

LICENSE AND VARIANCE BOARD Minutes - Final



A. Max Bacon City Hall
Council Chambers
2800 King Street SE
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

**March 27, 2024
10:00 AM**

1. Roll Call

Present: 3 – Chairperson Bo Jones, Boardmember Andrea Worthy, Boardmember Mary Moore

Staff: 5 – Caitlin Crowe, Jill G. Head, Eddie Matano, Russell Martin, and Starla Whiddon

2. Call to Order

Chairperson Bo Jones called to order the March 27, 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. V24-016 Public Hearing - Variance Request - V24-016 - Reduce the front setback from 50 feet to 25 feet - Land Lot 485 - 1076 Concord Road -David Butler

This request is to be tabled to the April 10, 2024 License and Variance Board Meeting at the request of the applicant.

Ward 3 Councilmember - Travis Lindley

Boardmember Mary Moore made a motion to table item V24-016 to the April 10, 2024 License and Variance Board meeting at the request of the applicant; seconded by Boardmember Andrea Worthy.

The motion to table carried with the following vote:

Aye: 3 – Chairperson Jones, Boardmember Worthy, Boardmember Moore

Nay: 0 – None

Recuse: 0 – None

- B. V24-017** Public Hearing - Variance Request - V24-017 - Reduce the required parking spaces from 23 spaces to 9 spaces - Land Lot 485 - 1076 Concord Road - David Butler
This request is to be tabled to the April 10, 2024 License and Variance Board Meeting at the request of the applicant.
Ward 3 Councilmember - Travis Lindley

Boardmember Mary Moore made a motion to table item V24-017 to the April 10, 2024 License and Variance Board meeting at the request of the applicant; seconded by Boardmember Andrea Worthy.

The motion to table carried with the following vote:

Aye: 3 – Chairperson Jones, Boardmember Worthy, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- C. V24-018** Public Hearing - Variance Request - V24-018 - Reduce the front setback from 35 feet to 31 feet - Land Lot 453 - 986 Oakview Drive - Nick Vinson
Ward 3 Councilmember - Travis Lindley

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.24-acre lot located on the south side of Oakview Drive (Figure 1). The subject parcel and all adjacent properties are zoned R-15 and are all occupied by single-family detached residences.

The applicant is proposing to fully renovate the existing 960 square foot home with a 790 square foot addition and 312 square foot deck in the rear and a 300 square foot carport on the side of the home. When completed, the home will be 2,469 square feet with 3 bedrooms and 2 bathrooms. The façade will match the existing home with four-sided hardiplank and a brick water table. Additionally, as noted above, the former one-story structure was 960 square feet while the minimum house size of R-15 is 2,000 square feet. Since the renovations to the home will create a 2,969 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 107 square foot covered front porch to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home is currently 2 feet from the front setback line, leaving little room for a roof on the existing front porch, much less any other frontward expansion. The applicant has proposed the new porch will be 31 feet from the front property line and will thus encroach on the front setback by 4 feet. No other variances are required for the renovations, as all other setbacks are met, and the property will be under the maximum impervious surface area of 35%.

Since the existing home was constructed in 1953, prior to the adoption of the zoning ordinance, 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 nearby at 961 Oakview Drive (V05-014) and 976 Oakdale Drive (V12-011) in 2005 and 2012, 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 is requesting a variance to reduce the front setback for 986 Oakview Drive from 35 feet to 31 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.

Chairperson Jones asked if engineering has looked at this. Ms. Crowe stated that engineering was not required to review this because there is no mitigation plan necessary. Engineering, however, has been involved in other aspects.

Nick Vinson – 986 Oakview Drive (applicant) – had no additional information to provide. He stated he does understand and agrees to the standard condition read into record.

A public hearing was called.

Cindy Jordan – 996 Oakview Drive – came forward. Ms. Jordan stated she supports the development, but she does have concerns about water runoff. She stated that since the project began, water has infiltrated her basement. She asked that it be on record that she expressed these concerns and hopes that water runoff is addressed and moved out toward the street, not toward her home.

Boardmember Andrea Worthy made a motion to approve item V24-018; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Jones, Boardmember Worthy, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-040 Approval of the March 13, 2024 License and Variance Board Meeting Minutes *Citywide*

Boardmember Andrea Worthy made a motion to approve item MIN2024-040; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

Aye: 3 – Chairperson Jones, Boardmember Worthy, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Bo Jones adjourned the March 27, 2024 License and Variance Board meeting at 10:12 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