



License and Variance Board Meeting - Final

May 22, 2024
10:00 AM

- C. **V24-030** Public Hearing - Variance Request - V24-030 - Increase the maximum impervious surface area from 49.9% to 50.6% - Land Lot 673 - 1900 Sadler Drive - Kevin Lee



City of Smyrna

Issue Sheet

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

File Number: V24-049

Agenda Date: 5/22/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: C

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-030 - Increase the maximum impervious surface area from 49.9% to 50.6% - Land Lot 673 - 1900 Sadler Drive - Kevin Lee

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is requesting a variance to increase the maximum impervious surface area to build a sunroom and deck addition on the rear of the single-family home located at 1900 Sadler Drive. The applicant received approval for two variances in March 2024 (Variance Cases- V24-012 and V24-013) to reduce the rear setback from 30 feet to 22 feet and increase the impervious surface area from 45% to 49.9%, respectively. Since the proposed impervious surface is an increase from the originally approved variances, the applicant is required to request another variance.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district, which requires a maximum impervious area of 45%. 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 conditions:

1. Approval of the variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. Approval of the variance is conditioned upon substantial compliance with the mitigation plan submitted on 2/28/24 with variance application V24-012 and V24-013.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit and an as-built certification statement submitted to Community Development prior to issuance of the Certificate of Completion.



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4. The proposed retaining wall may encroach up to 10 feet into the 20-foot drainage easement along the rear property line. The wall and wall footings may not encroach into the 15-foot drainage easement along the southern property boundary. If the retaining wall exceeds 48 inches in height, it will require a separate retaining wall permit.

5. The vegetative buffer to the rear of the property shall be restored prior to the issuance of the Certificate of Completion.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 23, 2024

RE: VARIANCE CASE V24-030
1900 Sadler Drive – Increase maximum impervious surface area from 49.9% to 50.6%

BACKGROUND

The applicant is requesting a variance to increase the maximum impervious surface area to build a sunroom and deck addition on the rear of the single-family home located at 1900 Sadler Drive. The applicant received approval for two variances in March 2024 (Variance Cases- V24-012 and V24-013) to reduce the rear setback from 30 feet to 22 feet and increase the impervious surface area from 45% to 49.9%, respectively. Since the proposed impervious surface is an increase from the originally approved variances, the applicant is required to request another variance.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the west side of Sadler Drive within the Stonecrest Manor subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached homes, with the exception of the property to the west, which is occupied by the Old Vinings Mill amenity area.

Variances were previously approved in March 2024 (Variance Cases- V24-012 and V24-013) to reduce the rear setback from 30 feet to 22 feet and increase the impervious surface area from 45% to 49.9%, respectively. The previous request called for a 300 square foot sunroom and 250 square foot deck addition with accompanying stairs to the rear yard. The applicant is proposing to revise the original variance request to increase the sunroom to 380 square feet and reduce the deck to 190 square feet. Additionally, the stairs will be realigned on the rear of the deck to keep in line with the new sunroom addition. After the additional square footage of the sunroom and deck to the property, the impervious surface area will be 0.7% over the previously approved 49.9% (or 46 square feet).

The applicant is proposing to retain the previous mitigation method for the increase in impervious surface area by adding two flo-wells to the southwest corner of the rear yard. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with stipulations regarding the Stormwater Inspection & Maintenance Agreement and proposed retaining wall encroachments.

During plan redesign, the applicant found that the side property line was inaccurately calculated on the first variance application, gaining an additional 4 feet of property length. Although the proposed rear setback of 26.6 feet is still encroaching into the 30-foot rear setback, the proposed deck will be less of an encroachment than what was previously approved (22 feet). Thus, the applicant was not required to submit for a second rear setback variance reduction.

Community Development believes the variance is the minimum variance needed to add more outdoor space on the property. Strict application of the ordinance would deny the applicant any ability to modify the existing deck since the existing impervious coverage is already over the allowable maximum impervious coverage. At the time of this report, Community Development has not received any calls in opposition to this request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district, which requires a maximum impervious area of 45%. 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 conditions:

1. Approval of the variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. Approval of the variance is conditioned upon substantial compliance with the mitigation plan submitted on 2/28/24 with variance application V24-012 and V24-013.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit and an as-built certification statement submitted to Community Development prior to issuance of the Certificate of Completion.
4. The proposed retaining wall may encroach up to 10 feet into the 20-foot drainage easement along the rear property line. The wall and wall footings may not encroach into the 15-foot drainage easement along the southern property boundary. If the retaining wall exceeds 48 inches in height, it will require a separate retaining wall permit.
5. The vegetative buffer to the rear of the property shall be restored prior to the issuance of the Certificate of Completion.

