

Staff Report

Date: April 9, 2026

To: Planning & Zoning Commission

From: JoAnna Robinson

Subject: Variance at 3947 Buck Road

PZ: PZ26-012

Location:

PIN: 19083101440. LL831, 19th District, 2nd Sec, Cobb County Approximately 0.52 acres. Current zoning is R-15 (Residential District)

Background:

Antoinette Thomas, owner of the subject property has requested a few variances. It should be noted that in 2005, Mrs. Thomas purchased the undeveloped parcel of land directly adjacent to her home at 3937 Buck Road, to develop the land by subdividing it and constructing four (4) single family homes. The subject property itself is located at 3947 Buck Road and is part of a four (4) parcel plat that was platted in September 2005 as a cul-de-sac. The land was also rezoned from R-20 to R-15 as well on July 18, 2005.

In 2024, the City initiated a variance request (**PZ24-035**) regarding the dimensional requirements for residential lots outlined in Unified Development Code(**UDC**) **Table 2-2**. The request sought relief from lot frontage standards because the original plat designated the area as a **cul-de-sac**, whereas the final construction deviated from that configuration. The Planning and Zoning Commission (or Board) subsequently **granted the variance**, bringing the existing lot frontage into compliance with the UDC.

The following stipulations in the granted variance of 2024 were:

1. The variance to the minimum width at lot frontage requirement in the R-15 district is approved. The 40' lot frontage as shown on the recorded plat, dated September 22, 2005, is approved.
2. The applicant shall seek the necessary land development and building permit approvals for new residential development at the subject location; and shall respond to comments from staff, engineers, and external agencies.
3. The applicant shall comply with the provisions of the UDC related to single family lots, except the lot frontage dimensional requirement varied herein.

Mrs. Thomas never had this Final Plat recorded. Currently, the Applicant has requested to obtain three (3) Variances; Foundation setback, adjustment to property line (on left side), and adjustment to garage (relocate from right corner side to left corner side of the street).

Staff ended up going over to the subject property to ascertain how much of a variance she was asking for the front setback. Also, their surveyor got back with us and let us know how much of a variance the applicant needs.

Request:

Applicant has requested to obtain three (3) Variances; Foundation setback, adjustment to property line (on left side), and adjustment to garage (relocate from right corner side to left corner side of the street).

Figure 1 – Zoning Map

Figure 2 – Overhead view of surrounding properties

Figure 3 – Plat (September 2005)

Figure 4 – Plat (Jan 2026)

