



## License and Variance Board Meeting - Final

November 13, 2024

10:00 AM

- 
- A. **V24-087** Public Hearing - Variance Request - V24-087 - Reduce the driveway setback from 5 feet to 2 feet - Land Lot 778 - 2536 Spring Drive - Elizabeth Cochran



# City of Smyrna

## Issue Sheet

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

File Number: V24-163

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**Agenda Date:** 11/13/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-087 - Reduce the driveway setback from 5 feet to 2 feet -  
Land Lot 778 - 2536 Spring Drive - Elizabeth Cochran

***Ward 2 Councilmember - Latonia P. Hines***

**ISSUE AND BACKGROUND:**

The applicant is proposing to expand an existing driveway to the northern side property line at 2536 Spring 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

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To: License and Variance Board

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

Date: October 31, 2024

**RE: VARIANCE CASE V24-087**  
**2536 Spring Drive – Reduce the driveway setback from 5 feet to 2 feet**

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#### **BACKGROUND**

The applicant is proposing to expand an existing driveway to the northern side property line at 2536 Spring Drive. Section 801 sets the driveway setback requirements in the R-15 zoning district.

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#### **ANALYSIS**

The subject parcel is a 0.25-acre lot on the west side of Spring Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences with the exception of the property to the west, which is zoned RM-12 and is occupied by the Cortland at the Village apartment complex.

The home, originally built in 1963, has an existing one-car driveway. The existing driveway meets the required 5-foot driveway setback. The applicant is proposing to expand the existing concrete driveway to the northern side property line to provide additional 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. Community Development believes the variance is the minimum variance needed to add additional driveway without carving out a portion of the front yard. At the time of this report, Community Development has not received any calls in opposition to the request.

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#### **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



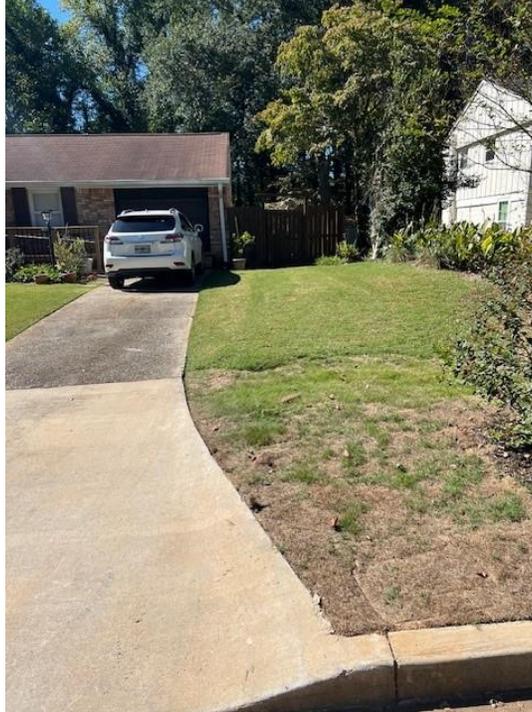
**Figure – 2  
Site Plan**



**Figure – 3  
Subject Property**



**Figure – 4**  
**Proposed Driveway Location**



**Figure – 5**  
**Adjacent Property to the North**



**Figure – 6**  
**Adjacent Property to the South**



**Figure – 7**  
**Adjacent Property across Spring Drive**





## Variance Application

# VAR-24-63

Submitted On: Sep 30, 2024

## Applicant

 Elizabeth Cochran  
 7704377822  
 lizzco@bellsouth.net

## Primary Location

2536 SPRING DR SE  
SMYRNA, GA 30080

## Applicant Information

### First Name

Elizabeth

### Last Name

Cochran

### Street Address

2536 Spring Dr SE

### City

Smyrna

### State

Georgia

### Zip Code

30080

### Email

Lizzco@bellsouth.net

### Phone Number

770-436 -7822

**Are you the titleholder of the subject property?**

Yes

## Property Information

### Property Address

2536 Spring Dr SE. Smyrna, Ga. 30080

### Description of Requested Variances

Replace and widen driveway

**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.**

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## 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.**  
?

### **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

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Elizabeth L. Cochran  
at 2536 Spring Dr SE - Smyrna, GA 30080  
Intends to make an application for a variance for the purpose of replacing and widening driveway  
on the premises described in the application.

NAME Sria Main ADDRESS 2544 Spring Dr

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Elizabeth L. Cochran  
at 2536 Spring Dr SE - Smyrna, GA 30080  
Intends to make an application for a variance for the purpose of replacing and widening driveway  
on the premises described in the application.

NAME [Signature] ADDRESS 2537 Spring Dr

**U.S. Postal Service™  
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Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™.

Marionette, GA 30034

**OFFICIAL USE**

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee)

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 \$0.73

Total Postage and Fees \$5.58

Sent to Marla Blackstone

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

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7500-01-000-9047 See Reverse for Instructions

9589 0710 5270 1213 6187 06

SEP 30 2024

SMYRNA GA 30080

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Atlanta, GA 30326

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Extra Services & Fees (check box, add fee)

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Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Sent to Jake Park Partners

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

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7500-01-000-9047 See Reverse for Instructions

9589 0710 5270 1213 6187 13

SEP 30 2024

ATLANTA GA 30326

# Real Estate (Your House or Land)

[View Bill](#) [View bill image](#)

As of 9/30/2024

Bill Year 2024

Bill 3486

Owner COCHRAN ELIZABETH L

Parcel ID [17077800220](#)

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2024	\$255.99	\$0.00	\$255.99	\$0.00	\$255.99
<b>TOTAL</b>		\$255.99	\$0.00	\$255.99	\$0.00	\$255.99

[Add to Cart](#)



Printed: 10/29/2024

### 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:  
 ELIZABETH COCHRAN

**COCHRAN ELIZABETH L**

**Payment Date: 10/9/2024**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	17077800220	10/15/2024	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$193.84	\$0.00	



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 mobile phone to view this  
 bill!