



## Meeting Minutes - Final

### License and Variance Board

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Wednesday, February 12, 2020

10:00 AM

Council Chambers

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#### 1. Roll Call

**Present:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**Also Present:** 0

**Staff:** 6 - Russell Martin, Caitlin Crowe, Jim Cox, Kevin Moore, Heather Peacon-Corn and Kelly Moon

#### 2. Call to Order

Boardmember Tammi Saddler Jones called the February 12, 2020 License and Variance Board Meeting to order at 10:00 AM.

#### 3. Business

##### A. [LIC2020-01](#)

Public Hearing - Privilege License Request LIC 2020-01 - Beer, Wine, and Liquor Pouring - 2999 Cumberland Boulevard - Carrabba's Italian Grill LLC dba Carrabba's Italian Grill with Jennifer Martindale as agent.

*Chairperson Tammi Saddler Jones read aloud item LIC2020-01 and called the applicant to the podium.*

*Ms. Jennifer Martindale approached the podium and was asked if she had received and reviewed the Alcohol Ordinance and agreed to abide by it, and she replied in the affirmative. She also was asked if she had completed the required Alcohol Sales Class and she again replied in the affirmative.*

*She was asked to share what policies are implemented at the store to prevent sales to underage minors. She replied that all employees were required to complete annual testing and the store keeps a book with all employee ID pictures and expiration dates for their server permits. Additionally, everyone is carded, regardless of if they look old enough.*

*Boardmember Roy Acree asked what her specific role was with the store and she replied that she was the Operational Manager and Regional Training Manager. She has not been a registered agent previously and she is at this particular location once a week or once every other week.*

*She was instructed that the Smyrna Police Department performs random spot checks for underage service and that employees who served would be arrested and taken to jail.*

*Her background check was performed and nothing was returned that would prevent her from being the agent at this location.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Frank Martin made a motion to approve Privilege License Request LIC 2020-01 - Beer, Wine, and Liquor Pouring - 2999 Cumberland Boulevard - Carrabba's Italian Grill LLC dba Carrabba's Italian Grill with Jennifer Martindale as agent. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**B. [LIC2020-03](#)**

Public Hearing - Privilege License Request LIC2020-03 - Beer and Wine Package - 2387 South Cobb Drive - New Hope America LLC dba Discount Smoke and Food Mart wil Zarintaz Bhimani as agent.

*Chairperson Tammi Saddler Jones read aloud item LIC2020-03 and called the applicant to the podium.*

*Ms. Zarintaz Bhimani approached the podium and was asked if she had received and reviewed the Alcohol Ordinance and agreed to abide by it, and she replied in the affirmative. She also was asked if she had completed the required Alcohol Sales Class and she again replied in the affirmative.*

*She was asked to share what policies are implemented at the store to prevent sales to underage minors. She replied that she usually does a weekly reminder of rules, offers guidelines on checking identifications and has a daily calendar to see the age for the day. Her staff also has the alcohol permits issued by Smyrna Police Department.*

*Boardmember Roy Acree asked what her specific role was with the store and she replied that she was the owner and manager. Her register system does not require a birthdate to be entered for the sale. She has two current employees and she will also work the store at the register. They have an additional store in Lawrenceville, Georgia. She is at this location two to three times a week.*

*She was instructed that the Smyrna Police Department performs random spot checks for underage service and that employees who served would be arrested and taken to jail.*

*Her background check was performed and nothing was returned that would prevent her from being the agent at this location.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Roy Acree made a motion to approve Privilege License Request LIC2020-03 - Beer and Wine Package - 2387 South Cobb Drive - New Hope America LLC dba Discount Smoke and Food Mart with Zarintaz Bhimani as agent. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**C. [LIC2020-04](#)**

Public Hearing - Privilege License Request LIC2020-04 - Beer and Wine

(Retail Pouring) - 2469 Cumberland Parkway Se - Chang Wei Inc. dba House of Chan with Wei Zhou as agent.

