



License and Variance Board Meeting - Final

June 26, 2024
10:00 AM

D. V24-049 Public Hearing - Variance Request - V24-049 - Reduce the rear setback from 25 feet to 17.1 feet - Land Lot 617 - 5011 Duxford Drive - Verender Varma



City of Smyrna

Issue Sheet

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

File Number: V24-089

Agenda Date: 6/26/2024

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 - V24-049 - Reduce the rear setback from 25 feet to 17.1 feet - Land Lot 617 - 5011 Duxford Drive - Verender Varma

Ward 7 Councilmember - Rickey N. Oglesby Jr.

ISSUE AND BACKGROUND:

The applicant is seeking two variances to build a sunroom addition on the rear of the single-family home located at 5011 Duxford Drive: increase the impervious surface area from 45% to 55.3% and reduce the rear setback from 25 feet to 17.1 feet. Section 801 sets the maximum impervious area of the RDA zoning district. The rear setback of 25 feet is regulated by the Woodland Gate Unit I plat, recorded in 2001.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district and the Woodland Gate Unit I subdivision plat, which requires a maximum impervious area of 45% and a rear setback of 25 feet. 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.
2. If any work must occur within the 20-foot drainage easement, the wooden deck may be required to be moved at the property owner's expense.

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: June 18, 2024

RE: VARIANCE CASE V24-048
5011 Duxford Drive – Increase maximum impervious surface area from 45% to 55.3%

VARIANCE CASE V24-049
5011 Duxford Drive – Reduce the rear setback from 25 feet to 17.1 feet

BACKGROUND

The applicant is seeking two variances to build a sunroom addition on the rear of the single-family home located at 5011 Duxford Drive: increase the impervious surface area from 45% to 55.3% and reduce the rear setback from 25 feet to 17.1 feet. Section 801 sets the maximum impervious area of the RDA zoning district. The rear setback of 25 feet is regulated by the Woodland Gate Unit I plat, recorded in 2001.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the east side of Duxford Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached homes within the Woodland Gate subdivision.

The applicant is proposing to replace the existing concrete patio with a 340 square foot sunroom to enjoy the outdoors even in inclement weather. When the home was built in 2003, the builder went over the allowable 45% impervious surface area by 6.5% without obtaining a variance. Additionally, a 246 square foot wooden deck was built in the rear of the property (sometime before 2019), within the existing drainage easement and without a building permit or variance. The deck may remain with the stipulation that the deck may be removed at the owner's expense if the City ever needed to perform work in the area.

After the addition of the sunroom to the property, the impervious surface area will be 10.3% over the allowable 45% (or 714 square feet). Since the sunroom is adding value to the property, the property is required to be brought to current code regardless of the previous nonconformity. However, since the existing single-family home was already non-conforming, the hardship is not self-created. Since the original increase in impervious surface area occurred in 2003 and there is no addition of land disturbing activities or stormwater runoff, the City Engineer has determined that no remediation is required in order to support the variance.

Patios that are flush to the ground are not required to meet building setbacks. However, once the sunroom is added over the patio, the sunroom will encroach into the rear setback by 7.9 feet. Due to the existing patio location, the most logical area to construct the sunroom is within the setback.

The subject property is currently buffered from adjacent properties by an existing wooden privacy fence so impact to neighboring properties would be minimal. Community Development believes the variance is the minimum variance needed to construct any usable outdoor space due to the existing driveway and house already over the allowable impervious coverage. A similar variance was approved in 2021 directly across the street at 5008 Duxford Drive (V21-124), 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.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the RDA zoning district and the Woodland Gate Unit I subdivision plat, which requires a maximum impervious area of 45% and a rear setback of 25 feet. 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.
2. If any work must occur within the 20-foot drainage easement, the wooden deck may be required to be moved at the property owner's expense.