Figure 5 – Email from Staff

Figure 1 – Zoning Map

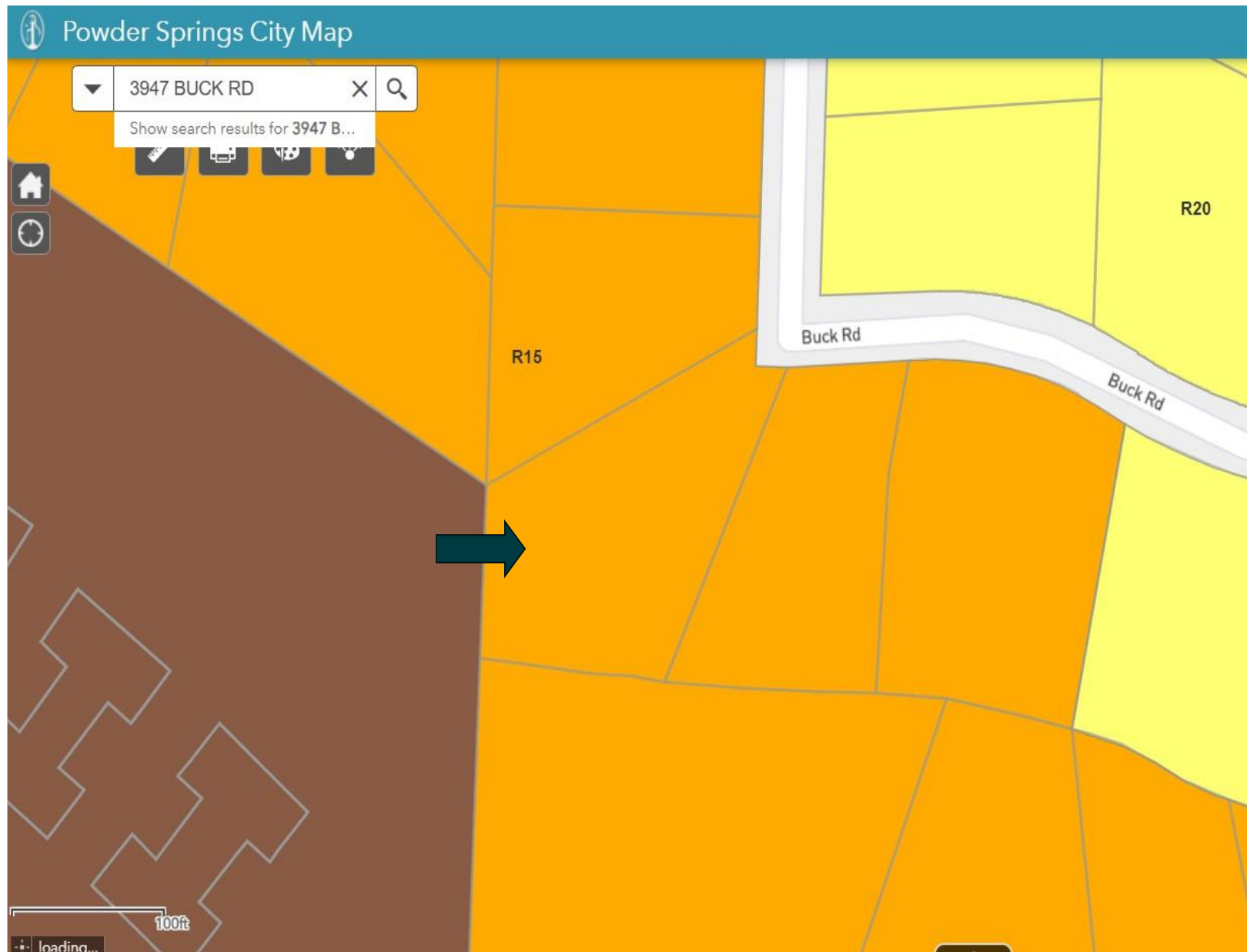
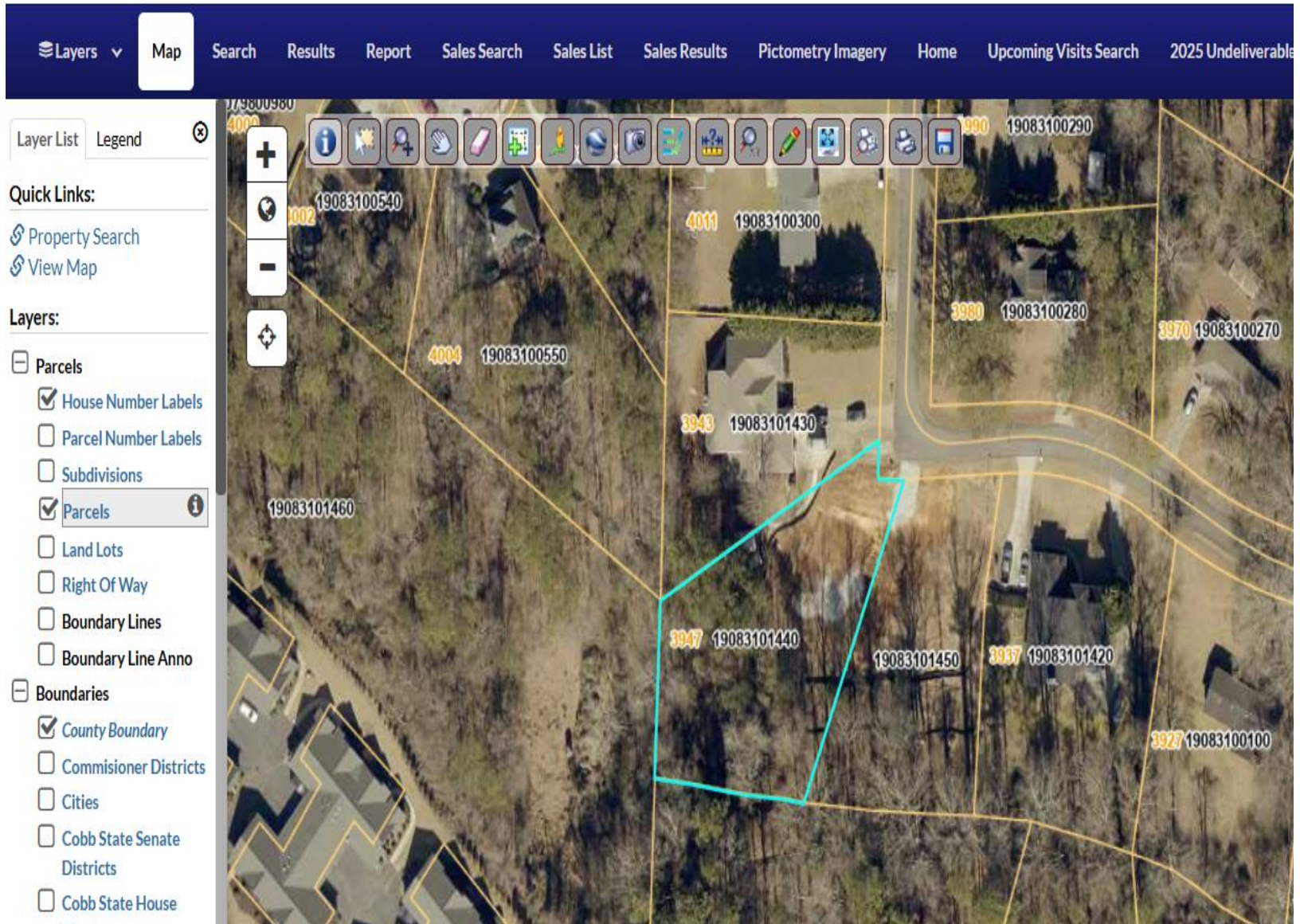


