



License and Variance Board Meeting - Final

September 25, 2024
10:00 AM

F. V24-081 Public Hearing - Variance Request - V24-081 - Allow 6-foot wooden fence in the front yard on a corner lot - Land Lot 453 - 961 Sharon Circle - Nick Vinson



City of Smyrna

Issue Sheet

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

File Number: V24-151

Agenda Date: 9/25/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-081 - Allow 6-foot wooden fence in the front yard on a corner lot - Land Lot 453 - 961 Sharon Circle - Nick Vinson

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting several variances to renovate the existing property at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet and streetside setback of 23.3 feet. Section 503-A controls the location and height of fences in the Zoning Code.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting several variances for an addition and fence at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. 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 encroachments and fence will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following condition:

1. Approval of the requested variances shall be conditioned upon the development of the property in 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, Community Development Director
Caitlin Crowe, Planner I

Date: September 17, 2024

RE: VARIANCE CASE V24-079
961 Sharon Circle – Reduce the front setback from 35 feet to 33.4 feet

VARIANCE CASE V24-080
961 Sharon Circle – Reduce the streetside setback from 23.3 feet to 15.6 feet

VARIANCE CASE V24-081
961 Sharon Circle – Allow 6-foot wooden fence in the front yard on a corner lot

BACKGROUND

The applicant is requesting several variances to renovate the existing property at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. The development standards established by the City for the R-15 zoning district require a minimum front setback of 35 feet and streetside setback of 23.3 feet. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 0.30-acre lot located at the northwest intersection of Ridgecrest Road and Sharon Circle (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15; all are occupied by detached single-family homes.

The applicant is proposing to fully renovate the existing 1,240 square foot home with a 570 square foot addition in the rear of the existing house. The renovations will add a new owner's suite complete with walk-in-closet and bathroom, a new deck, and new carport as well as reconfiguring the interior to create a total of 3 bedrooms and 3 ½ bathrooms. With the renovations, the home will be 1,810 square feet, bringing the home closer to compliance with the R-15 floor area requirement of 2,000 square feet.

The existing home currently has an uncovered 16 square foot concrete front stoop. As part of the overall renovation, the applicant is proposing to replace the existing stoop with a 97 square foot covered front porch to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home is 4.4 feet from the front setback line, leaving little room for a roof on the existing front porch, much less any other frontward expansion. The applicant has

proposed the new porch 33.4 feet from the front property line and will thus encroach on the front setback by 1.6 feet. Community Development believes the variance requested is the minimum variance needed to construct a usable front porch on the subject property.

Per the Cobb County Tax Assessor, the existing detached carport was built with the home in 1953, prior to the adoption of the current Zoning Ordinance in 1974. The applicant is proposing to remove the existing structure and replace it in the same location with a new attached carport. Due to the existing driveway location, the most logical area to construct the carport is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors. Since the existing carport is currently non-conforming, the hardship is not self-created.

Due to the property having road frontage on both Ridgecrest Road and Sharon Circle, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 23.3 feet from the property line off Ridgecrest Road. Being a corner lot on a frequently traveled road, the privacy and safety can often be compromised. Thus, the applicants are requesting a variance to allow a six-foot wooden privacy fence to replace the existing 4-foot chain link to provide security and privacy from the busy roadway. Due to the corner lot, Community Development believes it is the minimum variance needed to enclose the rear yard with a privacy fence.

Strict application of the ordinance would deny the applicant the ability to add any building square footage to the subject property without moving the foundation of the existing home. The variances proposed are the minimum variances needed to increase the home's footprint and bring it closer to compliance with R-15 standards. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved. At the time of this report, Community Development has not received any calls in opposition to the requests.

