



License and Variance Board Meeting - Final

July 10, 2024
10:00 AM

-
- I. **V24-060** Public Hearing - Variance Request - V24-060 - Reduce the front setback from 25 feet to 24.5 feet - Land Lot 702 - 2255 Goodwood Boulevard - Christopher Tzegaegbe



City of Smyrna

Issue Sheet

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

File Number: V24-060

Agenda Date: 7/10/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: H.

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-060 - Reduce the front setback from 25 feet to 24.5 feet - Land Lot 702 - 2255 Goodwood Boulevard - Christopher Tzegaegbe

Ward 2 Councilmember - Latonia P. Hines

ISSUE AND BACKGROUND:

The applicant is requesting several variances for an addition at 2255 Goodwood Boulevard: increase the maximum impervious surface area from 30% to 38.5%, reduce the front setback from 25 feet to 24.5 feet and reduce the side setback from 10 feet to 6 feet. Section 801 controls the setbacks and maximum impervious surface area for properties zoned RTD.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the RTD zoning district, which requires a maximum impervious surface area of 30% , a front setback of 25 feet and a side setback of 10 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 placing the addition within the setbacks 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 mitigation plan and elevations submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to 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: July 1, 2024

RE: VARIANCE CASE V24-055
2255 Goodwood Boulevard – Increase the maximum impervious surface area from 30% to 38.5%

VARIANCE CASE V24-060
2255 Goodwood Boulevard – Reduce the front setback from 25 feet to 24.5 feet

VARIANCE CASE V24-061
2255 Goodwood Boulevard – Reduce the side setback from 10 feet to 6 feet

BACKGROUND

The applicant is requesting several variances for an addition at 2255 Goodwood Boulevard: increase the maximum impervious surface area from 30% to 38.5%, reduce the front setback from 25 feet to 24.5 feet and reduce the side setback from 10 feet to 6 feet. Section 801 controls the setbacks and maximum impervious surface area for properties zoned RTD.

ANALYSIS

The subject parcel is currently a 0.12-acre lot located on the south side of Goodwood Boulevard within the Oakley Downs subdivision (see Figure 1). The subject parcel and all adjacent parcels are zoned RTD and are occupied by attached single-family townhomes.

The applicant is proposing to remodel the existing 1,607 square foot three-story townhome by adding a 1,076 square foot addition on the northwestern side of the home. The addition will consist of added square footage on all three levels: the lower level will be completely remodeled, enclosing the one-car garage to create a laundry and flex room and adding a new family room and master suite; the main floor will expand the living room and create a dining room and office, and the upper floor will expand to include an additional living space. The addition will have a hardy plank façade, painted to match the existing home.

The existing home is pushed to the southeast of the property with a large front and side yard due to the triangular shape of the lot and its relation to the connected townhome. Due to this irregular shape, the applicant is proposing to extend the line of the existing home with a 0.5-foot encroachment into the front setback and 4-foot encroachment into the side setback. Since the western side of the home is on the 10-foot side setback and the front porch is already at the 25-

foot front setback, any expansion in line with the existing foundation and floor plan would create a setback encroachment. Thus, the hardship is not self-created.

After the proposed addition of 465 square feet of impervious surface to the property, the impervious surface area will be above the allowable 30% by 8.5% (or 430 square feet). To offset the increase in impervious surface area, the applicant is adding a gravel pit in front of the new addition. The City Engineer has reviewed the application in concept only and is supportive of the proposed mitigation method with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to building permit issuance. A full review of the mitigation plan will be conducted with the building permit application.

The variances proposed are the minimum variances needed to construct any type of addition in line with the current home due to the triangular geometry of the lot. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. 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 RTD zoning district, which requires a maximum impervious surface area of 30% , a front setback of 25 feet and a side setback of 10 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 placing the addition within the setbacks 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 mitigation plan and elevations submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

