



## License and Variance Board Meeting - Final

June 12, 2024  
10:00 AM

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**B. V24-038** Public Hearing - Variance Request - V24-038 - Reduce the front setback from 35 feet to 32 feet - Land Lot 452 - 1036 Dell Avenue - John Bradford



# City of Smyrna

## Issue Sheet

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

File Number: V24-038

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**Agenda Date:** 6/12/2024

**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 - V24-038 - Reduce the front setback from 35 feet to 32 feet - Land Lot 452 - 1036 Dell Avenue - John Bradford

***Ward 3 Councilmember - Travis Lindley***

**ISSUE AND BACKGROUND:**

The applicant is requesting a variance to reduce the front setback from 35 feet to 32 feet for the construction of a front porch at 1036 Dell Avenue. The minimum front setback is required in the FC zoning district per Section 801 of the Zoning Code.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant requests a variance to reduce the front setback for 1036 Dell Avenue from 35 feet to 32 feet for the construction of a front porch. 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 condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. If any part of the deck or addition falls within the 20-foot sanitary sewer easement and work must occur within the area, the deck and/or addition may be required to be moved at the property owner's expense.
3. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and maintained throughout construction.

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: June 3, 2024

**RE: VARIANCE CASE V24-038**  
**1036 Dell Avenue – Reduce the front setback from 35 feet to 32 feet**

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#### **BACKGROUND**

The applicant is requesting a variance to reduce the front setback from 35 feet to 32 feet for the construction of a front porch at 1036 Dell Avenue. The minimum front setback is required in the FC zoning district per Section 801 of the Zoning Code.

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#### **ANALYSIS**

The subject parcel is a 0.28-acre lot located on the south side of Dell Avenue (Figure 1). The subject parcel and adjacent properties to the south, east, and west are zoned FC (Future Commercial) and are occupied by single-family detached residences, with the exception of the property to the south, which is occupied by the City's Concord Road Linear Park. The adjacent property to the north is zoned R-15 and is occupied by a single-family detached house.

The applicant is proposing to fully renovate the existing 744 square foot home with a 1,100 square foot addition and accompanying 234 square foot deck in the rear and a 209 square foot front porch. When completed, the home will be 2,376 square feet. Since the renovations to the home will create a 2,376 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered 29 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 209 square foot covered front porch to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home is roughly 5 feet from the front setback line, leaving little room for a roof on the existing front porch, much less any other forward expansion. The applicant has proposed the new porch will be 32 feet from the front property line and will thus encroach on the front setback by 3 feet. No other variances are required for the renovations, as all other setbacks are met, and the property will be under the maximum impervious surface area of 35%.

An existing 20-foot sanitary sewer easement cuts diagonally across the southeast side of the property from Dell Avenue to the City Park in the rear (see Figure 1). The proposed rear deck will border the sanitary sewer easement for roughly 15 feet. The Public Works Assistant Director has reviewed the plan and is supportive, with the stipulation that any portion of the deck or

## VARIANCE CASE V24-037

June 3, 2024

Page 2 of 6

addition may need to be removed at the expense of the property owner if work is ever required in that section of the easement.

Since the existing home was constructed in 1951, prior to the adoption of the current Zoning Ordinance in 1974, Community Development believes the variance requested is the minimum variance needed to construct a usable front porch in the front yard. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. Similar variance requests have been approved nearby at 1120 Dell Avenue (V19-013), 952 Dell Avenue (V18-0176), 1109 Dell Avenue (V98-017), and 959 Dell Avenue (V98-028), in 2019, 2018, and 1998, respectively. Thus, there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any calls in opposition to the request.

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### STAFF COMMENTS

The applicant requests a variance to reduce the front setback for 1036 Dell Avenue from 35 feet to 32 feet for the construction of a front porch. 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 condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. If any part of the deck or addition falls within the 20-foot sanitary sewer easement and work must occur within the area, the deck and/or addition may be required to be moved at the property owner's expense.
3. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and maintained throughout construction.



