



## License and Variance Board Meeting - Final

August 28, 2024  
10:00 AM

- 
- A. **V24-119** Public Hearing - Variance Request - V24-065 - Reduce the front setback from 35 feet to 10 feet - Land Lot 670 - 3465 Creatwood Trail - Taylor Pounds



# City of Smyrna

## Issue Sheet

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

File Number: V24-119

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**Agenda Date:** 8/28/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** A

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-065 - Reduce the front setback from 35 feet to 10 feet - Land Lot 670 - 3465 Creatwood Trail - Taylor Pounds

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

**ISSUE AND BACKGROUND:**

On behalf of the City of Smyrna's Parks and Recreation Department, the applicant is requesting a variance to reduce the front setback from 35 feet to 10 feet to construct a new pavilion at Creatwood Park. Section 501 regulates the front setback requirements in the R-15 zoning district.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the City's required R-15 front setback requirements. 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. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development 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 routing of the stormwater on and throughout the site shall be addressed and reviewed by the City Engineer prior to land disturbance permit issuance.
3. The park's program features for the Title II Park shall meet ADA requirements to be reviewed by the Fire Marshal's Office prior to building permit issuance.

# 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: August 19, 2024

RE: **VARIANCE CASE V24-065**  
**3465 Creatwood Trail – Reduce the front setback from 35 feet to 10 feet**

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#### BACKGROUND

On behalf of the City of Smyrna's Parks and Recreation Department, the applicant is requesting a variance to reduce the front setback from 35 feet to 10 feet to construct a new a new pavilion at Creatwood Park. Section 501 regulates the front setback requirements in the R-15 zoning district.

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#### ANALYSIS

The subject parcel is a 0.25-acre neighborhood pocket park located on the north side of Creatwood Trail (see Figure 1). The subject parcel and adjacent parcels to the east, west, and south are zoned R-15 whereas the adjacent parcel to the north is zoned RDA. All are occupied by single-family homes with the exception of the subject property, which is occupied by Creatwood Park.

The City of Smyrna's Parks and Recreation Department is proposing a full renovation of the existing neighborhood pocket park known as Creatwood Park. The existing park is comprised of a small, mulched play area with two swing sets, a small rock-climbing wall, and a handful of picnic benches. A stormwater pipe runs the length of the property along Creatwood Trail and then pivots north along the eastern side of the park. The Parks and Recreation Director met with surrounding neighbors in March 2024 to discuss the potential opportunities in the park. During the meeting, the neighborhood expressed the desire to expand the play area and provide a structure for use by both children and adults. The park renovation will include replacing the existing swing structure area with a new, larger mulch area and a range of age-diverse playground equipment complete with a new 480 square foot timber pavilion at the entrance to the park. The pavilion will also cover additional picnic tables so the park can be used in inclement weather if desired. Due to the expansion of the playground and existing stormwater pipes on the eastern side of the park, the applicant is proposing to move the pavilion closer to Creatwood Trail, into the required 35-foot front setback by 25 feet.

The playground is well used since it is in the middle of a subdivision but is not currently suitable for all ages nor accessibilities. The added pavilion and playground equipment will offer more amenities to the residents including improved accessibility. The subject property is unique in

that it is a public park with residential property setbacks, which necessitates the front setback variance to accommodate a usable building; the hardship is not self-created as the property is an existing lot of record. The setback variance requested is the minimum variance needed to build a new pavilion on the subject property while maintaining an adequate play area. At the time of this report, Community Development has not received any calls in opposition to this request.

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## STAFF COMMENTS

The applicant is requesting to deviate from the City's required R-15 front setback requirements. 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. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development 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 routing of the stormwater on and throughout the site shall be addressed and reviewed by the City Engineer prior to land disturbance permit issuance.
3. The park's program features for the Title II Park shall meet ADA requirements to be reviewed by the Fire Marshal's Office prior to building permit issuance.