*Chairperson Tammi Saddler Jones read aloud item LIC2020-04 and called the applicant to the podium.*

*Ms. Wei Zhou approached the podium on behalf of Chang Wei, Inc. and was asked if she had received and reviewed the Alcohol Ordinance and agreed to abide by it, and she replied in the affirmative. She also was asked if she had completed the required Alcohol Sales Class and she again replied in the affirmative.*

*She was asked to share what policies are implemented at the store to prevent sales to underage minors. She replied that her staff has the alcohol permits issued by Smyrna Police Department, have read the City Ordinance and are instructed to card everyone for every sale.*

*Boardmember Roy Acree asked what her specific role was with the store and she replied that she was the owner and manager and is on location every day.*

*She was instructed that the Smyrna Police Department performs random spot checks for underage service and that employees who served would be arrested and taken to jail.*

*Her background check was performed and nothing was returned that would prevent her from being the agent at this location.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Frank Martin made a motion to approve Privilege License Request LIC2020-04 - Beer and Wine (Retail Pouring) - 2469 Cumberland Parkway Se - Chang Wei Inc. dba House of Chan with Wei Zhou as agent. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**D. [2020-32](#)**

Public Hearing - V20-001 - Reduce front setback from 35 feet to 24 feet for the construction of a new single-family home - Land Lot 415 - 840 Flagler Circle - Jeff Williams

*Chairperson Tammi Saddler Jones read aloud item 2020-32 and called the applicant to the podium.*

*Mr. Jeff Williams approached the podium and reviewed his requests for this application. He is working to make this lot adhere to the current ordinances and set backs. He will push the house to the north to stay out of creek setback and make it work.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*There are several requests regarding this property and each will be voted on separately.*

VARIANCE CASE V20-001

840 Flagler Cir – Reduce front setback from 35 feet to 24 feet

VARIANCE CASE V20-002

840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet

VARIANCE CASE V20-003

840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure

VARIANCE CASE V20-004

840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home

VARIANCE CASE V20-005

840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway

VARIANCE CASE V20-006

840 Flagler Cir – Increase accessory building size from 25% to 31%

*The background for this property reads as follows:*

*The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.*

*The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.*

*The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.*

*The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.*

*The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the*

assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.

City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.

There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.
3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.

The applicant stated he approved of the listed conditions.

Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.

Boardmember Roy Acree made a motion to approve V20-001 - Reduce front setback from 35 feet to 24 feet for the construction of a new single-family home - Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**E. [2020-85](#)**

Public Hearing - V20-002 - Reduce side setback on northeast property line from 10 feet to 5 feet - Land Lot 415 - 840 Flagler Circle - Jeff Williams

Chairperson Tammi Saddler Jones read aloud item 2020-85.

Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:

There are several requests regarding this property and each will be voted on separately.

VARIANCE CASE V20-001

840 Flagler Cir – Reduce front setback from 35 feet to 24 feet

VARIANCE CASE V20-002

840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet

VARIANCE CASE V20-003

840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure

VARIANCE CASE V20-004

840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home

*VARIANCE CASE V20-005**840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway**VARIANCE CASE V20-006**840 Flagler Cir – Increase accessory building size from 25% to 31%**The background for this property reads as follows:**The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.**The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.**The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.**The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.**The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.**Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.**City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.*

*There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:*

- 1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.*
- 2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.*
- 3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.*
- 4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.*

*The applicant stated he approved of the listed conditions.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Frank Martin made a motion to approve V20-002 - Reduce side setback on northeast property line from 10 feet to 5 feet - Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**F. [2020-86](#)**

Public Hearing - V20-003 - Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure- Land Lot 415 - 840 Flagler Circle - Jeff Williams

*Chairperson Tammi Saddler Jones read aloud item 2020-86.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*There are several requests regarding this property and each will be voted on separately.*

*VARIANCE CASE V20-001*

*840 Flagler Cir – Reduce front setback from 35 feet to 24 feet*

*VARIANCE CASE V20-002*

*840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet*

*VARIANCE CASE V20-003*

*840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure*

*VARIANCE CASE V20-004*

*840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home*

*VARIANCE CASE V20-005*

*840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway*

*VARIANCE CASE V20-006*

*840 Flagler Cir – Increase accessory building size from 25% to 31%*

*The background for this property reads as follows:*

*The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The*

*applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.*

*The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.*

*The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.*

*The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.*

*The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.*

*Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted. City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.*

