

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

August 28, 2024
10:00 AM

1. Roll Call

Present: 3 – Board Member Bo Jones, Board Member Andrea Worthy, Board Member Eric Randall

Staff: 5 – Caitlin Cowe, Jill G. Head, H. Houze, Russell Martin, Starla Whiddon

2. Call to Order

Chairperson Bo Jones called to order the August 28, 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. V24-119** Public Hearing - Variance Request - V24-065 - Reduce the front setback from 35 feet to 10 feet - Land Lot 670 - 3465 Creatwood Trail - Taylor Pounds
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Caitlin Crowe, Planner I, provided the following background:

On behalf of the City of Smyrna's Parks and Recreation Department, the applicant is requesting a variance to reduce the front setback from 35 feet to 10 feet to construct a new a new pavilion at Creatwood Park. Section 501 regulates the front setback requirements in the R-15 zoning district.

The subject parcel is a 0.25-acre neighborhood pocket park located on the north side of Creatwood Trail (see Figure 1). The subject parcel and adjacent parcels to the east, west, and south are zoned R-15 whereas the adjacent parcel to the north is zoned RDA. All are occupied by single-family homes with the exception of the subject property, which is occupied by Creatwood Park.

The City of Smyrna's Parks and Recreation Department is proposing a full renovation of the existing neighborhood pocket park known as Creatwood Park. The existing park is comprised of a small, mulched play area with two swing sets, a small rock-climbing wall, and a handful of picnic benches. A stormwater pipe runs the length of the property along Creatwood Trail and then pivots north along the eastern side of the park. The Parks and Recreation Director met with surrounding neighbors in March 2024 to discuss the potential opportunities in the park. During the meeting, the neighborhood expressed the desire to expand the play area and provide a structure for use by both children and adults. The park renovation will include replacing the existing swing structure area with a new, larger mulch area and a range of age-diverse playground equipment complete with a new 480 square foot timber pavilion at the entrance to the park. The pavilion will also cover additional picnic tables so the park can be used in inclement weather if desired. Due to the expansion of the playground and existing stormwater pipes on the eastern side of the park, the applicant is proposing to move the pavilion closer to Creatwood Trail, into the required 35-foot front setback by 25 feet.

The playground is well used since it is in the middle of a subdivision but is not currently suitable for all ages nor accessibilities. The added pavilion and playground equipment will offer more amenities to the residents including improved accessibility. The subject property is unique in that it is a public park with residential property setbacks, which necessitates the front setback variance to accommodate a usable building; the hardship is not self-created as the property is an existing lot of record. The setback variance requested is the minimum variance needed to build a new pavilion on the subject property while maintaining an adequate play area. At the time of this report, Community Development has not received any calls in opposition to this request.

The applicant is requesting to deviate from the City's required R-15 front setback 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 variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The routing of the stormwater on and throughout the site shall be addressed and reviewed by the City Engineer prior to land disturbance permit issuance.
3. The park's program features for the Title II Park shall meet ADA requirements to be reviewed by the Fire Marshal's Office prior to building permit issuance.

Taylor Pounds of Foley Design, applicant, had no further information to add. He stated that he understands and agrees to the three stipulations read into record.

A public hearing was called.

Ofelia Sierra – 3460 Sioux Path – asked if the fence is staying where it currently is and if it will effect her property. She specifically mentioned concerns about drainage near her

property. Chairperson Jones stated that the City Engineer will be reviewing any drainage issues during the improvements.

Clark Efaw – 3364 Navajo Trail – stated that there is a dog sanitation station there that he hopes will not be removed. He also mentioned that it may need to be moved away from the pavilion so as not to smell bad around people picnicking, etc. He mentioned that it sometimes takes a while for the station to be emptied.

Taylor Pounds – stated that zoning for this property is R-15 with a 35' setback which is what brought this variance forward. The pavilion is open air which will not have a large mass feeling. It will still be roughly 30' from back of curb. The fence will be removed and replaced with a more secure fence with either aluminum or steel. The pavilion will be placed in front as opposed to back to act as a barrier between the playground and road. Regarding drainage, per the conditions, they will be working with the City Engineer. The dog sanitation station will remain, and in light of the comment, they will look into moving it away from the pavilion after engaging the Fire Department.

Board Member Andrea Worthy made a motion to approve item V24-119; seconded by Board Member Eric Randall.

The motion to approve carried with the following vote:

Aye: 3 – Board Member Jones, Board Member Worthy, Board Member Randall
Nay: 0 – None
Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-133 Approval of the August 14, 2024 License and Variance Board Meeting Minutes

Board Member Andrea Worthy made a motion to approve item MIN2024-133; seconded by Board Member Eric Randall.

The motion to approve carried with the following vote:

Aye: 3 – Board Member Jones, Board Member Worthy, Board Member Randall
Nay: 0 – None
Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Bo Jones adjourned the August 28, 2024 License and Variance Board meeting at 10:13 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