Figure 2 – Overhead view of surrounding properties



Layers ▾ Map Search Results Report Sales Search Sales List Sales Results Pictometry Imagery Home Upcoming Visits Search 2025 Undeliverable

Layer List Legend

Quick Links:
Property Search
View Map

Layers:

- Parcels
 - House Number Labels
 - Parcel Number Labels
 - Subdivisions
 - Parcels
 - Land Lots
 - Right Of Way
 - Boundary Lines
 - Boundary Line Anno
- Boundaries
 - County Boundary
 - Commissioner Districts
 - Cities
 - Cobb State Senate Districts
 - Cobb State House

Map features and labels:
Parcel 4004: 19083100550
Parcel 4011: 19083100300
Parcel 3943: 19083101430
Parcel 3947: 19083101440 (highlighted)
Parcel 19083101450
Parcel 3937: 19083101420
Parcel 3990: 19083100280
Parcel 3970: 19083100270
Parcel 19083100290
Parcel 19083100100
Parcel 19083101460

Figure 3 – 2005 Signed Final Plat (Proposed Dwelling)

TOTAL AREA = 2.024 ACRES
(88,159 SQ. FT.)

OWNERS CERTIFICATION
STATE OF GEORGIA
COUNTY OF GWINN
THE UNDERSIGNED CERTIFY THAT HE OR SHE IS THE TRUE AND SOLE ABSOLUTE OWNER OF THE LAND SHOWN ON THIS PLAT AND THAT THE PLAT AND THE PUBLIC IMPROVEMENTS SHOWN THEREON ARE ACCORDING TO THE MOST APPLICABLE REQUIREMENTS AND ORDINANCES OF THE POWERS SPRINGS LAND DEVELOPMENT CODE.
OWNER NAME: ANTOINETTE P. THOMAS
OWNER ADDRESS: 3927 Oak Hill Way, Marietta, GA 30067
OWNER SIGNATURE: *Antoinette P. Thomas* DATE: 7-2-05
ANTOINETTE P. THOMAS

CERTIFICATE OF FINAL PLAT APPROVAL
ALL REQUIREMENTS OF THE POWERS SPRINGS UNIMPROVED DEVELOPMENT CODE HAVING BEEN REPRESENTED AS BEING FULFILLED AND SUBJECT TO ANY AND ALL REQUIREMENTS OF THE CITY OF POWERS SPRINGS, GEORGIA, HEREBY APPROVED THIS PLAT FOR RECORDATION BY THE CLERK OF THE SUPERIOR COURT ALONG WITH THE ACCOMPANYING ORDER OF DESIGNATION OF ALL STREETS, EASEMENTS AND OTHER PUBLIC AREAS AND IMPROVEMENTS SHOWN HEREON, SUBJECT TO MAINTENANCE AND GUARANTEE BY THE OWNER FOR TWO YEARS FROM THE DATE OF THIS APPROVAL. THIS APPROVAL RECEIVES THE HEIGHT OF APPROVED SURF BY THE MAYOR AND CITY COUNCIL OF POWERS SPRINGS IN THE AMOUNT OF 4.00% TO INSURE THE COMPLETED MAINTENANCE OF ALL STREETS AND DRIVEWAYS IN ACCORDANCE WITH THIS SUBSECTION.
Antoinette P. Thomas DATE: 7/2/05
SHERIFF OF GWINN COUNTY

SURVEYORS CERTIFICATION
I, THE SURVEYOR, HAVE BEEN TO THE PLACE TO VIEW AND CORRECT AND HAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BEING HEREON SHOWN THEREON. THAT ALL MEASUREMENTS, CORNER MARKERS ACTUALLY EXIST AND THEIR LOCATION, USE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PROPORTION OF ONE FOOT IN 5000 FEET AND AN ANGULAR ERROR OF 1.00" PER HUNDRED FEET AND ADJUSTED CORNER MARKERS.
THE FOLLOWING TYPE OF EQUIPMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT: (TOPCON SET 30)
THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE (1) IN 5000 FEET.
BY: *John C. Thompson* DATE: 7/2/05
REGISTERED (GEORGIA LAND SURVEYOR) - 2041
ADDRESS: 280 POWERS SPRINGS ROAD, WAREHOUSING, GA 30096
TELEPHONE NUMBER: 770-962-8833
DATE: 09/08/01

NOTES
WHERE SANITARY SEWER OR STORM DRAINAGE EASEMENTS ARE SHOWN WITHIN A LOT, THE LOCATION OF THE EASEMENT IS CONTROLLED BY THE ACTUAL LOCATION OF THE OBJECTS RELATIVE TO THE PARCEL AND EASEMENT. STORM DRAINAGE EASEMENTS SHALL BE SANITARY SEWER EASEMENTS UNLESS OTHERWISE NOTED.
AN EASEMENT OF 5 FEET IS RESERVED ALONG THE SIDE LINES OF ALL LOTS AND IS FREE ON REAR OR SIDE LINES THAT BORDER THE OUTSIDE BOUNDARY FOR THE PURPOSE OF PARKING, DRIVEWAYS AND SIDEWALKS AND MOBILEWALKWAYS.
NO MEASUREMENTS HAVE BEEN PLACED AT ALL LOT CORNERS.
THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS ATTACHED HERETO DATED 11/11/04 WHICH HEREBY BECOMES PART OF THIS PLAT.

