



APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: \_\_\_\_\_

Application Number: V21-002

Variance Meeting Date: \_\_\_\_\_

APPLICANT: Wilshire Senior I, LP

Representative's Name (print): Brandon Davis

Address: 3715 Northside Parkway NW, Building 200, Suite 175, Atlanta, GA 30327

Business Phone: 404-949-3884 Cell Phone: 404-859-1489 Home Phone: N/A

E-Mail Address: brandondavis@prestwickcompanies.com

Signature of Representative: [Signature]

Digitally signed by Brandon Davis  
DN: cn=Brandon Davis, o=City of Smyrna, ou=City of Smyrna, email=brandon.davis@cityofsmyrna.com

TITLEHOLDER: William A. Wills and Carolyn Howell Wills as c-trustee of the testamentary trust created by the will of William L. Wills

Address: 613 Club Lane, Marietta, GA 30067

Business Phone: 678-873-1860 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Signature: [Signature] Carolyn Howell Wills  
WILLIAM A. WILLS CAROLYN HOWELL WILLS

VARIANCE:

Present Zoning: RHR-PD Type of Variance: 75' impervious stream buffer variance

Explain Intended Use: Proposed development consists of a multi-story 62-unit apartment building. Impervious setback encroachment consists of 9 parking spaces with pervious pavement, a fill retaining wall, grading, and water meters. Equivalent mitigation area to be provided.

Location: 685 Smyrna Hill Drive, north of road, parcel ID no.: 1708100350

Land Lot(s): 381 District: 17 Size of Tract: 2.61 Acres

(To be completed by City)

Received: 0123121

Legal Ad Posted: \_\_\_\_\_

Signs Posted: \_\_\_\_\_

Approved/Denied: \_\_\_\_\_

**CONTIGUOUS ZONING**

North: NS, R-15

East: LI

South: NS, GC

West: GC

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified that Wilshire Senior I, LP

Intends to make an application for a variance for the purpose of Installing parking spaces and a retaining wall in a stream impervious setback to serve a proposed 62-unit senior apartment building. Equivalent mitigation area to be provided.  
on the premises described in the application.

**NAME**

**ADDRESS**

NAME	ADDRESS

**SEE CERTIFIED MAIL  
RECEIPTS**

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

June 10, 2021

Property Owner/ Current Resident Neighboring the Property at:  
685 Smyrna Hill Drive  
Smyrna, GA 30060

RE: "The Wilshire" 685 Smyrna Hill Dr. Stream Buffer Variance Application

To Whom it May Concern:

On behalf of our client, Wilshire Senior I, LP, please accept this notification regarding a variance application for the property at 685 Smyrna Hill Drive (estimated street address).

The property was rezoned to RHR-PD (Residential High Rise - Planned Development) in 2019 to allow for the proposed development of 5/4-story split level apartment building with 62 units.

Section 46-160 of City of Smyrna Code requires a 75 ft. impervious stream setback on streams. The developer is proposing to construct a bay of parking spaces with pervious pavement along with a retaining wall in the 75 ft impervious stream setback on the subject property. A mitigation area without impervious surfaces will be provided to compensate for the impact to the setback. A copy of the application and supporting site plan has been included with this notification letter.

This variance application will be considered at the License and Variance Board Meeting on July 14, 2021 at 10am at Council Chambers in City Hall at 2800 King Street, Smyrna, GA 30080.

Please contact Brandon Davis at (404) 949-3884 if you have any questions about the application.