STAFF COMMENTS

The applicant is requesting several variances for an addition and fence at 961 Sharon Circle: to reduce the front setback from 35 feet to 33.4 feet, reduce the streetside setback from 23.3 feet to 15.6 feet, and allow a 6-foot wooden fence in the front yard on a corner lot. 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 encroachments and fence will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following condition:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Figure - 1



Figure - 2
Site Plan

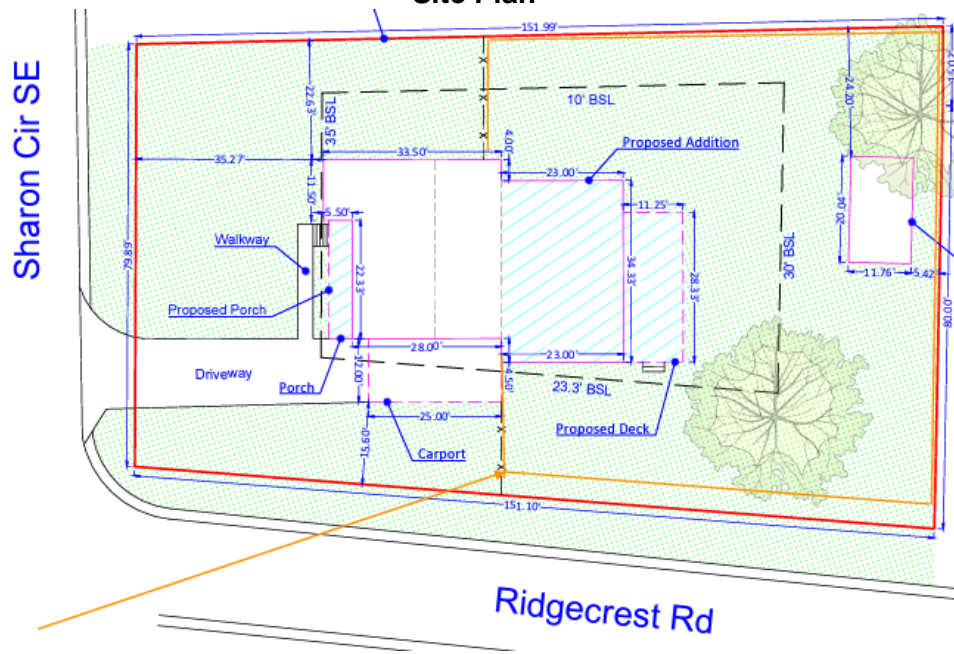


Figure – 3
Proposed Front Elevation from Sharon Circle



Figure - 4
Subject Property from Sharon Circle



Figure - 5
Subject Property from Ridgecrest Road



Figure - 6
Adjacent Property to the West



Figure - 7
Adjacent Property to the North



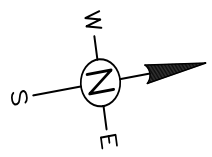
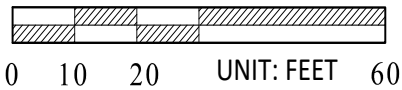
Figure - 8
Adjacent Property across Sharon Circle