Figure – 3
Elevations

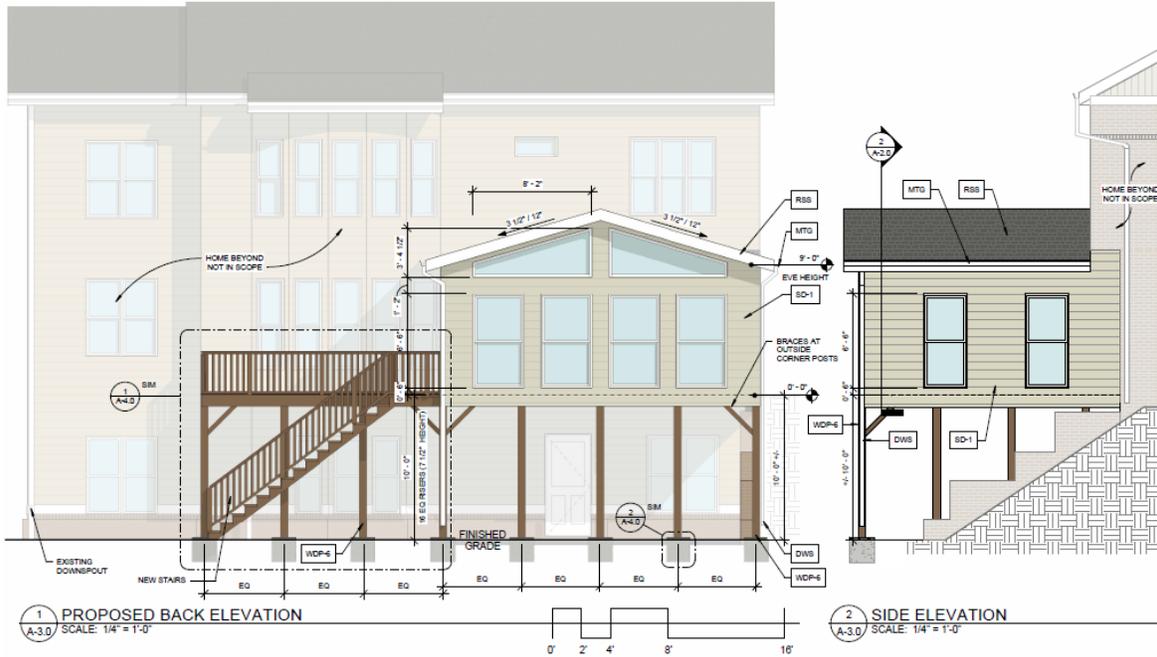


Figure – 4
Subject Property



Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property to the North



Figure – 7
Adjacent Property across Sadler Drive



APPLICABLE CODES:

BUILDING	INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS
ELECTRICAL	2017 NFPA 70 NATIONAL ELECTRICAL CODE
ENERGY	2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH 2020 GEORGIA STATE SUPPLIMENTS AND AMENDMENTS

DEFFERRED PLANS:
*TO BE SUBMITTED SEPARATELY AS NEEDED:
SURVEY SITE PLAN
ENGINEERING PLANS

-NO PLUMBING, GAS, WORK IN SCOPE.

NO.	
A-0.0	COVER SHEET
A-0.5	ARCHITECTURAL
A-1.0	DEMO PLAN
A-1.5	PROPOSED
A-2.0	ROOF PLAN
A-3.0	PROPOSED
A-4.0	DECK DETAIL
A-4.1	DECK DETAIL
A-4.2	STAIR DETAIL
A-4.3	ROOF FRAMING

PROJECT SUMMARY:

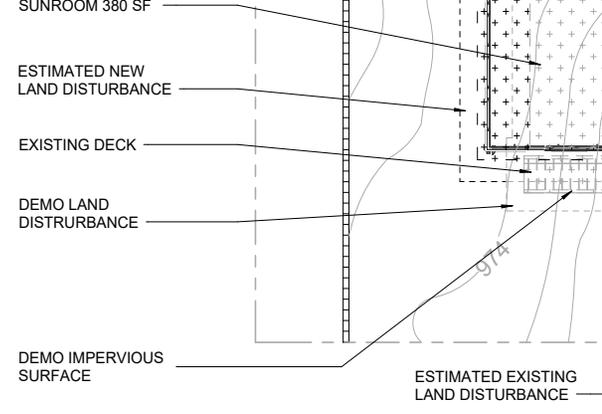
PROJECT SCOPE INCLUDES NEW SUNROOM ADDITION, CONDITIONED 380 SF AND NEW UNCOVERED DECK, 190SF.

