



License and Variance Board Meeting - Final

October 09, 2024
10:00 AM

-
- A. **V24-082** Public Hearing - Variance Request - V24-082 - Allow a gravel parking surface - Land Lot 522 - 2986 King Street - Patricia Ferguson



City of Smyrna

Issue Sheet

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

File Number: V24-153

Agenda Date: 10/9/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-082 - Allow a gravel parking surface - Land Lot 522 - 2986 King Street - Patricia Ferguson

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting a variance to allow a gravel parking surface at the Lavender & Cotton Antique Store at 2986 King Street. The applicant will need a variance from Section 901(b) of the City's Zoning Ordinance which requires parking surfaces to be paved.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's parking requirements, which are established in Section 901(b) of the Zoning Ordinance. 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 variance will not adversely affect surrounding properties and therefore, recommends approval of the requested variance.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: October 1, 2024

RE: VARIANCE CASE V24-082
2986 King Street – Allow a gravel parking surface

BACKGROUND

The applicant is requesting a variance to allow a gravel parking surface at the Lavender & Cotton Antique Store at 2986 King Street. The applicant will need a variance from Section 901(b) of the City's Zoning Ordinance which requires parking surfaces to be paved.

ANALYSIS

The subject parcel is a 0.38-acre corner lot located at the intersection of Concord Road and Love Street, and the intersection of Concord Road and King Street (see Figure 1). The subject parcel is zoned CBD (Central Business District) and is occupied by the Lavender & Cotton Antique Store. The adjacent parcels to the north and west are zoned R-15 and are occupied by single-family detached homes. The adjacent parcel to the east is zoned OI (Office-Institutional) and is occupied by the First United Methodist Church parking lot. The adjacent parcels to the south are zoned LC (Limited Commercial) and GC (General Commercial) and are occupied by a boutique store and a general contractor's office, respectively.

The property was rezoned in February 2023 (Z21-015) to allow for an antique shop and a subsequent land disturbance permit was issued in March 2024 to install the proposed store's parking lot. As part of their civil plans, the applicant was approved for a true-grid pervious paver system for 2,860 square feet of the parking lot for stormwater quality. The true-grid pavers are made of a grid system filled with gravel over a pervious sub-base to allow stormwater to infiltrate. Section 901(b) in reference to the City's parking design standards reads, "Each parking facility shall be graded and paved, including access drives and be curbed when needed for effective drainage control." The City's parking design standards do not provide any exemptions from this requirement for specific uses or zoning districts. Therefore, the applicant is requesting a variance to continue use of the gravel parking area.

The true-grid paver system is designed to aid in stormwater quality on the site. The majority of the parking lot (4,401 square feet), including the driveway entrance and access aisle, are paved with asphalt so no gravel should impact King Street. Additionally, sod and accompanying landscaping have been installed between the gravel parking lot and the home on Love Street as well as between the parking area and Concord Road to keep any gravel from leaving the site.

Community Development is supportive of the proposed variance and does not foresee any negative impacts to the surrounding neighbors. At the time of this report, Community Development has not received any opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the City's parking requirements, which are established in Section 901(b) of the Zoning Ordinance. 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 variance will not adversely affect surrounding properties and therefore, recommends **approval** of the requested variance.

