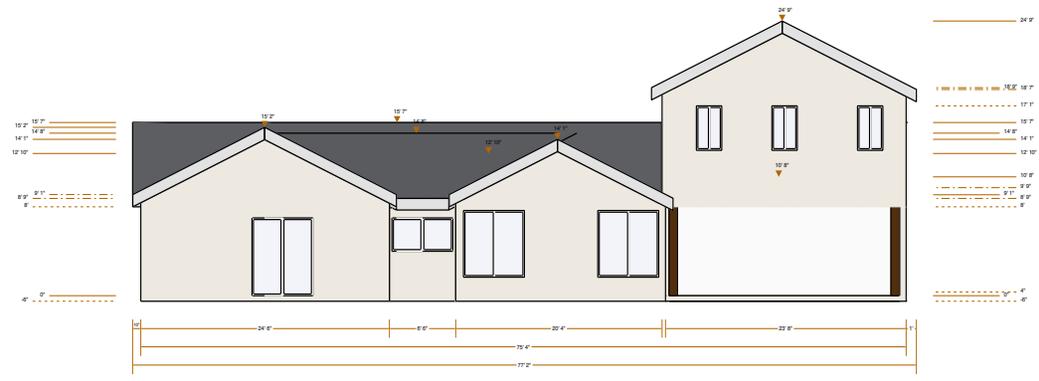




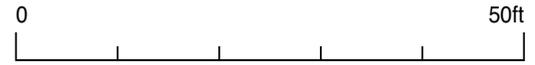
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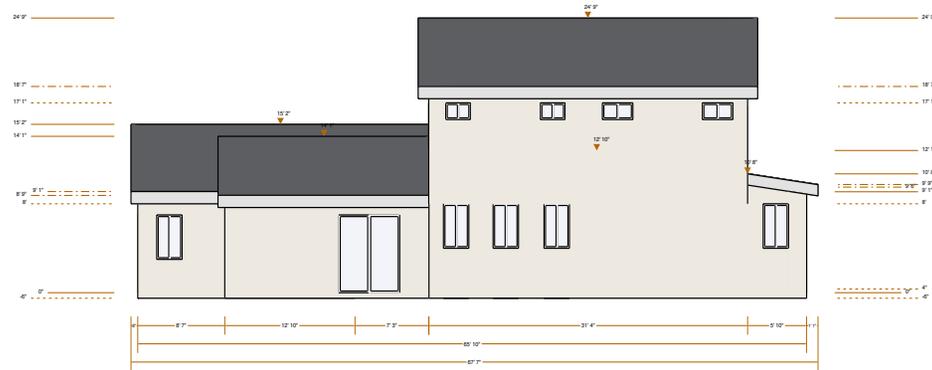






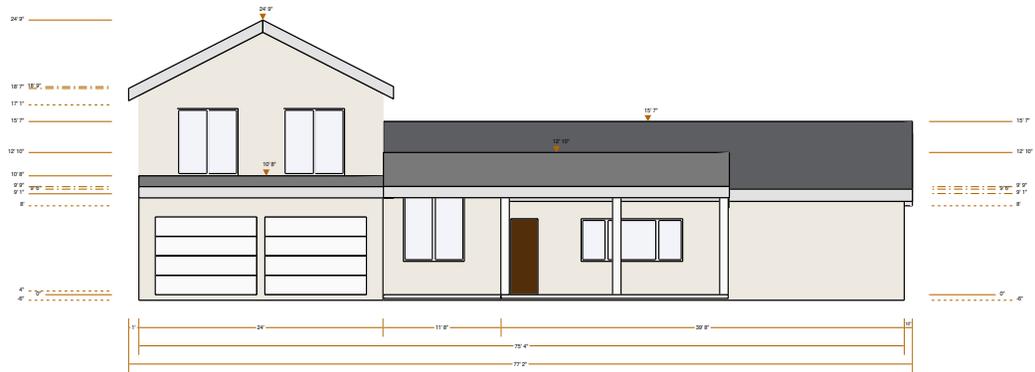
Scale: 1:150





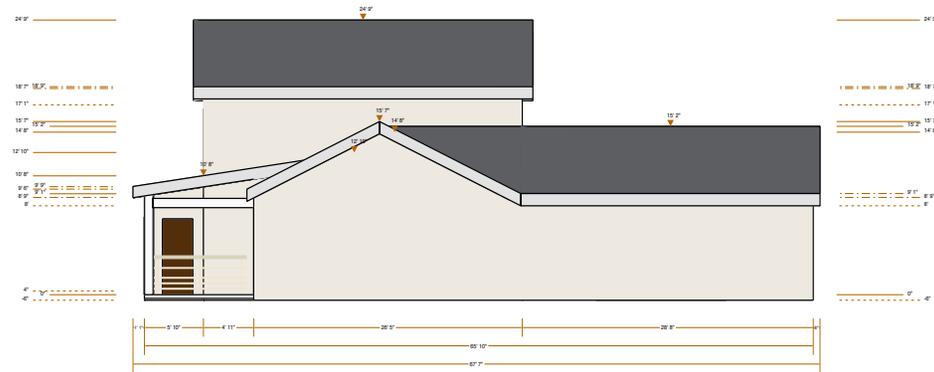
Scale: 1:150





Scale: 1:150





Scale: 1:150



**Variance Application**

**VAR-24-24**

Submitted On: Mar 23, 2024

**Applicant**

 Wes Fortier  
 6789531502  
@ wes.fortier@gmail.com

**Primary Location**

3149 DUNN ST SE  
SMYRNA, GA 30080

**Applicant Information**

**First Name**

Wes

**Last Name**

Fortier

**Street Address**

3149 DUNN ST SE

**City**

Smyrna

**State**

GA

**Zip Code**

30080

**Email**

wes.fortier@gmail.com

**Phone Number**

6789531502

**Are you the titleholder of the subject property?**

Yes

**Property Information**

**Property Address**

3149 Dunn ST SE Smyrna GA 30080

**Description of Requested Variances**

Setback on North side of property to 5' for a garage addition.

