

# 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 23, 2024**  
**10:00 AM**

### 1. Roll Call

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

**Staff:** 5 - Olivia Anderson, Caitlin Crowe, Jill G. Head, Russell Martin, Starla Whiddon

### 2. Call to Order

Chairperson Richard Garland called to order the October 23, 2024 License and Variance Board Meeting held at A. Max Bacon City Hall in Council Chambers at 10:00 AM.

### 3. Chairperson Instruction and Comment

### 4. Formal Business

- A. V24-083** Public Hearing - Variance Request - V24-083 - Reduce the front setback from 50 feet to 25 feet - Land Lot 592 - 1565 Roswell Street - Crescent View Engineering, LLC  
***Ward 3 Councilmember - Travis Lindley***

Caitlin Crowe, Planner I, provided the following background:

The applicant is proposing to renovate an existing building and surrounding parking area to accommodate a new restaurant and office space at 1565 Roswell Street. The renovations will require three variances: a reduction in the front setback from 50 feet to 25 feet, a reduction in the eastern side setback and landscape buffer from 10 feet to 9 feet, and a required parking space reduction from 49 spaces to 23 spaces. Section 802 regulates the required setbacks in the General Commercial zoning district, Section 503 regulates landscape buffer requirements, and Section 906 of the Zoning Ordinance controls the minimum required parking spaces.

The subject parcel is 0.67 acres located on the north side of Roswell Street (see Figure 1). The subject parcel is zoned GC (General Commercial) and is occupied by a vacant

warehouse building. The adjacent parcel to the north is City right-of-way (in the form of an abandoned alleyway), the adjacent parcels to the south are zoned RMC-8, and the adjacent parcel to the west is zoned RDA; all are occupied by detached single-family homes. The adjacent parcel to the east is zoned R-8 and is currently under construction for two new detached single-family homes.

The subject property was formerly occupied by the Neighbors Feed and Seed, which closed for business in 2021 (after having been occupied by a Feed and Seed business since the building was erected in 1976) and served as a neighborhood business since it is surrounded by residential properties. The property has sat vacant since the business's closure. The applicant received a building permit in June 2023 to replace the exterior siding of the existing building while the full civil and building plans were being developed; this permit is still active. The property is currently occupied by a 5,057 square foot warehouse building with a paved and gravel parking area. The applicant is proposing to renovate the existing building to create four office suites and construct a 2,250 square foot two-story building addition at the southern end of the building (closest to Roswell Street) to create a new restaurant space. Per the applicant, the restaurant is to cater to the local community as a coffee shop or café, while the office spaces would hope to meet the needs for local artisans or other local businesses.

The existing building is located on the eastern side of the lot, with a mixed asphalt and gravel parking area on the front and western side of the property and wrapping around the building. Due to the configuration of the existing building and parking area on the site, the applicant can only provide 23 spaces while still maintaining the required 24-foot access aisle and parking space dimensions. Section 906.3 and Section 906.17 of the Zoning Ordinance requires 49 parking spaces on the subject property, which is calculated at 1 space per 250 square feet of gross floor area in the office areas and 1 space per 75 square feet of gross floor area in the restaurant space. Since the office spaces and restaurant are to cater to the surrounding neighborhood, the applicant is anticipating that the majority of clientele will be walking to the location. Thus, the need for on-site parking is limited.

As mentioned, the front of the property currently consists of gravel parking with the existing structure pushed 70 feet back. When the building was erected in 1976, this was in line with the surrounding structures, both commercial and residential. However, Roswell Street has become increasingly pedestrian accessible, with all new residential homes pushed up towards the street to allow for a seamless streetscape. Thus, the applicant is requesting a front setback reduction from 50 feet to 25 feet to keep in line with the surrounding residential properties; the adjacent residential property to the west (1561 Roswell Street) and the under-construction homes to the east (1577 and 1581 Roswell Street) also have 25-foot front setbacks so there is a precedence in the area.

In order to create a viable restaurant space, the applicant is requesting a variance to reduce the eastern side setback by 1 foot to maximize the amount of kitchen and seating potential within the restaurant. This encroachment will also cause the landscape buffer along the eastern side to be reduced to 9 feet nearest to the building. Section 503 requires a 10-foot landscape buffer along any sides of the property that abut residentially zoned properties. Since the property is within a residential neighborhood and has single-family detached homes on either side, the landscape buffer requirement is required. However, Section 503 was enacted in 1977, after the building was erected the year prior. Since the parking area has existed on the western side since the building's creation, no buffer shall be replaced in this location. Although there are homes at the rear of the property, an existing alleyway separates the commercial and residential zoning, so no

landscape buffer is required. The eastern landscape buffer shall be installed to screen the two-story building from the new construction next door as dictated in Section 503 so there should be minimal impact to adjacent properties.

