



License and Variance Board Meeting - Final

May 22, 2024
10:00 AM

A. MIN2024-063 Approval of the May 8, 2024 License and Variance Board Meeting Minutes

LICENSE AND VARIANCE BOARD

Minutes - Final



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

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

May 08, 2024
10:00 AM

1. Roll Call

Present: 3 – Chairperson Richard Garland, Boardmember Andrea Worthy,
Boardmember Mary Moore

Staff: 5 – Caitlin Crowe, Jill G. Head, H. Houze, Russell Martin, and Mark Wolff

2. Call to Order

Chairperson Richard Garland called to order the May 8, 2024 License and Variance Board meeting head at A. Max Bacon City Hall in Council Chambers at 10:00 AM.

3. Chairperson Instruction and Comment

4. Formal Business

- A. V23-086** Public Hearing - Variance Request - V23-086 - Allow new construction on lot of record below minimum requirements - Land Lot 664 - 2627 Argo Drive - Darrell Smith
Ward 2 Councilmember - Latonia P. Hines

Caitlin Crowe, Planner I, provided the following background for the six variances related to this property. Each variance will be voted upon separately:

The subject parcel is a 0.07-acre triangular lot located to the north side of the intersection of Argo Drive and Bates Street (see Figure 1). The subject parcel and the adjacent parcel to the north are zoned R-15 whereas the adjacent parcels to the east, south, and west are zoned R12. All properties are currently occupied by detached single-family homes with the exception of the subject property, which is a vacant lot. The subject parcel was created in 1989 via deed of sale in Cobb County, then shown on a recorded boundary plat for a neighboring property in 1999.

The applicant is proposing to construct a new 1,480 square foot two-story single-family home on the vacant corner lot, which will include three bedrooms and 2 ½ bathrooms. The home's architecture will be ultramodern; due to the existing speed hump along Argo Drive,

the driveway access is proposed along Bates Street. Due to the existing public sidewalk along Bates Street, the applicant shifted the house to the north to allow for a standard 22-foot driveway to alleviate any encroachments to the sidewalk. Additionally, the driveway was shifted to be 51 feet from the road intersection to alleviate any conflicts with stop sign at the southwest corner of the property. The City Engineer has reviewed the proposed driveway and is supportive of the location. The subject property is only 4,750 square feet while the R-15 zoning district requires a minimum lot size of 15,000 square feet. Since the subject property is an existing lot of record, the hardship is not self-created. Additionally, due to the property being a corner lot and well below the required lot area, the setback requirements create an unfeasible buildable area. Due to the constraints of the site, the applicant is requesting to reduce the front, streetside, and side setbacks to build the new home. The proposed home is centered in the middle of the lot to both minimize the number and scale of the variances needed. The front of the proposed home will be a minimum of 12 feet from Argo Drive, which is in line with the nonconforming house to the north. Due to the triangular nature of the lot, the home is 10.1 feet from the streetside property line, which is a variance of 13.2 feet. Finally, due to the required 22-foot driveway and staff recommendation, the home was shifted into the setback at 5.6 feet from the property line. Due to the geometry of the lot, which is only 88 feet at its widest point (and 6.25 feet at its narrowest), the hardships are not self-created.

The R-15 zoning district requires a minimum house size of 2,000 square feet, which would not only take up nearly half the property, but also spur several additional variances if the buildable area were strictly adhered to. The applicant has added as much square footage as possible on both floors while maintaining the minimum encroachments necessary to build the home.

Even with a smaller-sized home on the property, the applicant will be over the maximum impervious coverage of 35% by 6.3%. To offset the increase to the impervious surface area, a dry well will be constructed near the rear of the property behind the proposed elevated deck. The City Engineer has reviewed the application and is supportive of the proposed mitigation method.

The subject property is unique in that it has less than 30% land area than what the R-15 zoning district requires; the hardship is not self-created as the property is an existing lot of record. The setback variances requested are the minimum variances needed to build a new single-family home on the subject property in line with the surrounding neighborhood, which has seen increased growth and development over the past few years. Similar impervious surface area variances have been approved throughout the city when an appropriate mitigation method has been included. 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 City's minimum lot area, floor area, impervious surface area, front setback, streetside setback, and side setback requirements established for the R-15 Zoning District. 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 and believes that the variances will not adversely affect surrounding residents. Therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The existing driveway entrance along Argo Drive shall be removed and replaced with curb and gutter and permanently stabilized prior to issuance of the Certificate of Occupancy. The existing sidewalk shall be reestablished once the driveway has been removed.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the Certificate of Occupancy

Chairperson Garland asked if the conditions are the same for all six variances. Ms. Crowe confirmed the conditions will be the same for all six variances.