*There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:*

- 1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.*
- 2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.*
- 3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.*
- 4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of*



*the property, reviewed and approved by the City Engineer.*

*The applicant stated he approved of the listed conditions.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Roy Acree made a motion to approve V20-003 - Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure- Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**G. [2020-87](#)**

Public Hearing - V20-004 - Allow encroachment into 75 foot impervious surface setback for new single-family home - Land Lot 415 - 840 Flagler Circle - Jeff Williams

*Chairperson Tammi Saddler Jones read aloud item 2020-87.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*There are several requests regarding this property and each will be voted on separately.*

VARIANCE CASE V20-001

840 Flagler Cir – Reduce front setback from 35 feet to 24 feet

VARIANCE CASE V20-002

840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet

VARIANCE CASE V20-003

840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure

VARIANCE CASE V20-004

840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home

VARIANCE CASE V20-005

840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway

VARIANCE CASE V20-006

840 Flagler Cir – Increase accessory building size from 25% to 31%

*The background for this property reads as follows:*

*The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.*

*The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family*

detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle. The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.

The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.

City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.

There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.
3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.

The applicant stated he approved of the listed conditions.

Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.

Boardmember Frank Martin made a motion to approve V20-004 - Allow encroachment into 75 foot impervious surface setback for new single-family home - Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**H. [2020-88](#)**

Public Hearing - V20-005 - Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway - Land Lot 415 - 840 Flagler Circle - Jeff Williams

*Chairperson Tammi Saddler Jones read aloud item 2020-88.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*There are several requests regarding this property and each will be voted on separately.*

*VARIANCE CASE V20-001*

*840 Flagler Cir – Reduce front setback from 35 feet to 24 feet*

*VARIANCE CASE V20-002*

*840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet*

*VARIANCE CASE V20-003*

*840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure*

*VARIANCE CASE V20-004*

*840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home*

*VARIANCE CASE V20-005*

*840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway*

*VARIANCE CASE V20-006*

*840 Flagler Cir – Increase accessory building size from 25% to 31%*

*The background for this property reads as follows:*

*The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.*

*The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.*

*The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a*

*front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.*

*The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.*

*The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.*

*Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.*

*City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.*

*There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:*

- 1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.*
- 2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.*
- 3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.*
- 4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.*

*The applicant stated he approved of the listed conditions.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

*Boardmember Roy Acree made a motion to approve V20-005 - Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway - Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Frank Martin seconded the motion.*

*The motion to approve was carried by the following vote:*

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**I. [2020-89](#)**

**Public Hearing - V20-006 - Increase accessory building size from 25% to 31% - Land Lot 415 - 840 Flagler Circle - Jeff Williams**

*Chairperson Tammi Saddler Jones read aloud item 2020-89.*

Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:

There are several requests regarding this property and each will be voted on separately.

VARIANCE CASE V20-001

840 Flagler Cir – Reduce front setback from 35 feet to 24 feet

VARIANCE CASE V20-002

840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet

VARIANCE CASE V20-003

840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure

VARIANCE CASE V20-004

840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home

VARIANCE CASE V20-005

840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway

VARIANCE CASE V20-006

840 Flagler Cir – Increase accessory building size from 25% to 31%

The background for this property reads as follows:

The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachment, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.

The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.

The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.

The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

The existing 992 square foot accessory structure is currently encroaching into the rear

setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.

City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.

There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with four conditions as follows:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.
3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.

The applicant stated he approved of the listed conditions.

Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.

Boardmember Frank Martin made a motion to approve V20-006 - Increase accessory building size from 25% to 31% - Land Lot 415 - 840 Flagler Circle - Jeff Williams. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**J. [2020-90](#)**

Public Hearing - V20-007 - Allow reduction of the side exterior setback from 10 feet to 7.3 feet - Land Lot 489 - 2661 Grady Street - Ashley Camp

Chairperson Tammi Saddler Jones read aloud item 2020-90 and called the applicant to the podium.

