



## Meeting Minutes - Final License and Variance Board

---

Wednesday, August 12, 2020

10:00 AM

Community Center, Large Gym

---

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

If you wish to speak during the Public Hearing portion of this meeting and you are unable to attend the meeting due to health concerns with Covid 19, you may participate via telephone. To participate via telephone, you must register with Community Development by emailing Planner I Caitlin Crowe at [CCrowe@smyrnaga.gov](mailto:CCrowe@smyrnaga.gov) the following information: Name, Phone number to be called, Email and Residence Address.

\*\*\* The deadline to register to speak via telephone is August 10, 2020 at 5:00PM\*\*\*

Everyone that attends the meeting in person, will have an opportunity to speak and will not have to register prior to the meeting. You will need to sign the Public Hearing /Citizen Input Sign Up Sheet at the City Clerk's desk prior to the start of the meeting at 10:00 AM. If you choose to speak via telephone, you must be available to receive a call on Wednesday, August 12th at 10:00 AM. Ms. Crowe will notify you on Tuesday, August 11th as to additional details of these procedures. Thank you for your cooperation as we navigate new ways to encourage Public Comment.

### 1. Roll Call

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

**Also Present:** 0

**Staff:** 4 - Russell Martin, Caitlin Crowe, Heather Peacon-Corn and Landon O'Neal

### 2. Call to Order

Chairperson Tammi Saddler Jones called to order the August 12, 2020 meeting of the License and Variance Board at 10:00 AM.

### 3. Business

#### A. [2020-307](#)

**Public Hearing** - Variance Request V20-041 - Allow impervious surface increase from 45% to 48% - Land Lot 560 - 1429 Walker Court - Arnaldo & Angela San Martin

*Chairperson Tammi Saddler Jones read aloud the title for this item and called the applicant to the podium to speak regarding the three variances being presented today.*

*Applicants Arnaldo and Angela San Martin were present to discuss their request. Ms. San Martin came to the podium and spoke about the request to install a pool at their residence.*

*Planner I Caitlin Crowe was called to the podium and gave the following background:*

*The applicant is seeking several variances to allow for the construction of a new swimming pool on the subject property. These variance requests include a side setback reduction, rear setback reduction, and an impervious surface increase.*

*Section 801 sets the setback requirements and maximum impervious area in the RDA zoning district while Section 501 governs accessory structures.*

*The subject parcel is a 0.22-acre lot located on the east side of Walker Court, at the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north are zoned RDA while the adjoining parcels to the east, south, and west are zoned R-15. All parcels are occupied by single-family detached residences.*

*The applicant is proposing to build a 200 square foot pool in the rear of the property. In order to construct the pool in the rear yard, the applicant is requesting to reduce both the rear setback and side setback to 3 feet. Due to the ratio between the property size and the house square footage, the applicant had minimal area to build the swimming pool without encroaching into the setbacks. Therefore, the hardship is not self-created. In order to minimize the increase in impervious area, the applicant will be constructing the pool deck with pervious pavers to offset the increase. However, even with the pervious pavers, the impervious surface area will be above the allowable 45% by roughly 3% due to the size of the existing house and driveway on the property. The City Engineer has reviewed the application and proposed pervious pavers and is supportive of the variance.*

*The subject property is buffered from adjacent properties by an existing wooden six-foot privacy fence. Due to the size of the lot and the existing fence, Community Development believes the proposal will not adversely impact adjacent properties. Community Development believes the hardships are not self-created and are the minimum variances needed to construct a swimming pool in the rear of the property. Community Development has not received any calls in opposition to the request.*

*The applicant is requesting to deviate from the development standards established by the City for the following: maximum impervious area of 45%, rear setback of 5 feet, and side setback of 10 feet. The applicant is requesting variances to increase the impervious surface area from 45% to 48%, reduce the rear setback from 5 feet to 3 feet, and to reduce the side setback from 10 feet to 3 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions: Approval is conditioned upon substantial compliance with the site plan submitted with the variance application. The Public Hearing portion of this item was called and no one came forward to speak in favor of or in opposition to this item.*

*The applicant acknowledged their agreement to condition for this item as read aloud.*

*A motion was made by Boardmember Frank Martin to approve item 2020-307 for a Public Hearing with a Variance Request (V20-041) to allow impervious surface increase*

from 45% to 48% on Land Lot 560 located at 1429 Walker Court by the applicants Arnaldo & Angela San Martin; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

**B. [2020-308](#)**

**Public Hearing** - Variance Request V20-042 - Reduce accessory structure rear setback from 5 feet to 3 feet - Land Lot 560 - 1429 Walker Court - Arnaldo & Angela San Martin

*Chairperson Tammi Saddler Jones read aloud the title for this item and called the applicant to the podium to speak regarding the three variances being presented today. Applicants Arnaldo and Angela San Martin were present to discuss their request. Ms. San Martin came to the podium and spoke about the request to install a pool at their residence.*

*Planner I Caitlin Crowe was called to the podium and gave the following background: The applicant is seeking several variances to allow for the construction of a new swimming pool on the subject property. These variance requests include a side setback reduction, rear setback reduction, and an impervious surface increase. Section 801 sets the setback requirements and maximum impervious area in the RDA zoning district while Section 501 governs accessory structures.*

*The subject parcel is a 0.22-acre lot located on the east side of Walker Court, at the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north are zoned RDA while the adjoining parcels to the east, south, and west are zoned R-15. All parcels are occupied by single-family detached residences.*

