

City of Smyrna

2800 King Street
Smyrna, Georgia 30080



Meeting Minutes

Wednesday, April 25, 2018

10:00 AM

Council Chambers

License and Variance Board

1. Roll Call

Present: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

Also Present: 5 - Terri Graham, Elsa Thompson, Lisa Ochoa, Joey Staubes and Russell Martin

2. Call to Order

The meeting of the License and Variance Board was called to order by Boardmember Tammi Saddler Jones at 10:02am.

3. Business**A. Public Hearing - Variance Request - V18-014 - Reduction of front yard setback for fence from 50 ft. to 10 ft. along S Cobb Drive - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs**

Boardmember Tammi Saddler Jones called the applicant to podium and asked him to give a background on this variance request.

Mr. Lee Staggs stated his name for the record and advised that the request was for the company to be able to park their vehicles on the property and to construct a small building for equipment storage which was previously approved by the License and Variance Board. Ms. Saddler Jones asked the Board if there were any questions for the applicant, there were none.

Ms. Saddler Jones then called Community Development Planner Joey Staubes to the podium.

Mr. Staubes came forward and stated that the applicant was requesting a variance to reduce the setback from 50 feet to 10 feet to allow for a fence. He noted that this request was tabled a month ago in order for the applicant to work with adjoining properties to find a reasonable solution that everyone would be pleased with. Fence has been revised to be a 6 foot iron fence as to not disrupt visibility to the adjoining properties. Staff recommended approval of the requested variance with the following conditions:

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.*
2. *A 20 foot wide gate with Knox Box is required for Fire Department access.*
3. *A 20 foot wide clearance shall be maintained in the parking lot for Fire Department turnaround.*
4. *Add curb on southside of property to divert storm water to Ventura Drive.*

Ms. Saddler Jones asked the Board if there were any questions for Staff, there were none.

The Public Hearing was announced.

Mr. James Onabanjo, owner of adjoining property - 2289 S Cobb Drive. He noted that he is happy with the revision and has no objection to the variance request as long as it remains an iron fence. No one else came forward.

Ms. Saddler Jones called the applicant forward and asked him if he was ok with the 4 conditions stated by Staff. Mr. Staggs advised that he was.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-014 for reduction of front yard setback for fence from 50 feet to 10 feet along S Cobb Drive in Land Lot 347 on 0.41 acres located at 2291 S Cobb Drive by Dive In, Inc. by applicant Lee Staggs; seconded by Boardmember Brian Marcos. The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

B.

Public Hearing - Variance Request - V18-015 - Reduction of front yard setback for fence from 35 ft. to 10 ft. along Ventura Drive - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

Tammi called Mr. Staggs to come forward.

Mr. Staggs stated that the purpose of this request was for security measures, much like his previous variance request for their vehicles and equipment storage building. Ms. Saddler Jones asked the Board if they had any questions.

Boardmember Brian Marcos asked Mr. Staggs if the parking would be marked so that the employees know where their designated parking is to allow access for fire trucks. Mr. Staggs advised that the parking would be marked.

Ms. Saddler Jones called Mr. Staubes to come forward. Mr. Staubes noted that this item was also tabled with the previous variance but that no changes had been made to this request because the issue was with the S Cobb Drive fence; this fence would be a wooden fence along Ventura Drive. Staff recommended approval with the same 4 conditions as the previous variance request:

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.*
2. *A 20 foot wide gate with Knox Box is required for Fire Department access.*
3. *A 20 foot wide clearance shall be maintained in the parking lot for Fire Department turnaround.*
4. *Add curb on southside of property to divert storm water to Ventura Drive.*

Ms. Saddler Jones asked the applicant if he accepted the 4 conditions as stated. Mr. Staggs accepted the conditions.

Ms. Saddler Jones asked the Board if there were any questions for Staff, there were none.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-015 for a reduction of front yard setback for fence from 35 feet to 10 feet along Ventura Drive in Land Lot 347 on 0.41 acres lacted at 2291 S Cobb Drive, by Dive In, Inc., by applicant Lee Staggs; seconded by Boardmember Brian Marcos.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

C. **Public Hearing** - Variance Request - V18-025 - Allow reduction of side setback from 10 feet to 5 feet for construction of new single family home - 0.25 acres - Land Lot 628 - 3336 Creatwood Trail - Rachel and Greg McCullough - *The applicant has withdrawn this request.*

Ms. Saddler Jones advised that the applicants had withdrawn the request. After no further discussion, she called for a motion.

A motion was made by Boardmember Scott Stokes to withdraw without prejudice Variance Request V18-025 to allow reduction of side setback from 10 feet to 5 feet for construction of new single family home on 0.25 acres in Land Lot 628 located at 3336 Creatwood Trail by applicants Rachel and Greg McCullough; seconded by Boardmember Brian Marcos.

The motion to withdraw without prejudice carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

D. **Public Hearing** - Variance Request - V18-026 - Allow front setback reduction from 35 feet to 16 feet for the construction of a new single family home - 0.25 acres - Land Lot 628 - 3336 Creatwood Trail - Rachel and Greg McCullough

Ms. Saddler Jones called the applicant forward.