Ms. Ashley Camp approached the podium and reviewed her requests for this application. She has an existing patio that they want to add a roof over for coverage.

Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:

The background for this property reads:

The applicant is requesting a variance to reduce the side exterior setback for 2661

*Grady Street from 10 feet to 7.3 feet for the construction of a covered outdoor patio. The minimum side setback is required based upon the standards associated with the zoning stipulations recorded on the approved subdivision plat from 2011. City Engineer, Kevin Moore has reviewed and is in agreement with staff recommendations of approval.*

*The subject parcel is a 0.15-acre lot located on the northern intersection of Grady Street and Elle Court (see Figure 1). The subject parcel and all adjacent properties are zoned RDA and are occupied by single-family residences.*

*The applicant is proposing to construct a new covered patio with a gable roof and a ventless fireplace. Patios currently do not require permitting and do not need to meet the required setbacks since they are flush with the ground. The patio is currently encroaching in the setback by 2.7 feet. The footprint of the patio will remain unchanged. The addition of the gabled roof over the patio requires the need for the variance due to the roof structure encroaching into the setbacks.*

*Since the lot has three road frontages, there is little outdoor space available to the applicant. Community Development believes the variance requested is the minimum variance needed to construct a usable outdoor space. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved.*

*There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with one condition as follows: 1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation submitted with the variance application.*

*The applicant stated she approved of the listed condition.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

*Boardmember Roy Acree made a motion to approve V20-007 - Allow reduction of the side exterior setback from 10 feet to 7.3 feet - Land Lot 489 - 2661 Grady Street - Ashley Camp. Boardmember Frank Martin seconded the motion.*

*The motion to approve was carried by the following vote:*

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**K. [2020-91](#)**

**Public Hearing - V20-010 - Reduce the rear setback from 35 feet to 19 feet for an addition- Land Lot 555 - 3463 Lee Street - Ben Geer**

*Chairperson Tammi Saddler Jones read aloud item 2020-91 and called the applicant to the podium.*

*Mr. Ben Geer approached the podium and reviewed his requests for this application. He is renovating the current house to add master bedroom on rear as well as a rear porch.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*The background for this property reads:*

*The applicant is requesting two variances to build an addition on an existing home with a non-conforming rear setback. Section 801 of the zoning ordinance requires a rear setback of 35 feet and a side setback of 12 feet for R-20 lots.*

*The subject parcel is a 0.36-acre lot located on the southern intersection of Lee Street and Forest Drive. The subject parcel is zoned R-20 and is occupied by a single-family home. The adjacent parcels to the north and west are also zoned R-20. The adjacent parcels to the north, east, south, and west are zoned R-20. All adjacent properties are occupied by single-family residences.*

*The applicant is proposing to remodel a one-story home by adding an addition in the rear for a new master bedroom, bathroom, and covered porch. The existing home sits catty-corner on the property, pushed to the rear of the property with a large front yard. According to Section 402.35, the front yard of the property is deemed the side with the least road frontage, in this case, the Lee Street side since it is smaller by 3.73 feet. Due to the orientation of the existing structure on the property and the existing layout of the home, the most logical area to put the additions was in the rear of the property. The subject property was constructed in 1955 and has a non-conforming rear setback of 19.1 feet from the rear property line. The requested rear setback is based off the location of the rear of the existing home. The proposed addition encroaches into the rear setback, but not closer than the existing home.*

*Additionally, the existing one-story structure is 1,107 sq. ft., while the minimum house size of R-20 is 2,100 sq. ft. With the addition, the home will be 1,860 sq. ft, bringing the home closer to compliance. The adjacent building to the south will exceed the minimum 10 feet of separation from the subject property, thus no fire suppression system is required.*

*The subject property was constructed prior to the adoption of the zoning ordinance and has an existing non-conforming setback and is below the minimum house size. Strict application of the ordinance would require the foundation be removed and reconfigured, resulting in additional land disturbance. Community Development believes the variances requested are the minimum variances needed to build the addition. The hardship is not self-imposed, as the original home was built prior to the adoption of the zoning ordinance. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved.*

*There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with one condition as follows:*  
*1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation submitted with the variance application.*

