

LICENSE AND VARIANCE BOARD

Minutes - Final



Smyrna Community Center
Oak Room
1250 Powder Springs Street
Smyrna, GA 30080

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

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

January 24, 2024
10:00 AM

1. Roll Call

Present: 3 – Chairperson Richard Garland, Boardmember Andrea Worthy,
Boardmember Eric Mohrmann

Staff: 4 – Caitlin Crowe, Jill G. Head, Dat Luu, and Russell Martin

2. Call to Order

3. Chairperson Instruction and Comment

4. Formal Business

- A. LIC2024-002** Privilege License Agent Change Request – Beer & Liquor (retail pouring) – 4479
S Cobb Drive SE Suite A – Aunties House LLC, dba Aunties House, with Asim Walker as
agent.

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Boardmember Andrea Worthy made a motion to table this item until the end of formal
business to allow the applicant to arrive; seconded by Boardmember Eric Mohrmann.

The motion to table this item until the end of formal business carried with the following
vote:

Aye: 3 – Chairperson Garland, Boardmember Worthy, Boardmember Mohrmann

Nay: 0 – None

Recuse: 0 – None

- B. V23-106** Public Hearing - Variance Request - V23-106 - Allow new construction on lot
of record below minimum requirements - Land Lot 629 - 3286 Creatwood Trail - Sahra
Ahmed

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.34-acre lot located on the north side of Creatwood Trail, at the entrance to the Creatwood Forest subdivision (see Figure 1). The subject parcel and adjacent parcels to the south and east are zoned R-15 and are occupied by detached single-family homes. The adjacent properties to the west are zoned RDA and are also occupied by detached single-family homes. The adjacent property to the north is zoned NS-C (Neighborhood Shopping- Conditional) and is occupied by a variety of commercial uses. The subject parcel is part of the Creatwood Forest subdivision, which was platted in 1960, prior to the current Smyrna Zoning Ordinance, which was implemented in 1974.

The subject property is 14,891 square feet, while the R-15 zoning district requires a minimum lot size of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1960, the hardship is not self-created. If it were not for the nonconforming lot, no other variances would be required to build the new home.

The applicant is proposing to demolish the existing 1,080 square foot house and build a new 3,019 square foot two-story single-family home with a walk-out basement. The house plans include a 3-car garage and a pool in the future, with a façade of board and batten. As mentioned, the existing one-story home is 1,080 square feet, well below the minimum house size of the R-15 zoning district at 2,000 square feet. With the new construction, the home will be brought into compliance with the R-15 zoning district floor area requirement.

The subject property is unique in that it has less square footage than what the R-15 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Community Development does not believe building a new single-family home on the subject property in accordance with the R-15 zoning requirements will negatively impact the surrounding properties. Community Development has not received any calls in opposition to the request.

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 zoning district. 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. Therefore, staff recommends approval of the requested variance 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 and elevations submitted with the variance application.

Chairperson Garland asked if this variance request is only in relation to the new house being built, not including any future plans for the property. Mrs. Crowe answered that it is actually for the new build as well as the entire site plan that was submitted including the pool.

Sahra Ahmed, applicant, came forward and stated that she has been in the house since 2009. When they were attempting to fund the project to add on to the home, they quickly

realized that it made more sense to demolish the old home and build a new one. Ms. Ahmed stated that for the pool, its purpose is to be a fitness/lap pool for exercising. Ms. Ahmed stated she agrees with and understands the standard condition read into record.

Boardmember Worthy asked if any stormwater concerns were mentioned. Mrs. Crowe stated that there is no variance requirement for stormwater purposes because they are just under the 35% threshold at 34.9% impervious surface.

A public hearing was called.

Denise Settle, 1786 Cimarron Court, stated she is concerned about runoff from the property since there has been increased flooding in Creatwood the past year. She was told to contact City Engineer Mark Wolff.