Figure – 1



Figure – 2
Proposed Site Plan

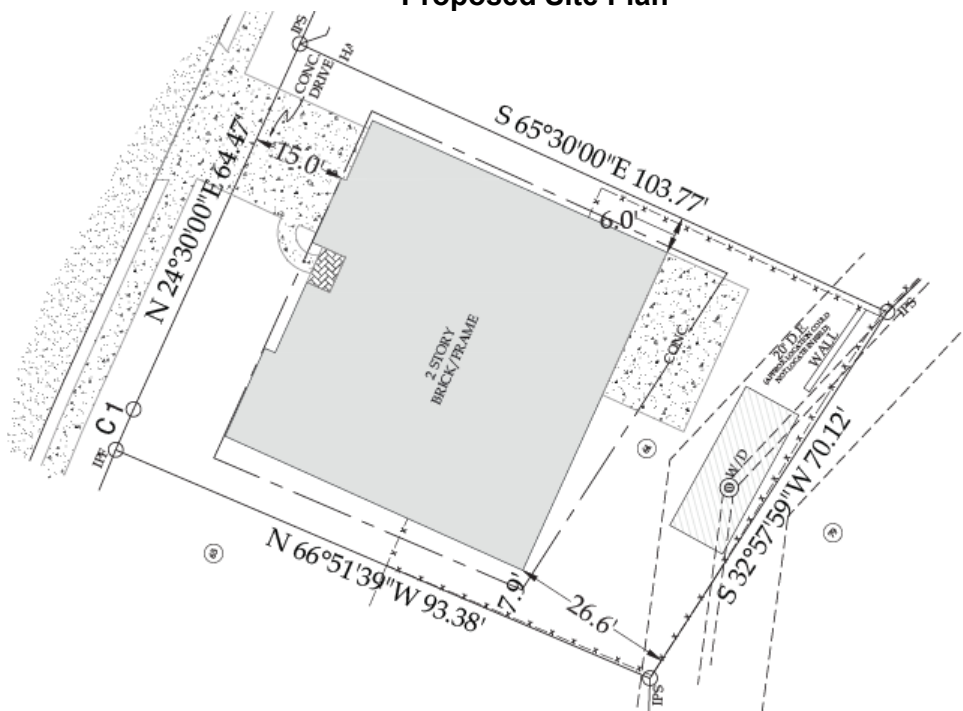


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



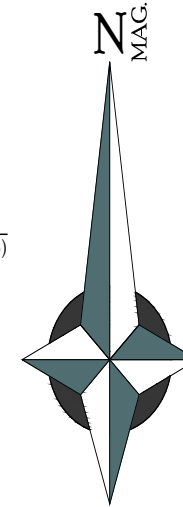
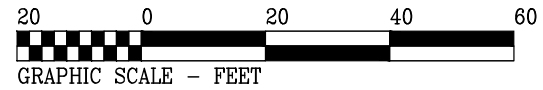
Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Duxford Drive



THIS BLOCK IS RESERVED FOR THE CLERK OF SUPERIOR COURT.



LEGEND:

IPF = IRON PIN FOUND (1/2" REBAR)
IFS = IRON PIN SET (1/2" REBAR)
NS = NAIL SET
NF = NAIL FOUND
CTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
USCMF = U.S. CORP MONUMENT FOUND
CMF = CONCRETE MONUMENT FOUND
ANF = NAIL FOUND
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
C/L = CENTER LINE
S/L = BUILDING LINE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
G.A.D. = GEORGIA MULTIA DISTRICT
P.P. = POWER POLE
-TSF- = TREE SAVE FENCE
-W- = WATER LINE
-S- = SEWER LINE
-P- = POWER LINE
-F- = FENCE LINE
-SF- = SILT FENCE LINE
-C- = GUARD RAIL
-D- = CROSS TIE WALL
XTW = CROSS TIE WALL
Rad. = RADIUS
Chd. = CHORD
Arc. = ARC LENGTH
N/F = NOW OR FORMERLY
P.B. = PLAT BOOK
D.B. = DEED BOOK
P.G. = PAGE
D.E. = DRAINAGE EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
F.H. = FIRE HYDRANT
M.H. = MANHOLE
U.M.H. = UTILITY MANHOLE
C.B. = CATCH BASIN
J.B. = JUNCTION BOX
D.I. = DROP INLET
N. = NEIGHBORS
999.0 E. = EXISTING SPOT ELEVATION
999.0 P. = PROPOSED SPOT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
-FLOW- = SURFACE DRAINAGE FLOW

Notes:

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE BOARD RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

THIS SURVEY WAS NOT PREPARED WITH THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MAY BE RECORDED.

