



# City of Smyrna

A. Max Bacon City Hall  
Council Chambers  
2800 King Street  
Smyrna, Ga. 30080

## Meeting Minutes - Final License and Variance Board

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Wednesday, December 14, 2022

10:00 AM

A. Max Bacon City Hall - Council Chambers

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### Roll Call

**Present:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**Also Present:** 0

**Staff:** 6 - Tyler Addison, Jill Head, Russell Martin, John Sparks, Joey Staubes and Starla Whiddon

### 1. Call to Order

Chairperson Penny Mocerri called to order the December 14, 2022 License and Variance Board meeting held at A. Max Bacon City Hall in Council Chambers at 10:00 AM.

### 2. Business

#### A. [LIC2022-13](#)

Privilege License Agent Change Request LIC 2022-13 - Beer, Wine, & Liquor (retail pouring) - 2995 Atlanta Road SE, Suite 300 - Bad Daddy's International, LLC dba Bad Daddy's Burger Bar, with Jodie Voyles-Myers as agent.

#### **Ward 3 / Councilmember Lindley**

*Application was made for privilege license agent change for Bad Daddy's International, LLC dba Bad Daddy's Burger Bar for the sale of beer, wine, and liquor (retail pouring). Jodie Voyles-Myers is the agent applicant.*

*Jodie Voyles-Myers will be the registered agent responsible for the sale of alcohol at 2995 Atlanta Road SE, Suite 300. The applicant has been given a copy of the Alcoholic Beverage ordinances and attended the mandatory alcohol awareness workshop.*

*A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Ms. Voyles-Myers has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.*

*Jodie Voyles-Myers, applicant, stated she is the General Manager who oversees the operations, and she is on-site five days a week. She has never served as an agent before. When asked what measures are in place to ensure compliance, she stated that they request photo IDs from all patrons ordering alcoholic beverages. Employees are trained both electronically and in-person as part of a week-long program.*

*Chairperson Mocerri stated that the Smyrna Police Department will sometimes perform*

*spot checks.*

Boardmember Richard Garland made motion to approve item LIC2022-13, a privilege license agent change request (LIC2022-13) for Beer, Wine, & Liquor (retail pouring) located at 2995 Atlanta Road SE, Suite 300 by applicant Bad Daddy's International, LLC dba Bad Daddy's Burger Bar, with Jodie Voyles-Myers as agent; seconded by Boardmember Bo Jones.

The motion approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**B. [2022-517](#)**

**Public Hearing** - Variance Request - V22-064 - Increase the maximum impervious surface area from 35% to 39.78% - Lot 556 - 3341 Pretty Branch Drive - Luke Burbank

**This request will be tabled to the January 11, 2023 License and Variance Board Meeting.**

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

Boardmember Richard Garland made a motion to table to the January 11, 2023 License and Variance Board meeting item 2022-517, a public hearing and variance request (V22-064) to increase the maximum impervious surface area from 35% to 39.78% on lot 556 located at 3341 Pretty Branch Drive by applicant Luke Burbank; seconded by Boardmember Bo Jones.

The motion to table to the January 11, 2023 License and Variance Board meeting carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**C. [2022-543](#)**

**Public Hearing** - Variance Request - V22-069 - Allow an increase in impervious coverage from 35% to 51.6% - Land Lot 446 - 0.09 acres - 2306 Kissing Tree Lane - Alicia Encalade

**This request will be tabled to the January 11, 2023 License and Variance Board meeting.**

**Ward 3 / Councilmember Lindley**

Boardmember Richard Garland made a motion to table to the January 11, 2023 License and Variance Board meeting item 2022-543, a public hearing and variance request (V22-069) to allow an increase in impervious coverage from 35% to 51.6% on land lot 446 on 0.09 acres located at 2306 Kissing Tree Lane by applicant Alicia Encalade; seconded by Boardmember Bo Jones.