ZONING NOTES:
ZONED FROM R-20 TO R-15 JULY 18, 2005
MINIMUM LOT SIZE = 10,000 SQ. FT.
REAR SETBACKS:
FRONT SETBACK ON PLAT: 30 FT.
REAR SETBACK: 30 FT.
NO CONCRETE, BRICK, OR ARCHITECTURAL LINEARITIES ARE SHOWN TO EXIST ON SITE.
APPROVED STIPULATIONS:
AN ADDITIONAL 1' OF SETBACK TO THE CITY OF POWERS SPRINGS AS SPECIFIED ON THIS PLAT.
CONSTRUCTION OF DWELLING STYLES AND FLOOR HEIGHTS SHALL BE AS SHOWN IN THE ATTACHED REQUIREMENTS EXCEPT THAT THE FLOOR AREA OF DWELLING SHOWN ON FLOOR PLANS LABELED LOT 40 MAY BE INCREASED TO A MAXIMUM OF 1% OVER THE SETBACK.
WELL, STORM OR CEMENTitious STRUCTURE ON THE FRONT AND REAR FACED AND HAND PLANK ON THE REAR FACED.
FRONT YARD LAWNS SHALL BE SOEDED AND MAINTAINED.
APPLICANT MUST OBTAIN SUBDIVISION AND PRELIMINARY PLAT APPROVAL.

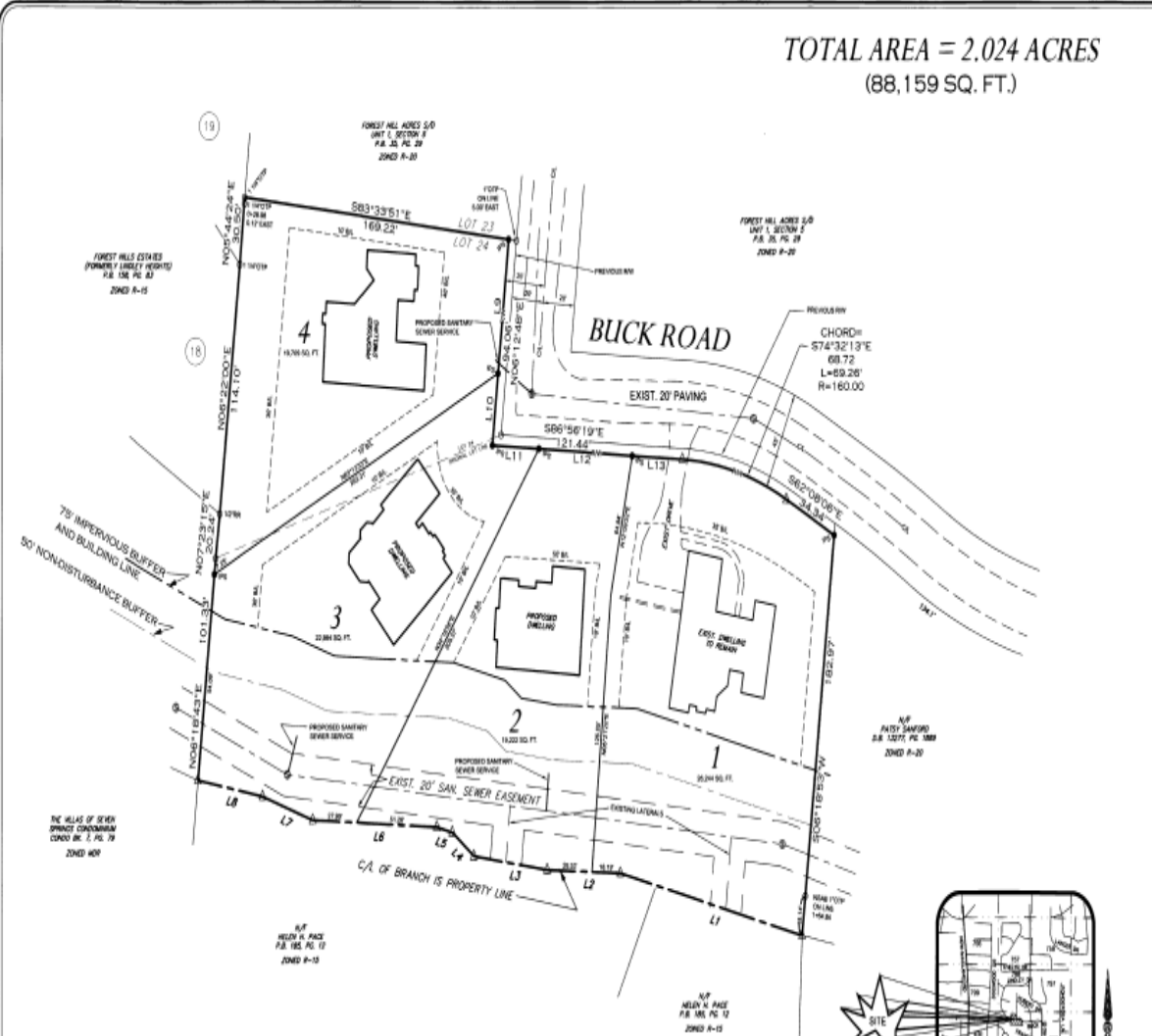
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APPLICANT MUST OBTAIN SUBDIVISION AND PRELIMINARY PLAT APPROVAL.

