



License and Variance Board Meeting - Final

September 11, 2024
10:00 AM

-
- G. V24-072** Public Hearing - Variance Request - V24-072 - Allow rear setback reduction from 25 feet to 14.6 feet - Land Lot 617 - 0.24 acres - 1700 Harlington Road - Dwayne Wiggins



City of Smyrna

Issue Sheet

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

File Number: V24-133

Agenda Date: 9/11/2024

In Control: .

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-072 - Allow rear setback reduction from 25 feet to 14.6 feet - Land Lot 617 - 0.24 acres - 1700 Harlington Road - Dwayne Wiggins

Ward 7 Councilmember - Rickey N. Oglesby Jr.

ISSUE AND BACKGROUND:

The applicant is requesting a variance to reduce the rear setback from 25 feet to 14.6 feet at 1700 Harlington Road to screen an existing deck. 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 Woodland Gate Unit I subdivision plat, which requires 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 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 is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: August 29, 2024

RE: VARIANCE CASE V24-072
1700 Harlington Road – Reduce the rear setback from 25 feet to 14.6 feet

BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 25 feet to 14.6 feet at 1700 Harlington Road to screen an existing deck. The rear setback of 25 feet is regulated by the Woodland Gate Unit I plat, recorded in 2001.

ANALYSIS

The subject parcel is a 0.24-acre lot located on the northwestern side of the cul-de-sac of Harlington Road within the Woodland Gate subdivision (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 an existing 192 square foot deck on the rear of the existing home with a 204 square foot screened-in porch and open deck addition. When the home was built in 2001, the builder encroached into the rear setback by 10.4 feet to build the original deck without obtaining a variance. Since the deck is being enclosed, the property no longer remains legally nonconforming. However, since the existing deck was already nonconforming, the hardship is not self-created. Additionally, no other variances are needed as the property is below their impervious coverage maximum of 45% and the addition does not encroach into the drainage easement in the rear of the property.

The applicant will require relief from the City's building setback requirements to enclose the deck. Community Development believes the hardship is not self-created, as the deck was originally constructed in this location. Community Development believes this is the minimum variance needed to allow for the deck enclosure, and that there should be no negative impacts to adjacent properties if approved. A similar variance was approved earlier in 2024 directly behind the property at 5011 Duxford Drive (V24-049), 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

VARIANCE CASE V24-072

August 29, 2024

Page 2 of 5

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1. Approval of the requested variance is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure - 1