*The applicant is proposing to build a 200 square foot pool in the rear of the property. In order to construct the pool in the rear yard, the applicant is requesting to reduce both the rear setback and side setback to 3 feet. Due to the ratio between the property size and the house square footage, the applicant had minimal area to build the swimming pool without encroaching into the setbacks. Therefore, the hardship is not self-created. In order to minimize the increase in impervious area, the applicant will be constructing the pool deck with pervious pavers to offset the increase. However, even with the pervious pavers, the impervious surface area will be above the allowable 45% by roughly 3% due to the size of the existing house and driveway on the property. The City Engineer has reviewed the application and proposed pervious pavers and is supportive of the variance.*

*The subject property is buffered from adjacent properties by an existing wooden six-foot privacy fence. Due to the size of the lot and the existing fence, Community Development believes the proposal will not adversely impact adjacent properties. Community Development believes the hardships are not self-created and are the minimum variances needed to construct a swimming pool in the rear of the property. Community Development has not received any calls in opposition to the request. The applicant is requesting to deviate from the development standards established by the City for the following: maximum impervious area of 45%, rear setback of 5 feet, and side setback of 10 feet. The applicant is requesting variances to increase the impervious surface area from 45% to 48%, reduce the rear setback from 5 feet to 3 feet, and to reduce the side setback from 10 feet to 3 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has*

*reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions: Approval is conditioned upon substantial compliance with the site plan submitted with the variance application. The Public Hearing portion of this item was called and no one came forward to speak in favor of or in opposition to this item.*

*The applicant acknowledged their agreement to condition for this item as read aloud.*

A motion was made by Boardmember Roy Acree to approve item 2020-308 for a Public Hearing with a Variance Request (V20-042) to reduce accessory structure rear setback from 5 feet to 3 feet on Land Lot 560 located at 1429 Walker Court by the applicants Arnaldo & Angela San Martin; seconded by Boardmember Frank Martin.

The motion to approve was carried by the following vote:

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

**C. [2020-309](#)**

**Public Hearing** - Variance Request V20-043 - Reduce side setback from 10 feet to 3 feet - Land Lot 560 - 1429 Walker Court - Arnaldo & Angela San Martin

*Chairperson Tammi Saddler Jones read aloud the title for this item and called the applicant to the podium to speak regarding the three variances being presented today. Applicants Arnaldo and Angela San Martin were present to discuss their request. Ms. San Martin came to the podium and spoke about the request to install a pool at their residence.*

*Planner I Caitlin Crowe was called to the podium and gave the following background: The applicant is seeking several variances to allow for the construction of a new swimming pool on the subject property. These variance requests include a side setback reduction, rear setback reduction, and an impervious surface increase. Section 801 sets the setback requirements and maximum impervious area in the RDA zoning district while Section 501 governs accessory structures.*

*The subject parcel is a 0.22-acre lot located on the east side of Walker Court, at the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north are zoned RDA while the adjoining parcels to the east, south, and west are zoned R-15. All parcels are occupied by single-family detached residences.*

*The applicant is proposing to build a 200 square foot pool in the rear of the property. In order to construct the pool in the rear yard, the applicant is requesting to reduce both the rear setback and side setback to 3 feet. Due to the ratio between the property size and the house square footage, the applicant had minimal area to build the swimming pool without encroaching into the setbacks. Therefore, the hardship is not self-created. In order to minimize the increase in impervious area, the applicant will be constructing the pool deck with pervious pavers to offset the increase. However, even with the pervious pavers, the impervious surface area will be above the allowable 45% by roughly 3% due to the size of the existing house and driveway on the property. The City Engineer has reviewed the application and proposed pervious pavers and is supportive of the variance.*

*The subject property is buffered from adjacent properties by an existing wooden six-foot privacy fence. Due to the size of the lot and the existing fence, Community Development believes the proposal will not adversely impact adjacent properties. Community Development believes the hardships are not self-created and are the*

*minimum variances needed to construct a swimming pool in the rear of the property. Community Development has not received any calls in opposition to the request. The applicant is requesting to deviate from the development standards established by the City for the following: maximum impervious area of 45%, rear setback of 5 feet, and side setback of 10 feet. The applicant is requesting variances to increase the impervious surface area from 45% to 48%, reduce the rear setback from 5 feet to 3 feet, and to reduce the side setback from 10 feet to 3 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions: Approval is conditioned upon substantial compliance with the site plan submitted with the variance application. The Public Hearing portion of this item was called and no one came forward to speak in favor of or in opposition to this item. The applicant acknowledged their agreement to condition for this item as read aloud.*

A motion was made by Boardmember Frank MARTIN to approve item 2020-309 for a Public Hearing with a Variance Request (V20-043) to reduce side setback from 10 feet to 3 feet on Land Lot 560 located at 1429 Walker Court by the applicant Arnaldo & Angela San Martin; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

#### **4. Approval of Minutes:**

##### **A. [2020-278](#)**

Approval of the July 22, 2020 License and Variance Board Meeting minutes.

A motion was made by Boardmember Roy Acree to approve item 2020-278 for the approval of the July 22, 2020 License and Variance Board Meeting minutes; seconded by Boardmember Frank Martin.

The motion to approve carried by the following vote:

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

#### **5. Adjournment**

Chairperson Tammi Saddler Jones adjourned the August 12, 2020 meeting of the License and Variance Board at 10:09 AM.