PROJECT TEAM

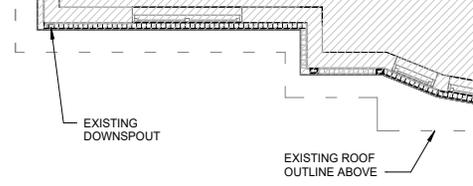
GENERAL CONTRACTOR TEAM:

KEVIN LEE
TRIANGLE CONTRACTING INC
123 MAIN ST
KENNESAW, GA 30144

P: 404-931-7852
E: KEVIN@TRIANGLEATL.COM



1 ARCHITECTURAL SITE PLAN
A-0.5 SCALE: 1" = 10'-0"



1 DEMO PLAN
A-1.0 SCALE: 1/4" = 1'-0"

EXISTING ROOF
OUTLINE ABOVE

11' - 6 1/2" JOIST SPAN

COMPOS
PAI
11'-10"

16" O.C. MAX SEE CHART
BEAM DIMENSIONS
SEE CHART

3' - 6"

6x6 NOTCHED POST, TYP.

16

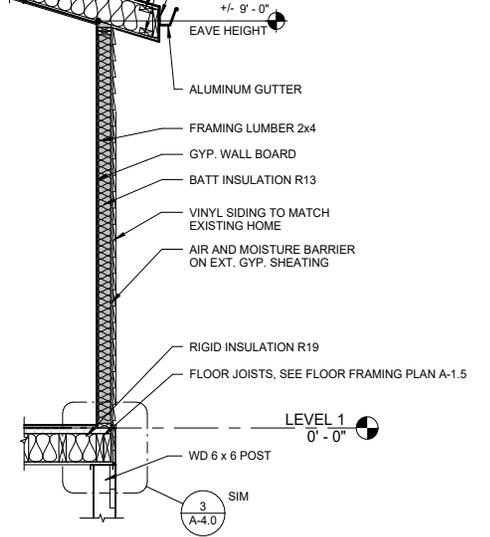
12' - 7"

16 EQ TREADS (MIN)

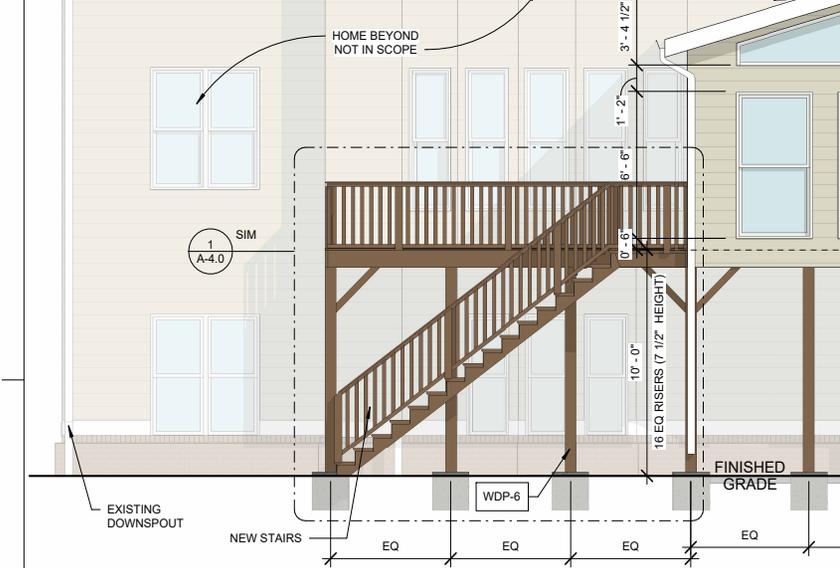
1
A-1.5

MAIN LEVEL PLAN

SCALE: 1/4" = 1'-0"

