



Meeting Minutes - Final
License and Variance Board

Wednesday, November 8, 2017

10:00 AM

Council Chambers

1. **Roll Call**

Present: 3 - Tammi Saddler Jones, Roy Acree and Scott Stokes

Also Present: 3 - Terri Graham, Joey Staubes and Russell Martin

2. Call to Order

City Administrator Tammi Saddler Jones called the License and Variance Board to Order at 10:00 AM. She introduced the members of the License and Variance Board; Fire Chief Roy Acree was to her left and Public Works Director Scott Stokes was to Mr. Acree's left. City Clerk Terri Graham recorded the official meeting minutes.

3. **Business**

A. **Public Hearing** - Variance Request - V17-053 - Allow increase in fence height in a front yard from four feet to six feet - 0.32 acres - Land Lot 416 - 796 Timberland Street - Ryan and Tessa Daly

Ms. Saddler Jones read the variance request and called Ryan Daily and Tessa Daly to address the board on the request. They called into question some of the information in the request and asked to clarify. Mr. Daly stated their home is on a corner lot, and the only part of their home that fronts Timberland Street is their mailbox. The entire usable yard space is on the side yard. Their request is to enclose what they consider the side yard with a six (6) foot fence for their large dog. Mr. Daly read the a part of the request which says that Community Development has found no other six foot fences in the area, but Mr. Daly showed a similar fence close to their home. Mr. Daly stated that the backyard has a shed and garden in the back yard, which is why they want to fence the side yard. The Daly's have spoken to their neighbors and they are in agreement with the proposed fence. They showed the Board signatures of their neighbors who are in agreement.

The City Administrator called Community Development Planner II Joey Staubes to the podium to speak on the variance. The applicant is asking for an increase in fence height from 4 feet to 6 feet. Mr. Staubes clarified that the code defines any side of a property that has road frontage to be a front yard and is subject to front yard setbacks. The code does not prohibit the proposed fence, but allows them with a 23 foot setback. Community Development looked to see if there was any for any evidence of precedence of a similar fence and there are no variances granted for 6 foot fences. Community Development recommended a denial because of the impact of the adjacent property and the lack of similar properties with variances in the neighborhood. It would set a negative precedent in the neighborhood. There has been some negative feedback on this request as well.

Boardmember Acree asked for clarification that the proposed fence may be built under the code, but should be placed at the 23 foot setback from the property line. Mr. Staubes said that was correct. Boardmember Stokes asked if Mr. Staubes knew about the other six foot fence and he answered that he was not aware of it.

The homeowners added that the required setback would take away too much of the yard

Ms. Saddler-Jones called for a public hearing on this request and no one came forward to speak.

Mr. Acree stated that he understands the staff's adherence to the code, but because the Dalys have consulted with their neighbors and have received their approval, he moved to approve the request.

A motion was made by Boardmember Roy Acree to approve variance request V17-053 to allow an increase in fence height in a front yard from four feet to six feet on 0.32 acres in Land Lot 416 located at 796 Timberland Street the applicants Ryan and Tessa Daly; seconded by Boardmember Scott Stokes. The motion to approve the variance carried by the following vote:

Aye: 2 - Roy Acree and Scott Stokes

Nay: 1 - Tammi Saddler Jones

B. Public Hearing - Variance Request - V17-054 - Allow accessory structure in front yard of commercial property - 4.95 acres - Land Lot 345 - 2552 S Cobb Drive - SunTrust

City Administrator Tammi Saddler-Jones called representatives of SunTrust to come forward to discuss the variance. Mr. Stephen Taylor, Senior Manager with Cushman and Wakefield, and Andrew Gonzalez, Engineer introduced themselves. This variance is for a stand-alone drive up ATM in front of a shopping center. This would require eliminating and moving some parking places. This is a non-conforming number of spaces currently; but they plan to keep the number of spaces the same. The bank does not currently have a primary structure at this location. There have been comments that the drive thru not be in the front of the building, but they believe placing the ATM in the back would put customers in a darker area and less safe. The front of the building is visible from the street and is safer. The representatives noted that there is a similar ATM near located at 3260 South Cobb Drive near Concord Road. They questioned how that ATM was put in and got approved.

Steven Taylor replied there must have been variances for other ATM's in the City. SunTrust wants to promote service to the community by providing financial help with the stand alone ATM. The owner has had satisfactory results from other kiosks. Mr. Taylor stated that the owner of the shopping center and the current tenants are in favor of the ATM.

Boardmember Roy Acree acknowledged that city staff does not recommend approval of the request. Mr. Acree asked if they thought of the alternative of putting a walkup ATM in the front of the store. Mr. Taylor stated they have discussed this, but there is not enough space and a drive thru unit provides easier access to the customer.