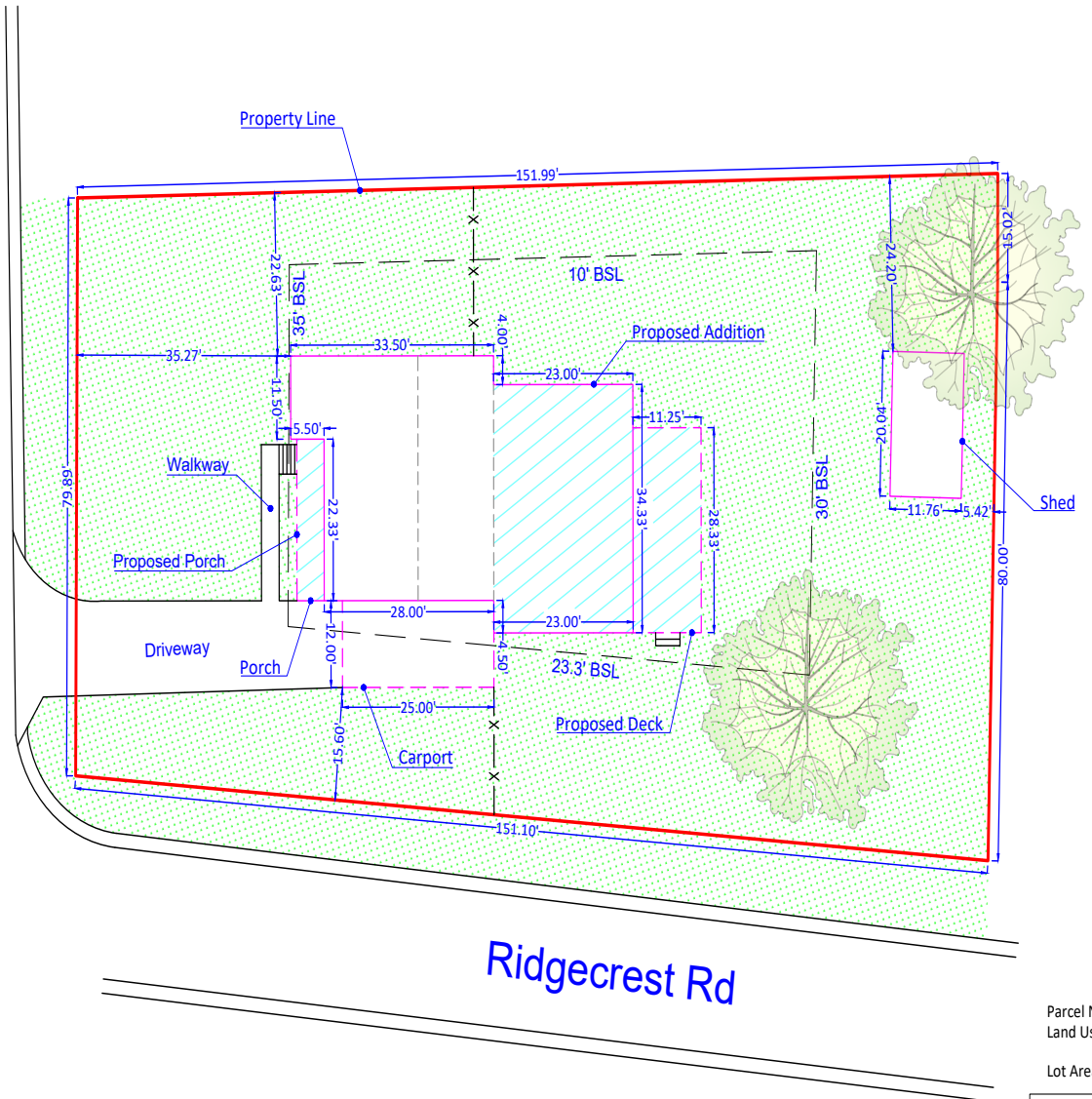
Figure - 9
Adjacent Property across Ridgecrest Road



SITE PLAN



Sharon Cir SE



Ridgecrest Rd

Parcel No. (APN) 17045301100
Land Use RESIDENTIAL
SINGLE FAMILY RESIDENCE
Lot Area 13,547 SF (0.31 ACRES)

ADDRESS: 961 Sharon Cir SE
Smyrna, GA 30080
Scale: 1"=20'