Gary & Darrell Smith – applicant – had no further information to add. They stated they understand and agree with the six conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

**B. V23-087 Public Hearing - Variance Request - V23-087 - Reduce the side setback from 10 feet to 5.6 feet - Land Lot 664 - 2627 Argo Drive - Darrell Smith
*Ward 2 Councilmember - Latonia P. Hines***

Neither staff nor the applicant had further information to add. The applicants stated they understand the six conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

**C. V23-088 Public Hearing - Variance Request - V23-088 - Reduce the streetside setback from 23.3 feet to 10.1 feet - Land Lot 664 - 2627 Argo Drive - Darrell Smith
*Ward 2 Councilmember - Latonia P. Hines***

Neither staff nor the applicant had further information to add. The applicants stated they understand the six conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

**D. V23-089 Public Hearing - Variance Request - V23-089 - Reduce the front setback from 35 feet to 12 feet - Land Lot 664 - 2627 Argo Drive - Darrell Smith
*Ward 2 Councilmember - Latonia P. Hines***

Neither staff nor the applicant had further information to add. The applicants stated they understand the six conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

E. V23-090 Public Hearing - Variance Request - V23-090 - Reduce the minimum floor area from 2,000 square feet to 1,480 square feet - Land Lot 664 - 2627 Argo Drive - Darrell Smith

Ward 2 Councilmember - Latonia P. Hines

Neither staff nor the applicant had further information to add. The applicants stated they understand the six conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

- F. V23-091 Public Hearing - Variance Request - V23-091 - Increase the maximum impervious surface area from 35% to 41.3% - Land Lot 664 - 2627 Argo Drive - Darrell Smith**

Ward 2 Councilmember - Latonia P. Hines

Neither staff nor the applicant had further information to add. The applicants stated they understand the six conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

- G. V24-024 Public Hearing - Variance Request - V24-024 - Reduce the northern side setback from 12 feet to 5 feet - Land Lot 524 - 3149 Dunn Street - Wes Fortier**
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.53-acre lot on the east side of Dunn Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20, with the exception of the parcels to the north and west, which are zoned R-15; all are occupied by single-family detached residences.

The subject property is currently occupied by a 2,985 square foot one-story home with a 76 square foot shed in the rear of the property. The applicant is proposing an addition to

the existing home to more closely align with neighboring properties, as all but one neighboring property has built a new two-story home within the last 10 years. The existing one-car garage on the northern side of the home will be extended roughly 372 square feet to create a more standard two-car garage that will have storage in the rear. The renovation will also include a roughly 650 square foot second-story addition, which will only be constructed over the new two-car garage and will include a new bedroom and bathroom. Additionally, a covered front porch (roughly 340 square feet) will be erected over the existing concrete stoop and walkway.

The existing garage is serviced by a single-car concrete driveway, which has been expanded with gravel over time to the 5-foot driveway setback. To access the new proposed garage, the applicant will be using the existing driveway and putting pavers in place of the gravel to bring the driveway into compliance. Since the gravel driveway is being replaced and the house sits well off the front setback line, no additional variances are needed for the addition to the property.

Due to the existing driveway, the most logical area to construct the garage addition is within the northern side setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would limit the applicant to a one-car garage, as the required width expansion for a second car could not be maintained within the setback. Since a two-car garage is the standard of current homes, this hardship is not self-created. Community Development believes the variance is the minimum variance needed to bring the home in line with the neighboring R-20 properties. At the time of this report, Community Development has not received any opposition to the request.

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district for a side setback reduction. 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 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 gravel driveway shall be replaced with pavers (or a similar hard surface) prior to completion of the building permit.

Wes Fortier – applicant – had nothing further to add and agrees with the two conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

**H. V24-025 Public Hearing - Variance Request - V24-025 - Increase the accessory structure height from 15 feet to 23.1 feet - Land Lot 557 - 1453 Collier Drive - Alexander Fain
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Caitlin Crowe, Planner I, provided the following background for two variances. Each variance will be voted upon separately:

The subject parcel is a 0.44-acre lot located on the north side of Collier Drive at the termination of Pinetree Drive (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences.

The property is currently occupied by a one-story 2,600 square foot single-family home. The applicant is proposing a two-story 1,935 square foot detached accessory structure in the rear of the property, accessed via an extension of the existing driveway. The proposed structure will have two levels: a garage and office on the first floor and a living area complete with bedroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. Per the applicant, the addition is to be used by the applicant's family members and guests who are visiting. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

Originally built in 1950, the home does not currently have any covered parking on the property. Since the existing house footprint sits with each side roughly 12 feet from the side setbacks, the applicant does not have enough room to erect a standard two-car garage on the side of the existing home without encroaching into the side setback. In fact, to try and minimize the variances, the new structure foundation will be shifted over several feet from the existing driveway to remove any side setback encroachments.