Figure – 1



Figure – 2
Proposed Site Plan

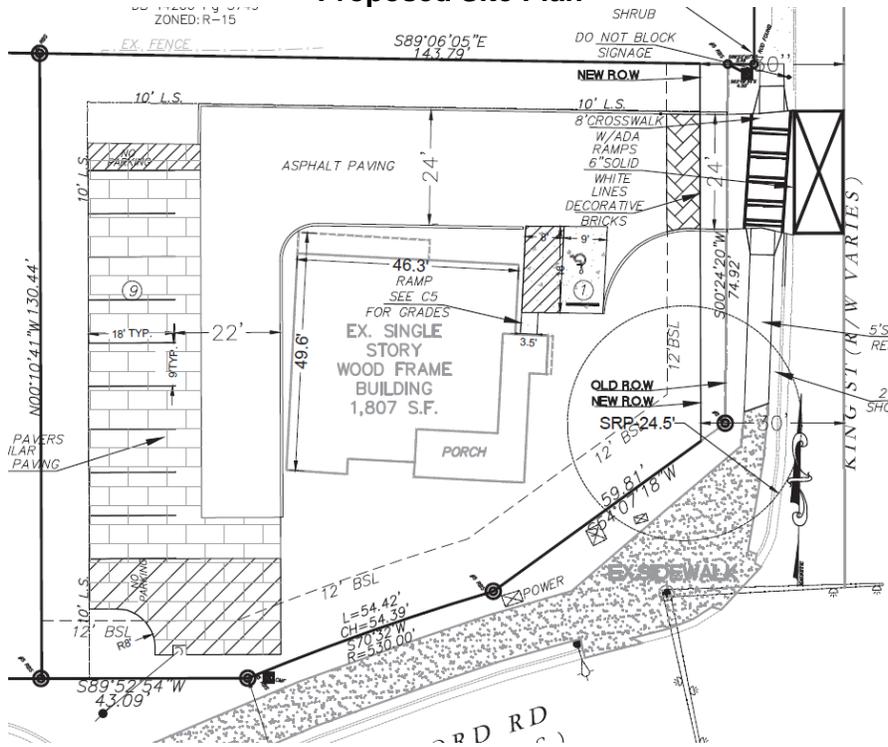


Figure – 3
True-Grid Paver System Prior to Gravel



Figure – 4
True-Grid Paver System with Gravel



Figure – 5
Subject Property from Concord Road



Figure – 6
Subject Property from King Street



Figure – 7
Adjacent Property across Concord Road



Figure – 8
Adjacent Property to the North



Figure – 9
Adjacent Property across Love Street



Figure – 10
Adjacent Property across King Street



Variance Application

VAR-24-59

Submitted On: Sep 3, 2024

Applicant

 Patricia Ferguson

 678-630-9710

@ pattyfish52@gmail.com

Primary Location

2986 KING ST SE
SMYRNA, GA 30080

Applicant Information

First Name

Patricia

Last Name

Ferguson

Street Address

2986 King Street

City

Smyrna

State

Ga

Zip Code

30080

Email

pattyfish52@gmail.com

Phone Number

6786309710

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

2986 king street

Description of Requested Variances

Truegrid pavers/ gravel as part of parking lot

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.

Per the city's approved plan our parking lot requires truegrid pavers/ gravel as a portion of the lot for parking.

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



APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA Type or Print Clearly

APPLICANT: Antiques Wood and Rustics LLC
Representative's Name (print): Patricia A. Ferguson
Address: 2986 King Street, Smyrna, GA 30080
Business Phone: 678-630-9710 Cell Phone: 678-630-9710 Home Phone: 678-630-9710
E-Mail Address: patriciafish52@gmail.com
Signature of Representative: Patricia A. Ferguson

TITLEHOLDER: Antiques Wood and Rustics LLC
Address: 2691 Mathews St, Smyrna, GA 30080
Business Phone: 678-630-9710 Cell Phone: same Home Phone: same
Signature: Antiques Wood and Rustics, LLC

VARIANCE:
Present Zoning: CBD Type of Variance: Allow for pervious pavers with gravel on top for approximately 1/3 of parking/paved area
Explain Intended Use: Used for parking

Location: Back approximately 1/3 of parking/paved surface
Land Lot(s): 522 District: 17th Size of Tract: .52 Acres

CONTIGUOUS ZONING

North:
East:
South:
West:

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified that the owners of the property, Antiques Woody Rustics, of address 2986 King Street Smyrna, GA intends to make an application for a variance for the purpose of adhering to city approved plans that allow for approximately 1/3 back of parking/paved lot to be pervious pavers with gravel on top. on the premises described in the application.