**Figure – 3**  
**Proposed Elevation**



**Figure - 4**  
**Subject Property**



**Figure - 5**  
**Adjacent Property to the West**

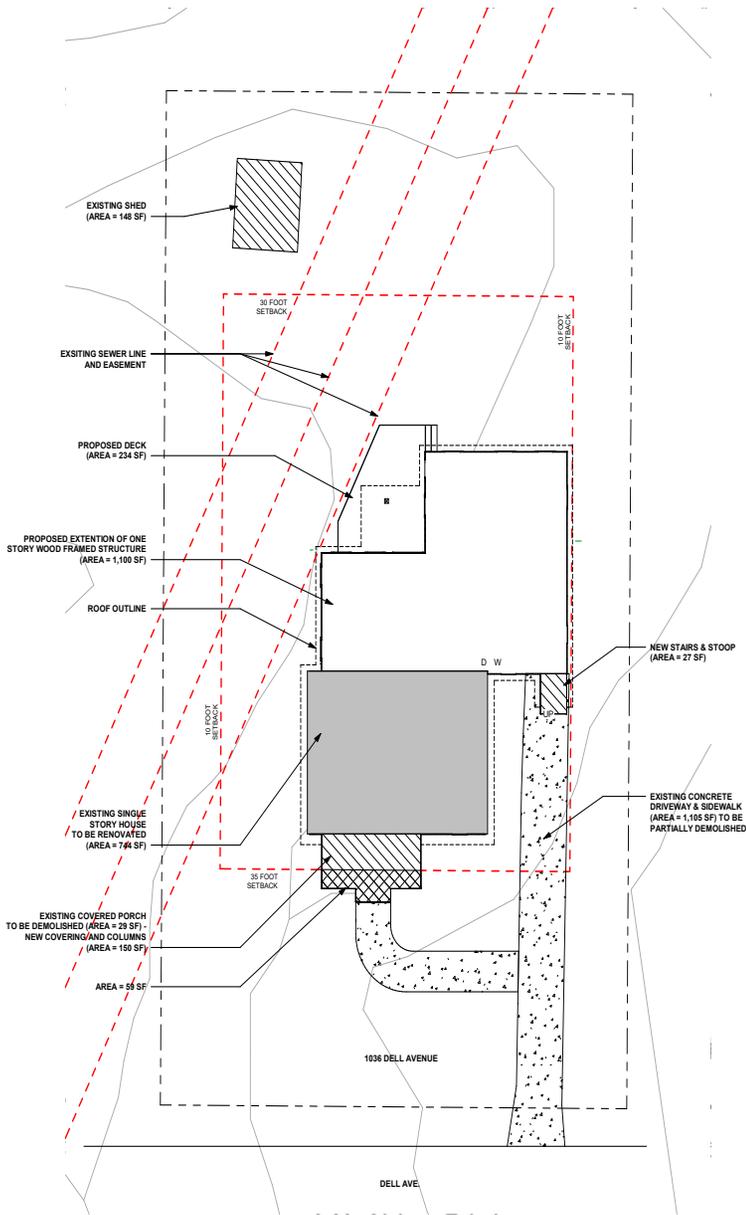


**Figure - 6**  
**Adjacent Property to the East**



**Figure - 7**  
**Adjacent Property across Dell Avenue**





PROPERTY INFORMATION  
 ADDRESS 1036 DELL AVENUE SE  
 SMYRNA, GA  
 SUBDIVISION SMYRNA HEIGHTS  
 ZONING CLASS R15-RESIDENTIAL

IMPERVIOUS MATRIX			
PROPERTY AREA	12,052 SF		
PRINCIPAL BUILDING	EXISTING	PROPOSED	TOTAL
FLOOR AREA	744 SF	0 SF	744 SF
PORCHES & ACCESSORY BLDGS	177 SF	-29 SF	148 SF
DRIVES AND SIDEWALKS	1,105 SF	-383 SF	752 SF
ADDITION			
FLOOR AREA	0 SF	1,100 SF	1,100 SF
PORCHES & DECK	0 SF	384 SF	384 SF
DRIVES AND SIDEWALKS	0 SF	0 SF	0 SF
<b>TOTAL IMPERVIOUS AREA</b>	<b>2,026 SF</b>	<b>1,484 SF</b>	<b>3,128 SF</b>
TOTAL ALLOW. IMPERVIOUS AREA	4,218 SF	35.00%	
PROPOSED IMPERVIOUS AREA	3,128 SF	25.95%	

AREA MATRIX		
PRIMARY HOUSE (SINGLE STORY)		
FLOOR AREA	744 SF	
PORCHES & ACCESSORY BLDGS	148 SF	
ADDITION		
LEVEL 1	1,100 SF	
NA	0 SF	
PORCHES & DECK	384 SF	
<b>TOTAL AREA</b>	<b>2,376 SF</b>	
ALLOWABLE PRIMARY AREA	230 SF	(1/4 TOTAL AREA OF PRINCIPAL BUILDING)
PROPOSED PRIMARY AREA	1,484 SF	

HEIGHT MATRIX	
ALLOW. ROOF HT.	35' 0" MEANROOF HT.
PROP. ROOF HT.	10' 10" MEANROOF HT.