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

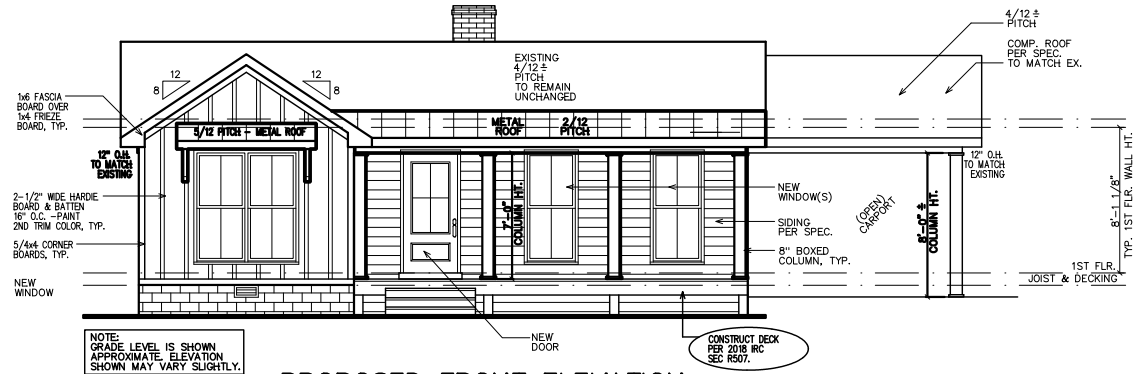
8-19-24
24-1045



DESIGN ■ PLANNING ■ PALETES
4199 IDLEWOOD PARK COURT
TUCKER, GEORGIA 30084
PH: 404.441.8067 FX: 770.908.0024
WWW.CSDESIGNGROUPLLC.COM
CHRIS@CSDESIGNGROUPLLC.COM