City Council Meeting Date: October 2024

	NAME	ADDRESS
1)	<u>BPF Enterprises, LLC</u> <u>Patricia A Ferguson Member</u>	<u>1251 Love Street, Smyrna, GA</u> <u>9/3/2024</u>
2)	<u>Jim Cornwell - Cornwell Fenced Home</u> 	<u>2950 + 2960 King St Smyrna GA</u> <u>9/3/2024</u>
	_____	_____
	_____	_____

Other
signatures
in
progress

Please have adjacent property owner also provide certified mail receipt description of the requested variance application. Adjacent or properties directly across a street

re of your variance request. You may es. Notification letters shall include a nd time, and a copy of the completed g the subject property as well as any

9589 0710 5270 1213 6176 4A

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Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$4.25

09/04/2024 02 15

Return Receipt (hardcopy) \$3.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$14.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.25

Blue Bird Lawn Maintenance
1215 Concord Rd SE
Shilpa GA 30090

PS Form 3800, January 2023 (PSN 7530-02-000-9001) See Reverse for Instructions

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 Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.25

Good Dog Veterinary Care
1215 Concord Rd SE
Shilpa GA 30090

PS Form 3800, January 2023 (PSN 7530-02-000-9001) See Reverse for Instructions

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Shamrock Building Systems
1215 Concord Rd SE
Shilpa GA 30090

PS Form 3800, January 2023 (PSN 7530-02-000-9001) See Reverse for Instructions

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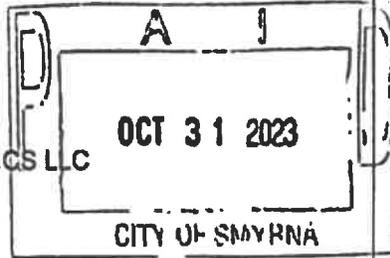
Shilpa 1st United Methodist Church
1215 Concord Rd SE
Shilpa GA 30090

PS Form 3800, January 2023 (PSN 7530-02-000-9001) See Reverse for Instructions

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1228
 770-434-6600

2023 Property Tax Notice

ANTIQUES WOOD AND RUSTICS LLC
 2691 MATHEWS ST SE
 SMYRNA, GA 30080



Please Make Check or Money Order Payable to:
 City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2023 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
704	2986 KING ST STREET LIGHT RESIDENTIAL	17-0522-0-0350	421,580.00	168,632.00	0.00	168,632.00	8.99	1,518.00 42.00

Pay online at <https://payments.smyrnaga.gov/>

Important Messages - Please Read

Total of Bills by Tax Type

<p>Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, Interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00</p>	<p>Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600</p>	Pen	0.00
		Int	0.00
		Fees	0.00
		Adjustments	0.00
		Payments	0.00
		Back Taxes	0.00
		TOTAL DUE	1558.00
DATE DUE	11/15/2023		

Owner Information

ANTIQUES WOOD AND RUSTICS LLC
2691 MATHEWS ST SE
SMYRNA, GA 30080

Payment Information

Status	 Paid
Last Payment Date	10/05/2023
Amount Paid	\$4,580.05

 Search for Additional Records

Property Information

Parcel Number	17052200350
Acres	0.6
Assessed Value	\$168,632
Fair Market Value	\$421,580
Tax District	6 - City of Smyrna
Homestead Exemption	NONE

