



License and Variance Board Meeting - Final

October 23, 2024
10:00 AM

D. V24-086 Public Hearing - Variance Request - V24-086 - Reduce the driveway setback from 5 feet to 0 feet - Land Lot 452 - 1019 Manor Drive - Dustin Arnold



City of Smyrna

Issue Sheet

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

File Number: V24-161

Agenda Date: 10/23/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-086 - Reduce the driveway setback from 5 feet to 9 feet -
Land Lot 452 - 1019 Manor Drive - Dustin Arnold

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is proposing to expand an existing driveway to the western side property line at 1019 Manor Drive. Section 801 sets the driveway setback requirements in the R-15 zoning district.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by Section 801, which requires a minimum 5-foot driveway setback in certain residential zoning districts. 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 shall be conditioned upon substantial compliance with the site plan 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: October 15, 2024

RE: VARIANCE CASE V24-086
1019 Manor Drive – Reduce the driveway setback from 5 feet to 0 feet

BACKGROUND

The applicant is proposing to expand an existing driveway to the western side property line at 1019 Manor Drive. Section 801 sets the driveway setback requirements in the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.26-acre lot on the north side of Manor Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

The home, originally built in 1952, has an existing one-car nonconforming driveway. The existing driveway meets the required 5-foot driveway setback near the home and then curves westward as it heads to the right-of-way, with the driveway apron adjacent to the side property line. The applicant is proposing to expand the existing concrete driveway to the side property line to create a straight line along the property line rather than have the curve that exists today. The new driveway width will provide ample parking and today's typical standard of a two-car driveway.

Since the location of the driveway and house is preexisting, the hardship is not self-created. Many of the driveways in the area are up to the side property line due to the age of the properties, thus the location of the driveway would not be out of character in the neighborhood. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the existing driveway since it is already encroaching into the driveway setback. Community Development believes the variance is the minimum variance needed to add additional driveway. At the time of this report, Community Development has not received any calls in opposition to the request.

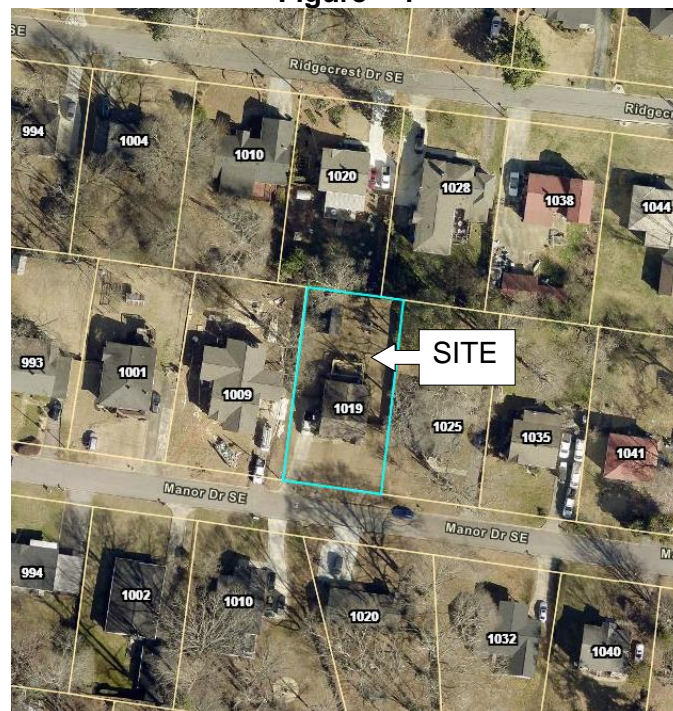
STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by Section 801, which requires a minimum 5-foot driveway setback in certain residential zoning districts.

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 shall be conditioned upon substantial compliance with the site plan submitted with the variance application.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Existing Driveway Location



Figure – 5
Adjacent Property to West



Figure – 6
Adjacent Property across Manor Drive



Figure – 7
Adjacent Property across Manor Drive





Variance Application

VAR-24-62

Submitted On: Sep 30, 2024

Applicant

 Dustin Arnold
 7708452235
 kody3114@gmail.com

Primary Location

1019 MANOR DR SE
SMYRNA, GA 30080

Applicant Information

First Name

Dustin

Last Name

arnold

Street Address

1019 Manor Drive SE

City

Smyrna

State

Ga

Zip Code

30080

Email

Kody3114@gmail.com

Phone Number

7708452235

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

1019 Manor Dr SE Smyrna Ga 30080

Description of Requested Variances

we need a variance to allow us to extend out driveway to within the 5 foot distance of the property line, with a variance allowing us to be as close as 3 feet from the property line. Randy and Joe, with the city, came out and agreed this was acceptable.

