

APPLICATION FOR VARIANCE  
TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 7

Application No: V18-035

Hearing Date: 4/25/18

APPLICANT: Guy Garnett

Business Phone: 301.412.9960 Cell Phone: 301.412.9960 Home Phone: 301.412.9960

Representative's Name (print): Guy Garnett

Address: 2191 Church Rd SE, Smyrna GA 30080

Business Phone: 301.412.9960 Cell Phone: 301.412.9960 Home Phone: 301.412.9960

E-Mail Address: djwildstar@me.com

Signature of Representative: Guy Garnett

TITLEHOLDER: Guy Garnett

Business Phone: 301.412.9960 Cell Phone: 301.412.9960 Home Phone: 301.412.9960

Address: 2191 Church Rd SE, Smyrna GA 30080

Signature: Guy Garnett

VARIANCE:

Present Zoning: RAD

Type of Variance: Allow deck (as currently existing)

to extend over the rear building limit line.

Explain Intended Use: Existing deck extends across the rear building limit line; this deck was constructed by the original builder prior to closing on the sale of the house. Allow deck to continue to exist; upgrade to code, new boards & railings.

Location: Rear (North) side of 2191 Church Rd SE

Land Lot(s): 752 District: 17 Size of Tract: 0.21 Acres

(To be completed by City)

Received: 4/3/18

Posted: 4/9/18

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

Variance Application Materials:

**1. Location of Property**

Land Lot Number: 752, 17<sup>th</sup> District, 2<sup>nd</sup> Section  
Street Address: 2191 Church Rd SE, Smyrna GA 30080  
Present Zoning Classification: RAD Single-Family Attached/Detached  
General Descriptive Information: The property is located at 2191 Church Rd SE in the City of Smyrna. It is Lot 1 of the Oakdale Preserve Subdivision (formerly known as Groover Station). The nearest major street is South Cobb Drive.

**2. Comprehensive Narrative**

A separate comprehensive narrative has been printed and attached to application.

**3. Signature of the Property Owner**

The signature appears on Page 1 of the application.

**4. To-Scale Site Plan** (if constructing a new structure or an addition to an existing structure)

A to-scale site plan, prepared by Harbuck Land Surveyors for the property owner, is attached.

**5. Elevation, Rendering, or Photographic Example** (if constructing a new structure or an addition to an existing structure)

A photograph of the existing deck is attached.

**6. Copies of the paid City and County tax receipts**

Copies of the City of Smyrna and Cobb County property tax receipts are attached

**7. Notification of adjacent and abutting property owners**

Adjacent and abutting property owners have been notified via certified mail with return receipt. U.S. Post Office receipts showing the notification sent via certified mail with returner receipt requested have been attached.

<u>Property and Address</u>	<u>Owner</u>	<u>Location</u>
1600 Tibarron Pkwy SE	OCP Ashbrook Crossing LLC	Adjacent (South, across road)
2195 Church Rd SE	Steve and Serena Husarik	Abutting (East, next door)
5011 Groover Dr	Brent and Kimberly Hairston	Abutting (North, back of lot)
5009 Groover Dr	NU-ERA Ventures of Georgia	Abutting (North, back of lot)
5007 Groover Dr	Eric and Melanie Barstow	Abutting (West, next door)

**8. Application Fee**

This is a residential variance, so a fee of \$250 is due.

CONTIGUOUS ZONING

North: RAD

East: RAD

South: Not located in the City of Smyrna - Cobb County CRC

West: RAD

**NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LAND OWNERS TO  
ACCOMPANY APPLICATION FOR VARIANCE**

By signature, it is hereby acknowledged that I have been notified that Guy Garnett

Intends to make an application for a variance for the purpose of allowing a deck to extend beyond the rear building limit line, as currently existing

on the premises described in the application.

**NAME**

**ADDRESS**


Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. Also you may provide certified mail receipts of notification letters sent to adjacent properties. Adjacent and adjoining properties include any property abutting the subject property as well as any directly across a street.



### **Comprehensive Narrative**

The existing deck at 2191 Church road extends across the rear building limit line of the lot. The deck was constructed by the original builder of the house, prior to closing on the sale of the property. We are requesting a variance to allow a deck of this size to continue to exist at this location. We anticipate future activities to repair the deck, replace the decking surface, bring it up to current building codes, and generally maintain the deck.