Sincerely,

Joey Goodall, PE  
770-951-2495



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Skating Clubs of West GA, Inc.  
 666 Smyrna Hill Dr. SE  
 Smyrna, GA 30081

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 Smyrna, GA 30081

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Jem Concord, LLC  
 5027 Wyntergate Dr.  
 Atlanta, GA 30338

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AMA Management, LLC  
 696 Concord Rd.  
 Smyrna, GA 30082

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Nicco Family Trust  
 317 Windchime Dr.  
 Danville, CA 34506

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Margaret Hoppr Neal Michell  
 Barbara C. Nicco  
 710 Concord Rd.  
 Smyrna, GA 30082

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Little Cottage, LLC  
739 Concord Rd.  
Smyrna, GA 30082

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James Louis Keiley  
790 Smyrna Hill Dr. SE  
Smyrna, GA 30082

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Preferred School Care Learning Center  
718 Concord Rd.  
Smyrna, GA 30082

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TW Tucker Properties, LLC  
730 Concord Rd.  
Smyrna, GA 30082

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Michael Kyle Fowler  
670 Smyrna Hill Dr.  
Smyrna, GA 30082

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James A. Roos  
672 Concord Dr.  
Smyrna, GA 30082

PS Form 3800, August 2000 See Reverse for Instructions



June 10, 2021

Caitlin Crowe  
City of Smyrna Department of Development Services  
205 Lawrence Street  
Smyrna, GA 30060

**RE: "The Wilshire" 685 Smyrna Hill Dr. Stream Setback Variance Letter**

Dear Ms. Crowe,

On behalf of our client, Wilshire Senior, LP, please accept this justification letter as part of a stream setback variance application for the property at 685 Smyrna Hill Drive (estimated street address). The property was rezoned to RHR-PD (Residential High Rise – Planned Development) in October 2019 (Z19-013) to allow for development of a 5-4 split story apartment building with 62 units for seniors. Two parcels were combined in February 2021 for a total lot area of 2.61 ac.

A perennial stream and wetland were identified on the east side of the site according to a Phase I Environmental Site Assessment by GEC in June 2020. The stream was identified as running through the property from north to south for approximately 370 linear feet (LF). The required state and city stream buffers and setbacks on both sides of the stream total approximately 42,200 SF (0.97 ac), or 38% of the total site area. The existing site topography has significant relief, dropping about 50 feet over 500 LF at a consistent slope toward the stream from northwest to southeast. Currently wooded, the site has no signs of prior development. The USDA Soil Survey reports onsite soils to largely consist of well-drained sandy clay loam. The lot has an irregular shape, with the zig-zag pattern of the boundary lines limiting the depth of the development into the lot.

Section 46-160 of City of Smyrna Code requires a 75 ft. impervious stream setback on streams. The proposed site plan includes impact to a 160 LF portion of the impervious stream setback, totaling 2,725 square feet (SF). This impact area includes a bay of nine (9) parking spaces with pervious pavement, concrete curb, a portion of an underground stormwater detention system and associated piping, water meter vaults, and a retaining wall. Earthwork fill is proposed in this area to raise the grade by up to 6 ft. An equivalent mitigation area is to be left largely undisturbed, with minimal grading and tree planting but no impervious surfaces. No encroachment is proposed in the 25' and 50' stream buffers, except for the installation of the stormwater outfall pipe for the detention pond.

A Site Plan was included in the 2019 Rezoning package, which has been included in this application for comparison. It did not include any proposed impervious surfaces in the 75 ft. impervious stream setback. After further design analysis and field investigation, a number of aspects of the 2019 Site Plan proved to be infeasible for construction and operation of the proposed facility. These included:

- Number of building levels - Using three levels in the building caused more steep "ramped" portions of the parking lot to transition between levels, limiting the amount of parking that could be provided in these areas.

Parking could not evenly be spread out between the three building level entrances.

- Shape of Building – The “L” shape of the building in relation to the irregularly-shaped site makes the parking lot less efficient
- Proximity of retaining walls to property lines – Due to the required height of the retaining walls, the layout proved to be too close to the property lines to allow for wall construction to remain within the limits of the property.
- Size of area provided for stormwater detention – The provided area was not large enough to meet the City’s stormwater management ordinance requirements.