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 city is currently trying to mitigate an issue with a standing storm catch basin and storm drain that the foundation of my neighbors driveway was poured on top of. The city realized there was no established easement to mitigate this issue and it involves me because the pipe travels across my property at some point. In mitigating the issue my fence, both fence gates, my driveway and sidewalk will be torn up. The city had agreed to repair and rebuild these structures for me to my liking. This variance will allow them to do this for my wife and I. What we need is a variance to allow us to extend out driveway to within the 5 foot distance of the property line, with a variance allowing us to be as close as 3 feet from the property line. Randy and Joe, with the city, came out and agreed this was acceptable.

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

D. Kody Arnold
-
1018 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL

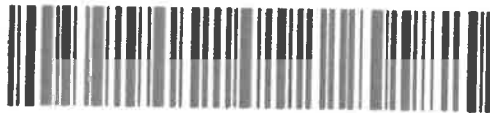


9414 8149 0283 2231 0179 39

Redbird Renovations, LLC
-
720 Reed Rd SE
Smyrna, GA 30082-3360

D. Kody Arnold
-
1019 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL



9414 8149 0283 2231 0179 22

Ross Kevin Roads
-
1020 Ridgecrest Dr SE
Smyrna, GA 30080-4231

D.Kody Arnold
1019 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL



9414 8149 0283 2231 0179 15

Anthony B. Calfee & Anna M. Chaloux
1028 Ridgecrest Dr SE
Smyrna, GA 30080-4231

D. Kody Arnold
-
1019 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL



9414 8149 0283 2231 0179 08

Jordan Micah
-
1025 Manor Dr SE
Smyrna, GA 30080-4215

D. Kody Arnold
1019 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL

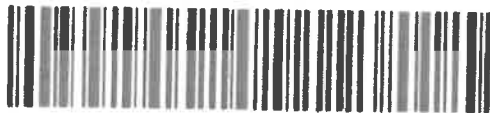


9414 8149 0283 2231 0178 92

Buda Joseph
*
1020 Manor Dr SE
Smyrna, GA 30080-4216

D. Kody Arnold
-
1019 Manor Dr
SMYRNA, GA 30080

USPS CERTIFIED MAIL



9414 8149 0283 2231 0178 85

Mary & Larry Mead
-
1010 Manor Dr
Smyrna , GA 30080

City of Smyrna



Parcel Find

PARCEL: 17-0452-0-0690
LOCATION: 1019 MANOR DR
NAME: ** VARIOUS **

EFF DATE: 09/30/2024

YEAR	CAT	BILL #	SC REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2024	RE-R	808	N	1,497.89	1,497.89	1,497.89
2023	RE-R	785	N	1,497.80	0.00	0.00
2022	RE-R	761	N	1,371.66	0.00	0.00
2021	RE-R	737	N	1,135.26	0.00	0.00
2020	RE-R	706	N	1,047.16	0.00	0.00
2019	RE-R	18306	N	1,045.57	0.00	0.00
2018	RE-R	17950	N	1,017.31	0.00	0.00
2017	RE-R	17907	N	889.90	0.00	0.00
2016	RE-R	883	N	526.74	0.00	0.00
2015	RE-R	864	N	526.74	0.00	0.00
2014	RE-R	831	N	347.95	0.00	0.00
2013	RE-R	831	N	347.95	0.00	0.00
2012	RE-R	1164896	N	347.95	0.00	0.00
2011	RE-R	1146762	N	347.95	0.00	0.00
2010	RE-R	1129137	N	347.95	0.00	0.00
2009	RE-R	1111961	N	347.95	0.00	0.00
2008	RE-R	1089339	N	500.38	0.00	0.00
2007	RE-R	1077029	N	500.38	0.00	0.00
2006	RE-R	1058947	N	372.85	0.00	0.00
2005	RE-R	1042189	N	512.25	0.00	0.00
2004	RE-R	1019456	N	373.49	0.00	0.00
2003	RE-R	1004145	N	273.23	0.00	0.00
TOTAL DUE NOW					1,497.89	1,497.89
TOTAL UNPAID					1,497.89	1,497.89

** END OF REPORT - Generated by Mike Hickenbottom **



Printed: 9/19/2024

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:
WELLS FARGO REAL ESTATE TAX SERVICE

**ARNOLD DUSTIN KODY & MARLEE
ALEXIS**

Payment Date: 9/30/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17045200690	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	\$3,589.74	\$0.00	



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

No dwelling shall be erected any closer than 30 ft. street line or 10 ft. from street line where street is 30 ft. wide.

No dwelling shall be erected on any lot containing less than four rooms or less than 700 square feet.

Owner of subdivision shown & described shall take these streets to public use & be maintained in such to the County.

Owner hereby adopts this plan for subdivision.

Signed

Approved

Chairman Cobb County Planning Commission

PLAN OF SUBDIVISION

OF

SMYRNA HEIGHTS

Lot 401, 402, 403, 404, 405, 17th Dist. 2nd Sec.

COBB COUNTY GA.

Scale 1" = 100'

Nov. 1931

2. Cobb Co. Rep. 71 - 1 A Page 60 Map 429