In conjunction with the addition of covered parking, the applicant is proposing additional living space for their growing family's needs. However, the existing two-story home is 2,600 square feet, which means that the 1,935 square foot proposed accessory structure exceeds the allowable accessory structure size by 49% based off the primary structure's gross square footage. Although the footprint of the structure is 845 square feet, the area calculations are almost doubled since the structure has a second level and covered porch. Rather than expanding the existing structure's footprint for the living area addition, the applicant added the second story to minimize land disturbance and impervious surface area.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 23.1 feet to provide the required clearance on the second floor as well as architectural cohesion with the surrounding neighborhood.

Due to the existing driveway, the most logical area to construct the new structure is in line with the existing driveway location to decrease disturbance to the subject property. Community Development believes the variance is the minimum variance needed to

provide both covered parking and additional living space in the smallest impervious footprint. Similar variance requests have been approved in the neighborhood at 3127 Wills Street in 2015 (V15-013-018), 3272 Pinetree Drive in 2016 (V16-073-074), 3393 Pretty Branch Drive in 2023 (V23-070-072), At the time of this report, Community Development has not received any opposition to the requests.

The applicant is requesting to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the main structure and the maximum accessory structure height of 15 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 variances will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The proposed accessory structure shall not be rented or occupied for gain, except as permitted in Article IX of Chapter 22 as it pertains to the operation of short-term rental units.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Alexander Fain – applicant – had nothing further to add. He stated he agrees with and understands the three conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

- I. **V24-026** Public Hearing - Variance Request - V24-026 - Increase the accessory building size from 25% to 74% of the primary dwelling - Land Lot 557 - 1453 Collier Drive - Alexander Fain
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Neither staff nor the applicant had further information to add. The applicant understands and agrees with the conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

J. V24-027 Public Hearing - Variance Request - V24-027 - Allow encroachment into the City's 75-foot impervious surface setback - Land Lot 598 - 3355 Kathy Lane - Jessica Bock

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.53-acre lot located on the east side of Kathy Lane at the termination of Veneta Way (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and all are occupied by single-family detached residences. The subject property is in the C M Hamby subdivision, originally platted in 1955.

The property is currently occupied by a single-family home with a stream that runs through the rear of the property and continues through the adjacent properties to the south and east and a public sanitary sewer main line that bisects the rear yard with an accompanying 20-foot sanitary sewer easement. Due to the stream, a portion of the existing house and deck is currently encroaching into the 75-foot impervious surface setback.

The applicant is proposing to remove the existing deck to construct an addition in its place; the addition and accompanying interior renovation will include an expansion of the master bathroom, adding a third bathroom, and adding a new deck to the rear of the home. Due to the stream, the rear yard is greatly encumbered by the State's 25-foot undisturbed buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious surface setback, with virtually no section of the rear yard untouched by stream buffers. Although the new proposed addition is within the previously encroached area as much as possible, there is a 445 square foot encroachment into the 75-foot impervious surface setback from a small portion of the addition and the deck.

The applicant will require relief from the City's Stream Buffer Protection ordinance in order to make the improvements to the existing home in the rear yard. Since the property was platted in 1955, prior to the Stream Buffer Ordinance implemented in 2005, the hardship is not self-created. No other variances are needed as the property is below their impervious coverage maximum of 35% and there will be no proposed conflict with the sewer line easement in the rear of the property.

The applicant will mitigate the rear yard disturbance by installing two flo-wells to the north of the existing house, just outside the 75-foot impervious surface setback. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per Georgia Stormwater Management Manual requirements.

Due to the existing stream buffers encumbering the entirety of the rear yard and the existing home, Community Development believes this is the minimum variance needed to allow for any exterior renovations or outdoor amenity. Strict application of the ordinance would require the existing home to be removed and shifted west due to the existing stream buffers. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. At the time of this report, Community Development has not received any calls in opposition to the request.

The applicant is requesting relief from the City's 75-foot impervious surface setback to build an addition and deck in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, variances must be reviewed under the following standards: (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; (2) The locations of all streams on the property, including along property boundaries; (3) The location and extent of the proposed buffer or setback intrusion; (4) Whether alternative designs are possible which require less intrusion or no intrusion; (5) The long-term and construction water quality impacts of the proposed variance; (6) Whether as a result of an exchange of buffer area the net buffer area is not reduced; and (7) Whether issuance of the variance is at least as protective of natural resources and the environment. After a review of the standards above, Community Development and the City Engineer believe that the encroachment will not adversely affect surrounding residents nor the existing stream; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement must be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the building permit.