Multiple site configurations and building layouts were analyzed to develop the proposed site plan included in this application. The 2021 Site Plan alleviates the problems faced by the 2019 Site Plan by changing the building to a linear shape and reducing it to two levels instead of three. Retaining walls are moved further from the property lines, and parking is more evenly distributed between the two main building entrances on the parking lot. However, this layout introduces encroachment into the 75 ft. impervious stream setback due to the following hardships:

- Steep topography across the site requires that portions of the parking lot are used for ramping between the two levels of the building, limiting where parking spaces can be placed along the drive aisles.
- Steep topography across the site requires retaining walls to be constructed in order to provide level parking for the proposed building. The walls must be set back sufficiently from property lines in order to be constructed.
- Parking must be provided spaces evenly near the building entrances on both levels, due to this development being affordable housing for seniors. The shape and slope of the site make this difficult on the lower end of the building without the proposed parking spaces in the impervious setback.
- The proposed parallel parking in the right of way cannot be counted on for full-time resident parking, due to the parking demand of other businesses along the Smyrna Hill Drive corridor. It is our understanding that the neighboring roller-skating rink facility routinely fills their parking lot.
- The proposed apartment building cannot be made taller than 5 stories because the applicant would have to change to a different construction type that is exponentially more expensive and would render the development infeasible.

In short, eliminating the proposed parking spaces in the impervious setback would adversely affect the onsite parking ratio to be lower than what is needed for the development. This variance would allow for the preferred operational parking count. The owner’s desire is to provide closer to one parking space per unit onsite in order to anticipate loading zones, visitors and staff.

Thank you for your consideration of this application. Please contact Brandon Davis at (404) 949-3884 if you have any questions about the application.

Sincerely,  
Joey Goodall, PE  
770-951-2495





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

Printed: 6/9/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
William Wills

WILLS WILLIAM A

**Payment Date: 9/30/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2020	17038100850	10/15/2020	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$1,556.05	\$0.00	



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**As of** 6/9/2021  
**Bill Year** 2020  
**Bill** 18374  
**Owner** WILLS WILLIAM A  
**Parcel ID** 17038100850

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/16/2020	\$508.87	\$508.87	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		\$508.87	\$508.87	\$0.00	\$0.00	\$0.00

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Lawrenceville, GA 30043  
770-423-0078  
GA L.S.F. 1218



LOCATED IN:  
LAND LOT 381  
17th DISTRICT, 2nd SECTION  
CITY OF SMYRNA, COBB COUNTY, GA

BOUNDARY AND TOPOGRAPHIC SURVEY  
PRESTWICK COMPANIES  
Attn: EDRIK HARRIS  
SMYRNA HILL ROAD  
SMYRNA, COBB COUNTY, GEORGIA

DATE: 11/21/2019

1: 03-03-2021  
ADD SPECIMEN TREE DATA

REVISIONS	DR.	MS.	CH.	CRE.
	P.M.	CRE		
	BOOK	N/A		
	JOB	19002946		
	SHEET NO.			

1 OF 2

LEGEND

- SIGN
- LIGHT POLE
- SPOT ELEVATION
- WATER VALVE
- FIRE HYDRANT
- WATER METER
- CATCH BASIN
- GRATE INLET
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- UTILITY POLE
- GUY WIRE
- BENCHMARK
- IRON PIN FOUND
- IRON PIN SET
- LAND LOT
- HARDWOOD TREE
- ORNAMENTAL TREE