With regard to the Sec. 1403. Variance Review Standards:

- (1) There is an exceptional condition that applies to this property: the original builder constructed a deck that extends across the rear building limit. The builder failed to respect the limit, and this was not detected by the builder or their agents, the City of Smyrna and their inspectors, or the purchaser and their building inspectors. The property is unusual as compared to the other properties in the subdivision, in that the rear property line is not square to the sides and is not parallel to the front. The result is that a deck that would be within the building limit for the houses at 2195 through 2215 Church Road is across the building limit line at 2191 Church Rd.
- (2) Any hardship resulting from the location of the deck across the building limit line was created by the original builder who constructed the deck across the limit line, and not the current owners of the property. The builder failed to respect the limit, and this was not detected by the builder or their agents, the City of Smyrna and their inspectors, or the purchaser and their building inspector. The current owners performed reasonable due diligence in purchasing the property including buying directly from a reputable construction firm, employing licensed realtors, and employing a licensed residential building inspector.
- (3) Strict application of the building limit would require that the current deck be demolished, because there is insufficient space within the building limit line for a deck as originally constructed. Any alternate deck would have to be located in a substantially different position relative to the house and property lines, may cost a substantial amount of money, and which could alter the look of the rear of the house.
- (4) The proposed variance is the minimum change that would make reasonable use possible. We are only requesting a variance to allow the use and maintenance of a deck of the same size and position as the current deck.



Printed: 3/22/2018

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
PNC MORTGAGE

**GARNETT GUY J & GOODNOW LAURA R**

**Payment Date: 10/6/2017**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17075200720	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,688.69	\$0.00



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

7017 1000 0000 4852 1556

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OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	OOD Ashbrook Crossing LLC
Street and Apt. No., or PO Box No.	2964 Peachtree Rd NW, Suite 360
City, State, ZIP+4®	Atlanta GA 30305

Postmark Here  
CUMBERLAND MD MAR 31 2018

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

7017 1000 0000 4852 1549

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OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	Brent and Kimberly Houston
Street and Apt. No., or PO Box No.	5011 Groover Dr
City, State, ZIP+4®	Smarna GA 30080

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

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Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	Steve and Secunia Hsankic
Street and Apt. No., or PO Box No.	2195 Church Rd SE
City, State, ZIP+4®	Smarna GA 30080

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Certified Mail Fee	\$ 3.175
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	Ashford Cross
Street and Apt. No., or PO Box No.	1600 Emory
City, State, ZIP+4®	Smarna GA 30080

Postmark Here  
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Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	Eric and Melana Houston
Street and Apt. No., or PO Box No.	5007 Groover Dr
City, State, ZIP+4®	Smarna GA 30080

Postmark Here  
CUMBERLAND MD MAR 31 2018

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

7017 1000 0000 4852 1525

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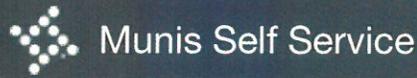
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 0.71
Total Postage and Fees	\$
Sent To	Yetta Rodas
Street and Apt. No., or PO Box No.	5007 Groover Dr
City, State, ZIP+4®	Smarna GA 30080

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CUMBERLAND MD MAR 31 2018

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# Real Estate

[View Bill](#)

[View bill image](#)

As of

Bill Year 2017

Bill 5809

Owner GARNETT GUY J & GOODNOW LAURA R

Parcel ID 17075200720

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2017	\$1,285.82	\$1,285.82	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		\$1,285.82	\$1,285.82	\$0.00	\$0.00	\$0.00

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PAYMENT SUMMARY RECEIPT

City of Smyrna  
2800 King Street  
Smyrna GA 30080

DATE: 04/03/18 CUSTOMER#: 000024470  
TIME: 13:02 GARNETT GUY J & GOODNOW  
CLERK: jstaubes

RECPT#: 1158351 PREV BAL:  
TP/YR: MS/2018 AMT PAID: 250.00  
BILL: ADJSTMNT:  
EFF DT: 04/03/18 BAL DUE:  
PERMITS/INSP PAYMENT

-----TOTALS-----

PRINCIPAL PAID: 250.00  
INTEREST PAID: .00  
ADJUSTMENTS: .00  
DISC TAKEN: .00

AMT TENDERED: 250.00  
AMT APPLIED: 250.00  
CHANGE: .00

PAID BY: GARNETT GUY J & GOOD  
PAYMENT METH: CHECK  
PAYMENT REF: 1119