Jessica Bock – applicant – had nothing further to add. She stated she agrees and understands with two conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

K. V24-028 Public Hearing - Variance Request - V24-028 - Allow encroachment into the City's 50-foot undisturbed stream buffer - Land Lot 627 - 3430 Creatwood Trail - Arabia Chawa

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Caitlin Crowe, Planner I, provided the following background for two variances. Each variances will be voted upon separately:

The subject parcel is a 0.32-acre lot located on the south side of Creatwood Trail in the Creatwood Forrest subdivision (see Figure 1). A stream runs through the rear of the property and continues through the adjacent properties to the east and west. The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

In February 2024, Code Enforcement issued a notice of violation to the subject property for working without a permit. Once alerted, the applicant moved forward with building permits for an interior renovation and deck addition. Upon completion of the plan review, the applicant was notified that a variance would be required prior to permit issuance and a variance application was subsequently submitted later that month.

The applicant is proposing to retain the newly erected 196 square foot deck and accompanying stairs in its current location. The rear yard and a portion of the home itself is greatly encumbered by the State's 25-foot undisturbed buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious surface setback, with no section of the rear yard untouched by stream buffers. Since the property was platted in 1960, prior to the Stream Buffer Protection Ordinance in 2005, the hardship is not self-created outside of starting the work without a permit. No other variances are needed as the property is below their impervious coverage maximum of 35%.

The applicant will require relief from the City's stream buffer ordinance in order to retain the improvements in the rear yard. The applicant will mitigate the rear yard disturbance by creating extending the impervious setback on either side of the home to offset the total 249.75 square foot encroachment (148.4 square feet to the west and 102.4 square feet to the east). The new impervious area will be contiguous with the existing setback area and will require an update to and recording of the parcel plat to delineate the new impervious setback limits. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per Georgia Stormwater Management Manual requirements.

Due to the existing stream buffers encumbering the entirety of the rear yard and the existing home, Community Development believes these are the minimum variances needed to allow for any outdoor amenity. Strict application of the ordinance would require the existing home to be removed and shifted north due to the existing stream buffers. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. At the time of this report, Community Development has not received any calls in opposition to the request.

The applicant is requesting relief from the City's 75-foot impervious surface setback and City's 50-foot undisturbed stream buffer to install a deck in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, variances must be reviewed under the following standards: (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; (2) The locations of all streams on the property, including along property boundaries; (3) The location and extent of the proposed buffer or setback intrusion; (4) Whether alternative designs are possible which require less intrusion or no intrusion; (5) The long-term and construction water-quality impacts of the proposed variance; (6) Whether as a result of an exchange of buffer area the net buffer area is not reduced; and (7) Whether issuance of the variance is at least as protective of natural resources and the environment. After a review of the standards above, Community Development and the City Engineer believe that the encroachment will not adversely

affect surrounding residents nor the existing stream; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A plat shall be submitted to the City for approval and recorded with the Cobb County Superior Court to show the extension of the impervious surface setback prior to issuance of the building permit.

Mark Wolff – City Engineer – stated that the property is encumbered by buffer and setbacks. Increasing the setback on an already encumbered lot of setbacks and buffers. The additional area that has been added will be reported on the new plat where no additional impervious will be allowed without a variance process. Boardmember Moore stated that this is the first time she has seen this option, so if a future homeowner wanted to increase the impervious area, what are their options. Mr. Wolff said there is no opportunity to expand the buffer because it has to be continuous with the current setback. This is done for the 75' impervious setback, not the 50' buffers.

Arabia Chawa – applicant – had no further information to add. She stated she agrees with and understands the two conditions read into record.

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

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

**L. V24-029 Public Hearing - Variance Request - V24-029 - Allow encroachment into the City's 75-foot impervious surface setback - Land Lot 627 - 3430 Creatwood Trail - Arabia Chawa
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Neither staff nor the applicant had any additional information to provide. The applicant understands and agrees to the conditions read into record.

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

Boardmember Mary Moore made a motion to approve; seconded by Boardmember Andrea Worthy.

The motion to approve carried with the following vote:

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

Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-057 Approval of the April 24, 2024 License and Variance Board Meeting Minutes

Boardmember Andrea Worthy made a motion to approve; seconded by Boardmember Mary Moore.

The motion to approve carried with the following vote:

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

Nay: 0 – None

Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Richard Garland adjourned the May 8, 2024 License and Variance Board meeting at 10:38 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