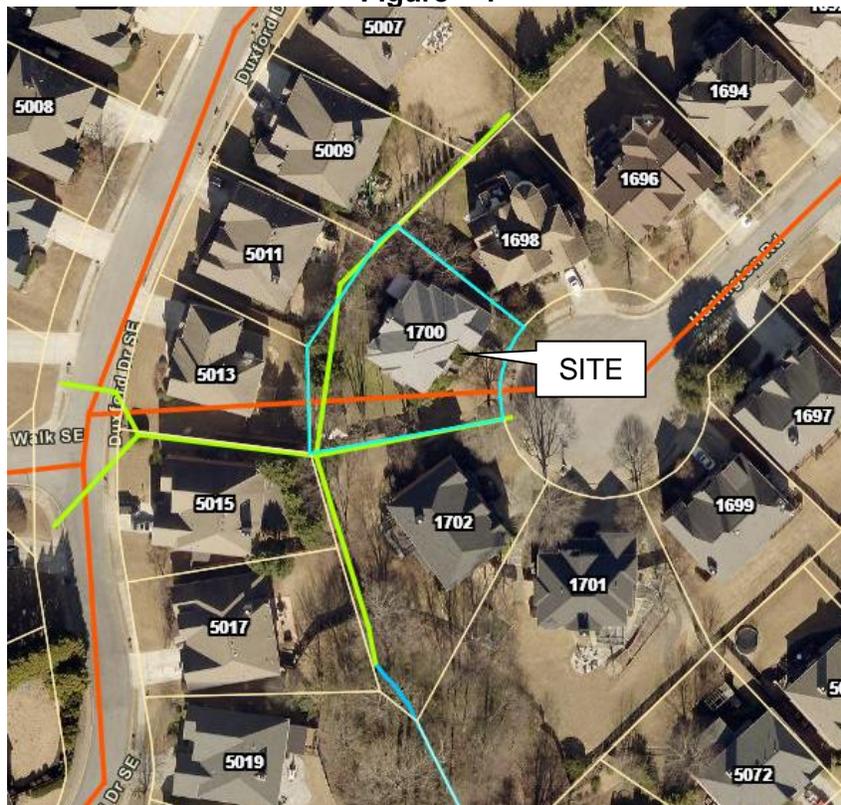


Figure – 2
Site Plan

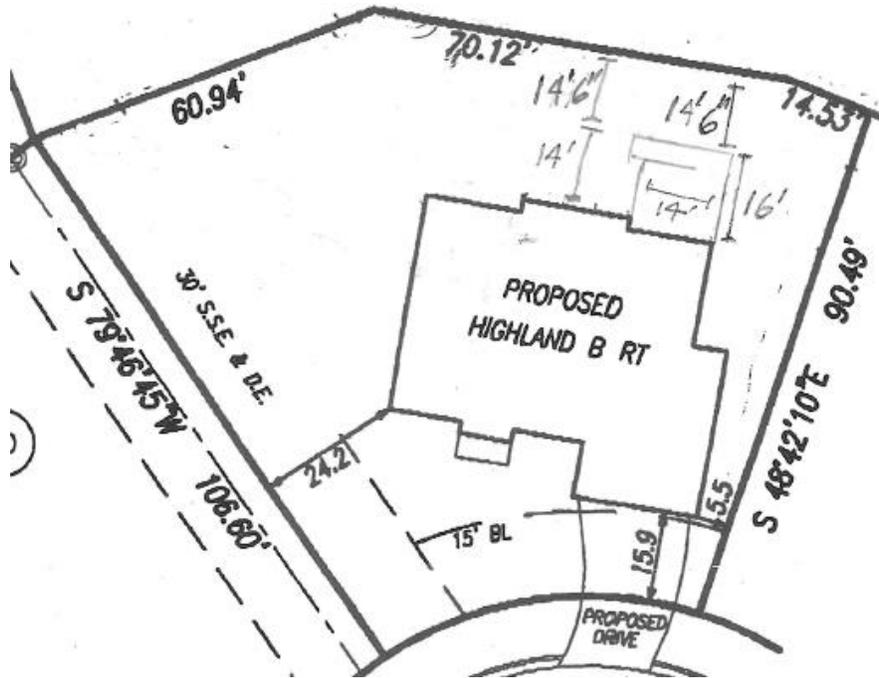


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the North

