



License and Variance Board Meeting - Final

June 26, 2024
10:00 AM

A. MIN2024-090 Approval of the June 12, 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

June 12, 2024
10:00 AM

1. Roll Call

Present: 2 – Chairperson Richard Garland and Boardmember Mary Moore

Staff: 2 – Olivia Anderson, Caitlin Crowe, Jill G. Head, H. Houze, and Heather Peacon-Corn

2. Call to Order

Chairperson Richard Garland called to order the June 12, 2024 License and Variance Board meeting held at A. Max Bacon City Hall in Council Chambers at 10:02 AM.

3. Chairperson Instruction and Comment

4. Formal Business

- A. V24-037** Public Hearing - Variance Request - V24-037 - Reduce the front setback from 35 feet to 32 feet - Land Lot 453 - 1020 Pinedale Drive - John Bradford
Ward 3 Councilmember - Travis Lindley

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.26-acre lot located on the south side of Pinedale Drive (Figure 1). The subject parcel and all adjacent properties are zoned R-15 and are occupied by single-family detached residences.

The applicant is proposing to fully renovate the existing 964 square foot home with a 1,085 square foot addition in the rear and a 208 square foot front porch. When completed, the home will be 2,257 square feet. The façade will match the existing home with hardiplank and a brick water table. Additionally, as noted above, the former one-story structure was 964 square feet while the minimum house size of R-15 is 2,000 square feet. Since the renovations to the home will create a 2,257 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered 44 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 208 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 5 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 32 feet from the front property line and will thus encroach on the front setback by 3 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 current Zoning Ordinance in 1974, 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 986 Oakview Drive (V24-018), 976 Oakdale Drive (V12-011), and 961 Oakview Drive (V05-014) in 2024, 2012, and 2005, 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 requests a variance to reduce the front setback for 1020 Pinedale Drive from 35 feet to 32 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.

John Bradford – 3154 Dunn St (applicant) – had no further information to provide. He stated he understands and agrees with the stipulation 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 item V24-037; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

**B. V24-038 Public Hearing - Variance Request - V24-038 - Reduce the front setback from 35 feet to 32 feet - Land Lot 452 - 1036 Dell Avenue - John Bradford
*Ward 3 Councilmember - Travis Lindley***

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.28-acre lot located on the south side of Dell Avenue (Figure 1). The subject parcel and adjacent properties to the south, east, and west are zoned FC (Future Commercial) and are occupied by single-family detached residences, with the exception of the property to the south, which is occupied by the City's Concord Road Linear Park. The adjacent property to the north is zoned R-15 and is occupied by a single-family detached house.

The applicant is proposing to fully renovate the existing 744 square foot home with a 1,100 square foot addition and accompanying 234 square foot deck in the rear and a 209 square foot front porch. When completed, the home will be 2,376 square feet. Since the renovations to the home will create a 2,376 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered 29 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 209 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 roughly 5 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 32 feet from the front property line and will thus encroach on the front setback by 3 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%.

An existing 20-foot sanitary sewer easement cuts diagonally across the southeast side of the property from Dell Avenue to the City Park in the rear (see Figure 1). The proposed rear deck will border the sanitary sewer easement for roughly 15 feet. The Public Works Assistant Director has reviewed the plan and is supportive, with the stipulation that any portion of the deck or addition may need to be removed at the expense of the property owner if work is ever required in that section of the easement.

Since the existing home was constructed in 1951, prior to the adoption of the current Zoning Ordinance in 1974, 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 1120 Dell Avenue (V19-013), 952 Dell Avenue (V18-0176), 1109 Dell Avenue (V98-017), and 959 Dell Avenue (V98-028), in 2019, 2018, and 1998, 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 requests a variance to reduce the front setback for 1036 Dell Avenue from 35 feet to 32 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.
2. If any part of the deck or addition falls within the 20-foot sanitary sewer easement and work must occur within the area, the deck and/or addition may be required to be moved at the property owner's expense.
3. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and maintained throughout construction.

Boardmember Moore asked Ms. Crowe if the homeowner were going to do any further improvements in the future, would they be able to because of the sewer easements? Ms. Crowe stated that it depended on the plan, but nothing could be placed in the middle of the yard due to the easement. Ms. Moore asked if the sewer easement was on the plat. Ms. Crowe stated that the easement was not on the plat and was discovered through an internal GIS system.

