

LICENSE AND VARIANCE BOARD

Minutes - Final



Richard Garland, Chairperson
Bo Jones, Board Member
Andrea Worthy, Board Member
Eric Mohrmann, Board Member
Mary Moore, Board Member
Eric Randall, Board Member
Jill G. Head, Secretary

A. Max Bacon City Hall
Council Chambers
2800 King Street SE
Smyrna, GA 30080

City Attorney Scott Cochran
City Administrator Joseph Bennett
City Clerk Heather K. Peacon-Corn

October 09, 2024
10:00 AM

1. Roll Call

Present: 3 – Chairperson Richard Garland, Board Member Bo Jones, Board Member Andrea Worthy

Staff: 4 – Caitlin Crowe, Dat Luu, Russell Martin, Heather Peacon-Corn

2. Call to Order

Chairperson Richard Garland called to order the October 9, 2024 License and Variance Board meeting held at A. Max Bacon City Hall in Council Chambers at 10:01 AM.

3. Chairperson Instruction and Comment

4. Formal Business

- A. V24-082** Public Hearing - Variance Request - V24-082 - Allow a gravel parking surface - Land Lot 522 - 2986 King Street - Patricia Ferguson
Ward 3 Councilmember - Travis Lindley

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.38-acre corner lot located at the intersection of Concord Road and Love Street, and the intersection of Concord Road and King Street (see Figure 1). The subject parcel is zoned CBD (Central Business District) and is occupied by the Lavender & Cotton Antique Store. The adjacent parcels to the north and west are zoned R-15 and are occupied by single-family detached homes. The adjacent parcel to the east is zoned OI (Office-Institutional) and is occupied by the First United Methodist Church parking lot. The adjacent parcels to the south are zoned LC (Limited Commercial) and GC (General Commercial) and are occupied by a boutique store and a general contractor's office, respectively.

The property was rezoned in February 2023 (Z21-015) to allow for an antique shop and a subsequent land disturbance permit was issued in March 2024 to install the proposed

store's parking lot. As part of their civil plans, the applicant was approved for a true-grid pervious paver system for 2,860 square feet of the parking lot for stormwater quality. The true-grid pavers are made of a grid system filled with gravel over a pervious sub-base to allow stormwater to infiltrate. Section 901(b) in reference to the City's parking design standards reads, "Each parking facility shall be graded and paved, including access drives and be curbed when needed for effective drainage control." The City's parking design standards do not provide any exemptions from this requirement for specific uses or zoning districts. Therefore, the applicant is requesting a variance to continue use of the gravel parking area.

The true-grid paver system is designed to aid in stormwater quality on the site. The majority of the parking lot (4,401 square feet), including the driveway entrance and access aisle, are paved with asphalt so no gravel should impact King Street. Additionally, sod and accompanying landscaping have been installed between the gravel parking lot and the home on Love Street as well as between the parking area and Concord Road to keep any gravel from leaving the site.

Community Development is supportive of the proposed variance and does not foresee any negative impacts to the surrounding neighbors. At the time of this report, Community Development has not received any opposition to the request.

The applicant is requesting to deviate from the City's parking requirements, which are established in Section 901(b) of the Zoning Ordinance. 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 believes that the requested variance will not adversely affect surrounding properties and therefore, recommends approval of the requested variance.

Patricia Ferguson, applicant, came forward and had no additional information to add. Boardmember Jones stated that he has a stipulation he would like to add: add 5 gallon evergreen shrubbery along Concord Road so the lot is not visible from the Concord Road side of the parking lot. Ms. Ferguson stated they have added a couple additional items and would be willing to add more. Chairperson Garland explained that the visibility of the gravel lot from the road is the main concern because code does not allow for gravel lots, though there were extenuating circumstances regarding this property. Ms. Ferguson was in agreement to the added stipulation.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Board Member Bo Jones made a motion to approve item V24-082 with the added stipulation that the applicant shall install an evergreen-type hedge between the parking facility and Concord Road. The plant size shall be a minimum 5-gallon plant at initial planting; seconded by Board Member Andrea Worthy.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Garland, Board Member Jones, Board Member Worthy
Nay: 0 – None

Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-163 Approval of the September 25, 2024 License and Variance Board Meeting Minutes

Board Member Bo Jones made a motion to approve item MIN2024-163; seconded by Board Member Andrea Worthy.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Garland, Board Member Jones, Board Member Worthy

Nay: 0 – None

Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Richard Garland adjourned the October 9, 2024 License and Variance Board meeting at 10:10 AM.

Facilities are provided throughout City Hall for the convenience of persons with disabilities.

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:
The City of Smyrna website – www.smyrnaga.gov
City Hall, 2800 King Street SE, Notice Boards