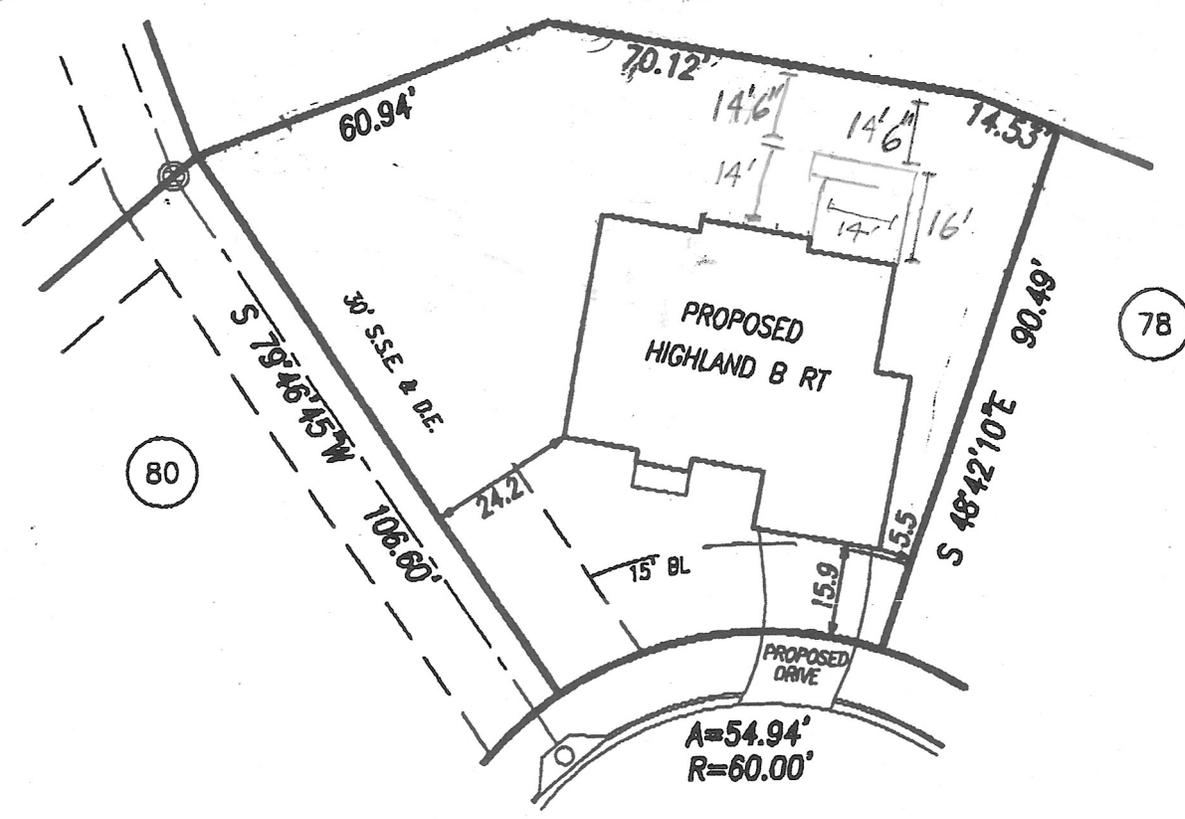
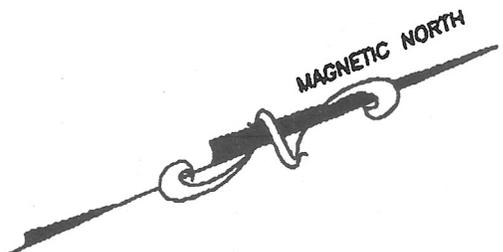


Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property across Harlington Road