1 VARIANCE SITE PLAN  
 1" = 10'-0"

V1-VARIANCE SITE PLAN  
**1036 DELL ADDITION**

1036 DELL AVENUE SOUTHEAST, SMYRNA, GA

4-26-2024

RIDGECREST VENTURES



## Variance Application

# VAR-24-35

Submitted On: Apr 29, 2024

## Applicant

 John Bradford  
 16783438939  
 @ridgecrestventures@yahoo.com

## Primary Location

1036 DELL AVE SE  
SMYRNA, GA 30080

## Applicant Information

### First Name

John

### Last Name

Bradford

### Street Address

3154 Dunn Street SE

### City

Smyrna

### State

GA

### Zip Code

30080

### Email

ridgecrestventures@yahoo.com

### Phone Number

6783438939

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

Yes

## Property Information

### Property Address

1036 Dell Avenue

### Description of Requested Variances

Front set back from 35' to 32'

**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.**

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## 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.**

House built in late 50's so can't install a decent size front porch with out a set back reduction from 35 to 32.

## **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

## Real Estate (Your House or Land)

<b>View Bill</b>			
<b>As of</b>	4/29/2024		
<b>Bill Year</b>	2023		
<b>Bill</b>	9003		
<b>Owner</b>	JSL RESIDENTIAL PROPERTIES LLC		
<b>Parcel ID</b>	17045200030		

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$1,013.93	\$1,013.93	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		<b>\$1,013.93</b>	<b>\$1,013.93</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>



Printed: 4/29/2024

# 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:  
 JSL Residential Properties LLC

**JSL RESIDENTIAL PROPERTIES LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17045200030	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	\$2,936.32	\$0.00



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

JSL Residential  
John Bradford  
3154 DUNN ST SE  
SMYRNA GA 30080-4479

**\$5.04 US POSTAGE**  
FIRST-CLASS  
Apr 29 2024  
Mailed from ZIP 30080  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



stamps  
indicia

062S0011485640

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**USPS CERTIFIED MAIL**



**9407 1118 9876 5403 7711 87**

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Brian Toole  
1030 DELL AVE SE  
SMYRNA GA 30080-4104



JSL Residential  
John Bradford  
3154 DUNN ST SE  
SMYRNA GA 30080-4479

**\$5.04 US POSTAGE**  
FIRST-CLASS  
Apr 29 2024  
Mailed from ZIP 30080  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



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indicia

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**USPS CERTIFIED MAIL**



**9407 1118 9876 5403 7711 32**

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Carolyn Chen  
1044 DELL AVE SE  
SMYRNA GA 30080-4104



JSL Residential  
John Bradford  
3154 DUNN ST SE  
SMYRNA GA 30080-4479

**\$5.04 US POSTAGE**  
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**USPS CERTIFIED MAIL**



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Gross Enterprises LLC  
25 ABBINGTON WAY  
DOUGLASVILLE GA 30134-4473



JSL Residential  
John Bradford  
3154 DUNN ST SE  
SMYRNA GA 30080-4479

**\$5.04 US POSTAGE**  
FIRST-CLASS  
Apr 29 2024  
Mailed from ZIP 30080  
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**USPS CERTIFIED MAIL**



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PJ Enterprises LLC  
25 ABBINGTON WAY  
DOUGLASVILLE GA 30134-4473



Ridgecrest Ventures Inc  
John Bradford  
3154 DUNN ST SE  
SMYRNA GA 30080-4479

**\$5.04 US POSTAGE**  
**FIRST-CLASS**  
Apr 30 2024  
Mailed from ZIP 30080  
1 OZ FIRST-CLASS MAIL LETTER  
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and  
cancel

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DA Ponte Domenic  
1035 DELL AVE SE  
SMYRNA GA 30080-4103