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

961 SHARON CIRCLE SE, SMYRNA, GEORGIA

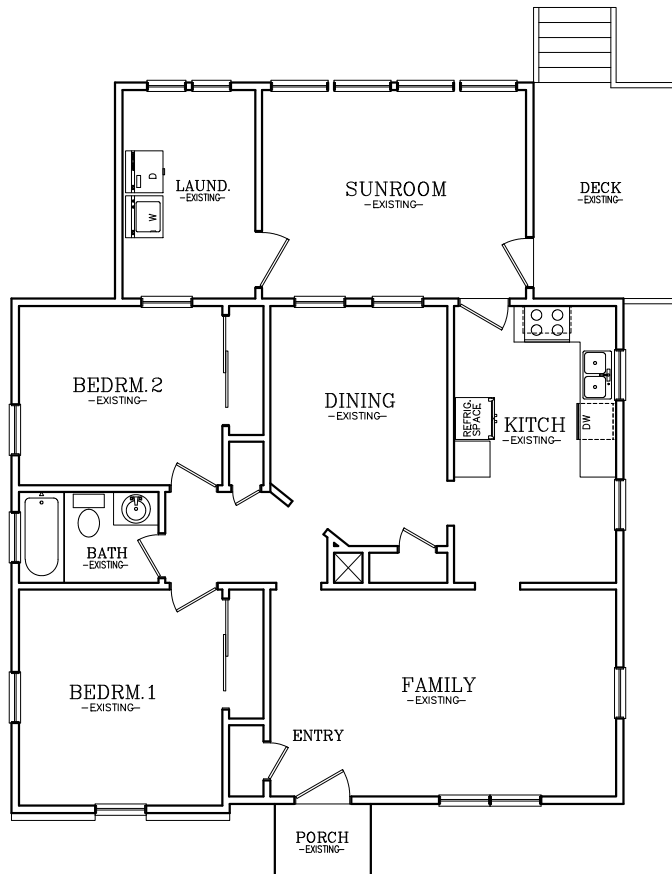
**HARMONY HOME
BUILDERS LLC**

NICK & LAURA VINSON
970 PINEDALE DRIVE
SMYRNA, GA 30080
(770) 853-7905

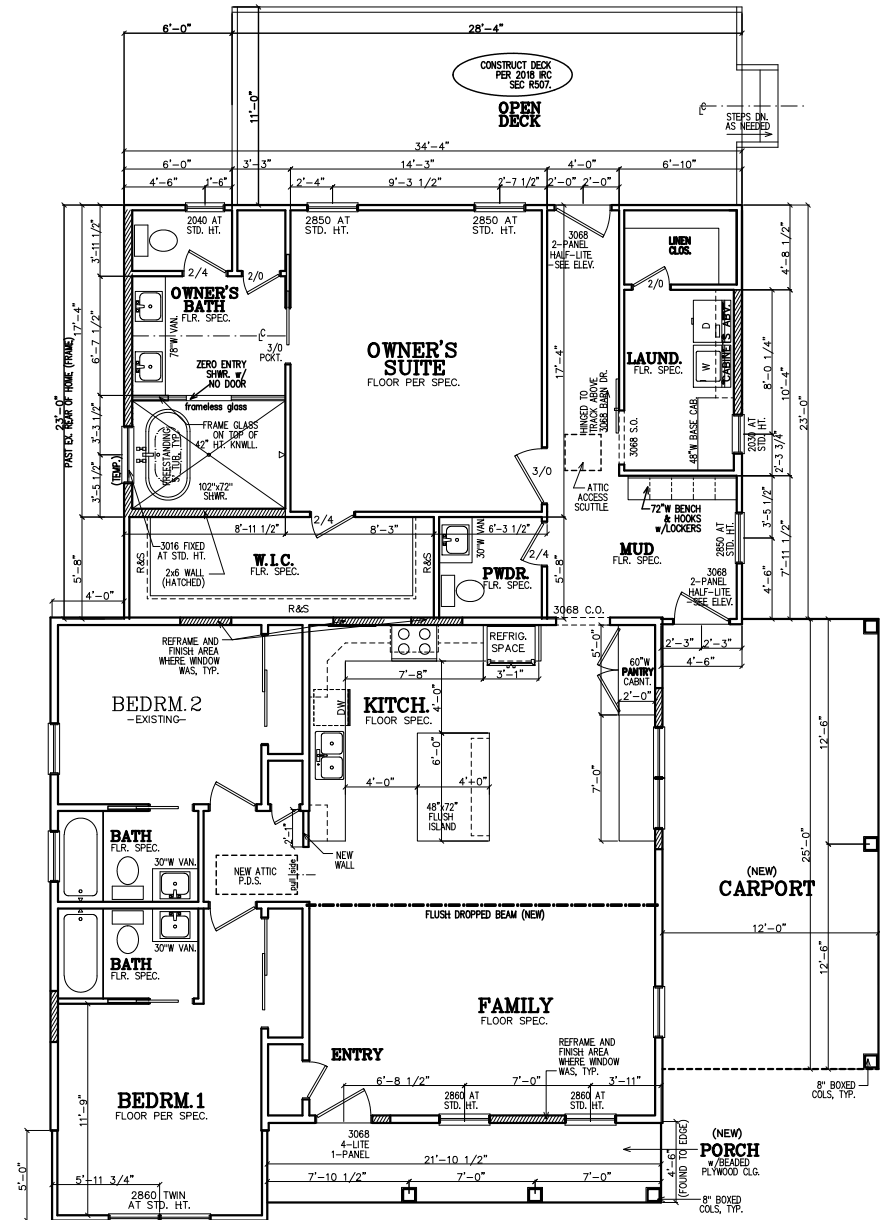
8-19-24
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4199 IDLEWOOD PARC COURT
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PH: 404.441.8067 FX: 770.908.0024
WWW.CSDESIGNGROUPLLC.COM
CHRIS@CSDESIGNGROUPLLC.COM



EXISTING FIRST FLOOR
EX. TOTAL
1240 S.F.



PROPOSED FIRST FLOOR
NEW TOTAL
1810 S.F.

**HARMONY HOME
BUILDERS LLC**

NICK & LAURA VINSON
970 PINEDALE DRIVE
SMYRNA, GA 30080
(770) 853-7905

961 SHARON CIRCLE SE, SMYRNA, GEORGIA

Variance Application

VAR-24-58

Submitted On: Aug 24, 2024

Applicant

 Nick Vinson
 770853-7905
 @ nick@ourmethod.com

Primary Location

961 SHARON CIR SE
SMYRNA, GA 30080

Applicant Information

First Name

Nick - Harmony Home Builders LLC

Last Name

Vinson

Street Address

970 Pinedale Dr SE

City

Smyrna

State

Georgia

Zip Code

30080

Email

nick@ourmethod.com

Phone Number

7708537905

Are you the titleholder of the subject property?

No

Titleholder Information

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

Brenda Greenwood

Street Address

302 PICKETTS WAY ACWORTH GA 30101

City

Acworth

State

Georgia

Zip Code

30101

Email Address

stagedbd@gmail.com

Phone Number

404-820-7733

Property Information

Property Address

961 Sharon Circle SE Smyrna, GA 30080

Description of Requested Variances

Applying for a reduction in the front setback and side setback to accomodate our architectural plans to enhance the property and the neighborhood. Also applying to replace the current chainlink fence with a 6' wooden picket fence.