The motion to table to the January 11, 2023 License and Variance Board meeting carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**D. [2022-611](#)**

**Public Hearing** - Variance Request - V22-071 - Allow six foot wooden privacy fence in front yard of a corner lot - Land Lot 413 - 0.43 acres - 871 Concord Road - John Huffey

**Ward 3 / Councilmember Lindley**

*Joey Staubes, Planner II, provided the following background:*

*The subject parcel is a 0.43-acre lot located at the intersection of Concord Road and Lusk Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned GC (General Commercial) and are occupied by commercial businesses.*

*The applicant is proposing a 6-foot wooden privacy fence along Lusk Drive for a length of 85 feet. While Lusk Drive is identified as a public right of way it primarily serves as a private access drive from Concord Road to the Concord Village shopping center and not an actual roadway. Therefore, due to the property having road frontage on two sides, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet; strict application of the ordinance would require a fence greater than four feet in height be setback 40 feet from the property line on the Lusk Drive side. The applicant is requesting a variance to allow a 6-foot wooden privacy fence to provide security from the busy intersection. Additionally, the Assistant City Engineer determined that there was not a sight distance issue caused by the fence.*

*The applicant is requesting a variance to allow a 6-foot wooden privacy fence to be erected along Lusk Drive to provide safety and security for the business. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate privacy on a corner lot.*

*The applicant is requesting to deviate from the development standards established by Section 503-A, which requires a four-foot fence in the front yard. 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 has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. 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 conditions:*

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

*John Huffey, applicant, had no additional information to provide. The restaurant will be Burger Crush with shakes, fries, burgers made with fresh ingredients.*

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

*Boardmember Bo Jones made a motion to approve item 2022-611, a public hearing and variance request (V22-071) to allow a 6-foot wooden privacy fence in the front yard of a corner lot on land lot 413 on 0.43 acres located at 871 Concord Road by applicant John Huffey; seconded by Boardmember Richard Garland.*

*The motion to approve carried with the following vote:*

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

E. [2022-612](#)

**Public Hearing** - Variance Request - V22-072 - Allow rear setback reduction from 30 feet to 28.6 feet - Land Lot 600 - 0.34 acres - 2101 Jarrod Place - Debra Crittenden

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

*Joey Staubes, Planner II, provided the following background:*

*The subject parcel is a 0.34-acre lot located on the west side of Jarrod Place (see Figure 1). The subject parcel and all adjacent parcels to the north, south, and east are zoned R-15 and are occupied by detached single-family homes. The property to the west is zoned RM-12 and is occupied with apartments.*

*The home on the subject property was constructed in 1993. The 14,886 square foot lot is narrow in depth and the rear property line is at an angle where the northwest corner is closer to the house. The applicant is proposing to build a new deck and sunroom to the existing home. Due to the angle of the rear property line a small section of the sunroom will require a rear setback reduction of 1.5 feet.*

*The subject property has a distinctive geometry that reduces the amount of rear yard that can be developed. The hardship is not self-created as the property is an existing lot of record. The variance requested is the minimum variance needed to construct the addition to the home. Community Development does not believe building the addition on the subject property will negatively impact the surrounding properties. At the time of this report, Community Development has received no opposition to this request from surrounding property owners.*

*The applicant is requesting to deviate from the rear setback requirement established by Section 801. 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 has reviewed the request against the variance review standards and found it to be in compliance with the four (4) standards and believes that the variance 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.*

*Debra Crittenden and Tom Crittenden, applicants, had no additional information to provide. They understand and agree with the condition read into record.*

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

Boardmember Richard Garland made a motion to approve item 2022-612, a public hearing and variance request (V22-072) to allow rear setback reduction from 30 feet to 28.6 feet on land lot 600 on 0.34 acres located at 2101 Jarrod Place by applicant Debra Crittenden; seconded by Boardmember Bo Jones.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**F. [2022-613](#)**

**Public Hearing** - Variance Request - V22-073 - Allow 5-foot split rail fence in front yard - Land Lot 383 - 1.81 acres - 703 Austin Drive - Zane Miller

**Ward 4 / Councilmember Welch**

*Joey Staubes, Planner II, provided the following background:*

*The subject parcel is a 1.81-acre lot located at the north east corner of Austin Drive. The subject parcel is zoned R-15. The adjacent properties to the south are zoned R-15, the properties to the north and west are zoned R-12, and the property to the east is zoned RDA. All are occupied by residential structures.*

*The applicant is proposing a 5-foot split rail fence with woven wire backing in the front yard of the property. Section 503-A restricts the height of fences within a front yard to four feet; strict application of the ordinance would require a fence greater than four feet in height be setback 40 feet from the front property line. The applicant is requesting a variance to allow a 5-foot split rail fence to provide security and to match the existing fence around the perimeter of the property.*

*The applicant is requesting a variance to allow a 5-foot split rail fence to be erected in the front yard to provide safety and security for the property owner. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate privacy on a corner lot.*

*The applicant is requesting to deviate from the development standards established by Section 503-A, which requires a four-foot fence in the front yard. 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 has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. 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 conditions:*