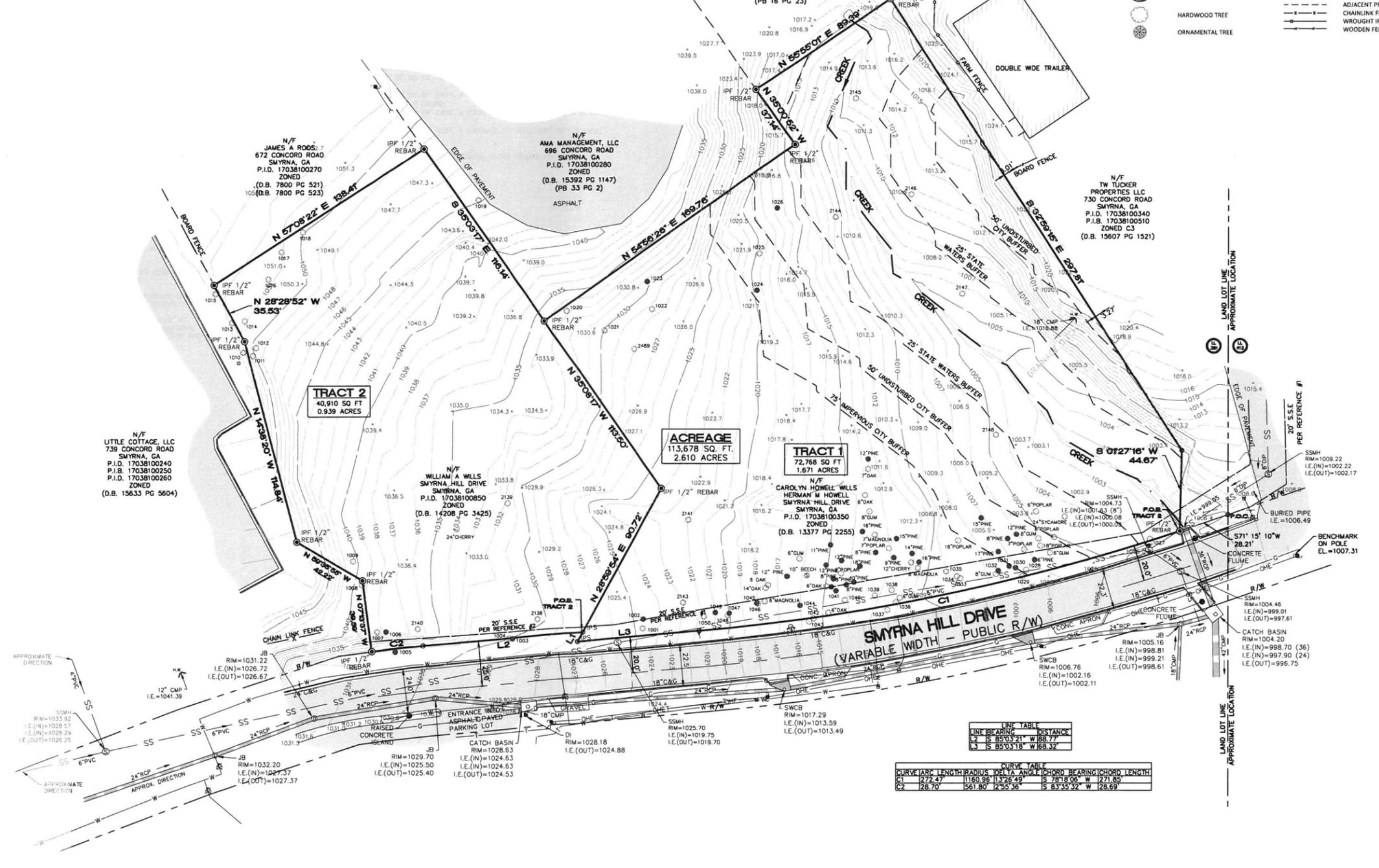
- ASPHALT
- CONCRETE
- GRAVEL
- MEASURED DISTANCE
- CALCULATED DISTANCE
- RECORD DISTANCE
- STORM SEWER LINE
- SANITARY SEWER
- OVERHEAD ELECTRIC
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- CHAINLINK FENCE
- WROUGHT IRON FENCE
- WOODEN FENCE