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.

Based on the survey and architectural plans submitted, we are requesting the cities approval for a variance for an 8-inch reduction in the front setback to accommodate a bump-out for the front porch and an interior third full bathroom. Additionally, we are applying for a variance to construct a 12-foot carport on the right side of the property. Given that this is a corner lot with a 23.3-foot side setback, the proposed carport should not obstruct the sight line. There is an existing carport, and our plan is to build a new one attached to the house, in line with our architectural designs.

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, Brenda Greenwood, swear that I am the Property Owner of the property

located at: 961 Sharon Circle. Smyrna GA 30080

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): Nicholas Vinson with Harmony Home Builders LLC

Address: 905 Liberty Hill Road. Marietta, GA 30066

Telephone: 770.853.7905 Email: nick@ourmethod.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.)

Brenda Greenwood

dotloop verified
08/22/24 10:47 AM EDT
DAMH-K1JD-G7E-EKTB

Signature of Property Owner

961 Sharon Circle

Address

Brenda Greenwood

Name of Property Owner (print clearly)

Smyrna, GA 30080

City, State, Zip

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

Smyrna, GA 30180

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee if applicable)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.72

Total Postage and Fees \$5.57

Sent To

Debra Lane

Street and Apt. No., or PO Box No. 971 Pinehole Dr

City, State, ZIP+4[®] Smyrna, GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9048 See Reverse for Instructions

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee if applicable)
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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.72

Total Postage and Fees \$5.57

Sent To

Daniel Pruitt

Street and Apt. No., or PO Box No. 1020 Ridgecrest Dr

City, State, ZIP+4[®] Smyrna, GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9048 See Reverse for Instructions

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Postage \$0.72

Total Postage and Fees \$5.57

Sent To

Brenda Greenwood

Street and Apt. No., or PO Box No. 960 Sharon Cir

City, State, ZIP+4[®] Smyrna, GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9048 See Reverse for Instructions

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.72

Total Postage and Fees \$5.57

Sent To

Printz Properties LLC

Street and Apt. No., or PO Box No. 1122 Wetherford Ave

City, State, ZIP+4[®] Smyrna, GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9048 See Reverse for Instructions

Real Estate (Your House or Land)

Home

Citizen Self Service

Personal Property (Boats, etc.)

Real Estate (Your House or Land)

View Bill

Charges

Property Detail

Owner Information

Assessment

Assessment History

Tax Rates

All Bills

Contact Us

Search Results

New Search

View Payments

Utility Billing

View all images

View Bill		View Bill Image	
As of	8/24/2024		
Bill Year	2023		
Bill	16750		
Owner	STROUPE JAMES R & DEBORAH A		
Parcel ID	17045307100		
View Assessment History			
Installment	Pay By	Amount	
1	11/15/2023	\$1,085.45	
TOTAL		\$1,085.45	
			</



1ax Search and Pay

- [Overview & Pay](#) [View & Print Bill](#) [View & Print Back of Bill](#) [View & Print Receipt](#) [Address Change/Ownership Change Notification](#) [Alerts](#)

[Back to Search](#)

Owner Information

STROUD, JAMES R & DEBORAH A
3830 LAKE DR SE
SMITH, GA 30082

Property Information

Parcel Number: 1104330100
Acres: 0
Assessed Value: \$116,088
Fair Market Value: \$230,170
Tax District: 6 - City of Smyrna
Homestead Exemption: NONE

Property Address

891 SHARON CIR

Payment Information

Status: **Paid**
Last Payment Date: 06/22/2023
Amount Paid: \$3,182.41

Bill Information

Record Type: Parcel
Bill Type: Original
Tax Year: 2023
Due Date: 10/16/2023

Taxes

State Taxes: \$3,182.41
Penalty: \$0.00
Interest: \$0.00
Fees: \$0.00
Good Through: \$0.00
Balance Due: \$0.00