THIS TRAVERSE HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN "OPEN" FEET. EQUIPMENT USED: TOPCON GIS-225; REACH RS2+

FLOOD NOTE:
THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS AS PER COMMUNITY PANEL NO. 13067C0209 J, DATED OCTOBER 5TH 2018, ZONE "X".

REV. DESCRIPTION DATE

REVISION NOTES

SITE ADDRESS: 5011 DUXFORD DRIVE SE
SMYRNA, GA 30082

IMPERVIOUS SURVEY

SCALE AT ANS: 1 INCH = 20 FEET
PLAT DATE: 05/14/24
FIELD CREW: ZW/NB
FIELD DATE: 05/11/24
DRAWN BY: ZW
JOB NUMBER: BP16189
SHEET #: 1 of 1

IMPERVIOUS AREAS:

HOUSE 2,876 ft²
CONC./BRICK 700 ft²
WOOD DECK 246 ft²
WALL 17 ft²
TOTAL 3,839 ft² (55.29%)

SETBACKS:

FRONT 15 FEET
SIDE 5 FEET
REAR 25 FEET

Curve	Radius	Length	Chord	Chord Bear.
C1	299.30'	7.10'	7.10'	N 23°45'11" E

SURVEYOR'S 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 recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

SURVEY FOR:

VIRENDER VARMA
RUBINA VARMA

LICENSING:

BUSBEE & POSS LAND SURVEYING CO., GA L.S.F. # 1056
RICKY C. BUSBEE, GA P.L.S. # 2497
MICHAEL W. POSS JR, GA P.L.S. # 3387

LEGAL:

LOT 64, WOODLAND GATE, UNIT 1
PLAT BOOK 195, PAGE 36
LAND LOT 617, 17th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

AREA:

6,943 ft² (0.159 ACRES)



BUSBEE & POSS
LAND SURVEYING COMPANY

3408 HOWELL STREET, SUITE A
DULUTH, GEORGIA 30096
770.497.9866
FAX: 770.497.9881



www.busbeeposs.com

Variance Application

VAR-24-39

Submitted On: May 20, 2024

Applicant

 VIRENDER VARMA
 404-985-0946 ext. 0
@ virenvarma@yahoo.com

Primary Location

5011 DUXFORD DR SE
SMYRNA, GA 30082

Applicant Information

First Name

VIRENDER

Last Name

VARMA

Street Address

5011 DUXFORD DR SE

City

SMYRNA

State

GA

Zip Code

30082

Email

virenvarma@yahoo.com

Phone Number

4049850946

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

5011 DUXFORD DR SE SMYRNA GA 30082

Description of Requested Variances

The variance application is been submitted for the below;

- 1) Setback Reduction
- 2) Increase in impervious area.

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.

false

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.

We want to build the sunroom in the backyard on the patio, which we grandfathered when we bought the house in **March 2020**. The decision to build the sunroom is driven by the recently death of my mother In Feb 2024, who lived in India along with my father. My mother's death has impacted by father and I did not want to leave him alone and therefore I have decided to bring my father to the US to stay with us. He is 83 years old.

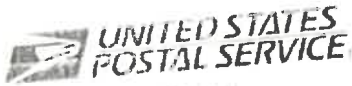
The Sunroom would allow my father additional outdoor space, sunlight , fresh air and the warm weather without having to worry about bugs. mosquitos, insects or rain. I believe it will good for this mental health and will help him recover from the trauma of losing his wife. In winters too he can sit out in the afternoons and enjoy the sun and fresh air whenever possible. The sunroom will also allow extra space for my family to spend time together and also with my dad.

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



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Service Fee \$8.73

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Grand Total \$8.73

Credit Card Month \$8.73

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Approval #: 704240

Transaction #: 805

Receipt #: 000875

AID: 1400000000000000

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SHIP TO:	THE RESIDENT 5008 DUXFORD DRIVE SE SMYRNA GA 30082
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Product Qty Unit Price
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Weight 0.50 oz
Estimated Delivery Date
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9514 7065 7436 4141 7372 35 \$4.40
Certified Mail® \$2.65
Return Receipt® \$8.73

Total \$8.73

Grand Total \$8.73

Credit Card Remit
Card Name: VISA
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Transaction # 504
Receipt # 000004
AID: A0000000001010
AL: VISA CREDIT
PIN: Not Required