John Bradford – 3154 Dunn St (applicant) – came forward. Boardmember Moore articulated that she would like to have a fourth stipulation added that the property be re-platted to show the sanitary sewer easement. Mr. Bradford asked why that would be needed. Ms. Moore explained that a future home buyer would not be aware of the sewer easement during the purchasing process. Ms. Crowe added that a new survey showing the easement would be sufficient. Mr. Bradford agreed to that. He also stated that he understands and agrees with all of the stipulations 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 item V24-038 with a fourth condition added that the property be re-platted to include the sanitary sewer easement; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

**C. V24-039 Public Hearing - Variance Request - V24-039 - Reduce the front setback from 35 feet to 32.5 feet - Land Lot 486 - 1121 Dell Avenue - John Bradford
*Ward 3 Councilmember - Travis Lindley***

Caitlin Crowe, Planner I, provided the following background:

The subject parcel is a 0.30-acre lot located on the north side of Dell Avenue (Figure 1). The subject parcel and adjacent properties to the north, east, and west are zoned R-15

whereas the adjacent property to the south is zoned FC (Future Commercial); all are occupied by single-family detached houses.

The applicant is proposing to fully renovate the existing 773 square foot home with a 1,933 square foot addition and accompanying 274 square foot deck in the rear and a 150 square foot front porch. When completed, the home will be 2,357 square feet with 3 bedrooms and 2 ½ bathrooms. Since the renovations to the home will create a 2,357 square foot home, the home will be brought into compliance with the R-15 floor area requirement.

The existing home currently has an uncovered 29 square foot concrete front porch. As part of the overall renovation, the applicant is proposing to replace the existing porch with a 150 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 roughly 6 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 32.5 feet from the front property line and will thus encroach on the front setback by 2.5 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 1952, prior to the adoption of the current Zoning Ordinance in 1974, 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 across the street in 2019 at 1120 Dell Avenue (V19-013), and next door in 1998 at 1109 Dell Avenue (V98-017). 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 requests a variance to reduce the front setback for 1121 Dell Avenue from 35 feet to 32.5 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.

John Bradford – 3154 Dunn St (applicant) – stated he understands and agrees with the stipulations 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 item V24-039; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

**D. V24-040 Public Hearing - Variance Request - V24-040 - Allow second accessory structure - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglass
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Caitlin Crowe, Planner I, provided the following background for items V24-040, V24-041, V24-042 and V24-043:

The subject parcel is a 1.19-acre lot located on the west side of Pinetree Drive in the Forest Hills neighborhood (see Figure 1). The subject parcel and all adjacent parcels are zoned R-20 and are all occupied by single-family detached residences, with the exception of one of the landlocked parcels to the north, which is vacant.

The subject property received approval for two variances in 2012 (V12-027 and V12-028) to increase the accessory structure height from 15 feet to 25 feet and increase the accessory structure size from 25% to 54% of the primary dwelling. Since then, the ownership of the property has changed hands, and a pool has been constructed on the property (completed in 2024). The original structure showed a first floor to be wholly garage space, with an exterior staircase to the second floor living area. The new garage will have interior stairs only, accessed through the garage to limit access to the structure. When the original variances were approved, the former homeowner (and current general contractor) poured the concrete pad in preparation for the accessory structure but never continued with the construction. The existing concrete pad is 12 feet away from the new swimming pool; since the pad is existing and in close proximity to their other outdoor amenity, the current homeowner would like to use it for the new structure to limit land disturbance on the property.

The property is currently occupied by a one-story 5,277 square foot single-family home and 790 square foot inground swimming pool. The applicant is proposing a two-story 2,561 square foot detached accessory structure in the rear of the property. (The house calculations were provided by the applicant; the accessory structure calculations were measured by staff off the dimensions provided with the site plan.) The proposed structure will have two levels: a two-car garage, kitchenette, and bathroom on the first floor and a living area complete with bedroom, bathroom, kitchenette, and living room on the second floor, which will be accessed by an interior staircase. The first-floor two-car garage will be accessed via an existing second driveway to the north of the existing home. Per the applicant, the addition is to be used by the applicant's family members and guests who are visiting or using the adjacent swimming pool. Since all nearby buildings exceed the minimum 10 feet of separation from the subject structure, no fire suppression system is required.

The applicant is proposing additional living space for their growing family's needs. However, the existing two-story home is 5,277 square feet, which means that the 2,561 square foot proposed accessory structure exceeds the allowable accessory structure size

by 23.5% based off the primary structure's gross square footage. Although the footprint of the structure is 1,208 square feet, the area calculations are almost doubled since the structure has a second level and a large covered porch. The covered porch area and kitchenette/bathroom on the first floor are to be used for the adjacent pool area when in use. This combines the need for a detached garage and pool house without creating a 3rd accessory structure.