[Search for Additional Records](#)

Jurisdictions

Jurisdiction	40% Assessed Value	- Less Exemption	- Net Tax Value	x Millage	= Tax
SCHOOL GENERAL	116,088	0	116,088	0.018700	\$2,170.47
SCHOOL BOND	116,088	0	116,088	0.000000	\$0.00
COUNTY GENERAL	116,088	0	116,088	0.008460	\$981.94
COUNTY BOND	116,088	0	116,088	0.000000	\$0.00
STATE	116,088	0	116,088	0.000000	\$0.00



No Building Shall Be Erected Any Closer Than
 30' to Street Line Or 25' from Street Line Where Street
 Is 40' Wide or Less
 No Building Shall Be Erected On Any Lot Containing
 Less Than Four Acres Or 1/2 Acre Than One Hundred Feet
 From Any Other Building Or Structure
 Excepted Herein These Streets to Public Use
 Be Maintained As Such By The County
 Under Rights Acquired This Plan For
 Subdivision.

Signed

Approved

Chairman Cobb County Planning
 Commission

PLAT OF SUBDIVISION

SMYRNA HEIGHTS

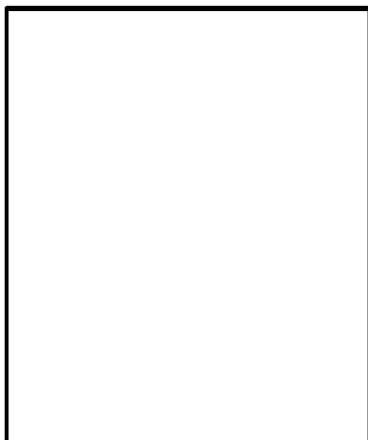
Lot 1-10-101 102-103-104-105 107th Div. Sub. Sec.

COBB COUNTY GA

Scale 1" = 100'

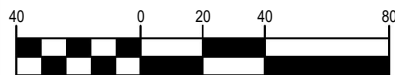
Nov. 1951

P. S. 1011 Co. Reg. 71-1-1 A Page 54 Map 4444



RESERVED FOR CLERK OF THE SUPERIOR COURT

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

SURVEYORS CERTIFICATION

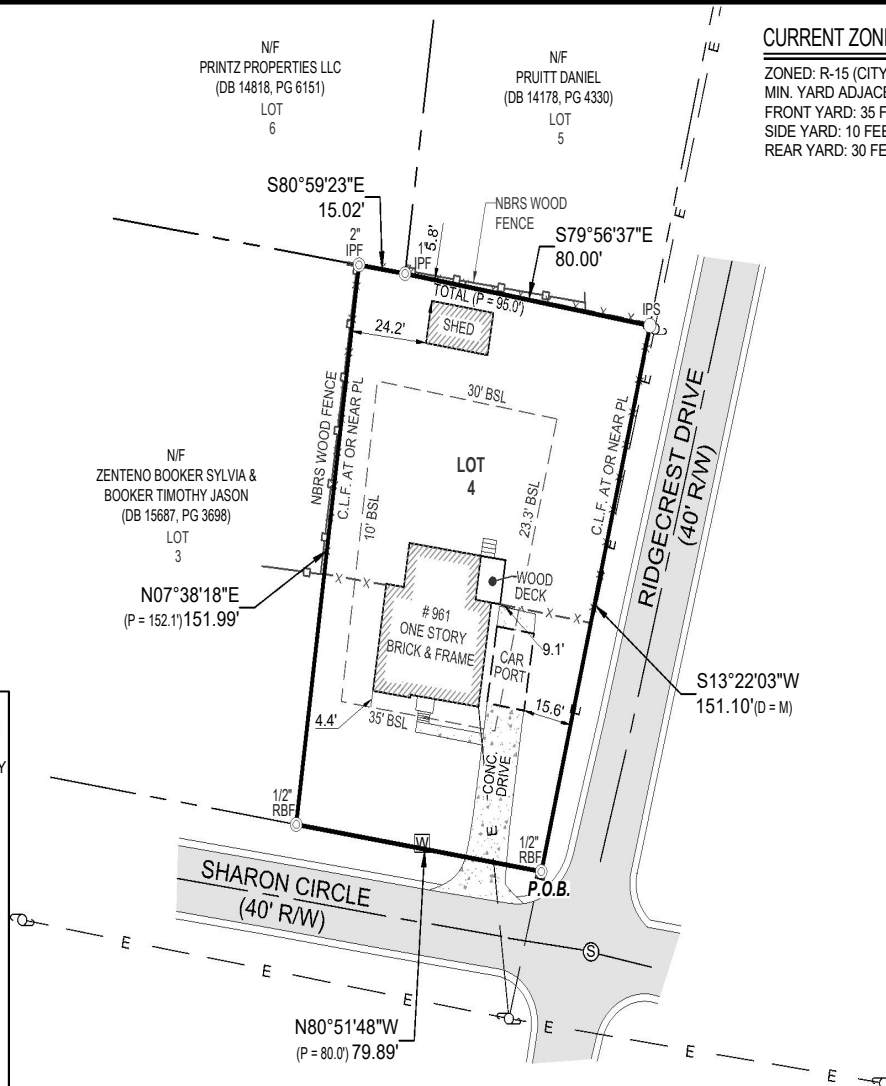
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION 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.