Ms. Saddler-Jones asked why SunTrust chose that particular location. SunTrust analyzed the area traffic patterns and looked for areas where parking spaces are not

being used. These parking spaces are mostly empty because they are away from the heavy traffic retailer in the center. and does not interfere with the traffic flow in the parking lot. The landlord and tenants wanted the drive thru to be in an area where there is parking and traffic that allow for easy access and safety for customers.

Boardmember Scott Stokes asked if the plan was to take 8 or 9 parking spaces and then replace them in another location on the property. Mr. Gonzalez stated that had not been determined. He explained he has located areas where they can provide parking, but they have not addressed this with any one. They have not submitted a plan for the additional spaces to Community Development.

Mr. Stokes asked if the ATM building and the canopy are separate two buildings. The representatives stated that it was two structures.

Ms. Saddler-Jones called City Planner II, Joey Staubes to discuss the request. He stated that according to the site plan that was submitted without an application, there are 162 existing parking spaces. After the ATM, there will be 154 spaces. City code requires 181 parking spaces for a parking lot of this size. This is an older parking lot and it does not meet the minimum parking spaces for today's code. There is not a bank at this shopping center so it is not an accessory structure. It is a primary structure in the parking lot and should require its own parking and usual setbacks. This request is nonconforming. Community Development has denied other requests for stand-alone ATMs and ice machines and that is why they recommend denial.

Mr. Acree asked if in the proposed site plan there has been an official plan or application regarding what they are going to do about adding more spaces. Mr. Staubes stated they state they have proposed different ideas but nothing in writing or official.

Community Development Senior Planner Russell Martin added that the referenced stand-alone ATM was part of the rezoning for the McDonalds and they proposed the ATM as part of the development of that site. The ATM was part of a site plan that was voted on by Planning and Zoning and Mayor and Council approval and there were no variances associated with that request.

The City Administrator called for a Public Hearing on the request. Brandon Elam of SunTrust Bank came forward. He believed this would be an attractive structure to the side of the shopping center. This is a shopping center that is not used much. Mr. Gonzalez stated that additional parking can be looked at to see if spaces can be added.

Tammi Saddler-Jones explained that if denied, the applicant may come before the Mayor & Council to appeal the decision. This appeal must be placed in writing within 10 days to the City Clerk, Terri Graham.

B. A motion was made by Boardmember Scott Stokes to deny variance request V17-054 to allow accessory structure in front yard of commercial property on 4.95 acres in Land Lot 345 located at 2552 S Cobb Drive the applicant SunTrust; seconded by Boardmember Roy Acree. The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

C.

Public Hearing - Variance Request - V17-055 - Allow second kitchen in existing single family dwelling unit - 0.28 acres - Land Lot 484 - 1170 Oakview Drive - Barbara Squires

City Administrator Tammi Saddler-Jones called the requester forward to discuss the request. Ms. Barbara Squires came forward. Ms. Squires request is to build an addition on the back of her home for her mother with a kitchenette. Her mother had a bad fall and doctors recommend she have someone to care for her. A kitchenette would allow her to continue having some independence.

Boardmember Stokes asked if her mother will be able to communicate her with the daughter between her living space and the rest of the house. Ms. Squires answered she is planning to put in security cameras so she will be able get help if needed.

Planner II Joey Staubes explained the variance request. This will increase the square feet from 1400 to 2100 and will include a kitchenette. Community Development recommended approval because they are adding on the existing dwelling unit and not a separate unit. Staff recommends approval with the three stated conditions:

1. The addition is to be utilized by family members only.
2. The applicant shall not lease, rent, or sublet any space in their home.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

These conditions are designed so that the single-family home cannot become a duplex.

Ms. Saddler-Jones asked Ms. Squires if she accepts the conditions as stated. Ms. Squires stated that she accepted.

The City Administrator called for a public hearing on the request and no one came forward to speak.

C. A motion was made by Boardmember Roy Acree to approve Variance Request V17-055 to allow a second kitchen in an existing single family dwelling unit on 0.28 acres, in Land Lot 484, located at 1170 Oakview Drive by Barbara Squires; seconded by Boardmember Scott Stokes. The motion to approve the variance carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

4. Approval of Minutes:

A. Approval of October 25, 2017 License and Variance Board Meeting Minutes

A motion was made to approve the October 25, 2017 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, Roy Acree and Scott Stokes

5. Adjournment

City Administrator Tammi Saddler Jones adjourned the meeting of the License and Variance Board at 10:43 AM.