*The applicant stated he approved of the listed condition.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

*Boardmember Frank Martin made a motion to approve V20-010 - Reduce the rear*



setback from 35 feet to 19 feet for an addition- Land Lot 555 - 3463 Lee Street - Ben Geer. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**L. [2020-92](#)**

Public Hearing - V20-011 - Reduce the side setback from 12 feet to 9.3 feet for an addition - Land Lot 555 - 3463 Lee Street - Ben Geer

*Chairperson Tammi Saddler Jones read aloud item 2020-92.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*The background for this property reads:*

*The applicant is requesting two variances to build an addition on an existing home with a non-conforming rear setback. Section 801 of the zoning ordinance requires a rear setback of 35 feet and a side setback of 12 feet for R-20 lots.*

*The subject parcel is a 0.36-acre lot located on the southern intersection of Lee Street and Forest Drive. The subject parcel is zoned R-20 and is occupied by a single-family home. The adjacent parcels to the north and west are also zoned R-20. The adjacent parcels to the north, east, south, and west are zoned R-20. All adjacent properties are occupied by single-family residences.*

*The applicant is proposing to remodel a one-story home by adding an addition in the rear for a new master bedroom, bathroom, and covered porch. The existing home sits catty-corner on the property, pushed to the rear of the property with a large front yard. According to Section 402.35, the front yard of the property is deemed the side with the least road frontage, in this case, the Lee Street side since it is smaller by 3.73 feet. Due to the orientation of the existing structure on the property and the existing layout of the home, the most logical area to put the additions was in the rear of the property. The subject property was constructed in 1955 and has a non-conforming rear setback of 19.1 feet from the rear property line. The requested rear setback is based off the location of the rear of the existing home. The proposed addition encroaches into the rear setback, but not closer than the existing home.*

*Additionally, the existing one-story structure is 1,107 sq. ft., while the minimum house size of R-20 is 2,100 sq. ft. With the addition, the home will be 1,860 sq. ft, bringing the home closer to compliance. The adjacent building to the south will exceed the minimum 10 feet of separation from the subject property, thus no fire suppression system is required.*

*The subject property was constructed prior to the adoption of the zoning ordinance and has an existing non-conforming setback and is below the minimum house size. Strict application of the ordinance would require the foundation be removed and reconfigured, resulting in additional land disturbance. Community Development believes the variances requested are the minimum variances needed to build the addition. The hardship is not self-imposed, as the original home was built prior to the adoption of the zoning ordinance. Community Development does*

not

foresee any negative impacts to adjacent properties should the variances be approved.

There were no calls from neighbors, the property has been properly posted and after review, Community Development approves this request with one condition as follows:

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

The applicant stated he approved of the listed condition.

Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.

Boardmember Roy Acree made a motion to approve V20-011 - Reduce the side setback from 12 feet to 9.3 feet for an addition - Land Lot 555 - 3463 Lee Street - Ben Geer. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**M.**     [2020-93](#)

Public Hearing - V20-012 - Allow the reduction of the rear setback from 30 feet to 15 feet - Land Lot 330 - 4830 Marina Lane - John T. Holmes

Chairperson Tammi Saddler Jones read aloud item 2020-93 and called the applicant to the podium.

Mr. John T. Holmes approached the podium and reviewed his requests for this application. He is requesting a variance to reduce the rear setback from 30 feet to 15 feet for the construction of a covered portico.

Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:

*The background for this property reads:*

*The applicant is requesting a variance to reduce the rear setback for 4830 Marina Lane from 30 feet to 15 feet for the construction of a covered portico. The minimum rear setback is required based upon the standards associated with the approved subdivision plat from 2005.*

*The subject parcel is a 0.35-acre lot located at the intersection of Cooper Lake Road, Nickajack Road, and Marina Lane (see Figure 1). The subject parcel, the adjacent parcel to the north and the adjacent parcel to the west are zoned R-15. The adjacent parcels to the east and south are zoned RDA. All parcels are occupied by single-family residences. The Manor at Vinings subdivision was established in 2005 and the property is an existing lot of record; however, the property remained vacant until June 2019 when the applicant was permitted to build a new single-family home.*

*The applicant is proposing to construct a new covered portico on the rear of the home (see Figure 2). The gable roof extends from the structure of the home to a retaining wall that runs the length of the rear of the property. Two columns hold the roof structure up from the retaining wall (see Figure 5). Retaining walls do not need to meet setback requirements. The addition of the gabled roof spanning from the home to the retaining wall requires the need for the variance due to the roof structure encroaching into the*

rear setback. The portico roof is currently encroaching in the rear setback by 15 feet.