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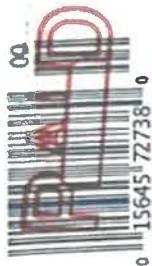
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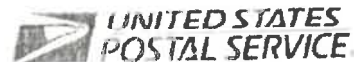


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Return Receipt \$3.65

Total \$3.73

Grand Total \$3.73

Credit Card Result \$3.73

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Account # XXXXXXXXXXXX8357

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Transaction # 000

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(800)275-8777

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Grand Total

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SMYRNA GA 30082

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SMYRNA GA 30082-5057

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DAILY MAIL
05/21/2024

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Estimated Delivery Date			
Thru 05/21/2024			
Tracking #			
9514 7065 7351 4142 6449 83			
Certified Mail®			\$4.40
Return Receipt			\$1.00
Total			\$5.40

Grand Total \$5.40

Credit Card Receipt
Card Name: VISA
Account #: 4444444444444444
Approval #: 801640
Transaction #: 1451
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Receipt # 9514 7065 7351 4142 6449 83

Parcel Find

PARCEL: 17-0617-0-0580
LOCATION: 5011 DUXFORD DR
NAME: ** VARIOUS **

EFF DATE: 05/20/2024

YEAR	CAT	BILL #	SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2023	RE-R	17989	N	5011 DUXFORD DR	2,092.83	0.00	0.00
2022	RE-R	17643	N	5011 DUXFORD DR	1,798.65	0.00	0.00
2021	RE-R	17371	N	5011 DUXFORD DR	1,798.65	0.00	0.00
2020	RE-R	17274	N	5011 DUXFORD DR	1,244.25	0.00	0.00
2019	RE-R	14808	N	5011 DUXFORD DR	1,244.25	0.00	0.00
2018	RE-R	14665	N	5011 DUXFORD DR	1,244.25	0.00	0.00
2017	RE-R	14614	N	5011 DUXFORD DR	1,244.25	0.00	0.00
2016	RE-R	14262	N	5011 DUXFORD DR	1,244.25	0.00	0.00
2015	RE-R	3143	N	5011 DUXFORD DR	1,136.84	0.00	0.00
2014	RE-R	3071	N	5011 DUXFORD DR	916.40	0.00	0.00
2013	RE-R	3043	N	5011 DUXFORD DR	916.40	0.00	0.00
2012	RE-R	1158823	N	5011 DUXFORD DR	1,136.84	0.00	0.00
2011	RE-R	1148006	N	5011 DUXFORD DR	1,136.84	0.00	0.00
2010	RE-R	1130478	N	5011 DUXFORD DR	1,136.84	0.00	0.00
2009	RE-R	1113054	N	5011 DUXFORD DR	1,323.29	0.00	0.00
2008	RE-R	1095584	N	5011 DUXFORD DR	1,251.37	0.00	0.00
2007	RE-R	1077709	N	5011 DUXFORD DR	1,251.37	0.00	0.00
2006	RE-R	1060267	N	5011 DUXFORD DR	1,276.43	0.00	0.00
2005	RE-R	1043694	N	5011 DUXFORD DR	1,332.11	0.00	0.00
2004	RE-R	1027921	N	5011 DUXFORD DR	1,343.24	0.00	0.00
2003	RE-R	1012369	N	5011 DUXFORD DR	1,427.80	0.00	0.00
TOTAL DUE NOW						0.00	0.00
TOTAL UNPAID						0.00	0.00

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



CobbTax Home

Owner Information

VARMA VIRENDER KUMAR & RUBINA VIRENDER
5011 DUXFORD DR SE
SMYRNA, GA 30082

Payment Information

Status  Paid
Last Payment Date 10/12/2023
Amount Paid \$5,032.87

 Search for Additional Records

Property Information

Parcel Number  17046170000000
Acres 0.16
Assessed Value \$248,124
Fair Market Value \$815,310
Tax District 6 - City of Smyrna
Homestead Exemption 111 Basic

Bill Information

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

Taxes

Base Taxes	\$5,032.87
Penalty	\$0.00
Interest	\$0.00
Fees	\$0.00
Good Through	
Balance Due	\$0.00

Property Address

5011 DUXFORD DR

