



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final License and Variance Board

Wednesday, December 9, 2020

10:00 AM

Community Center Large Gym

Smyrna Community Center Large Gym / 200 Village Green Circle SE
Parking and entrance to meeting on Powder Springs Street Side of Building
MASKS REQUIRED / TEMPERATURE WILL BE CHECKED

1. Roll Call

Present: 3 - Roy Acree, Frank Martin and Richard Garland

Also Present: 0

Staff: 3 - Russell Martin, Caitlin Crowe and Tina Monaghan

2. Call to Order

Chairperson Roy Acree called the December 9, 2020 License and Variance Board meeting to order at 10:00 AM.

3. Business

A. [LIC2020-21](#)

Privilege License Agent/Ownership Change Request LIC 2020-21 - Beer, Wine, and Liquor (retail package) - 1651 Roswell Street - Nadia IV, LLC dba G & N Package Store with Goutam Debnath as agent.

Boardmember Frank Martin made a motion to table Privilege License Agent/Ownership Change Request LIC 2020-21 - Beer, Wine, and Liquor (retail package) - 1651 Roswell Street - Nadia IV, LLC dba G & N Package Store with Goutam Debnath as agent. Boardmember Richard Garland seconded the motion.

The motion to table was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

B. [LIC2020-23](#)

Privilege License Agent Change Request LIC 2020-23 - Beer, Wine, and Liquor (retail pouring) - 2876 Spring Hill Parkway SE - HPT TRS SPES II dba Hyatt Place Atlanta/Cobb Galleria with Matthew Shine as agent. Timothy Burns was the previous agent.

Mr. Matthew Shine, the Registered Agent was present. He is the general manager of the hotel. There are training classes required and provided by the establishment. Everyone is asked for their ID regardless of age. He has met all requirements set forth by the city to receive the privilege license.

Boardmember Richard Garland made a motion to approve Privilege License Agent Change Request LIC 2020-23 - Beer, Wine, and Liquor (retail pouring) - 2876 Spring Hill Parkway SE - HPT TRS SPES II dba Hyatt Place Atlanta/Cobb Galleria with

Matthew Shine as agent. Timothy Burns was the previous agent. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

C. [2020-478](#)

Pubic Hearing - V20-068 - Reduce the side setback from 10 feet to 1 foot - Land Lot 560 - 2790 Walker Court - Christy Sheahan

Applicant Christy Sheahan was present and explained that they are flipping the property and needed to remove the old car port and wish to replace it.

Ms. Caitlin Crowe, Planner I Community Development provided the background. The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a side setback of 10 feet. The applicant is requesting to construct a carport in the side setback, approximately two feet from the side property line. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. Similar variances have been approved throughout the City so no negative precedent would be set. After a review of the standards above, Community Development believes that placing the carport in the side setback will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

- 1. Approval of the subject property for the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan with the variance application.*
- 2. Gutters and downspouts shall be installed on the carport to manage stormwater runoff and to divert water away from adjacent properties.*
- 3. The carport shall be painted with flame retardant paint.*

Chairperson Roy Acree asked the applicant to come forward to speak and answer any questions. The applicant agreed to the conditions.

Chairperson Acree opened the public hearing at this time.

Ms. Sherice Cook, next door neighbor came forward to speak. She stated that the property is causing flooding and mud in her yard.

The General Contractor for the project came forward to speak. He responded to the claims of the speaker.

Chairperson Acree had Caitlin speak about the considerations of staff of this project.

Boardmember Frank Martin made a motion to approve V20-068 - Reduce the side

setback from 10 feet to 1 foot - Land Lot 560 - 2790 Walker Court - Christy Sheahan. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

D. [2020-507](#)

Pubic Hearing - V20-064 - Allow encroachment into 50-foot Undisturbed Stream Buffer - Land Lot 556 - 3361 Lee Street- Kevin J. Wood

The applicant, Mr. Kevin Wood is seeking a reduction in the stream buffer for an accessory structure. He is in need of an additional room for three daughters that have been born since purchase of home.

Ms. Caitlin Crowe, Planner I Community Development provided background. The applicant is requesting relief from the City's 50-foot undisturbed stream buffer to place a shed. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. 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 stipulations:

- 1. The mitigation plan, as approved by the City Engineer, shall be implemented within 6 months from the date of the License and Variance Board decision.*
- 2. If the City of Smyrna must work within the sewer easement, the property owner may be required to move the shed at their own expense.*

The applicant agrees to all stipulations.

The public hearing was announced by Chairperson Acree.

The neighbor that lives behind the property came up to speak. He had concerns that this would create a precedent for the area and wanted to make sure that the stipulations could be enforced.