FILED IN OFFICE 9-22-05 RECORDED IN
PLAT BOOK 240 PAGE 14
John C. Thompson
REGISTERED (GEORGIA LAND SURVEYOR) - 2041
ADDRESS: 280 POWERS SPRINGS ROAD, WAREHOUSING, GA 30096
TELEPHONE NUMBER: 770-962-8833
DATE: 09/08/01

TECHNICAL DATA
TRAVERSE PROVISION: 1/4" = 500'
ANGLE ERROR: 8" PER 1000'
SURVEY ALIGNMENT: LEAST SQUARES
EQUIPMENT: TOPCON SET-30
PLAT PRECISION: 1/2" = 1000'

FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAP, COUNTY: GWINN, FIRM: 10, 12008-0001-1, EFFECTIVE DATE: APRIL 12, 1984. THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO BE IN ZONE "X". THE CHARACTERISTICS OF THIS ZONE IS AN AREA ABOVE THE 100 YEAR FLOOD PLAIN.
GWINN COUNTY, GEORGIA
DATE: 7/2/05
SCALE: 1" = 1000'



- LEGEND**
- CORNER MONUMENTATION
 - CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CORNER PLUMB
 - UNMONUMENTED CORNER
 - CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - X = 1" = 100' TRUCK LINE
 - RB = STEEL REINFORCING ROD
 - DRP = OPEN TOP METAL PIPE
 - CP = COVERED TOP METAL PIPE
 - PP = POWER POLE = 10"
 - CA = CONDUIT = 10"
 - B/L = BUILDING LINE
 - F/W = RIGHT OF WAY
 - L/L = LAND LOT LINE
 - WATER MAIN
 - OVERHEAD POWER LINES
 - GAS MAIN
 - DISTRICT POWER MAIN
 - H/W = NOW OR FORMERLY OWNED BY
 - H/SB = HALL SET AT BACK

CALLS ALONG BRANCH		
LINE	DIRECTION	DISTANCE
L1	N76°09'56"W	119.29'
L2	N88°16'50"W	48.72'
L3	N82°16'04"W	47.12'
L4	N52°04'13"W	17.46'
L5	N76°19'56"W	10.06'
L6	N87°49'35"W	79.25'
L7	N71°23'34"W	33.68'
L8	N79°39'09"W	41.98'