The applicant has proposed to increase the accessory structure height of the detached garage from 15 feet to 21.1 feet to provide the required clearance on the second floor. This is a decrease from the previous application by 3.9 feet to keep more consistent with surrounding architecture.

The existing parking pad was poured too close to the property line at 9.8 feet instead of the required 12 feet. Rather than removing the existing pad and shifting it over, the applicant has requested to encroach into the northern side setback by 3 feet to minimize land disturbance. Since the parking pad is already in place and has not caused any adverse effects of the neighboring properties, staff is supportive of the request.

Due to the existing driveway and concrete pad, 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 variances are the minimum variances needed to provide additional living space with the smallest impervious footprint. Similar variance requests have been approved next door at 3272 Pinetree Drive in 2016 (V16-073-074) and down the road at 1453 Colier Drive in 2024 (V24-025-026). 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 side setback, maximum number of accessory structures, maximum accessory structure size, and the maximum accessory structure height. 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 accessory structure shall not be permitted to have an oven or stove on either level without obtaining an additional variance for a second kitchen.
3. 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.
4. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Chairperson Garland asked if the information concerning short-term rentals is given to the applicants when it is part of the stipulations. Ms. Crowe stated that those are not given in-depth, but they are made aware of those ordinances and where to find them

Noelle Douglass – applicant in place of Stephen Douglass – stated she understands the condition that stipulates there shall be no oven, and she understands the short-term rental stipulation. She also understands and agrees with the remainder of the stipulations 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 item V24-40; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- E. V24-041 Public Hearing - Variance Request - V24-041 - Increase the accessory building size from 25% to 48.5% of the primary dwelling - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglass**
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 item V24-041; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- F. V24-042 Public Hearing - Variance Request - V24-042 - Increase the accessory structure height from 15 feet to 21.1 feet - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglass**
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 item V24-042; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- G. V24-043 Public Hearing - Variance Request - V24-043 - Reduce the northern side setback from 12 feet to 9.8 feet - Land Lot 557 - 3282 Pinetree Drive - Stephen Douglass
*Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 item V24-043; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- H. V24-044 Public Hearing - Variance Request - V24-044 - Reduce the rear setback from 50 feet to 43 feet - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan
This item is to be withdrawn at the request of staff.
*Ward 7 Councilmember - Rickey N. Oglesby Jr.***

Boardmember Mary Moore made a motion to withdraw at the request of staff item V24-044; seconded by Chairperson Richard Garland.

The motion to withdraw carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- I. V24-045 Public Hearing - Variance Request - V24-045 - Reduce the southern side setback from 20 feet to 17 feet - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan
*Ward 7 Councilmember - Rickey N. Oglesby Jr.***

Caitlin Crowe, Planner I, provided the following background:

The applicant is proposing three variances for the existing Chick-Fil-A restaurant at 5120 South Cobb Drive to accommodate a building addition and second drive-thru lane: a southern side setback reduction, a parking reduction of 21 spaces, and allow an additional accessory structure. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use, Section 501 controls the numbers of accessory structures, and Section 802 controls the setbacks in the GC zoning district. The rear setback reduction variance was withdrawn (V24-044), as the rear setback is 30 feet in the GC zoning district and thus a rear setback variance was not necessary.

The subject parcel is a 0.78-acre lot located on the southeast corner of the intersection of Highlands Parkway and South Cobb Drive (see Figure 1). The subject parcel and the adjacent parcels to the north, south, and west are zoned GC (General Commercial) and are occupied by a car wash, Krystal fast-food restaurant and a dialysis center, respectively. The adjacent properties across South Cobb Drive to the east are in Unincorporated Cobb County and are occupied by a small shopping center and gas station.

The subject property is currently occupied by a 2,830 square foot Chick-Fil-A fast food restaurant with an existing single-lane drive-thru lane entering and exiting from a private drive, directly off South Cobb Drive. The applicant is proposing a remodel of the existing building to include a 315 square foot building addition to expand the existing kitchen and install a drive-thru door as well as the addition of two canopies for customer ordering and food pickup. However, the primary focus of the remodel will be to add a second drive-thru lane to the property, which will accommodate more stacking as customers place and wait for their orders. The current single-lane drive-thru lane often leads to vehicles stacking out onto South Cobb Drive or along the private drive during peak hours. The additional drive-thru lane will allow for double the number of stacked cars to better accommodate the drive-thru demand and relieve the traffic issues that currently exist today due to the vehicle spillover on South Cobb Drive. An access lane surrounding the parking lot will still be available to those wishing to bypass the drive-thru lanes to park and/or exit the property.