Smyrna Hill Site - Specimen Tree Assessment					
Survey Number	DBH	Species	Common Name	Condition	Notes
2138	28	Quercus nigra	Water oak	Good	
2139	39	Linodendron tulipifera	Tulip poplar	Good	
2140	28	Quercus falcata	Southern red oak	Good	
2141	28	Quercus nigra	Water oak	Fair	
2143	29	Quercus nigra	Water oak	Good	
2144	46	Linodendron tulipifera	Tulip poplar	Fair	Low branched with included bark
2146	41	Linodendron tulipifera	Tulip poplar	Fair	Low split into codominant trunks with included bark
2148	30	Acer rubrum	Red maple	Fair	Low split into codominant trunks with included bark
2489	29	Quercus nigra	Water oak	Good	

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

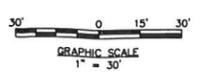


Smyrna Hill Site - 6+ Tree Save Area Inventory				
Survey Number	DBH	Species	Common Name	Notes
1004	10	Linodendron tulipifera	Tulip poplar	
1005	7	Pinus taeda	Loblolly pine	
1006	18	Pinus taeda	Loblolly pine	
1007	12	Quercus alba	White oak	
1008	19	Quercus alba	White oak	
1009	19	Quercus alba	White oak	
1010	10	Robinia pseudoacacia	Black locust	
1011	10	Carya illinoensis	Pecan	
1012	9	Robinia pseudoacacia	Black locust	
1013	13	Robinia pseudoacacia	Black locust	
1014	6	Robinia pseudoacacia	Black locust	
1015	11	Robinia pseudoacacia	Black locust	
1016	7	Quercus nigra	Water oak	
1017	13	Robinia pseudoacacia	Black locust	
1018	10	Robinia pseudoacacia	Black locust	
1019	8	Prunus caroliniana	Cherry laurel	
1020	12	Acer negundo	Boxelder	
1021	10	Prunus serotina	Black cherry	
1022	10	Quercus alba	White oak	
1023	23	Pinus taeda	Loblolly pine	
1024	16	Pinus taeda	Loblolly pine	
1025	6	Quercus alba	White oak	
1026	18	Pinus taeda	Loblolly pine	
1027	12	Acer rubrum	Red maple	Low split
1028	11	Liquidambar styraciflua	Sweetgum	
1029	6	Liquidambar styraciflua	Sweetgum	
1030	7	Pinus taeda	Loblolly pine	Severely unbalanced form
1031	19	Pinus taeda	Loblolly pine	
1032	18	Pinus taeda	Loblolly pine	
1033	7	Liquidambar styraciflua	Sweetgum	
1034	22	Quercus nigra	Water oak	
1035	18	Quercus nigra	Water oak	
1036	10	Linodendron tulipifera	Tulip poplar	
1037	10	Liquidambar styraciflua	Sweetgum	
1038	10	Liquidambar styraciflua	Sweetgum	
1039	6	Liquidambar styraciflua	Sweetgum	
1040	8	Liquidambar styraciflua	Sweetgum	
1041	12	Pinus taeda	Loblolly pine	
1042	13	Liquidambar styraciflua	Sweetgum	
1043	17	Liquidambar styraciflua	Sweetgum	
1044	8	Pinus taeda	Loblolly pine	
1045	14	Pinus taeda	Loblolly pine	
1046	6	Magnolia grandiflora	Southern magnolia	
1047	12	Pinus taeda	Loblolly pine	
1048	20	Quercus nigra	Water oak	
1049	22	Pinus taeda	Loblolly pine	
1050	6	Quercus alba	White oak	



LINE BEARING	DISTANCE
S 85°03'18" W	188.32

CURVE ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	272.47	1160.96	S 78°18'05" W	1271.85
C2	28.70	561.80	S 83°35'32" W	28.69



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-87.



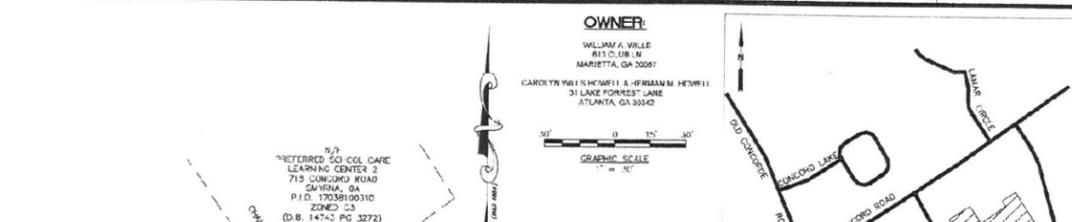


NOTE: THE PURPOSE OF THIS PLAT IS TO COMBINE TRACT 1 INTO ONE CONTIGUOUS PARCEL.