Figure - 1



Figure – 2  
Site Plan

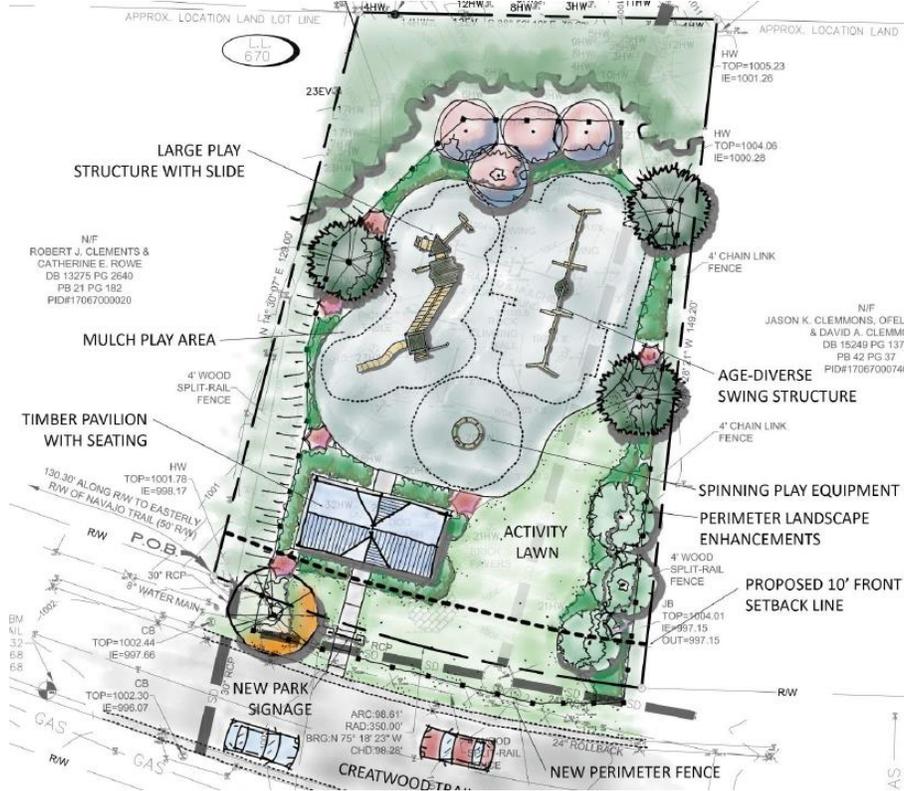


Figure – 3  
Building Elevation



**Figure – 4**  
**Subject Property**



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



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



**Figure – 7**  
**Adjacent Property across Creatwood Trail**



PB 21 PG 182  
PID#17066900170

L.L.  
669

L.L.  
670

APPROX. LOCATION LAND LOT LINE

4' CHAIN LINK FENCE

APPROX. LOCATION LAND LOT LINE

LARGE PLAY STRUCTURE WITH SLIDE

N/F  
ROBERT J. CLEMENTS &  
CATHERINE E. ROWE  
DB 13275 PG 2640  
PB 21 PG 182  
PID#17067000020

MULCH PLAY AREA

4' WOOD SPLIT-RAIL FENCE

TIMBER PAVILION WITH SEATING

130.30' ALONG R/W TO EASTERLY R/W OF NAVAJO TRAIL (50' R/W)

P.O.B.

BM  
PK NAIL  
N: 1407514.32  
E: 2195260.68  
EL: 1001.68

TOP=1002.44  
IE=997.66

TOP=1002.30  
IE=996.07

NEW PARK SIGNAGE

ARC: 98.61'  
RAD: 350.00'  
BRG: N 75° 18' 23" W  
CHD: 98.28'

CREATWOOD TRAIL SE

NEW PERIMETER FENCE

WOOD SPLIT-RAIL FENCE

GAS

ACTIVITY LAWN

SPINNING PLAY EQUIPMENT

PERIMETER LANDSCAPE ENHANCEMENTS

PROPOSED 10' FRONT SETBACK LINE

AGE-DIVERSE SWING STRUCTURE

4' CHAIN LINK FENCE

4' CHAIN LINK FENCE

HW  
TOP=1004.06  
IE=1000.28

HW  
TOP=1005.23  
IE=1001.26

N/F  
JASON K. CLEMMONS, OFELIA M. SIERRA &  
DAVID A. CLEMMONS  
DB 15249 PG 1372  
PB 42 PG 37  
PID#17067000740

7.29.24

CITY OF SMYRNA

SMYRNA, GA

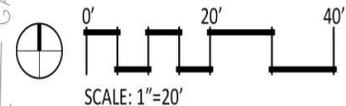
CONCEPT SITE PLAN

CREATWOOD PARK

SMYRNA, GA

FOLEY DESIGN

www.foleydesign.com





TIMBER FRAME PAVILION



DOUBLE TOWER WITH VALLEY BRIDGE PLAY STRUCTURE



SWING FRAME, 5 SEATS



SUPERNOVA

**Variance Application**

**VAR-24-46**

Submitted On: Jul 31, 2024

**Applicant**

 Taylor Pounds  
 14044002926  
 @taylorpounds@foleydesign.com

**Primary Location**

0 CREATWOOD TRL SE  
SMYRNA, GA 30080

**Applicant Information**

**First Name**

Taylor

**Last Name**

Pounds

**Street Address**

950 Lowery Blvd NW

**City**

Atlanta

**State**

GA

**Zip Code**

30318

**Email**

taylorpounds@foleydesign.com

**Phone Number**

404.400.2438

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

No

**Titleholder Information**

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

City of Smyrna

**Street Address**

2800 King St SE

**City**

SMYRNA

**State**

GA

**Zip Code**

30080

**Email Address**

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**Phone Number**

678.631.5397

**Property Information**

**Property Address**

0 Creatwood Trail

**Description of Requested Variances**

Requesting variance to reduce front setback from 35' to 10' for the addition of a pavilion structure and playground at the existing Creatwood Park

**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.**

1. To maximize the space for the public to enjoy, the applicant is seeking variance from the 35' front setback to 10'. It should be noted that the subject property is public park space and no housing unit(s) are proposed). Existing underground utilities do limit the buildable area and is a factor in the front setback reduction.
2. The underground utilities are existing and the property is landlocked by private land owners providing physical constraints that cannot be avoided.
3. Application of the zoning code would limit the potential of maximizing the space for the public to enjoy.
4. The request for a 25' reduction of the front setback was established by thorough studies by a design professional to meet the program request by the applicant (City of Smyrna).

## 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 770-319-5387 / Fax 770-431-2808

I, City of Smyrna, swear that I am the Property Owner of the property

located at: 0 Creatwood Trail (PIN 17067000730)

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Taylor Pounds

Address: 950 Lowery Blvd, Atlanta, GA 30318

Telephone: 404.400.2438 Email: taylorpounds@foleydesign.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

1250 POWDER SPRINGS ST SE  
Address

CITY OF SMYRNA  
Name of Property Owner (print clearly)

SMYRNA, GA 30080  
City, State, Zip

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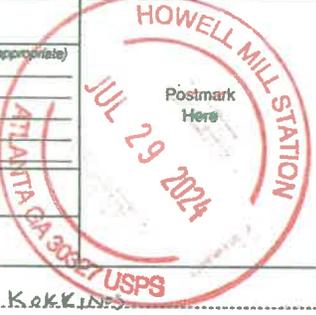
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