



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

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

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

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.

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.

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

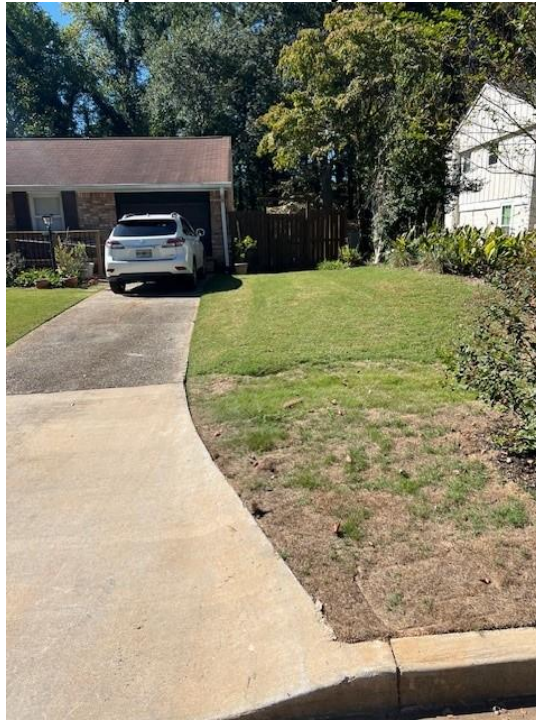


Figure – 5
Adjacent Property to the North



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.

--

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 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 Shirley Mair ADDRESS 2544 Spring Dr

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified 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 Shirley Mair ADDRESS 2537 Spring Dr

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

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

Postage paid at Marietta, GA 30064

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Signature Marla Blackstone

Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9042 See Reverse for Instructions

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

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

Postage paid at Atlanta, GA 30326

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Signature Jake Park Partners

Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9042 See Reverse for Instructions

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
TOTAL		\$255.99	\$0.00	\$255.99	\$0.00	\$255.99

Add to Cart



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 10/29/2024

Cobb County Online Tax Receipt

Thank you for your payment!

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	



Scan this code with your
mobile phone to view this
bill