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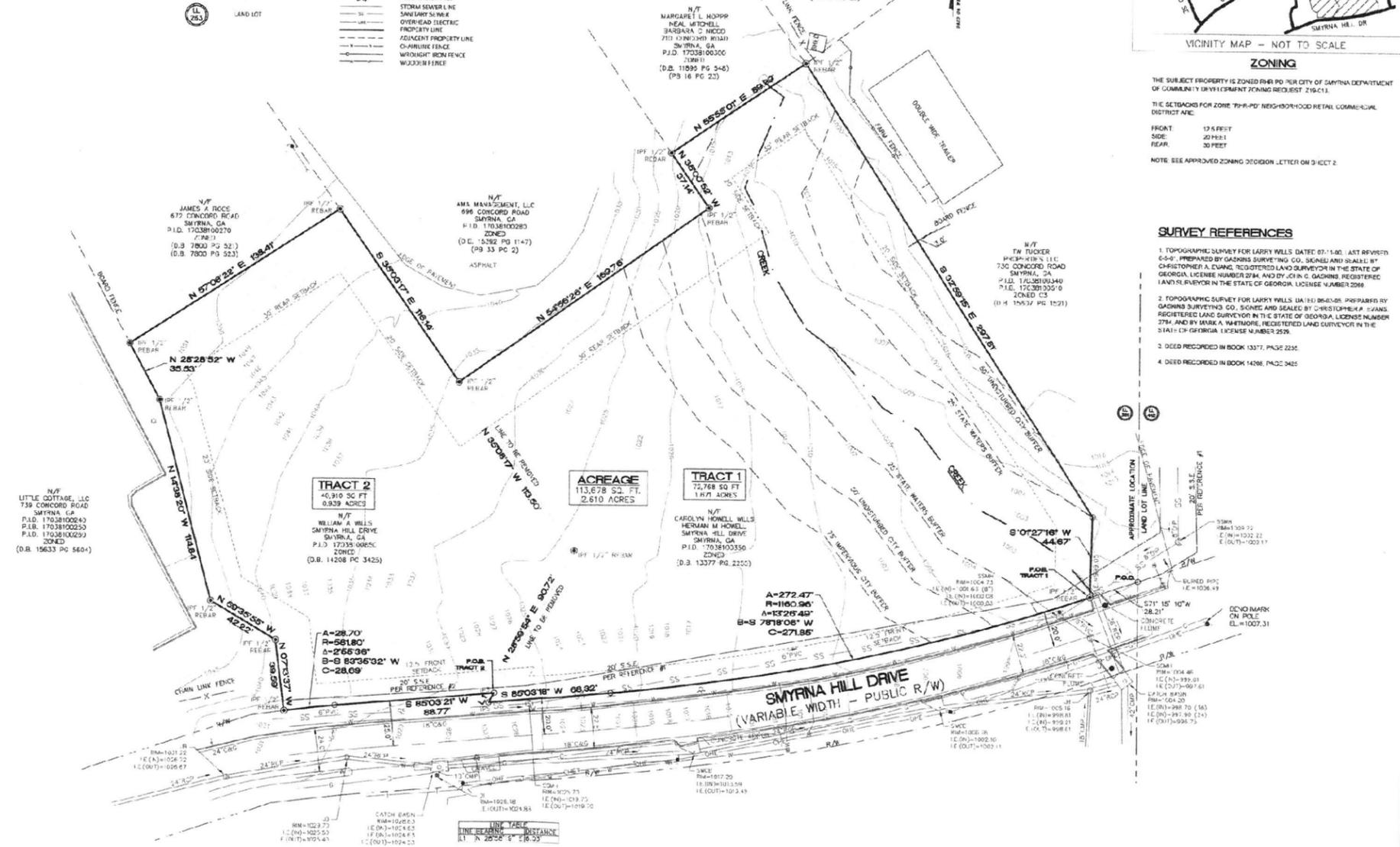
LEGEND: MEASUREMENTS, DISTANCES, CALCULATED DISTANCE, FENCED DISTANCE, STORM SEWER LINE, OVERHEAD ELECTRIC PROPERTY LINE, ADJACENT PROPERTY LINE, CHAIN LINK FENCE, WOODPOST BOUNDENCE, WOODPOST FENCE.

