



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

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

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

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.

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.

STAFF COMMENTS

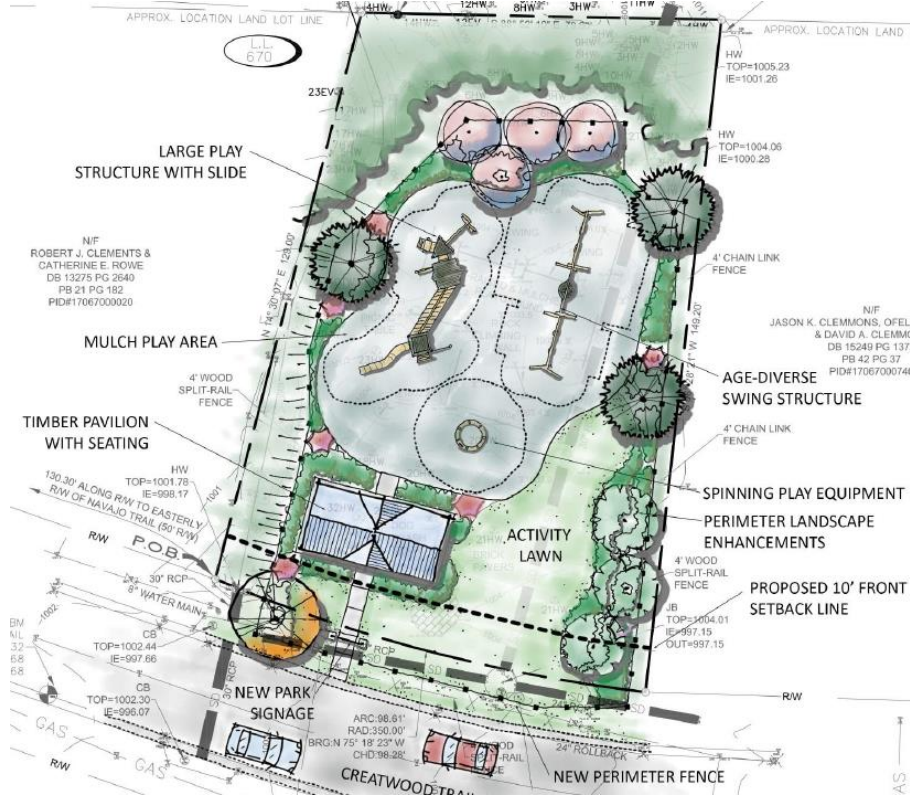
The applicant is requesting to deviate from the City's required R-15 front setback requirements. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (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



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

HW
TOP=1001.78
IE=998.17
130.30' ALONG R/W TO EASTERLY
R/W OF NAVAJO TRAIL (50' R/W)

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

CB
TOP=1002.44
IE=997.66
CB
TOP=1002.30
IE=996.07

NEW PARK
SIGNAGE

CREATWOOD TRAIL SE

ACTIVITY
LAWN

AGE-DIVERSE
SWING STRUCTURE

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

SPINNING PLAY EQUIPMENT

PERIMETER LANDSCAPE
ENHANCEMENTS

PROPOSED 10' FRONT
SETBACK LINE

4' WOOD
SPLIT-RAIL
FENCE

NEW PERIMETER FENCE



0' 20' 40'
SCALE: 1"=20'

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

Street Address

950 Lowery Blvd NW

State

GA

Email

taylorpounds@foleydesign.com

Last Name

Pounds

City

Atlanta

Zip Code

30318

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

City

SMYRNA

Zip Code

30080

Phone Number

678.631.5397

Street Address

2800 King St SE

State

GA

Email Address

--

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.

--

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.

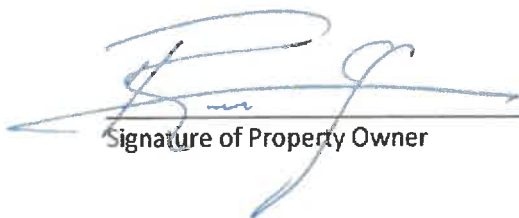
Name of Applicant (print clearly): Taylor Pounds

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

9589 0710 5270 2116 2113 15

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ROBERT CLEMENTS & CATHY KINEZ POWE

Street and Apt. No., or PO Box No.

3439 NAVAJO TRL

City, State, ZIP+4®

SMYRNA, GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



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PHILIP PROPP

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PANAYIOTIS & KIMBERLY KOKKINIS

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SMYRNA, GA 30080

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RAMONA GAY MCLAEY

Street and Apt. No., or PO Box No.

3468 CREATWOOD TRL SE

City, State, ZIP+4®

SMYRNA, GA 30080

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LAURA & NATHANAE L MURRAY

Street and Apt. No., or PO Box No.

3459 NAVAJO TRL SE

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SMYRNA, GA 30080

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[illegible]

LOCATION MAP

[illegible]

BOUNDARY & TOPOGRAPHIC SURVEY FOR
FOLEY DESIGN
LOCATED IN LAND LOT 670
11TH DISTRICT, 2ND SECTION
CITY OF BAYVANA, COBB COUNTY, GEORGIA

[illegible]