

**APPLICATION FOR VARIANCE
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: 6

Application No: V20-017

Hearing Date: 2/26/2020

APPLICANT: John Ryan Hood

Business Phone: _____ Cell Phone: 404-216-8141 Home Phone: N/A

Representative's Name (print): Same as Above

Address: 1484 Collier Drive, Smyrna, 30080

Business Phone: _____ Cell Phone: _____ Home Phone: _____

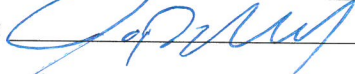
E-Mail Address: jryanhood@hotmail.com

Signature of Representative: 

TITLEHOLDER: Same As Above

Business Phone: _____ Cell Phone: _____ Home Phone: _____

Address: _____

Signature: 

VARIANCE:

Present Zoning: R-20 Type of Variance: According to the Community Development Office's interpretation of the Municipal Code, a kitchen (with an oven) and bathroom on the main floor of a home, along with a kitchen (with an oven) and bathroom in the basement of that home constitutes two dwellings within a single family residence and, therefore, would not be allowed under R-20 zoning. As a result, I am seeking a variance in order to install an oven in a basement kitchen.

Explain Intended Use: The purpose of including an oven in my basement kitchen is to create a second, efficient entertainment space for my family. There is no separation, i.e., no doors or other obstructions between the above and below grade spaces in our home - it is designed as a single living space.

Location: 1484 Collier Drive, Smyrna, 30080

Land Lot(s): 17 District: 6 Size of Tract: .67 Acres

(To be completed by City)

Received: 2/5/2020

Posted: _____

Approved/Denied: _____

CONTIGUOUS ZONING

North: R-20

East: RDA

South: R-20


West: R-20

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

By signature, it is hereby acknowledged that I have been notified that John Ryan Hood

Intends to make an application for a variance for the purpose of including an oven in a basement kitchen to create a second, efficient entertainment space for my family

on the premises described in the application.

NAME	ADDRESS
Nancy Mancillo	3204 Collier Gate Ct
Cynthia Hannon	1483 Collier Dr SE
Anna Heiliger	3257 Pinetree Dr SE
Eric King	3200 Collier Gate Ct SE
Alicia King	3202 Collier Gate Ct SE
	1473 Collier Dr

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.

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

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

SHYRNA, GA 30080

Official Use

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ 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 \$0.55

Total Postage and Fees \$8.95

Sent To

Shirley Parent

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

326 S. Peachtree Ave.

City, State, ZIP+4[®]

Shirley Cox 30080

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

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
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For delivery information, visit our website at www.usps.com.

SHYRNA, GA 30080

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Certified Mail Fee \$3.55

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☐ 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 \$0.70

Total Postage and Fees \$7.10

Sent To

Elizabeth Smith

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

326 S. Peachtree Ave.

City, State, ZIP+4[®]

Shirley Cox 30080

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

ZONING ORDINANCE

SEC. 1403. VARIANCE REVIEW STANDARDS.

- (a) In rendering its decisions, the License and Variance Board or Mayor and City Council shall consider the following factors:

Please include your narrative here, or you may submit a typed narrative as a supplement to this application.

COMPREHENSIVE NARRATIVE

Please see Addendum A.

[illegible]

ADDENDUM A

I submitted a permit application on January 10, 2020, in connection with the remodel/renovation of my basement located at 1484 Collier Drive. The purpose of the remodel/renovation is to create a second, more efficient entertainment space for my family. There is no separation, i.e., no doors or other obstructions between the above and below grade spaces in our home - it is designed as a single living space.

My lot is approximately .67 acres and is currently zoned R-20. The Community Development Office ("CDO") appears to have taken the position that a lot zoned R-20 must be at least one acre before more than one dwelling unit is allowed, and that a bathroom and kitchen (with an oven) on the same floor of a structure determines whether that floor is a distinct "Dwelling Unit," notwithstanding whether the space in question is designed, arranged and used for living quarters for one family only. Under Section 402.24 of the Municipal code a "Dwelling Unit" is defined as follows: "A building, or portion thereof, designed, arranged and used for living quarters for one family only, but not including units in hotels or other structures designed for transient residence. An individual bathroom and complete kitchen facilities, permanently installed, shall be contained within each dwelling unit." Interpreting that provision, the CDO has determined that simply the existence of more than one kitchen (with an oven) and bathroom on different floors of a home means, by default, that the home contains more than one dwelling designed for more than one family, regardless of the overall design of the structure, i.e., whether there is any physical barrier or separation between the floors.

Assuming for a moment that the CDO's interpretation is a proper reading of the code, there are exceptional circumstances in this case that do not apply to other properties that might seek a similar variance, namely, that there is no physical separation existing between the above and below grade levels of my home such that more than one family could utilize the space as separate dwelling units. The design of my home provides for free flow between all three levels – a set-up that could not reasonably be deemed to be an appropriate design for more than one family. Moreover, the three properties immediately adjacent and east of my home are zoned RDA, which allows for 6 dwelling units per acre.

Strict application of the CDO's interpretation of the code would deprive my family of reasonable use of our residence. It does not seem reasonable that as long-time residents of Smyrna who have chosen to raise our family and entertain friends in our home that we would be prevented from doing so in the manner we choose simply because we want to install a second oven in a basement kitchen. It is reasonable for a property owner to want the convenience of cooking a casserole while watching a football game or cook a frozen pizza for his kid's spend the night party in the basement without having to make multiple trips between floors. Indeed, it is precisely this type of accommodation that make a house a home.

We are not going to have renters. Realistically, who would want to rent a space that didn't have some kind of separation from strangers - and who would want to rent to strangers without some designed separation between the spaces? Certainly not my family. And such separation doesn't exist in my home. The proposed variance allowing an oven in our basement kitchen is the minimum variance that makes it possible for my family to use our home to the fullest and remain in conformance with the spirit, if not the precise letter of the code (at least as interpreted by the CDO). Therefore, I ask that our variance request be approved.



Printed: 1/31/2020

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:
 John Hood

HOOD JOHN RYAN & LAUREN MICHELLE**Payment Date: 10/15/2019**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2019	17059600110	10/15/2019	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$5,467.93	\$0.00	



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

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226
770-434-6600

2019 Property Tax Notice

HOOD JOHN RYAN & LAUREN MICHELLE
1484 COLLIER DR
SMYRNA, GA 30080

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2019 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
7583	1484 COLLIER DR EXEMPTIONS: FLOATING HOMESTEAD	17-0596-0-0110	599,850.00	239,940.00	127,340.00	112,600.00	8.99	1,012.27
		127,340						

Pay online at <http://portal.smyrnaga.gov/MSS/citizens/default.aspx>

Important Messages - Please Read

Total of Bills by Tax Type

<p>Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00</p>	<p>Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600</p> <p>If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100</p>	Pen	0.00
		Int	0.00
		Fees	0.00
		Adjustments	0.00
		Payments	0.00
		Back Taxes	0.00
		TOTAL DUE	1012.27
		DATE DUE	11/15/2019

HOOD JOHN RYAN & LAUREN MICHELLE
1484 COLLIER DR
SMYRNA, GA 30080



If this address is incorrect,
please write the correct
address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
7583	17-0596-0-0110	1012.27
DATE DUE		TOTAL DUE
11/15/2019		1012.27

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK

Real Estate

[Return to view bill](#)

Payments/Adjustments

As of 1/31/2020

Bill Year	2019
Bill	7583

Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Payment	11/8/2019	11/8/2019	1789458	John Hood	\$1,012.27

[Return to view bill](#)

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