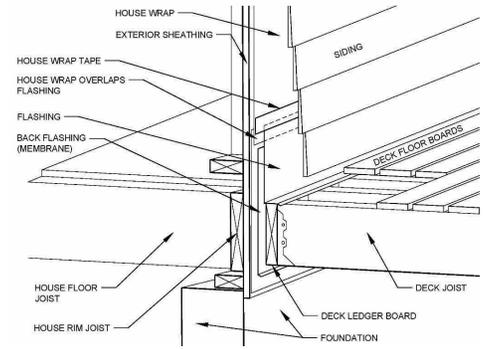
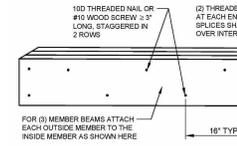
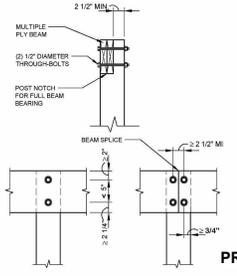


2
WALL SECTION
A-2.0
 SCALE: 1/2" = 1'-0"



1
A-3.0 PROPOSED BACK ELEVATION
SCALE: 1/4" = 1'-0"

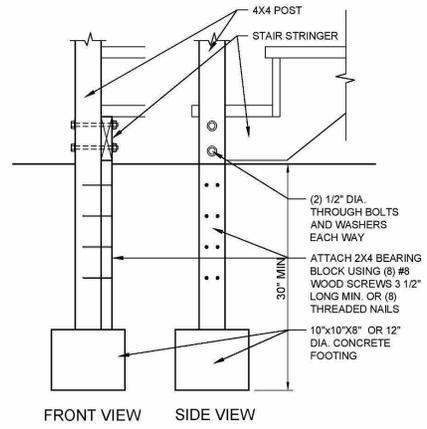
5 JOIST TO BEAM CONNECTION
N.T.S



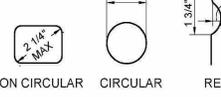
7 LEDGER BOARD TO RIM JOIST ATTACHMENT
N.T.S

4 POST-BEAM CONNECTION AT S
N.T.S

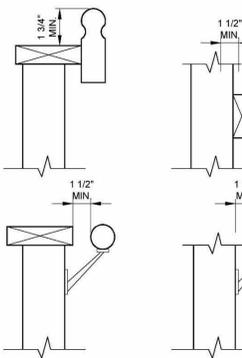
STAIR FOOTING REQUIREMENTS
 WHERE THE STAIR MEETS THE GRADE, ATTACH THE STRINGERS TO THE STAIR GUARD POST. MUST BE SHOWN ON THE PLANS. POST SHALL BEAR ON FOOTINGS. ALL FOOTING SHALL BEAR ON SOLID GROUND PER 2018 IRC. STRINGERS SHALL BEAR ON CONCRETE.



⑧ STAIR FOOTING DETAIL
 N.T.S



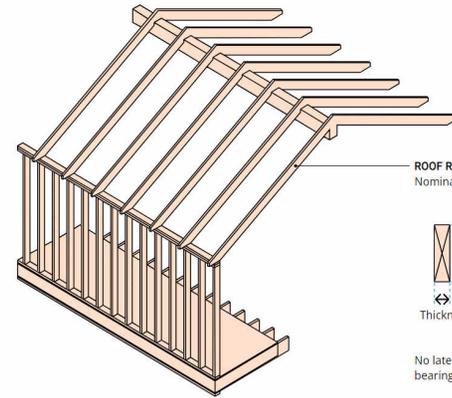
⑥ HANDRAIL GRIP SIZE
 N.T.S



⑤ HANDRAIL MOUNTING EXAMPLES
 N.T.S

N.T.S

ROOF RAFTERS: LATERAL SUPPORT & BRIDGING



RAFTER	RATIO
2x4	2
2x6	3
2x8	4
2x10	5
4x6	1.5
4x8	2
4x12	3

No lateral support is required at points of bearing to prevent rotation

③ ROOF RAFTERS B
N.T.S

Variance Application

VAR-24-30

Submitted On: Apr 15, 2024

Applicant

 Kevin Lee
 404-931-7852
@ kevin@triangleatl.com

Primary Location

1900 SADLER DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Kevin

Last Name

Lee

Street Address

2615 George Busbee Pkwy St 11-316

City

Kennesaw

State

Ga

Zip Code

30144

Email

Kevin@triangleatl.com

Phone Number

404-931-7852

Are you the titleholder of the subject property?