Figure - 1



Figure - 2
Site Plan

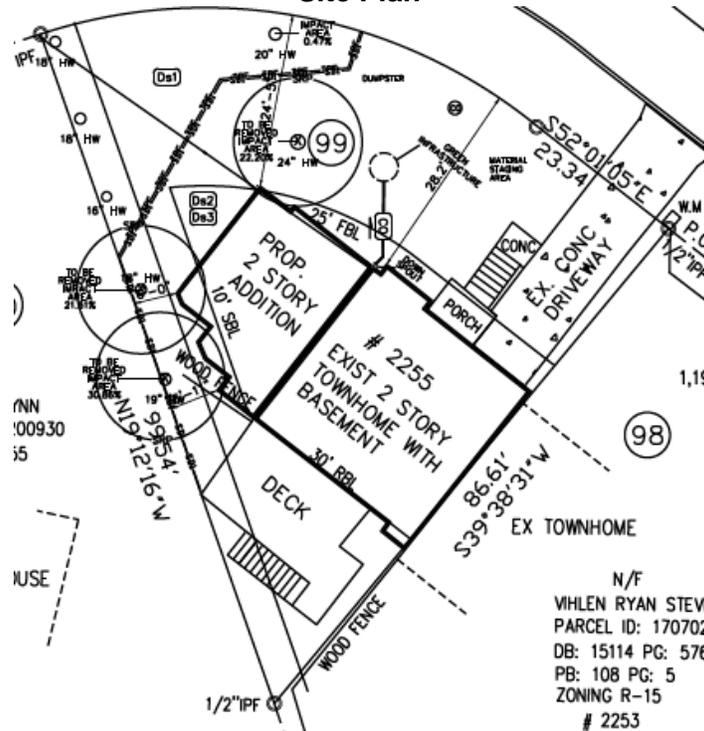


Figure – 3
Front and Side Elevations



PROPOSED FRONT ELEVATION 1/4" = 1'-0"

PROPOSED RIGHT ELEVATION 1/4" = 1'-0"

Figure – 4
Subject Property



Figure – 5
Location of Proposed Addition



Figure – 6
Adjacent Properties to the East

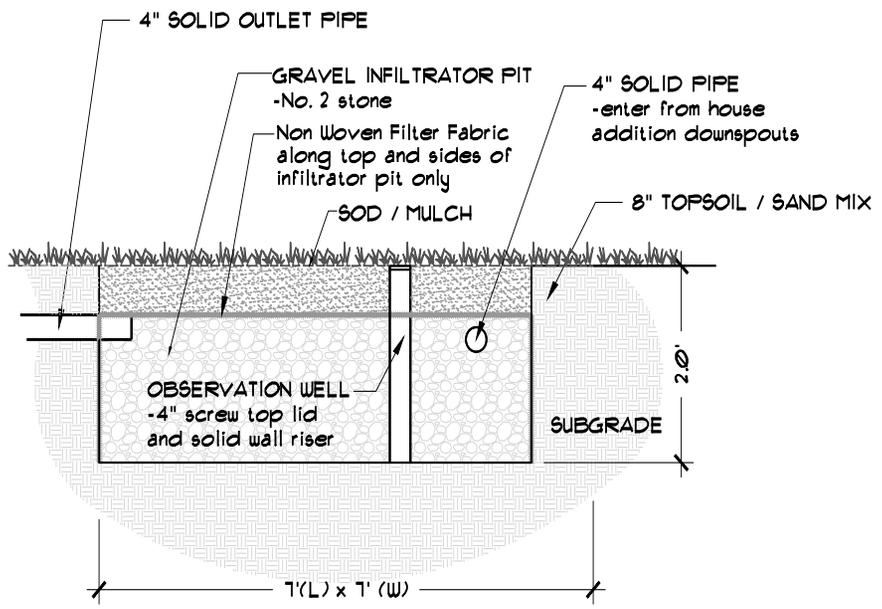


Figure – 7
Adjacent Property to the West



Figure – 8
Adjacent Property across Goodwood Boulevard





- NOTES:**
1. ALL PIPES WITHIN INFILTRATION PIT TO BE CAPPED & PERFORATED
 2. ALL WATER FROM PROPOSED IMPERVIOUS SURFACES TO FLOW INTO PIT

WATER QUALITY CALCULATIONS	
Total new impervious - House addition	464 sf
GRAVEL PIT TO BE USED FOR WATER QUALITY	
Volume: $464 \times .083 = 38.5$ cu ft	
Void factor: $38.5 / 0.4 = 96.25$ cu ft required (incl stone void space)	
7'x7'x2' gravel pit provided (98.0 cu ft)	

GRAVEL PIT DETAIL
 scale : 1/2" = 1'-0"

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION

Ridley H Hailey
 Level II Certified Design Professional

CERTIFICATION NUMBER: 0000097327
 ISSUED: 02/25/2022 EXPIRES: 02/25/2025

RUNOFF REDUCTION BMP & CALCULATION

2255 Goodwood Blvd
 Smyrna, GA 30080

May 18, 2024

Variance Application

VAR-24-41

Submitted On: Jun 3, 2024

Applicant

 Christopher Tzegaegbe
 404-552-0964
 @ starcon11@yahoo.com

Primary Location

2255 GOODWOOD BLVD SE
SMYRNA, GA 30080

Applicant Information

First Name

Christopher

Last Name

Tzegaegbe

Street Address

2360 Park Estates Dr

City

Snellville

State

GA

Zip Code

30078

Email

starcon11@yahoo.com

Phone Number

4045520964

Are you the titleholder of the subject property?