Since the lot has three road frontages, there is little outdoor space available to the applicant for the private enjoyment of their backyard. Additionally, the property has a significant slope from Cooper Lake Road to the property, limiting the usability of the rear yard. Community Development believes the variance requested is the minimum variance needed to construct a usable outdoor space. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. Community Development has received one call for inquiry related to the request.

The applicant is requesting a variance to reduce the rear setback for 4830 Marina Lane from 30 feet to 15 feet for the construction of a covered portico. 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, 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 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 and elevation submitted with the variance application.

The applicant stated he approved of the listed condition.

Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.

Boardmember Frank Martin made a motion to approve V20-012 - Allow the reduction of the rear setback from 30 feet to 15 feet - Land Lot 330 - 4830 Marina Lane - John T. Holmes. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**N. [2020-94](#)**

Public Hearing - V20-013 - Reduce the landscape buffer from 15 feet to 10 feet - Land Lot 446 - 1047 Windy Hill Road - Alterman Commercial Real Estate

Chairperson Tammi Saddler Jones read aloud item 2020-94 and called the applicant to the podium.

Mr. Eric Brown spoke on behalf of Alterman Commercial Real Estate and approached the podium to review his requests for this application. He is requesting two variances to build a new car wash at 1047 Windy Hill Road.

Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:

*The background for this property reads:*

*The applicant is requesting two variances to build a new car wash at 1047 Windy Hill Road. The first variance is to reduce the landscape buffer along Windy Hill Road from 15 feet to 10 feet. The second variance is to allow an additional accessory structure on the property since there will also be a separate dumpster enclosure and pay station. The accessory structure requirements allow for one accessory structure per property and are located in Section 501 of the Zoning Ordinance. The regulations pertaining to landscape buffers along the Windy Hill Road Corridor are located in Section 717 of the Zoning Ordinance.*

*The subject parcel is located on the north side of Windy Hill Road at the intersection of Belmont Place and Windy Hill Road and is zoned GC (General Commercial) and is currently vacant (see Figure 1). The subject property is 1.15 acres (49,999 sq. ft.). The adjoining properties to the north are zoned RM-12 (Residential Multi-family) and OD (Office Distribution) and are occupied by an apartment complex and storage facility, respectively. The adjoining properties to the east are zoned GC and are occupied by a vacant parcel and a church property. The adjacent properties to the south are zoned MU (Mixed Use) and are occupied with an apartment complex and a medical office building. The adjacent parcel to the west is zoned GC and is currently vacant.*

*The applicant is requesting two variances for a proposed new car wash facility: a landscape buffer reduction and a second accessory structure. The subject parcel is one of many parcels affected by the road improvements of the Windy Hill project which will significantly affect the front section of the parcel when the property owner dedicates the required right-of-way for the ongoing project. This in turn limits the land availability for the 15 foot landscape buffer as required by Section 717 for the Windy Hill Road corridor district. The applicant is requesting to reduce the landscape buffer from 15 feet to 10 feet to better accommodate the turning radii as vehicles exit the car wash building.*

*Part of the car wash's design is for a detached pay station as well as an enclosed dumpster, both separated from the main car wash structure. This means that there are two accessory structures on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, both the pay station and dumpster are essential for the business operation and have little to no effect on the surrounding parcels*

*Community Development believes the variances requested are the minimum variances needed to build a new car wash on the subject property. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved.*

*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 variances will not adversely affect surrounding properties; 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 and elevation submitted with the variance application.*