With the additional square footage added to the building, Section 906.17 of the Zoning Ordinance requires 44 parking spaces on the subject property, which is calculated at one space per 75 square feet of gross floor area. The proposed plan shows the property under-parked with 23 parking spaces. A parking reduction variance was approved on the site previously in 2006 (V06-064) to 28 parking spaces. Five spaces were removed directly to the north of the building due to the addition of the second drive-thru lane, causing the change from 28 spaces to 23 spaces. However, Chick-Fil-A's business model is primarily based on drive-thru traffic, which does not require customers to park to order. The 23 proposed spaces will still provide sufficient parking for those wishing to enter the building to eat and for staff parking, thus Community Development is supportive of the parking reduction.

A unique part of the Chick-Fil-A business model is to have an employee outside taking orders and delivering directly to customers' vehicles, rather than pulling up to a window at the side of the building. Thus, part of the building design is for two canopies: one over the ordering area and the other over the pick-up area; the pickup canopy will be attached to the main structure while the ordering canopy will be detached. Both canopies allow for the employees to wait on vehicles out of the elements. In order to erect the canopies over both the drive-thru lanes, the canopies will be encroaching into the southern side setback by 3 feet. Since the subject property is located at the intersection of two arterial roadways (Highlands Parkway and South Cobb Drive) with the private road on the southern side of

the property, the available buildable area is limited. The canopies should have little impact on surrounding properties since they are not enclosed, and passersby will still have views directly to the building façades.

The 1,396 square foot canopy over the ordering area and the enclosed dumpster (with attached 200 square foot storage shed) in the rear of the property are both separated from the main restaurant structure. This means that there are two accessory structures on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, both the canopy and dumpster are essential for Chick-Fil-A's business operation and have little to no effect on the surrounding parcels. Community Development believes the variances requested are the minimum variances needed to allow for an efficient Chick-Fil-A fast food location on the corner property.

Community Development does not foresee any negative impacts to adjacent properties should the variances be approved since the business has been in operation on the subject property since 2007. At the time of this report, Community Development has not received any calls in opposition to these requests.

The applicant is requesting to deviate from the City's required parking minimums, accessory structure maximums, and setbacks. 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 variances with the following condition:

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

Krishna Desai, a representative and engineer for Chick-Fil-A, came forward. Boardmember Moore asked if the reduction in parking spaces reduced the number of ADA spaces. Ms. Desai stated that they maintained ADA compliance with the reduction in the number of spaces. She went on to explain that previously they had come before the board with plans to scrape the current building and place a drive-thru only one instead, but they realized that would not be amenable for the area as people would need to be able to access restrooms and have some seating. Chairperson Garland asked what the timeline is for construction. Ms. Desai stated that it could be anywhere from 3-6 months for construction, and that after permits and such are completed, construction could start in the fall. Ms. Moore asked if the facility will be closed during construction. Ms. Desai stated that it may be closed, but the decision is based on the next nearest Chick-Fil-A and its ability to take on the extra load. She stated that she understands and agrees with the stipulation 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 item V24-045; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- J. V24-046 Public Hearing - Variance Request - V24-046 - Reduce the required parking spaces from 28 spaces to 23 spaces - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan
*Ward 7 Councilmember - Rickey N. Oglesby Jr.***

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 item V24-046; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- K. V24-047 Public Hearing - Variance Request - V24-047 - Allow additional accessory structure - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan
*Ward 7 Councilmember - Rickey N. Oglesby Jr.***

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 item V24-047; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

- L. LIC2024-012 Privilege License Agent Change Request – Beer & Wine and Sunday Sales (retail package) – 475 Windy Hill RD SE, Smyrna, GA 30082 - WindyHill Smyrna LLC with Satish Kurelly as agent.
*Ward 5 Councilmember - Susan Wilkinson***

Neither staff nor the applicant had further information to add. The applicant stated she understands and agrees with the stipulations 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 table to the June 26, 2024 License and Variance Board meeting item LIC2024-012; seconded by Chairperson Richard Garland.

The motion to table carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

5. Approval of Minutes

A. MIN2024-073 Approval of the May 22, 2024 License and Variance Board Meeting Minutes *Citywide*

Boardmember Mary Moore made a motion to approve item MIN2024-073; seconded by Chairperson Richard Garland.

The motion to approve carried with the following vote:

Aye: 2 – Chairperson Garland, Boardmember Moore
Nay: 0 – None
Recuse: 0 – None

6. Other Business / Staff Comment

7. Adjournment

Chairperson Richard Garland adjourned the June 12, 2024 License and Variance Board meeting at 10:39 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