Sahra Ahmed added that her current home is set back very far. The new home will be lined up with the other homes on the road. Mr. Garland asked her if she intends to have install the gravel trench shown on the plan. Ms. Ahmed stated that they will level that area, and there is already a retaining wall there as well. Russell Martin, Community Development Director, also explained that through the permitting process, when the land is graded, Community Development and Engineering will assess whether there is a negative impact on neighboring properties.

Boardmember Andrea Worthy made a motion to approve item V23-106, a public hearing and variance request (V23-106) to allow new construction on lot of record below minimum requirements on land lot 629 located at 3286 Creatwood Trail by applicant Sahra Ahmed; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Chair Garland, Boardmember Worthy, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

**C. V23-107 Public Hearing - Variance Request - V23-107 - Reduce the front setback from 35 feet to 19 feet - Land Lot 449 - 2760 Fraser Street - Robert Harrison
*Ward 3 Councilmember – Travis Lindley***

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.23-acre lot located on the west side of Fraser Street (Figure 1). The subject parcel and all adjacent properties are zoned R-15 and are occupied by single-family residences, with the exception of the property to the west, which is occupied by Cobb Park.

The applicant currently has an uncovered 6-foot x 6-foot (36 square feet) front stoop on the existing home. The applicant is proposing to replace the existing stoop with an 6-foot x 16-foot (96 square foot) covered front porch with a gable roof. This will allow the applicant to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home was constructed in 1954, prior to the adoption of the current Zoning Ordinance in 1974, so the hardship is not self-created.

Community Development believes the variance requested is the minimum variance needed to construct a usable front porch in the front yard. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. Similar variance requests have been approved all along Fraser Street, including across the street at 2759 Fraser Street (V13-004) and 2749 Fraser Street (V19-060) in 2013 and 2019, respectively. Thus, there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any calls in opposition to the request.

The applicant requests a variance to reduce the front setback for 2760 Fraser Street from 35 feet to 19 feet for the construction of a front porch. 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. 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 condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Robert Harrison, 2889 Alexander Street, came forward and stated that this home is one of the last homes on the street that does not have a front porch. They want to add one that is usable and in line with the other front porches on the street. He stated that he understands and is in agreement with the standard condition read into record.

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

Boardmember Andrea Worthy made a motion to approve item V23-107, a public hearing and variance request (V23-107) to reduce the front setback from 35 feet to 19 feet on land lot 449 located at 2760 Fraser Street by applicant Robert Harrison; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Garland, Boardmember Worthy, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

- D. **LIC2024-002** Privilege License Agent Change Request – Beer & Liquor (retail pouring) – 4479 S Cobb Drive SE Suite A – Aunties House LLC, dba Aunties House, with Asim Walker as agent.

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Asim Walker, agent, stated that he is a managing member of this establishment. They will be a New Orleans-based Cajun / Creole restaurant. He is currently there every day and plans to be there at least five days a week. Mr. Walker explained that he already has his

TIPS certification, and all servers will check ID, they will receive their alcohol certification, and they will go through the ServSafe training program. They will have approximately 10 employees with four of them being servers.

Chairperson Garland stated that the City of Smyrna takes these privilege licenses very seriously. He explained that the Smyrna Police Department routinely performs compliance checks to ensure all establishments and their employees are following the rules and regulations.

Boardmember Andrea Worthy made a motion to approve item LIC2024-002, a privilege license agent change request for beer & liquor (retail pouring) located at 4479 S Cobb Drive SE, Suite A for Auntie's House, LLC, dba Aunties House with Asim Walker as agent; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Garland, Boardmember Worthy, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-009 Approval of the January 10, 2024 License and Variance Board Meeting Minutes

Boardmember Andrea Worthy made a motion to approve item MIN2024-009, the January 10, 2024 License and Variance Board meeting minutes; seconded by Boardmember Eric Mohrmann.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Garland, Boardmember Worthy, Boardmember Mohrmann
Nay: 0 – None
Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Richard Garland adjourned the January 24, 2024 License and Variance Board meeting at 10:22 AM.

Facilities are provided throughout City Hall for 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