LOT LINE TABLE		
LINE	LENGTH	BEARING
L9	61.26'	S00°12'48"W
L10	32.79'	S00°12'48"W
L11	29.64'	S88°36'18"E
L12	59.63'	S88°36'18"E
L13	32.17'	S88°36'18"E

OWNER/DEVELOPER
ANTOINETTE P. THOMAS

PROPERTY OF
ANTOINETTE P. THOMAS

FINAL PLAT

IRUSSELLLE COMPANY
LAND SURVEYORS
1000 W. 10TH STREET
PO BOX 1700
MARIETTA, GA 30067
PHONE: 770-962-8833
FAX: 770-962-8834
E-MAIL: JTHOMPSON@IRUSSELLLE.COM

STATE OF GEORGIA
GWINN COUNTY
DATE: 7/2/05
SCALE: 1" = 1000'

Figure 4 - Final Plat (Dwelling Under Construction) 01/2026 (not signed)



Figure 5 – Email from Staff (01/28/2025)

Files shared from permit 24PDR-00245

 no-reply@noreply.communitycore.com

 Reply  Reply all  Forward   

Tue 1/28/2025 2:26 PM

 Permit_24PDR-00245.pdf 221 KB		 InsCard_24PDR-00245.pdf 147 KB	
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2 attachments (368 KB)  Save All Attachments

CAUTION: This email originated from outside the City of Powder Springs network. Maintain caution when opening external links/attachments

Good afternoon,

Permit, inspection card, and City-stamped plans can be downloaded at the links below this email.

Print the permit, post it at the jobsite and schedule inspections as needed.

****Remember to submit a foundation survey before the building goes vertical.****

Thank you,

Kerisha Black
Permits and Development Coordinator
PO Box 46
Powder Springs, GA 30127
o:770-943-1666
cityofpowdersprings.org
kblack@cityofpowdersprings.org

Criteria for Variance Decisions: (Applicant's Answers)

a. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

There are extraordinary conditions to Lot 3 due to size, shape and topography that creates difficulties not encountered by other properties within the R-15 zoning district. The lot fronts Buck Road at a right angle and has a frontage width of 40ft. In addition, the rear portion of the property is encumbered by stream buffers limiting the buildable area on the lot.

b. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

The current code requires a minimum frontage width of 75ft for properties in the R-15 district. However, Lot 3 was platted with a frontage width of 40ft under the zoning regulations at the time of the 2005 rezoning. Enforcing the current 75ft frontage requirement would prevent me from developing Lot 3 as a single-family residential property, which is a right available to other property owners in the district.

c. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

The purpose of the Variance is to allow Lot 3 to be developed with a frontage width of 40ft, which aligns with the conditions under which the lot as originally platted in 2005.

d. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

Yes, the requested Variance will be in harmony with the purpose and intent of the development code and will not be harmful/injurious to my neighborhood. The purpose of the R-15 zoning district and development code is to promote orderly residential development that is compatible with the surrounding community. Approving this Variance would allow Lot 3 to be developed as a single-family residence, which aligns with the surrounding residential use and maintains the intended character of the R-15 district.

e. The special circumstances are not the result of the actions of the applicant.

Lot 3 was platted with a frontage width of 40ft as part of a subdivision rezoning in 2005 and it has not been altered since that time. The changes to the zoning code increased the minimum frontage requirement for R-15 properties to 75ft occurred after the original platting of Lot 3 and were beyond our control. The encumbrance of stream buffers toward the rear of the property further limits the buildable area, a natural condition that we did not create.

f. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

The Variance request seeks to reduce the minimum lot frontage requirement from 75ft to 40ft which is consistent with the frontage width recorded when Lot 3 was originally platted in 2005. The Variance is to adjust the front setback because of the City and Count 25ft of right away was taken from the 42.9ft leaving us with only 17.9ft from the corner of the street to the house. In addition, the request is to adjust the property line on the left side of the property and to relocate the garage from the right corner side from the street to the left corner side of the street.

g. The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

The R-15 zoning district permits a single-family residential use and the Variance only seeks to adjust the minimum frontage width requirement for Lot 3. The proposed use of the property for a single-family home is fully compatible with and should be permitted in the R-15 district.