Ms. Rachel McCullough came forward and stated her name for the record. Ms. Saddler Jones asked Ms. McCullough to address the variance request. Ms. McCullough advised that she had a few requests and noted that without the setback there would not be enough room to build on the property.

Ms. Saddler Jones asked the Board if there were any questions for the applicant, there were none. She called Mr. Staubes to come forward.

Mr. Staubes stated that the applicant was requesting three variances, allowing encroachment into the City's 50 foot undisturbed buffer and the City's 75 foot impervious surface setback, as well as a front setback reduction from 35 feet to 16 feet for the construction of a new single family home. The requests were made to the City in order to avoid encroaching into the 25 foot undisturbed State buffer which would require the applicant going before more boards to get approval. Staff recommended approval with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan submitted

with the variance application.

Ms. Saddler Jones asked the applicant if she accepted the condition as stated. Ms. McCullough accepted.

Ms. Saddler Jones asked the Board if there were any questions for Staff, there were none.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-026 to allow front setback reduction from 35 feet to 16 feet for the construction of a new single family home on 0.25 acres in Land Lot 628 located at 3336 Creatwood Trail by applicants Rachel and Greg McCullough; seconded by Boardmember Brian Marcos. The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

E. **Public Hearing** - Variance Request - V18-027 - Allow encroachment into 50 ft. Undisturbed Stream Buffer for the construction of a new single family home - 0.25 acres - Land Lot 628 - 3336 Creatwood Trail - Rachel and Greg McCullough

Ms. McCullough came forward. She advised that this request was much like the previous one and noted that with the presence of this buffer there would not be enough room to build a sizeable building on the lot.

Ms. Saddler Jones asked the Board if there were any questions for the applicant, there were none. She called Mr. Staubes to come forward.

Mr. Staubes advised that the property was an existing lot that was part of the Creatwood Forest Subdivision, platted in 1959. He noted that the majority of the homes on Creatwood Trail had the stream along the rear of the property line. This property and the adjacent lot had the stream flowing inward which meandered onto the lots which greatly impacted the buildable area of the lots. The lots were platted before stream buffer ordinances were adopted, therefore most of the homes in that area were in buffers; existing and non-conforming. To protect the stream, prevent erosion and reduce peak flow from widening the stream, the applicants worked with the City Engineer to put in a detention area in the back of the property to catch the runoff, let it drain slowly and filter any sediment from the runoff. The engineer was supportive of the request with that addition. Staff recommended approval with the following condition:

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

Ms. Saddler Jones asked the Board if there were any questions for Staff, there were none.

Ms. Saddler Jones asked the applicant if she accepted the condition as stated. Ms. McCullough accepted.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-027 to allow encroachment into a 50 foot Undisturbed Stream Buffer for the construction of a new single family home on 0.25 acres in Land Lot 628 located at 3336 Creatwood Trail by applicants Rachel and Greg McCullough; seconded by Boardmember Brian Marcos.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

F.

Public Hearing - Variance Request - V18-028 - Allow encroachment into 75 ft. Impervious Area Surface Setback for the construction of a new single family home - 0.25 acres - Land Lot 628 - 3336 Creatwood Trail - Rachel and Greg McCullough

Ms. Saddler Jones called the applicant to come forward.

Ms. McCullough came forward and advised that this request was much like the previous one. She noted that with the presence of this buffer there would not be enough room to build a sizeable building on the lot.

Ms. Saddler Jones asked the Board if there were any questions for the applicant, there were none. She called Mr. Staubes to come forward.

Mr. Staubes advised that Staff had nothing additional to add. Staff recommended approval with the same condition as the previous variance request:

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

Ms. Saddler Jones asked the Board if there were any questions for Staff, there were none.

Ms. Saddler Jones asked the applicant if she accepted the condition as stated. Ms. McCullough accepted.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-028 to allow encroachment into a 75 foot Impervious Area Surface Setback for the construction of a new single family home on 0.25 acres in Land Lot 628 located at 3336 Creatwood Trail by applicants Rachel and Greg McCullough; seconded by Boardmember Brian Marcos.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

G.

Public Hearing - Variance Request - V18-035 - Allow rear setback reduction from 20 feet to 8 feet to retain an existing non-conforming deck - Land Lot 752 - 0.21 acres - 2191 Church Road - Guy Garnett

Boardmember Tammi Saddler Jones asked the applicant to come forward and speak about the request.

Mr. Guy Garnett came forward and stated his name for the record. He advised that the variance request was for him to retain the existing deck. He noted that he purchased the home from the original builder and the builder built the deck beyond the rear setback line. The Board did not have any questions for the applicant.

Ms. Saddler Jones asked Mr. Staubes to come forward. Mr. Staubes advised that the applicant was requesting a variance to reduce the rear setback from 20 feet to 8 feet in order to retain an existing non-conforming deck and to allow necessary maintenance of the deck within the same footprint. Mr. Staubes noted that the non-conforming deck was built when the original home was constructed and that the applicant was not asking to add anything to the deck therefore Staff recommended approval 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.