Community Development believes the variances will not cause negative impacts to the adjacent properties, as the lot and building configuration have existed since 1976. Additionally, the parking lot will be updated to comply with the current code requirements, including ADA parking and a fully paved parking surface. Community Development believes the variances requested are the minimum variances needed to add a restaurant space to the subject property.

The applicant is requesting to deviate from the City's required setbacks, buffer requirements, and parking requirements. 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 variances will not adversely affect surrounding properties. Therefore, Community Development recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. A 9-foot landscape buffer shall be planted along the length of the eastern side property in accordance with Section 503. A fence shall not be used in place of the screening plants between the new addition and side property line but may be erected in combination with the screening plants.
3. There shall be a clear accessible route from the city sidewalk into the site as well as to and into each first-floor suite.

Matt Younger, developer, stated he is currently part of the Five Points project up the street. Would like to create another amenity that focuses on local and walkable/bikeable stores like a coffee shop or CrossFit, for examples. Wants to create an outdoor space. Will start moving forward this winter if approved today. He stated he understands and agrees to the stipulations read in record.

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

Board Member Andrea Worthy made a motion to approve item V24-083; seconded by Board Member Bo Jones.

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

- B. V24-084 Public Hearing - Variance Request - V24-084 - Reduce the eastern side setback and landscape buffer from 10 feet to 9 feet - Land Lot 592 - 1565 Roswell Street - Crescent View Engineering, LLC  
*Ward 3 Councilmember - Travis Lindley***

No further information was provided by staff nor the applicant. The applicant stated he understands and agrees to the stipulations read into record.

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 V24-084; 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

- C. V24-085 Public Hearing - Variance Request - V24-085 - Reduce the required parking spaces from 49 spaces to 23 spaces - Land Lot 592 - 1565 Roswell Street - Crescent View Engineering, LLC  
*Ward 3 Councilmember - Travis Lindley***

No further information was provided by staff nor the applicant. The applicant stated he understands and agrees to the stipulations read into record.

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

Board Member Andrea Worthy made a motion to approve item V24-085; seconded by Board Member Bo Jones.

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

- D. V24-086 Public Hearing - Variance Request - V24-086 - Reduce the driveway setback from 5 feet to 0 feet - Land Lot 452 - 1019 Manor Drive - Dustin Arnold  
*Ward 3 Councilmember - Travis Lindley***

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.26-acre lot on the north side of Manor Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

The home, originally built in 1952, has an existing one-car nonconforming driveway. The existing driveway meets the required 5-foot driveway setback near the home and then curves westward as it heads to the right-of-way, with the driveway apron adjacent to the side property line. The applicant is proposing to expand the existing concrete driveway to the side property line to create a straight line along the property line rather than have the curve that exists today. The new driveway width will provide ample parking and today's typical standard of a two-car driveway.

Since the location of the driveway and house is preexisting, the hardship is not self-created. Many of the driveways in the area are up to the side property line due to the age of the properties, thus the location of the driveway would not be out of character in the neighborhood. Strict application of the ordinance would deny the applicant the ability to add any additional square footage to the existing driveway since it is already encroaching into the driveway setback. Community Development believes the variance is the minimum variance needed to add additional driveway. At the time of this report, Community Development has not received any calls in opposition to the request.

The applicant is requesting to deviate from the development standards established by Section 801, which requires a minimum 5-foot driveway setback in certain residential zoning districts. 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 substantial compliance with the site plan submitted with the variance application.

Chairperson Garland asked if the work had already been completed. Ms. Crowe stated no work has been done yet.

Dustin Arnold, applicant, stated he understands and agrees to the stipulation read into record.

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 V24-086; 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. MIN2024-173 Approval of the October 9, 2024 License and Variance Board Meeting Minutes**

Board Member Bo Jones made a motion to approve item MIN2024-173; 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 23, 2024 License and Variance Board meeting at 10:21 AM.

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

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**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](http://www.smyrnaga.gov)  
City Hall, 2800 King Street SE, Notice Boards