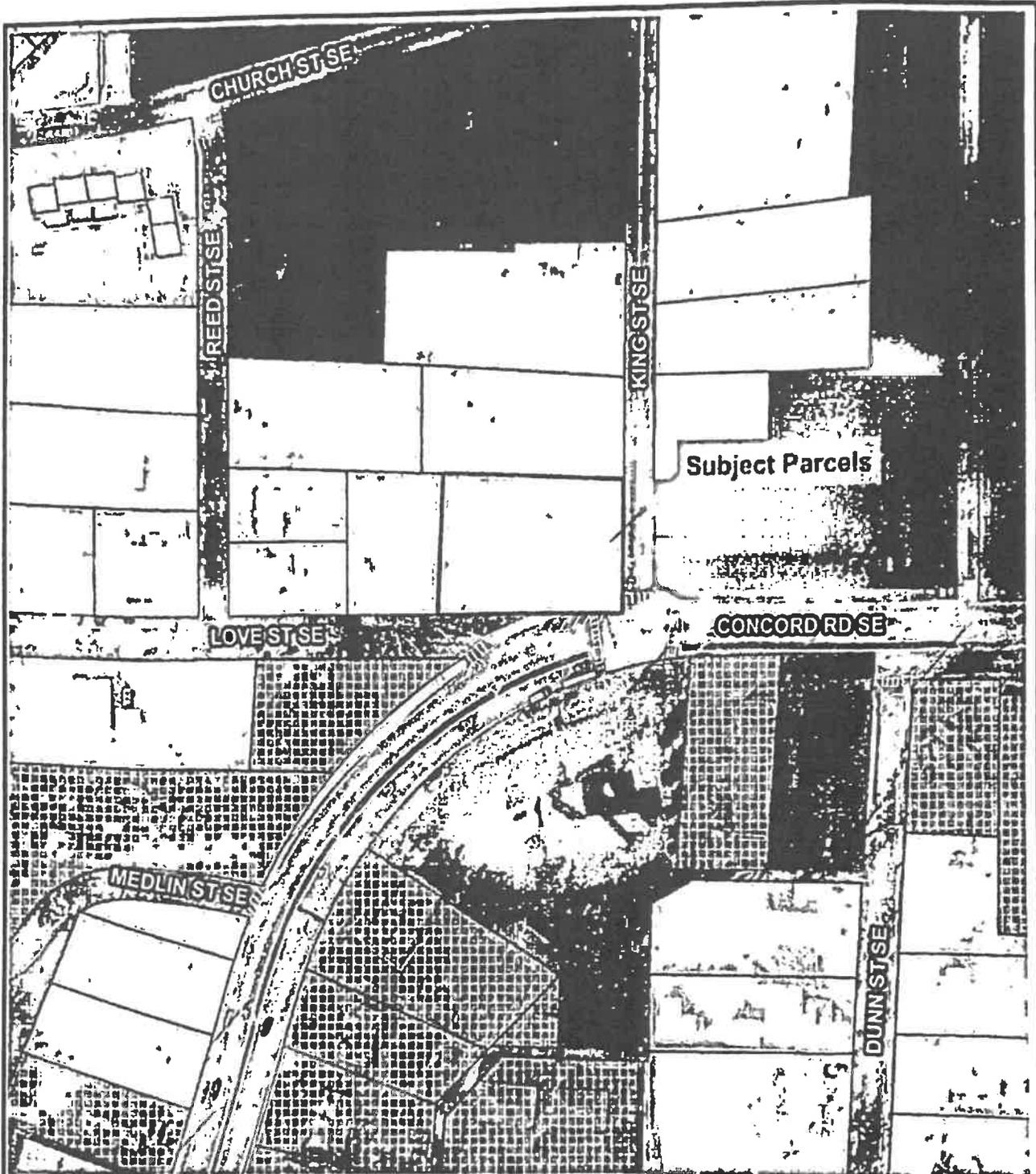
Bill Information

Record Type	Parcel
Bill Type	Original
Tax Year	2023
Due Date	10/15/2023

Taxes

Base Taxes	\$4,580.05
Penalty	\$0.00
Interest	\$0.00
Fees	\$0.00
Good Through	
Balance Due	\$0.00

Property Address



Subject Parcels

Zoning Vicinity Map

Exhibit "A"

The Subject Parcel is Located
at 2986 King Street.

From: **R-15** To: **NS**

N



0 30 60 120 180 240 Feet

Case Number:
Z21-015

Ward:
3

Tax Parcel #:
17052200350

Planning Commission
Meeting Date: November 8, 2021

City Council
Meeting Date: December 20, 2021