Boardmember Richard Garland made a motion to approve V20-064 - Allow encroachment into 50-foot Undisturbed Stream Buffer - Land Lot 556 - 3361 Lee Street- Kevin J. Wood. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

E. [2020-508](#)

Pubic Hearing - V20-069 - Increase accessory building size from 25% to 45% - Land Lot 451 - 995 Mclinden Avenue - Sam Whited

The applicant, Mr. Sam Whited was present to speak. Gave a brief description of the

project. Minimum size for one car garage. Large tree over driveway causes damage to car. Has a small shed would be removed if garage is built.

Ms. Caitlin Crowe, Planner I Community Development, provided the background information. The applicant is requesting to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the primary structure. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the variance will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Applicant agrees to all stipulations.

The public hearing was announced and no one came forward.

Boardmember Frank Martin made a motion to approve V20-069 - Increase accessory building size from 25% to 45% - Land Lot 451 - 995 Mclinden Avenue - Sam Whited. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

F. [2020-509](#)

Pubic Hearing - V20-070 - Reduction of Driveway Setback from 5 feet to 2.4 feet - Land Lot 557 - 3279 Lee Street - Jeff & Amie Carter

The applicant, Mr. Jeff Carter was present and explained the need for the variance.

Ms. Caitlin Crowe, Planner I Community Development provided the background. The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district, which requires a minimum driveway setback of 5 feet. The applicant requests a reduction of the driveway setback from 5 feet to 2.4 feet for the construction of a new single-family residence with a side-entry garage. At the time of this report, Community Development has not received any comments regarding the variance request. Furthermore, there is a precedent for variances of this type in the area. 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 the development of the property in substantial compliance with the site plan submitted with the variance application.

Applicant agrees to all of the stipulations.

Chairman Acree announced the public hearing and no one came forward to speak.

Boardmember Richard Garland made a motion to approve V20-070 - Reduction of Driveway Setback from 5 feet to 2.4 feet - Land Lot 557 - 3279 Lee Street - Jeff & Amie Carter. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

G. [2020-510](#)

Pubic Hearing - V20-071 - Allow reduction of the front setback from 35 feet to 28 feet - Land Lot 449 - 2800 Sanford Road - April Reid

The project manager representing the applicant, Ms. April Reid, came forward and explained the need for the variance.

Ms. Caitlin Crowe, Planner I Community Development gave background information. The applicant requests a variance to reduce the front setback for 2800 Sanford Road from 35 feet to 28 feet for the construction of a front porch. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. Furthermore, there is a precedent for variances of this type in the area. At the time of this report, there has been no public objection to the request. 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 variances with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.

Stipulations were agreed upon and accepted.

The public hearing was announced and no one came forward to speak.

Boardmember Frank Martin made a motion to approve V20-071 - Allow reduction of the front setback from 35 feet to 28 feet - Land Lot 449 - 2800 Sanford Road - April Reid. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

H. [2020-511](#)

Pubic Hearing - V20-072 - Allow rear setback reduction from 30 feet to 15 feet - Land Lot 306 - 1068 Oaks Parkway - Barefoot Decks, LLC

Mr. Balzar with Barefoot Decks, LLC was present and gave explanation for the need for the variance.

Community Development Planner I, Caitlin Crowe provided the background. The applicant is requesting to deviate from the development standards established by the City for the rear setback of 30 feet. The applicant is requesting a variance to reduce the rear setback to 15 feet to rebuild a deck on the townhome residence. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. Similar variances have been approved throughout the City. At the time of this report, Community Development has not received any phone calls regarding the variance request. 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 the development of the property in substantial compliance with the site plan submitted with the variance application.

All stipulations were accepted by the applicant.

The public hearing was announced by Chairperson Acree and no one came forward to speak.

Boardmember Richard Garland made a motion to approve V20-072 - Allow rear setback reduction from 30 feet to 15 feet - Land Lot 306 - 1068 Oaks Parkway - Barefoot Decks, LLC. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

A. [LIC2020-21](#)

Privilege License Agent/Ownership Change Request LIC 2020-21 - Beer, Wine, and Liquor (retail package) - 1651 Roswell Street - Nadia IV, LLC dba G & N Package Store with Goutam Debnath as agent.

The applicant, Mr. Goutam Debnath came in late to the meeting. He described his role with the business. He is the owner of the package store and the registered owner of another location as well.

All requirements were met and the applicant reiterated his acceptance of all rules and regulations.

Boardmember Frank Martin made a motion to approve Privilege License Agent/Ownership Change Request LIC 2020-21 - Beer, Wine, and Liquor (retail package) - 1651 Roswell Street - Nadia IV, LLC dba G & N Package Store with Goutam Debnath as agent. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

4. Approval of Minutes:

- A. [2020-490](#) Approval of the November 11, 2020 License and Variance Board Meeting minutes.

Boardmember Richard Garland made a motion to approve the November 11, 2020 License and Variance Board Meeting minutes. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Frank Martin and Richard Garland

5. Adjournment

Chairperson Roy Acree adjourned the December 9, 2020 License and Variance Board meeting at 11:01 AM.