No

Titleholder Information

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

Zehal Shroff

Street Address

1900 Sadler Dr

City

Smyrna

State

Georgia

Zip Code

30080

Email Address

Zehal.shroff@gmail.com

Phone Number

704-287-6827

Property Information

Property Address

1900 Sadler Dr Smyrna Ga. 30080

Description of Requested Variances

We are enclosing an existing deck and requesting a various for impervious square footage.

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.

true

****If the request includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer, a stormwater mitigation plan is REQUIRED prior to submittal of the variance application.****

Please contact City Engineer, Mark Wolff with any

questions relating to the stormwater mitigation plan; 678-631-5546 or mwolff@smyrnaga.gov.

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 existing deck is encroaching into the rear setback of 30 feet. By enclosing the deck it increases impervious Square footage but does not affect the surrounding properties or their sight lines. We are requesting a variance because strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property. The variance is also the minimum variance possible that allows reasonable use of the property. This request is not in disregard or ignorance of the provisions set forth. Similar properties in the same district also have enclosed decks and this enclosure will be visually consistent with the other properties 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



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, Zehal Shroff, swear that I am the Property Owner of the property located at 1900 Sadler Dr.

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): Triangle Contracting Inc.

Business Contact Person: Kevin Lee

Business Address: 2615 George Busbee Pkwy Ste 11-316 Kennesaw Ga. 30144

Contact Telephone: 404-931-7852

Contact Email: Kevin@TriangleAtl.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.)

Signature of Property Owner

1900 Sadler Dr

Address

Zehal Shroff

Name of Property Owner (print clearly)

Smyrna, Georgia, 30080

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Nishant & Zehal Shroff
1900 Sadler Drive, Smyrna, GA 30080
 Intends to make an application for a variance for the purpose of addition of sunroom
where current deck is located, similar structure to
1903 Sadler Drive, enclosed space
 on the premises described in the application.

NAME	ADDRESS
<u>Greg & Darci Poole</u>	<u>1902 Sadler Drive David Poole</u>
<u>Tejesh & Reena Patel</u>	<u>1901 Sadler Drive Tejesh Patel</u>
<u>Valdesha De Jean</u>	<u>1910 Sadler Drive Valdesha De Jean</u>
<u>4051 Vining Mill Trl</u>	<u>certified mail - HOA property</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.

9589 0710 5270 1281 8389 69

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Atlanta, GA 30318	
Certified Mail Fee \$4.40 Extra Services & Fees (check box, add fee if applicable) <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	0676 1050 Postmark Here
Postage \$0.68 Total Postage and Fees \$8.73	04/16/2024
Sent To <u>1465 Northside Drive Suite 128</u> Street and Apt. No., or PO Box No. <u>Atlanta GA 30318</u> City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-904 See Reverse for Instructions	

Parcel Find

PARCEL: 17-0673-0-1020
 LOCATION: 1900 SADLER DR
 NAME: ** VARIOUS **

EFF DATE: 01/22/2024

YEAR	CAT	BILL	#SC	REFERENCE	BILLED/ADJ	UNPAID	BAL	DUE NOW
2023	RE-R	15784	Y	1900 SADLER DR	1,339.36	0.00	0.00	0.00
2022	RE-R	15534	Y	1900 SADLER DR	1,501.18	0.00	0.00	0.00
2021	RE-R	15272	Y	1900 SADLER DR	1,501.18	0.00	0.00	0.00
2020	RE-R	15166	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2019	RE-R	15089	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2018	RE-R	14954	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2017	RE-R	14895	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2016	RE-R	14555	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2015	RE-R	14442	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2014	RE-R	14388	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2013	RE-R	14191	Y	1900 SADLER DR	1,459.18	0.00	0.00	0.00
2012	RE-R	1156217	Y	1900 SADLER DR	179.80	0.00	0.00	0.00
2011	RE-R	1138847	Y	1900 SADLER DR	359.60	0.00	0.00	0.00
2010	RE-R	1121247	Y	1900 SADLER DR	413.06	0.00	0.00	0.00
2009	RE-S	1113212	Y	1900 SADLER DR	593.34	0.00	0.00	0.00
						TOTAL DUE NOW	0.00	0.00
						TOTAL UNPAID	0.00	0.00