- 1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.*
- 2. The fence area within the front yard setback shall have the woven wire behind the split rails.*

*Zane Miller, applicant, had no additional information to provide. He understands and agrees with the conditions read into record.*

*A public hearing was called.*

*Mike McNabb, 750 Austin Dr., stated that his house is directly across from the property in question. He strongly objects to the variance for five reasons:*

1. The fence is in the front yard which does not meet traditional standards for the neighborhood,
2. The materials are wood and hog wire which look like a pigpen construction.
3. Not only is it hog wire, it is also stapled so as to face streetside which makes the fencing look unfinished.
4. Councilmember Welch spoke to Mr. Miller to relay that he would require a variance. According to Mr. McNabb, Mr. Miller continued the project regardless and also added a double-gated driveway entrance.
5. In a letter Mr. Miller sent to neighbors after the fencing had been erected, his stated reason for building the fence was because of coyote sightings. Mr. McNabb expressed skepticism because coyotes have always been in the area and have caused little to no trouble previously.

Karleen McNabb, 750 Austin Dr., stated similarly that the wiring on the fence made it look unfinished and does not add to the beautification of the high-value neighborhood. "Good neighbor" fences like those made of black wrought iron help with beautification and added value while the "farmers fence" Mr. Miller has erected does not live up to the standards of the neighborhood. Ms. McNabb further stated that there are coyote sightings all over Smyrna, and they have never been a problem. She objects to the front yard fence, its height, the construction materials, and the outward facing wiring. Ms. McNabb stated she serves on Keep Smyrna Beautiful with the goal being to beautify Smyrna. She asked the board to deny the variance.

Boardmember Garland asked if the McNabbs' objections were to the style of the fence or the the fence in general. Mr. McNabb stated it is both because the front yard fence is not standard, but it is also the materials. They are inconsistent with the neighborhood's standards.

Zane Miller, applicant, stated that he has followed all of the conditions set forth by the City. One condition he is required to meet is to cover up the wire mesh on the outward facing side. It is in the plans and will be completed. The fence is currently unpainted, but it will be painted once the pressure treated wood has completed its curing process. He used the same style that is installed around the rest of his property.

Ms. Mocerri asked if they have an HOA. Mr. Miller stated there is no HOA. Ms. Mocerri asked of Mr. Staubes if the materials Mr. Miller used are allowed per City code. Mr. Staubes stated the issue is the height of the fence. Code states the max height is four feet. The fence in question is five feet. The variance is not because of materials; it is because it is taller than Code allows. Mr. Staubes additionally stated that the woven wire has to be on the outside.

Boardmember Garland made a motion to table this item for further discussion. Mr. Miller did express his objection because he has met the requirements. The variance request is for the height to which staff has recommended approval.

Boardmember Richard Garland made a motion to table to the January 11, 2023 License and Variance Board meeting item 2022-613, a public hearing and variance request (V22-073) to allow for a 5-foot split rail fence in front yard on land lot 383 on 1.81 acres located at 703 Austin Drive by applicant Zane Miller; seconded by Bo Jones.

The motion to table to the January 11, 2023 License and Variance Board meeting carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**G. [2022-614](#)**

**Public Hearing** - Variance Request - V22-074 - Allow boarding facility within 200 feet of residential property - Land Lot 632 - 0.41 acres - 1717 Spring Street - Max Feidelson

**Ward 3 / Councilmember Lindley**

*Joey Staubes, Planner II, provided the following background:*

*The 0.41-acre lot is located to the north of Spring Street. The subject property is currently occupied by a 4,800 retail space and is zoned GC (General Commercial). The adjacent property to the north and west is zoned GC (General Commercial – Cobb County) and is occupied by a commercial business. The adjacent property to the east is zoned R-20 (Residential – Cobb County) and is occupied by a single-family home. The properties to the south are zoned GC (General Commercial) and are occupied by commercial businesses.*

*The subject property is occupied by a day care. The applicant is requesting to use the existing structure for use as an animal boarding facility, with some minor interior remodeling. To try to keep as much noise from the residential property as possible, they will be installing sound dampening materials on all exterior facing walls and some interior walls.*

*The existing building is approximately 40 feet from a residential property line at the east, and 130 feet to the north of the subject property; however, the nearest residential structure is approximately 70 feet away with a vegetative buffer between the two properties. A similar variance was approved for a boarding and veterinary clinic at 1763 Spring Street.*