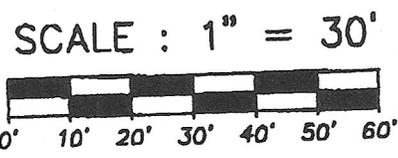




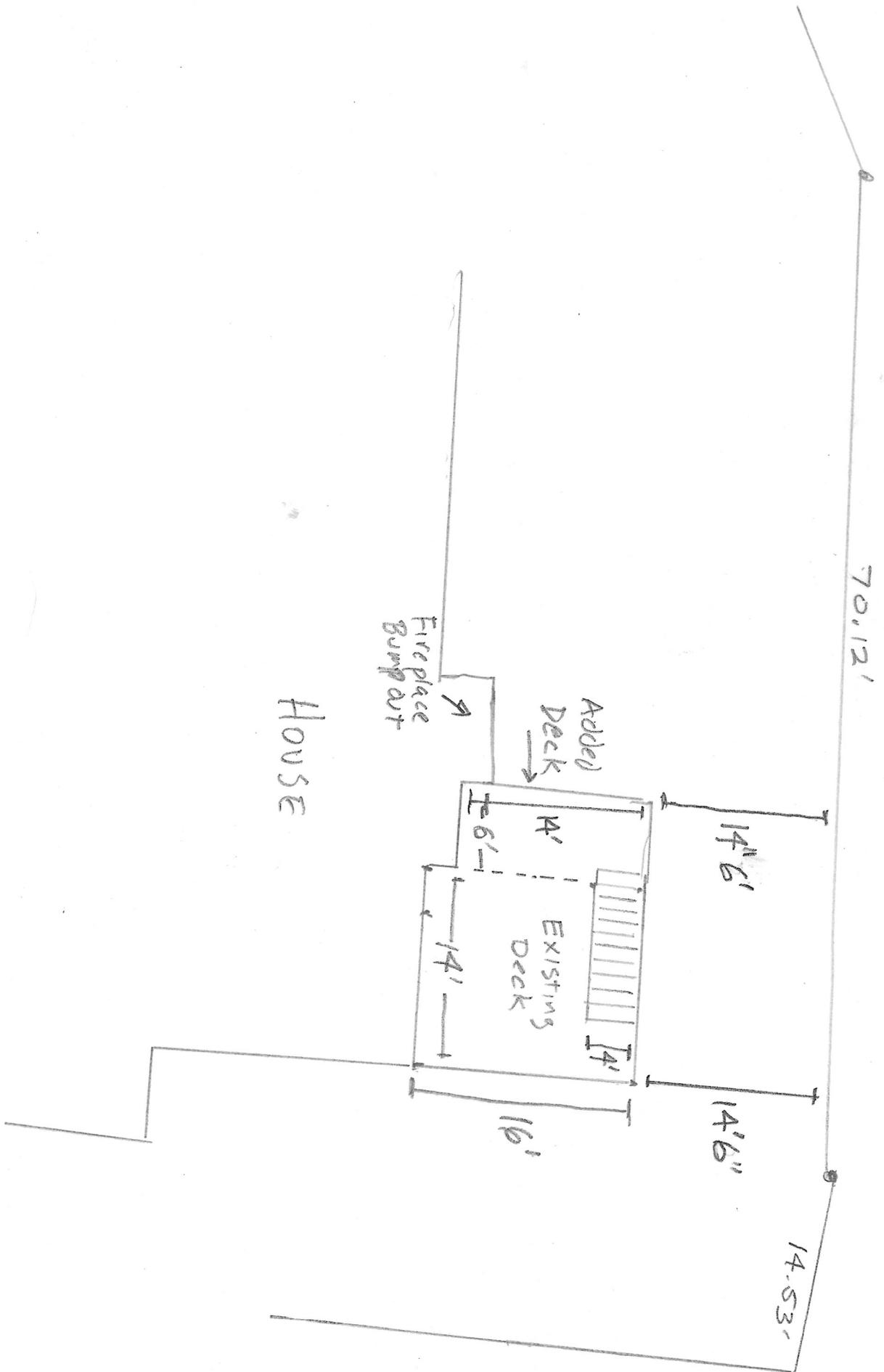
80

78

**HARLINGTON ROAD
50'R/W**



SITE PLAN (H.L.P.) FOR:	
MONTE HEWETT HOMES	
SURVEYING SERVICES BY:	
conroy & associates, P.C.	
LAND LOT: 617	SURVEYED: REVISED:
DISTRICT: 17th Sec. 2	DRAWN: 5-21-01 BY: RF
COUNTY: COBB	SCALE: 1"=30'
LOT 78	4550 ATWATER COURT SUITE 203 BUFORD, GA 30518 770.831.3301 (FAX) 770.831.6284
1700 HARLINGTON ROAD	
WOODLAND GATE UNIT 1	
PLAT BOOK 189, PAGE 56	AA099-79



Variance Application

VAR-24-49

Submitted On: Aug 5, 2024

Applicant

 Dwayne Wiggins
 770-296-9543
 @dwayne@goldstandardcs.com

Primary Location

1700 HARLINGTON RD SE
SMYRNA, GA 30082

Applicant Information

First Name

Dwayne

Last Name

Wiggins

Street Address

1257 Commercial Drive SW Suite C

City

Conyers

State

GA

Zip Code

30094

Email

dwayne@goldstandardcs.com

Phone Number

770 296-9543

Are you the titleholder of the subject property?

No

Titleholder Information

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

John Flynn

Street Address

1700 Harlington Rd Se

City

Smyrna

State

GA

Zip Code

30082

Email Address

jfflynn@hotmail.com

Phone Number

678 662-4081

Property Information

Property Address

1700 Harlington Rd SE Smyrna GA 30082

Description of Requested Variances

Deck rebuild at same distance to property line as existing deck

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.

The new deck will be constructed at the same distance to the property line as the original existing deck.

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, John Flynn, swear that I am the Property Owner of the property located at 1700 Harlington Road, Smyrna, GA 30082

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): Gold Standard Construction Services

Business Contact Person: Dwayne Wiggins

Business Address: 1257 Commercial Drive SW Suite C Conyers, GA 30094

Contact Telephone: 770 296-9543

Contact Email: dwayne@goldstandardcs.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.)