** END OF REPORT - Generated by Mike Hickenbottom **



Printed: 1/22/2024

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:
Zehal Shroff

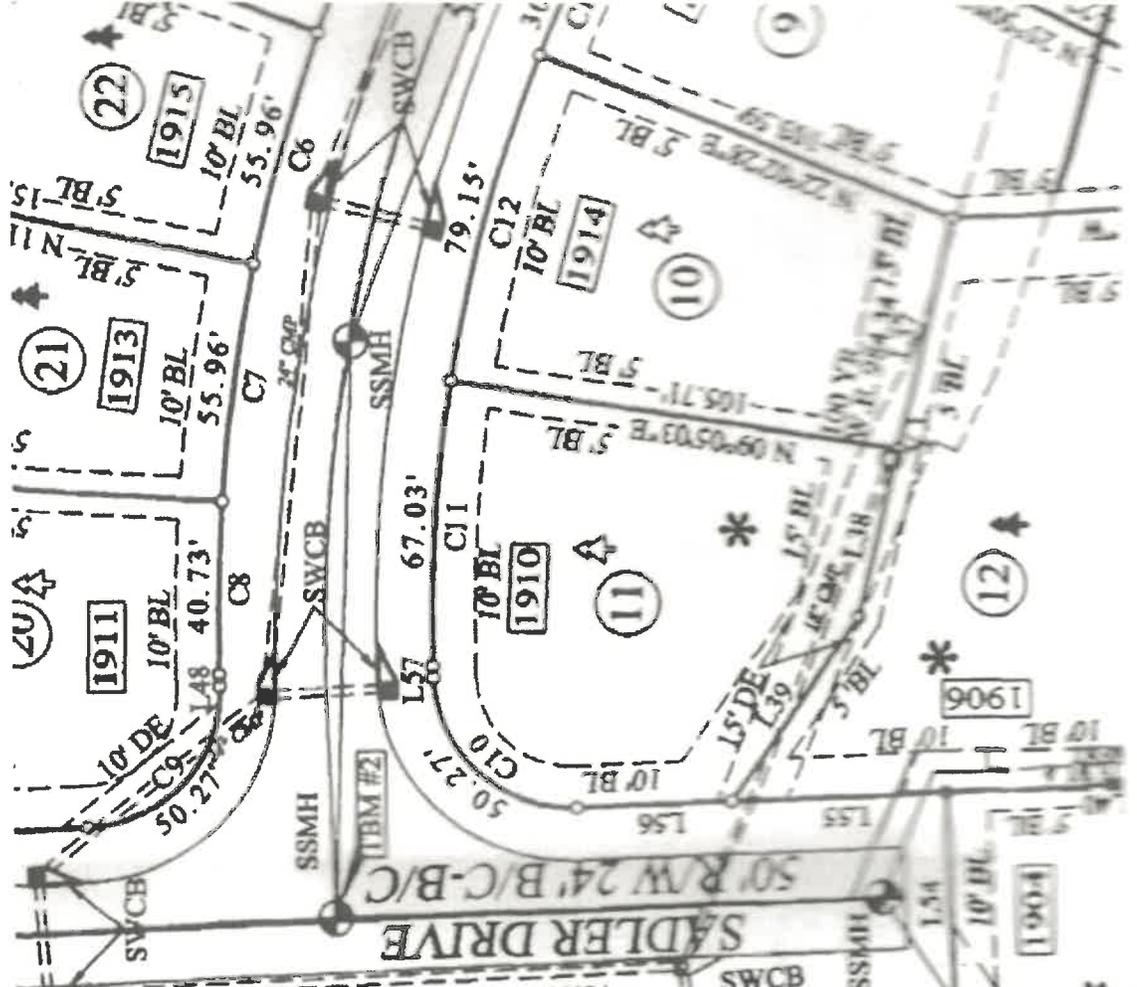
SHROFF ZEHAL

Payment Date: 8/23/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17067301020	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	\$5,808.74	\$0.00	



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



REPLACED W/ 6' TALL
WOOD FENCE

N 01°59'52"W
623.00

20' LANDSCAPE
MAINTENANCE ESMT.

N/F
VINGS MILL HOA, INC.
DB 10309 PG 303
PB 162 PG 49

100 YR.
W.E. 972.81

15' DE

BEGIN 6' WOOD
FENCE