Staff Analysis:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;**

The subject property is encumbered by a 20-foot sanitary easement in backyard. There are some constraints from this lot being originally platted as a cul-de-sac lot. In effect, the 20-foot sanitary easement restricts the buildable area, forcing the home's footprint into the wider section of the lot.

- (b) A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;**

A literal interpretation of the provisions of the development code would not deprive the applicant of rights commonly enjoyed by other properties in the district. Rather, it would require compliance with established dimensional standards and approved plans. Some of the difficulty in meeting these standards is due to construction that occurred outside of permitted setbacks and without adherence to approved surveys. But again, the lot is restricted due to the 20-foot sanitary easement and with being originally platted as a cul-de-sac lot as well

- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;**

Granting the requested variances may confer a special privilege upon the applicant that is not granted to other properties within the same zoning district. Approval would effectively allow deviations from required setbacks, building placement, and lot configuration that other property owners.

(d) The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

The requested variance is not fully in harmony with the purpose and intent of the development code, but not injurious to the neighborhood or general welfare. The development code is intended to ensure orderly development, consistent setbacks, and predictable site design. However, deviations particularly those resulting from construction not in accordance with approved plans, undermine these objectives and may set an undesirable precedent.

(e) The special circumstances are not the result of the actions of the applicant.

The special circumstances cited are, in large part, the result of the actions of the applicant. There was a misunderstanding of an addition of right-of-way (ROW) that the City needed to utilize. It was 5 feet, the applicant understood it as 25 feet. Another misunderstanding was the true purpose of the variance granted in 2024 was for road frontage, not front set back lines. Lastly, there were some misconceptions regarding the placement of garage and typically these things are surfaced during the building review process itself. While the lot was originally platted with a reduced frontage, the current request is primarily the result of construction that did not adhere to approved plans, required setbacks, or applicable development standards.

The structure was constructed outside of the required setback by approximately 17.1 feet, and the placement of the garage and property line configuration do not align with approved plans or standard requirements. Additionally, the applicant did not obtain a recorded Final Plat prior to construction and did not adhere to the foundation survey or professional guidance provided. These conditions are not attributable to the property itself but to the manner in which the development was executed (figure 5).

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

The requested variance does propose a use that is otherwise prohibited within the zoning district; however, the applicant does seek relief from dimensional and placement standards required by the code. While single-family residential use is permitted, the manner in which the structure has been constructed does not conform to the established requirements intended to govern such development. According to **UDC Section 2-17, Table 2-2**, the required front setback is **35 feet**. Exceeding this by **17.1 feet** is a significant deviation from the standard.

Staff Recommendation: Approval with Conditions.

The applicant is not requesting three (3) variances as initially stated. Instead, the proposal involves a lot reconfiguration to adjust the side property line. Regarding the garage placement, such details are typically addressed during the standard building permit review. The primary request is a variance for the front setback, proposed at 17.1 feet. It should be noted that the primary structure is already largely complete; a staff site visit on April 20, 2026, confirmed the residence is approximately 95% constructed.

Conditions

1. Applicant understands no future expansion into the front setback will be allowed.
Example: No porch, no structures.
2. Applicant understands to continue and reactivate the permitting process and inspection process until completion. Structure shall meet all applicable codes including the City of Powder Springs Design Guidelines.
3. Applicant shall obtain an as-built survey with all utility easements reflected on said survey before CO is issued.
4. Applicant shall have as-built survey signed and recorded at Cobb County.