No

Titleholder Information

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

Danielle Davis

Street Address

2255 Goodwood Blvd SE

City

Smyrna

State

GA

Zip Code

30080

Email Address

ddavis21@gmail.com

Phone Number

4047966495

Property Information

Property Address

2255 Goodwood Blvd SE

Description of Requested Variances

Variance application to increase the allowable impervious surface area due to Owners intent to add to the existing building on the right elevation of the property which will increase the impervious lot coverage beyond the maximum allowed of 30%. The proposed improvement will increase the impervious lot coverage to 38%

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. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
2. The locations of all streams on the property, including along property boundaries;
3. The location and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The long-term and construction water-quality impacts of the proposed variance;
6. Whether as a result of an exchange of buffer area the net buffer area is not reduced; and
7. Whether issuance of the variance is at least as protective of natural resources and the environment.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

Danielle Davis and Star Construction & Development Inc. would like to request a variance at 2255 Goodwood Blvd. The scope of the project would be to add a two-story side addition on the left side of the home, including an additional bedroom, full bathroom and walk-in closet. Also adding more curb appeal to the exterior of the house with added windows and painting the entire home giving the home a brand-new look. The project will change the lot coverage to 37.58%. To allow room for the addition, three trees will be removed and placed elsewhere on the lot per the site plan.

Danielle has lived in the home since 2010. Danielle has enjoyed living in the community and is a loyal resident to the city. She has really grown to absolutely love the neighborhood and all the wonderful neighbors around them. She recently married and Ray, her husband, and his two children moved into the home. Daniella and Ray are now very excited to be expecting their first child. Both Danielle and Ray work from home and need offices in addition to a nursery for the new baby and additional storage space. They love the house so much but are in need of a little more space to grow in. Given the very unique lot they live on, we have decided the only way to get more space is to extend the home.

The variance requested would include increasing the lot coverage to 37.58%. The proposed addition remains within the existing set back lines and will not encroach into any setbacks or neighboring yards.

The Proposed Variance Will:

1. Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable
2. The house is already complying. We are only asking to increase the lot coverage to make it more usable to the current homeowners of the property. They currently need an office, additional bedroom, and additional storage space.
3. Not alter the essential character of a neighborhood
4. Continue to blend in and match other existing homes and enhance the character of 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, Danielle Davis, swear that I am the Property Owner of the property located at 2255 Goodwood Blvd SE, Smyrna, GA 30080 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): Star Construction & Development, Inc.

Business Contact Person: Christopher Tzegaegbe

Business Address: 2360 Park Estates Drive, Snellville, GA 30078

Contact Telephone: 404-552-0964

Contact Email: starcon11@yahoo.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.)

Danielle Davis
Signature of Property Owner

2255 Goodwood Blvd SE
Address

Danielle Davis
Name of Property Owner (print clearly)

Smyrna, GA 30080
City, State, Zip

9589 0710 5270 0293 977J 54

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Sent To 2298 Goodwood Blvd
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From: [Mike Hickenbottom](#)
To: [Caitlin Crowe](#)
Subject: RE: 2255 Goodwood Blvd
Date: Monday, June 17, 2024 9:45:23 AM

Hey Caitlin,

Yes all the taxes are paid in full.

Thank you,

Mike Hickenbottom
City of Smyrna
678-631-5325

From: Caitlin Crowe <ccrowe@smyrnaga.gov>
Sent: Tuesday, June 11, 2024 10:38 AM
To: Mike Hickenbottom <mhickenbottom@smyrnaga.gov>
Subject: 2255 Goodwood Blvd

Good morning Mike,

Can you let me know if 2255 Goodwood Blvd is up to date on their taxes?

Thank you!

Caitlin Crowe
Planner I, Community Development
City of Smyrna
Phone: (678) 631-5360
ccrowe@smyrnaga.gov



Printed: 6/5/2024

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:
TRUIST

DAVIS DANIELLE D

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17070200920	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	\$3,660.73	\$0.00



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