John Flynn
Signature of Property Owner

1700 Harlington Road
Address

John Flynn
Name of Property Owner (print clearly)

Smyrna GA 30082
City, State, Zip

NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LANDOWNERS

By signature, it is hereby acknowledged that I have been notified frt John & Rene Flynn, 1700 Harlington Road, Smyrna Ga

Intends to make an application for a variance for the purpose of Removing existing deck, rebuilding deck with covered roof and

Screen enclosure. Deck will not be moved any closer to property line.

on the premises described in the application.

NAME

[Signature]

ADDRESS

1697 Harlington Road

1698 Harlington Road

1699 Harlington Road

1702 Harlington Road

5009 Duxford Drive

5011 Duxford Drive

5013 Duxford Drive

1701 Harlington Road

[Signature]

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

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NAME

ADDRESS

[Signature]
[Signature]
Emy Hahn
[Signature]
[Signature]
[Signature]
[Signature]

1697 Harlington Road
1698 Harlington Road
1699 Harlington Road
1702 Harlington Road
5009 Duxford Drive
5011 Duxford Drive
5013 Duxford Drive
1701 Harlington Road

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1699 Harlington Road

1702 Harlington Road

5009 Duxford Drive

5011 Duxford Drive

5013 Duxford Drive

Amy Knudson

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City of Smyrna

Parcel Find

PARCEL: 17-0617-0-0730
 LOCATION: 1700 HARLINGTON RD
 NAME: ** VARIOUS **
 EFF DATE: 08/07/2024

YEAR	CAT	BILL #	SC REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2023	RE-R	5708	N 1700 HARLINGTON RD	1,993.94	0.00	0.00
2022	RE-R	5606	N 1700 HARLINGTON RD	1,723.53	0.00	0.00
2021	RE-R	5488	N 1700 HARLINGTON RD	1,723.53	0.00	0.00
2020	RE-R	5435	N 1700 HARLINGTON RD	1,223.84	0.00	0.00
2019	RE-R	5427	N 1700 HARLINGTON RD	1,359.83	0.00	0.00
2018	RE-R	5299	N 1700 HARLINGTON RD	1,359.83	0.00	0.00
2017	RE-R	5403	N 1700 HARLINGTON RD	1,359.83	0.00	0.00
2016	RE-R	5185	N 1700 HARLINGTON RD	1,190.85	0.00	0.00
2015	RE-R	5124	N 1700 HARLINGTON RD	1,190.85	0.00	0.00
2014	RE-R	5082	N 1700 HARLINGTON RD	1,124.47	0.00	0.00
2013	RE-R	5043	N 1700 HARLINGTON RD	1,124.47	0.00	0.00
2012	RE-R	1161030	N 1700 HARLINGTON RD	1,124.47	0.00	0.00
2011	RE-R	1143536	N 1700 HARLINGTON RD	1,124.47	0.00	0.00
2010	RE-R	1125978	N 1700 HARLINGTON RD	1,124.47	0.00	0.00
2009	RE-R	1108366	N 1700 HARLINGTON RD	1,360.19	0.00	0.00
2008	RE-R	1090822	N 1700 HARLINGTON RD	1,288.27	0.00	0.00
2007	RE-R	1073125	N 1700 HARLINGTON RD	1,288.27	0.00	0.00
2006	RE-R	105950	N 1700 HARLINGTON RD	1,314.06	0.00	0.00
2005	RE-R	1039480	N 1700 HARLINGTON RD	1,226.64	0.00	0.00
2004	RE-R	1023878	N 1700 HARLINGTON RD	1,236.90	0.00	0.00
2003	RE-R	1008406	N 1700 HARLINGTON RD	1,243.31	0.00	0.00
				TOTAL DUE NOW	0.00	0.00
				TOTAL UNPAID	0.00	0.00

** END OF REPORT - Generated by Landon O'Neal **



Printed: 8/7/2024

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:
ROCKET MORTGAGE LLC

FLYNN JOHN F & RENE A

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17061700730	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	\$4,788.39	\$0.00



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

