



Meeting Minutes - Final License and Variance Board

Wednesday, August 30, 2017

10:00 AM

Council Chambers

1. Roll Call

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

Also Present: 4 - Christiana Craddock, Russell Martin, Ashley Youmans and Joey Staubes

2. Call to Order

Chairperson Tammi Saddler Jones called the August 30, 2017 meeting of the License and Variance Board to order at 10:00am.

3. Business

[V17-045](#)

Public Hearing - Variance Request - V17-045 - Allow side setback reduction from 10 feet to 5 feet for an addition to a single family residence - Land Lot 561 - 0.47 acres - 1420 Roswell Street - Dallas Page - ***The applicant has requested this item be tabled until the 9/13/17 License and Variance Board Meeting***

Chairperson Tammi Saddler Jones announced the public hearing and said the applicant had requested the item be tabled until the September 13, 2017 License and Variance Board meeting.

A motion was made by Boardmember Roy Acree to table Item V17-045, a Public Hearing for Variance Request V17-045 to allow a side setback reduction from 10 feet to 5 feet for an addition to a single family residence on Land Lot 561 on 0.47 acres located at 1420 Roswell Street by the applicant Dallas Page to the September 13, 2017 License and Variance Board meeting; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

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

[V17-046](#)

Public Hearing - Variance Request - V17-046 - Allow fence height increase in front yard from 4 feet to 5 feet - Land Lot 596 - 8.7 acres - 3130 Atlanta Road - Smyrna Presbyterian Church

Attachments: [V17-046 - Staff Memo](#)

[V17-046 - Application](#)

[V17-046 - Notifications](#)

Chairperson Tammi Saddler Jones announced the public hearing, and the applicant Robert Heinz, Facilities Manager of Smyrna Presbyterian Church, came forward. He

said their request was for a 5 foot fence along Collier Drive to make their school more secure. He said they had the same fence on the other side of the church, between the church and the City's property (Taylor Brawner Hall/Park).

City Planner Joey Staubes said the City has a height restriction of 4 feet along roads, so the variance is needed to increase the height 1 additional foot. He said the material is an iron fence and transparent, therefore there would be no visibility issues. He said staff had approved other types of fences like this in the past, and they recommended approval.

Chairperson Tammi Saddler Jones asked if there was anyone else who wished to speak on the item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve Item V17-046, a Variance Request (V17-046) to allow a fence height increase in front yard from 4 feet to 5 feet on Land Lot 596 on 8.7 acres located at 3130 Atlanta Road by the applicant Smyrna Presbyterian Church; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

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

[V17-044](#)

Public Hearing - Variance Request - V17-044 - Allow encroachment into City 75 ft. Impervious Setback and 50 ft. Undisturbed Buffer for an accessory structure - Land Lot 385 - 0.77 acres - 720 Reed Rd - Mary Kathryn and Jonathan Glisson

Attachments: [V17-044 - Staff Memo](#)
[V17-044 - Application](#)

Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come to the podium. Jonathan and Mary Kathryn Glisson came forward and said they wanted to construct an open air outside storage structure in their yard for various household and recreational items. Boardmember Stokes asked if they were building it or if they had a contractor, and he said they had a contractor start the work.

City Planner Joey Staubes said the structure was already under construction, and Code Enforcement was made aware of the violation, and the applicant then applied for a variance. He said the subject property was inundated with several easements (Colonial Pipeline and several drainage easements) and other impediments from being able to develop in the rear, therefore this area was one of the few remaining flat areas on the property on which they could build. He said staff recognized the hardship and recommended approval with two conditions: that the structure be built in substantial compliance with the site plan submitted and that the issuance of the building permit would be contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer. He further elaborated that the second condition meant that the applicants would work with the City Engineer to incorporate any buffer restoration issues that he thinks could cause erosion or harm to the nearby stream, and they would implement those before the project is completed.

Boardmember Roy Acree asked if the structure was in the side setback, and Mr. Staubes said it was not within the side setback, but was very close to it. Boardmember Acree asked the applicants if they understood the two conditions as stated by Mr. Joey Staubes, and they said yes they understood them and were willing

to follow any recommendations made.

Mr. Jonathan Glisson said that when they were in their due diligence period and looking at purchasing the home last year, they met on the site with City Engineer Eric Randall for the sole purpose of finding out whether the structure on their property was considered a ditch or a stream, and during their meeting he told them it was a ditch. He said they had nothing in writing, but there was verbal communication about it not being a stream, and they additionally had surveys done on their property by a surveyor and the gas company (Colonial Pipeline). He said they were under the impression they had covered their bases already. Boardmember Roy Acree said that possibly without an official site plan in hand during that meeting, it would have been difficult to identify property lines and the buffer setback. He explained that there is a process for all of that when someone applies for a building permit, and if they had gone through the proper channels of getting a building permit, they would still have had to go before the License and Variance Board for the variance request. The applicant asked if it truly were a ditch, would they still need the variance. Boardmember Scott Stokes replied no, however, the determination of whether something is a stream has a specific definition, especially as modified by the EPA and EPD. He said in the most simplest terms, if someone looks at a ditch and it is not flowing water, then it is assumed it is just a ditch; however if there is a rain event and it flows water for more than three days or holds water, then it is water that the State says is subject to all the setbacks. He said that perhaps when they met with the City Engineer it was during the drought, and it may have been dry and not looked like a perennial stream. The applicants thanked Boardmember Stokes for his clarification and said they appreciated the information.

Chairperson Tammi Saddler Jones asked if there was anyone else present who wished to speak on the item, and there was no one.

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17044, a Variance Request (V17-044) to allow encroachment into the City's 75 ft. Impervious Setback and 50 ft. Undisturbed Buffer for an accessory structure on Land Lot 385 on 0.77 acres located at 720 Reed Rd by the applicants Mary Kathryn and Jonathan Glisson; seconded by Boardmember Scott Stokes..

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

The motion carried by the following vote:

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

4. **Approval of Minutes:**

[2017-335](#)

Approval of the minutes from the August 9, 2017 meeting of the License and Variance Board.

Attachments: [08-09-2017 August 9, 2017 LVB Minutes - FINAL.pdf](#)

A motion was made by Boardmember Scott Stokes to approve Item 2017-335 for the approval of the minutes from the August 9, 2017 meeting of the License and Variance Board; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

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

5. Adjournment

Chairperson Tammi Saddler Jones declared the August 30, 2017 meeting of the License and Variance Board adjourned at 10:15am.