Cullen Preston Hardee

08/09/2024

CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144

DATE



CURRENT ZONING

ZONED: R-15 (CITY OF SMYRNA)
MIN. YARD ADJACENT TO PUBLIC STREET
FRONT YARD: 35 FEET
SIDE YARD: 10 FEET
REAR YARD: 30 FEET

LEGEND

- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- JUNCTION BOX
- SANITARY SEWER MANHOLE
- DROP INLET
- R/W MONUMENT
- SINGLE WING CATCH BASIN
- DOUBLE WING CATCH BASIN
- CURB INLET
- HEADWALL
- GAS METER
- GAS VALVE
- ELECTRIC TRANSFORMER
- TELEPHONE PEDESTAL
- LIGHT POST
- 1/2 IRON PIN SET (IPS)
- REBAR FOUND (RBF)
- CONC. MONUMENT FOUND (CMF)
- CALCULATED POINT
- CHAIN LINK FENCE
- CRIMP TOP PIPE FOUND
- OPEN TOP PIPE FOUND
- IRON PIN OR ROD FOUND

AREA
13,245 sq. ft.
0.30 acres

SURVEY NOTES

- EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF $02''$ PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 209,572 FEET.
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF CITY OF SMYRNA, GEORGIA COMMUNITY PANEL NUMBER 13067C0207J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

UNITED LAND SURVEYING, LLC. ALL RIGHTS ARE RESERVED. ANY POSSESSION, REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM UNITED LAND SURVEYING, LLC. IS EXPRESSLY PROHIBITED.

JOB NUMBER:
24-340



PLAT DATE: 07/30/2024
FIELD DATE: 07/22/2024
SCALE: 1" = 40'
DRAWN BY: E.L.Z.
REVIEWED BY:

REVISIONS

1.	REVISED - 08/01/2024
2.	PER CLIENT'S COMMENTS - 08/07/2024
3.	ADDED TIES PER CLIENT REQUEST - 08/09/2024
4.	

LEGAL REFERENCE:

DEED BOOK: 16206	PAGE: 1759
PLAT BOOK: 9	PAGE: 196-197

SHEET 1 OF 1

AS-BUILT BOUNDARY SURVEY
HARMONY HOMES BUILDER, LLC
LOT 4, BLOCK G
SMYRNA HEIGHTS SUBDIVISION
LAND LOT 453, 17TH DISTRICT
2ND SECTION, COBB COUNTY
GEORGIA

1258 CONCORD ROAD SE SUITE 103
SMYRNA, GEORGIA 30080
Ph. (678) 293-5232

VISIT US ON OUR WEBSITE:
www.united-uls.com



UNITED LAND SURVEYING
COA NO. LSF 001321