Boardmember Scott Stokes advised that he had a question for the applicant. The applicant came forward. Mr. Stokes inquired how it was discovered that the deck was non-conforming. The applicant advised that the land had been surveyed for a fence and that was when he was advised of the property lines and that the survey included the setback. Mr. Stokes asked if the HOA had any problem with this issue. Mr. Garnett advised that he had notified the HOA and they did not have any concerns. Ms. Saddler Jones asked the applicant if he accepted the one condition as stated, he advised that he did.

Ms. Saddler Jones announced the Public Hearing. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-035 to allow rear setback reduction from 20 feet to 8 feet to retain an existing non-conforming deck in Land Lot 752 on 0.21 acres located at 2191 Church Road by applicant Guy Garnett; seconded by Boardmember Brian Marcos. The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

H. Public Hearing - Variance Request - V18-036 - Allow rear setback reduction from 25 feet to 17 feet to extend a deck on a single family residence - Land Lot 487 - 0.17 acres - 2870 Green Cove Way - Will and Amanda Cox

Mr. Will Cox came forward to address the Board. He advised that he was seeking to extend the deck on southeast corner of his home that stuck out 12 feet and extend it across the backend of the home to the southwest corner of the home and maintain the 12 foot line however the back of the lot was not parallel with the home. The variance request was due to the southwest corner of the deck encroaching on the setback because of the angle of the rear property line. He noted that the completed project would be a closed in sunroom. There were no questions for the applicant.

Ms. Saddler Jones called Mr. Staubes to come forward. Mr. Staubes advised that the

applicant was requesting a variance to reduce the rear setback from 25 feet to 17 feet in order to extend the existing deck at the rear of the single family home. He noted that the rear lot line was not parallel to home, that the property line came inward on the leftside rear of the home and that corner of the deck would encroach on the rear setback. He stated that Staff does not believe that there would be any negative impact on the adjacent properties and that they have not heard any opposition from the adjacent properties. Staff recommended approval 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.

There were no questions for Staff.

Ms. Saddler Jones asked the applicant if he accepted the condition as stated, he advised that he did.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-036 to allow rear setback reduction from 25 feet to 17 feet to extend a deck on a single family residence in Land Lot 487 on 0.17 acres located at 2870 Green Cove Way by applicants Will and Amanda Cox; seconded by Boardmember Brian Marcos. The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

I. **Public Hearing** - Variance Request - V18-037 - Allow lot size below 3 acres within S Cobb Drive Corridor Design District - Land Lot 412 -2.38 acres - 3379 S Cobb Drive - Travis Pruitt and Associates - David Blumenthal

David Blumenthal of Travis Pruitt and Associates and Sun Trust Bank representative, came forward to address the Board. He advised that the facility which the bank operates out of was too large, that the bank was built in the 70s and had a 10 lane drive-thru that they would like to demolish. In its place, they would like to build a prototype bank branch with a smaller drive-thru meaning the bank would not need the entire property and therefore would like to subdivide the property and sell the unused portion. There were no questions for the applicant.

Ms. Saddler Jones called Mr. Staubes to come forward. Mr. Staubes advised that the applicant was requesting to allow a lot size below 3 acres along South Cobb Drive. The existing lot was already non-conforming at 2.38 acres. The subject property was comprised of a two-story bank branch and separated by approximately 100 feet was the drive-thru. Mr. Staubes noted that the bank was operating in an old development pattern and that the bank was already operating as if it were on two properties. Mr. Staubes stated that the applicant was requesting a variance to subdivide the existing non-conforming lot into two lots to redevelop by demolishing the drive-thru and building a prototype bank branch and drive-thru combined. Staff saw this as a benefit as the new branch will face South Cobb Drive instead of Brown and be able to close two access drives. Staff has not heard any opposition and recommended approval with the following condition:

1. *Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the subdivision plat submitted with the variance application.*

Boardmember Scott Stokes asked Mr. Staubes if this set precedent for other properties to subdivide and request to deviate from the South Cobb Drive Corridor Design District. Mr. Staubes did not believe it would be an issue because there were already two separate buildings on the property.

Ms. Saddler Jones asked the applicant if he accepted the condition as stated. He advised that he did.

The Public Hearing was announced. No one came forward.

After no further discussion, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-037 to allow lot size below 3 acres within S Cobb Drive Corridor Design District in Land Lot 412 on 2.38 acres located at 3379 S Cobb Drive by applicants Travis Pruitt and Associates by Representative David Blumenthal; seconded by Boardmember Brian Marcos.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

4. Approval of Minutes:

A. Approval of the March 28, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Brian Marcos to approve the March 28, 2018 License and Variance Board Meeting Minutes; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

B. Approval of the April 11, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Scott Stokes to approve the April 11, 2018 License and Variance Board Meeting Minutes; seconded by Boardmember Brian Marcos.

The motion to approve carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

5. Adjournment

Boardmember Tammi Saddler Jones adjourned the meeting of the License and Variance Board at 10:33am.