**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.**

The current garage on our house is a single bay with a downward-sloping ceiling, which allows very minimal room for a mid-size SUV. Due to its limited size, the garage is currently utilized for personal tools, lawn equipment, kids bikes, etc. By expanding the garage to two bays we will be able to park a vehicle for safer loading/unloading for our children and also allow for tools, equipment, and kid toys to be stored inside to prevent wear and tear. The proposed garage also incorporates a second level with a bedroom/bathroom and common space for our kids to utilize as they get older. During the construction process, we would also like to add a covered sitting porch on the front of the house. We believe expanding the garage and adding a porch will help make the house more consistent with the architecture, scale, and functionality of the growth in the neighborhood.

**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:**

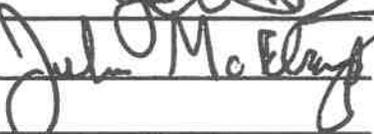
true

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Wesley and Kelsey Fortier

Intends to make an application for a variance for the purpose of \_\_\_\_\_  
Reduced setbacks ~~12' to 5'~~ 12' to 5'

on the premises described in the application.

NAME	ADDRESS
John W BRADFORD 	3139 DUNN ST SE
" "	3154 DUNN ST SE
Julia McElroy 	3144 DUNN ST SE
Paula Pavolony 	3150 Lee St SE
Mike Pavolony 	3150 LEE ST SE
CERTIFIED MAIL	3159 DUNN ST SE

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.



The UPS Store #1079  
3316-A S COBB DRIVE  
SMYRNA, GA 30080-4276  
770-432-8203

Terminal....: POS1079A                      Date.: 12/30/2023  
Employee....: 180643                        Time.: 01:15 PM  
Cashier's Name Cashier

ITEM NAME	QTY	PRICE	TOTAL
Metered Mail Ground Advantage			\$14.62
	1 @	\$14.62	
Tax			\$0.00
NM84D46HYVRY9			
Tracking Number			
Miscellaneous Taxable			\$1.19
	1 @	\$1.19	
Tax			\$0.07
Donation to Junior Achievement			\$1.00
	1 @	\$1.00	
Tax			\$0.00
Subtotal			\$16.81
Shipping/Other Charges			\$0.00
Total tax			\$0.07
Total			\$16.88
Cards			\$16.88

Items Designated NR are Not eligible  
for Returns, Refunds or Exchanges.

US Postal Rates Are Subject to Surcharge.



1 2 3 1 2 3 0 1 0 7 9 A 0 3 5 7 4 8

View The UPS Store, Inc.'s privacy notice at  
<https://www.theupsstore.com/privacy-policy>

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

2023 Property Tax Notice

FORTIER WESLEY & KELSEY  
 3149 DUNN ST SE  
 SMYRNA, GA 30080

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
5756	3149 DUNN ST STREET LIGHT RESIDENTIAL	17-0524-0-0020	414,100.00	165,640.00	0.00	165,640.00	8.99	1,489.10 42.00

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

**Important Messages - Please Read**

**Total of Bills by Tax Type**

<p>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</p>	<p>Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600</p> <p>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</p>	<table border="1"> <tr><td>Pen</td><td style="text-align: right;">0.00</td></tr> <tr><td>Int</td><td style="text-align: right;">0.00</td></tr> <tr><td>Fees</td><td style="text-align: right;">0.00</td></tr> <tr><td>Adjustments</td><td style="text-align: right;">-161.82</td></tr> <tr><td>Payments</td><td style="text-align: right;">0.00</td></tr> <tr><td>Back Taxes</td><td style="text-align: right;">0.00</td></tr> <tr><td><b>TOTAL DUE</b></td><td style="text-align: right;"><b>1369.28</b></td></tr> <tr><td><b>DATE DUE</b></td><td style="text-align: right;"><b>11/15/2023</b></td></tr> </table>	Pen	0.00	Int	0.00	Fees	0.00	Adjustments	-161.82	Payments	0.00	Back Taxes	0.00	<b>TOTAL DUE</b>	<b>1369.28</b>	<b>DATE DUE</b>	<b>11/15/2023</b>
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<b>TOTAL DUE</b>	<b>1369.28</b>																	
<b>DATE DUE</b>	<b>11/15/2023</b>																	

FORTIER WESLEY & KELSEY  
 3149 DUNN ST SE  
 SMYRNA, GA 30080

← 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
5756	17-0524-0-0020 STREET LIG	1489.10 42.00
<b>DATE DUE</b>		<b>TOTAL DUE</b>
11/15/2023		1369.28

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

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK



Printed: 3/23/2024

# 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:  
 CENTRAL LOAN ADMINISTRATION

**FORTIER WESLEY & KELSEY**

**Payment Date: 10/12/2023**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17052400020	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	\$3,206.14	\$0.00



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