

# 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  
Deputy City Administrator Kristin Robinson  
City Clerk Heather K. Peacon-Corn

**May 28, 2025**  
**10:00 AM**

### 1. Roll Call

**Present:** 2 – Chairperson Richard Garland, 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 May 28, 2025 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. V25-049 Public Hearing - Variance Request - V25-049 - Reduce the front setback from 35 feet to 17 feet - Land Lot 555 - 3463 Lee Street - Karl & Mary Fessenden**  
***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Caitlin Crowe, Planner I, provided the following background:

The applicant is requesting two variances to build a garage on the front of the home of 3463 Lee Street: to reduce to the front setback from 35 feet to 17 feet and to reduce the side setback from 12 feet to 4.2 feet. Section 801 of the zoning ordinance requires a front setback of 35 feet and a side setback of 12 feet for R-20 lots.

The property received approval from the License and Variance Board in February 2020 to reduce the rear setback from 35 feet to 19 feet and reduce the side setback from 12 feet to 9.3 feet for an addition on the rear of the property (Variance Cases V20-010 and 011). The following year in July 2021, two additional variances were granted to reduce the front setback from 35 feet to 23 feet and further reduce the side setback from 12 feet to 8.2 feet

for a detached carport (Variance Cases V21-073 and 074); however, the 2021 variances expired due to lack of action within a year, as the carport was never erected.

The subject parcel is a 0.36-acre lot located on the southern intersection of Lee Street and Forest Drive. The subject parcel and adjacent parcels to the south and east are zoned R-20, the adjacent parcel to the north is zoned R-15, and the two adjacent parcels to the west are zoned both R-20 and R-15; all are occupied by single-family residences.

As part of the renovation of the house in 2020, the existing carport was enclosed to make additional living space for the home (which brought the home into compliance with the R-20 minimum floor area requirement). With the enclosure, the subject property no longer has any covered parking on the property. Although variances were approved in 2021 for a detached carport, the homeowner at the time never moved forward with the construction, which ultimately led to the variances' expiration.

The new homeowner and current applicant is now proposing to further extend the variances to create an attached garage rather than the detached carport. The applicant is proposing to add a 745 square foot two-car garage to the subject property, connected to the existing house via enclosed breezeway. The garage façade will be a mixture of hardiplank and shake to match the existing home. The breezeway will provide storage for the property as well as act as a mudroom to enter the house in inclement weather. To access the new garage, the applicant will be using the existing driveway off Lee Street, which will be expanded slightly to extend the full width of the two-car garage.

The existing home sits catty-corner on the corner property, pushed to the rear of the property with a large front yard. Due to the location of the existing home, originally built in 1955, any garage expansion in line with the current home would encroach into either the side or front setbacks. Due to the orientation of the existing structure on the property and the existing driveway, the most logical area to put the garage was on the western side of the property.

Community Development believes the variances proposed should have no negative impact on adjacent properties and since the proposed garage will use the existing concrete driveway apron, there should be minimal land disturbance. A similar side setback variance was approved across the street at 3435 Lee Street earlier in 2025 (V25-018) so there is a precedence for this type of variance in the immediate area. 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 the City for the R-20 zoning district, which requires a minimum front yard setback of 35 feet and a side setback of 12 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. After a review of the standards above, Community Development believes that the encroachments will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following condition:

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

Bryce Jennings, architect and representative for the applicant, stated he 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 Andrea Worthy made a motion to approve V25-049; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 2 – Chairperson Garland, Board Member Worthy  
**Nay:** 0 – None  
**Recuse:** 0 – None

**B. V25-050 Public Hearing - Variance Request - V25-050 - Reduce the side setback from 12 feet to 4.2 feet - Land Lot 555 - 3463 Lee Street - Karl & Mary Fessenden  
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

No further information was added.

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 V25-050; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 2 – Chairperson Garland, Board Member Worthy  
**Nay:** 0 – None  
**Recuse:** 0 – None

## 5. Approval of Minutes

**A. MIN2025-111 Approve the May 14, 2025 License and Variance Board Meeting Minutes**

Board Member Andrea Worthy made a motion to approve MIN2025-111; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 2 – Chairperson Garland, Board Member Worthy  
**Nay:** 0 – None  
**Recuse:** 0 – None

## 6. Other Business / Staff Comment

## 7. Adjournment

Chairperson Richard Garland adjourned the May 28, 2025 License and Variance Board meeting at 10:07 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](http://www.smyrnaga.gov)  
City Hall, 2800 King Street SE, Notice Boards**