*The applicant is requesting a variance to allow animal boarding within 200 feet of residential property. Although the use is a permitted use within the GC (General Commercial) zoning district, due to the location of the existing structure, a variance is required to allow for the proposed use. Strict application of the ordinance would require the existing structures be demolished and rebuilt in order to be in compliance. However, due to the shape and size of the subject property, setback reductions would be necessary to build a new structure. Community Development believes the variance requested is the minimum variance needed.*

*The applicant is requesting a variance to reduce the distance requirement between an animal boarding facility and a residential property. 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 variance will not adversely affect surrounding properties; therefore, staff recommends approval of the requested variance with the following conditions:*

- 1. There shall be no outside boarding of dogs or outdoor dog runs on the subject property.*
- 2. Only one dog shall be allowed outside at any time and must be supervised by an employee at all times.*
- 3. The structure shall be insulated in such a way that no outside noise is detectable*

*within ten feet of the structure.*

*Max Feidelson, applicant, added that when looking at this property, the neighboring existing boarding facility at 1763 Spring Street had two conditions in place. The added condition of no outdoor dog runs for this variance request was not part of the other property's conditions. This business, Dogtopia, has six other establishments around metro-Atlanta that have received variance approvals for as close as 20 feet to residential areas. He stated they invest hundreds of thousands of dollars for sound-proofing in order to be neighborhood friendly. They are not a typical kennel but are an amenity to offer to pet parents. It will have great curb appeal, cameras, etc. He is amenable to all of the conditions except for the condition of not having a dog run. It would not set them up for success. If there have been complaints because of the neighboring property, it is likely because they are not adhering to the one dog at a time stipulation. The locations west and south of this property are commercial, and to the east it is residential. He asked that if the one condition cannot be removed today, that they table this to a future meeting so they can figure out a best solution.*

*Chairperson Mocerri asked if the other property needed a variance. Mr. Staubes answered that it did need a variance.*

*Boardmember Garland asked the applicant to explain why he does not want the condition of no dog run in place. Mr. Feidelson stated that for the safety of staff, they do not walk dogs on leads. They do have supervised outdoor time, but not on leads.*

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

*Mr. Feidelson reiterated that he is amenable to tabling this item to be able to work through this issue. Boardmember Garland stated that he would like to see detailed plans for the outdoor area.*

Boardmember Richard Garland made a motion to table to the January 11, 2023 License and Variance Board meeting item 2022-614, a public hearing and variance request (V22-074) to allow a boarding facility within 200 feet of residential property on land lot 632 on 0.41 acres located at 1717 Spring Street by applicant Max Feidelson; seconded by Boardmember Bo Jones.

The motion to table to the January 11, 2023 License and Variance Board meeting carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**H. [2022-615](#)**

**Public Hearing** - Variance Request - V22-075 - Allow an increase in impervious coverage to 46.3 percent - Land Lot 313 - 0.45 acres - 3967 Manson Avenue - Christopher Bunt  
**Ward 4 / Councilmember Welch**

*Joey Staubes, Planner II, provided the following background:*

*The subject parcel is a 0.45-acre lot at the intersection of Manson Avenue and Mockingbird Lane. The subject parcel and adjacent parcels to the north, east, and west are zoned R-20. The adjacent properties to the south are zoned R-15. All are occupied by detached single-family residences.*

*The applicant submitted permit to install a new inground pool, and pool deck. The*

subject property is currently occupied by a single-family home and two driveways that comprise of 9,635 square feet of impervious coverage. The applicant is proposing to build a 2,962 square foot inground swimming pool and accompanying deck area. Due to the existing home and existing driveway and patio, the impervious surface area will increase the allowable impervious coverage by 11.3% with the addition of the pool and pool deck.

To offset the increase in impervious surface area, the applicant has proposed a flo-well. The City Engineer has reviewed the application and is supportive of the proposed mitigation method. Additionally, the subject property is buffered from adjacent properties by an existing 6-foot wooden privacy fence. Due to the existing fence and location of the pool in the middle of the rear yard, Community Development believes the proposal will not adversely impact adjacent properties.

Additionally, the subject property has a six-foot wooden privacy fence in the front yard along Mockingbird Lane. The property owner wishes to maintain the fence in order to provide security and privacy for the rear yard. Additionally, the fence is required by building and zoning code to surround the pool at a minimum of 4 feet. The City Engineer does not believe the fence obstructs sight lines and should have no negative impact.

Community Development believes the proposal will not adversely impact adjacent properties. Similar variances have been granted where approval would not impact adjacent properties. Community Development believes the variance requested is the minimum variance needed to allow for any outdoor storage. Community Development has not received any calls in opposition to the request.