*The applicant stated he approved of the listed condition.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Roy Acree made a motion to approve V20-013 - Reduce the landscape buffer from 15 feet to 10 feet - Land Lot 446 - 1047 Windy Hill Road - Alterman Commercial Real Estate. Boardmember Frank Martin seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**O. [2020-95](#)**

Public Hearing - V20-014 - Allow second accessory structure - Land Lot 446 - 1047 Windy Hill Road - Alterman Commercial Real Estate

*Chairperson Tammi Saddler Jones read aloud item 2020-95.*

*Caitlin Crowe, Planner 1 with Community Development came to the podium and read aloud the staff memo as follows:*

*The background for this property reads:*

*The applicant is requesting two variances to build a new car wash at 1047 Windy Hill Road. The first variance is to reduce the landscape buffer along Windy Hill Road from 15 feet to 10 feet. The second variance is to allow an additional accessory structure on the property since there will also be a separate dumpster enclosure and pay station. The accessory structure requirements allow for one accessory structure per property and are located in Section 501 of the Zoning Ordinance. The regulations pertaining to landscape buffers along the Windy Hill Road Corridor are located in Section 717 of the Zoning Ordinance.*

*The subject parcel is located on the north side of Windy Hill Road at the intersection of Belmont Place and Windy Hill Road and is zoned GC (General Commercial) and is currently vacant (see Figure 1). The subject property is 1.15 acres (49,999 sq. ft.). The adjoining properties to the north are zoned RM-12 (Residential Multi-family) and OD (Office Distribution) and are occupied by an apartment complex and storage facility, respectively. The adjoining properties to the east are zoned GC and are occupied by a vacant parcel and a church property. The adjacent properties to the south are zoned MU (Mixed Use) and are occupied with an apartment complex and a medical office building. The adjacent parcel to the west is zoned GC and is currently vacant.*

*The applicant is requesting two variances for a proposed new car wash facility: a landscape buffer reduction and a second accessory structure. The subject parcel is one of many parcels affected by the road improvements of the Windy Hill project which will significantly affect the front section of the parcel when the property owner dedicates the required right-of-way for the ongoing project. This in turn limits the land availability for the 15 foot landscape buffer as required by Section 717 for the Windy Hill Road corridor district. The applicant is requesting to reduce the landscape buffer from 15 feet to 10 feet to better accommodate the turning radii as vehicles exit the car wash building.*

*Part of the car wash's design is for a detached pay station as well as an enclosed dumpster, both separated from the main car wash structure. This means that there are two accessory structures on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, both the pay station and dumpster are essential for the business operation and have little to no effect on the surrounding parcels*

*Community Development believes the variances requested are the minimum variances needed to build a new car wash on the subject property. Community Development does not foresee any negative impacts to adjacent properties should the variances be*

*approved.*

*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 variances will not adversely affect surrounding properties; 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 and elevation submitted with the variance application.*

*The applicant stated he approved of the listed condition.*

*Chairperson Saddler Jones called the public hearing and no one came forward to speak in favor or opposition of this item.*

Boardmember Frank Martin made a motion to approve V20-014 - Allow second accessory structure - Land Lot 446 - 1047 Windy Hill Road - Alterman Commercial Real Estate. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**P. [2020-96](#)**

Public Hearing - V20-008 - Allow encroachment into the 50 foot Undisturbed Stream Buffer - Land Lot 594 - 1554 Spring Street - City of Smyrna

Boardmember Roy Acree made a motion to table V20-008 - Allow encroachment into the 75 foot impervious surface setback - Land Lot 594 - 1554 Spring Street - City of Smyrna to the February 26, 2020 License and Variance Board Meeting. Boardmember Frank Martin seconded the motion.

The motion to table was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**4. Approval of Minutes:**

**A. [2020-98](#)**

Approve the January 22, 2020 Meeting Minutes of the License and Variance Board

Boardmember Frank Martin made a motion to approve the January 22, 2020 Meeting Minutes of the License and Variance Board. Boardmember Roy Acree seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Frank Martin

**5. Adjournment**

*A special congratulations was offered to Mr. Jim Cox on his retirement with the City of Smyrna.*

Boardmember Saddler Jones adjourned the February 12, 2020 License and Variance

Board Meeting at 10:50 AM.