OWNER: WILLIAM A. WELLS, 815 OLIVE LN, MARIETTA, GA 30067. CAROLYN HOWELL WELLS, 31 LAKE FOREST LANE, ATLANTA, GA 30342.



SURVEY NOTES

- 1. ALL EASEMENTS AND RIGHTS OF WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE ARE SHOWN HEREON.
2. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
3. ACCORDING TO THE FLOOD INSURANCE RATE MAP FORM FOR COBB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 1200000000 DATED OCTOBER 1, 2018, THE SUBJECT PROPERTY LIES WITHIN ZONE X, DEFINED AS 'AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN'.



ZONING: THE SUBJECT PROPERTY IS ZONED PER PD 17B CITY OF SMYRNA DEPARTMENT OF COMMUNITY DEVELOPMENT ZONING REQUEST 210413. THE SETBACKS FOR ZONE PD17B-PD17B NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT ARE: FRONT 15 FEET, SIDE 20 FEET, REAR 30 FEET.

- SURVEY REFERENCES: 1. TOPOGRAPHIC SURVEY FOR LARRY MILLS DATED 07-1-80. 2. TOPOGRAPHIC SURVEY FOR LARRY MILLS DATED 06-08-08. 3. DEED RECORDED IN BOOK 13377, PAGE 2235. 4. DEED RECORDED IN BOOK 14286, PAGE 3425.

CITY OF SMYRNA DEVELOPMENT CERTIFICATION

THIS PLAT HAVING BEEN SUBMITTED TO THE CITY OF SMYRNA AND HAVING BEEN FOUND TO COMPLY WITH THE CITY OF SMYRNA SUBDIVISION REGULATIONS AND THE CITY OF SMYRNA ZONING REGULATIONS, IS APPROVED SUBJECT TO THE INSTALLATION OF ERECTION OF ALL ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

CITY ANNUAL MEETING: 1/11/2021. Mayor: Derek Norton. Community Development Director: [Signature]. Public Works Director: [Signature]. Building Inspector: [Signature]. Planning and Zoning Commissioner: [Signature].

OWNER'S ACKNOWLEDGMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT OR A DULY AUTHORIZED AGENT THEREOF WHOSE NAME IS SUBSCRIBED HEREON. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ORIGINAL SURVEY... I HAVE THE RIGHT TO SELL AND CONVEY THAT LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND OWNERS AND MYSELF SUBSCRIBED IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS.

OWNER'S SIGNATURE: Richard D Lee, DATE: 2/12/21.



SURVEY CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS FROM SUCH AGENCIES OR JURISDICTIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL AGENCIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. 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 SURVEYORS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Surveyor Name: [Signature], DATE: January 11 2021.

811 Call before you dig. ATWELL GROUP logo. LOCATION: LAND LOT 3B1, 17th DISTRICT, 2nd SECTION, CITY OF SMYRNA, COBB COUNTY, GA. LOT COMBINATION PLAT: SMYRNA HILL DRIVE. PRESTWICK COMPANIES ATLANTA, GEORGIA. DATE: 1/11/2021. REVISIONS table. P.L. CRE, BOOK N/A, JOB 15002346, SHEET NO. 1 OF 2.