The applicant is requesting to deviate from the City's accessory structure ordinance to allow a second accessory structure. 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 has reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Therefore, Community Development recommends approval of the requested variance with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted with the variance application.

The property owners adjacent to the property in question on Mockingbird Lane have no problems with the variance requests.

Christopher Bunt and Brittney Bunt, applicants, had no additional information to provide. They understand and agree with the condition read into record.

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

Boardmember Bo Jones made a motion to approve item 2022-615, a public hearing and variance request (V22-075) to allow an increase in impervious coverage to 46.3 percent on land lot 313 on 0.45 acres located at 3967 Manson Avenue by applicant Christopher Bunt; seconded by Boardmember Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

I. [2022-616](#)

**Public Hearing** - Variance Request - V22-076 - Allow a six foot wooden privacy fence in a front yard of a corner lot - Land Lot 313 - 0.45 acres - 3967 Manson Avenue - Christopher Bunt

**Ward 4 / Councilmember Welch**

*No further information was provided by staff or the applicant.*

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

Boardmember Bo Jones made a motion to approve item 2022-616, a public hearing and variance request (V22-076) to allow a 6-foot wooden privacy fence in a front yard of a corner lot on land lot 313 on 0.45 acres located at 3967 Manson Avenue by applicant Christopher Bunt; seconded by Boardmember Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

J. [2022-618](#)

**Public Hearing** - Variance Request - V22-077 - Allow additional accessory structure - Land Lot 556 - 0.46 acres - 1424 Katherine Rose Lane - Joseph Winters

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

*Joey Staubes, Planner II, provided the following background:*

*The subject parcel is a 0.46-acre lot at the intersection of Katherine Rose Lane and Pinetree Drive (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are occupied by detached single-family residences.*

*The applicant submitted permit to install a new inground pool. The applicant is proposing to keep an accompanying shed on the property and a variance is required to maintain the shed. The accessory structure ordinance allows one accessory structure or use per lot and since a pool is proposed, a variance is required for the additional structure.*

*Additionally, the subject property has a six-foot wooden privacy fence in the front yard along Pinetree Drive. The fence was installed when the subdivision was developed, however, a variance was never approved. The property owner wishes to maintain the fence in order to provide security and privacy for the rear yard. The City Engineer does not believe the fence obstructs site lines and should have no negative impact.*

*Community Development believes the proposal will not adversely impact adjacent properties. Similar variances for additional accessory structures have been granted where approval would not impact adjacent properties. Community Development believes the variance requested is the minimum variance needed to allow for any outdoor storage. Community Development has not received any calls in opposition to the request.*

*The applicant is requesting to deviate from the City's accessory structure ordinance to*

allow a second accessory structure. 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 has reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Therefore, Community Development recommends approval of the requested variance with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted with the variance application.

More pictures have been provided that were not in the staff memo.

Joseph Winters, applicant, had no additional information to provide. He agrees with the condition read into record.

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

Boardmember Richard Garland made a motion to approve item 2022-618, public hearing and variance request (V22-077) to allow an additional accessory structure on land lot 556 on 0.46 acres located at 1424 Katherine Rose Lane by applicant Joseph Winters; seconded by Boardmember Bo Jones.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**K.**     [2022-620](#)

**Public Hearing** - Variance Request - V22-078 - Allow a six foot wooden privacy fence in a front yard on a corner lot - Land Lot 556 - 0.46 acres - 1424 Katherine Rose Lane - Joseph Winters

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

No additional information was provided by staff or the applicant.

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

Boardmember Bo Jones made a motion to approve item 2022-620, a public hearing and variance request (V22-078) to allow a 6-foot wooden privacy fence in a front yard on a corner lot on land lot 556 on 0.46 acres located at 1424 Katherine Rose Lane by applicant Joseph Winters; seconded by Boardmember Richard Garland.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**3.     Approval of Minutes:**

**A.**     [MIN2022-88](#)

Approval of the November 9, 2022 License and Variance Board Meeting Minutes

***Ward / Citywide***

Boardmember Richard Garland made a motion to approve item MIN2022-88, the November 9, 2022 License and Variance Board Meeting Minutes; seconded by Boardmember Bo Jones.

The motion to approve carried with the following vote:

**Aye:** 3 - Penny Mocerri, Richard Garland and Bo Jones

**4. Adjournment**

Chairperson Penny Mocerri adjourned the December 14, 2022 License and Variance Board meeting at 10:49 AM.