

**MINUTES OF PLANNING COMMISSION MEETING  
CITY OF KENNESAW  
Council Chambers  
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)  
September 3, 2025  
6:30 PM**

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**1. Call to Order / Roll Call**

Chairman Bodenhamer called the meeting to order at 6:30 p.m.

Roll Call: Trey Bodenhamer, Todd Vande Zande, Phillip Jackson, Carolyn Greenall, Robert Trim

Absent: Rebecca Patterson

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner), and Rebecca Goldstein (Community Development Administrative Assistant)

Speakers Present: Alberto Florido (Applicant), Robin Moroney (City Resident), Bruce Fallahi (Civil Engineer)

**2. Announcements**

- A. All interested parties may attend the meeting at the City Hall Council Chambers. For those unable to attend in person, the meeting may be accessed using the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on September 15, 2025.

**3. Approval of the Meeting Minutes**

- A. Approval of Meeting Minutes: July 2, 2025

Chairman Bodenhamer called for a motion.

Motion to approve by Commissioner Trim.

Seconded by Vice Chair Vande Zande.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

**4. New Business**

- A. **LU2025-05** - Consideration for approval of a land use permit application

submitted by Dahlia Akar for property located at 3409 English Oaks Drive (20010203830). Said request is to obtain a home occupation business license to operate a home bakery. Property is zoned Planned Unit Development - Residential (PUD-R), consists of 0.24 +/- acres and lies in Land Lot 102, Tax Parcel 383.

Ms. Chanelle Campbell introduced this agenda item. This is a land use application submitted by Ms. Dahlia Akar, who resides at 3409 English Oaks Drive. The applicant is seeking approval for a home occupation permit to operate a home bakery specializing in the preparation of breads and pastries for sale. The property is located within the English Oaks subdivision and is currently zoned Planned Unit Development - Residential (PUD-R). The property carries a future land use designation of Planned Unit Development consistent with the surrounding residential character. The proposed business footprint is limited to the existing kitchen and a small prep area. The equipment to be used includes standard household appliances such as an oven, baking ingredients, and an electronic mixer. Staff considers the use to be very low in commercial intensity. All operations will occur entirely within the residential structure with no signage and no external display of products. The proposed use is not expected to generate any adverse impacts or nuisances to adjacent properties. Additionally, Staff has received written correspondence from the HOA overseeing the English Oaks subdivision expressing support for the proposed home bakery at this location. For these reasons, Staff recommends approval with conditions as typically outlined for a land use permit, which includes: 1. The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.

2. There shall be no clients, customers or additional employees at this location. Nor shall there be any evidence of a home-based business visible from the public right-of-way, including no signs and no more than one commercial vehicle dedicated to this business.

3. The land use permit is valid for 24-months starting from the date of final approval.

This application was advertised in the the Marietta Daily Journal (MDJ) on August 15, 2025, and a public notice sign was placed on the property. Ms. Campbell announced that the applicant was present and available to answer questions.

Chairman Bodenhamer asked if the applicant wished to speak. Ms. Dahlia Akar declined to speak.

Chairman Bodenhamer opened the floor for public comment.

Ms. Robin Moroney stated that she lived across the street from the applicant. She commented that she was concerned about more traffic in the neighborhood. She also asked if the land use permit would create the possibility of other commercial uses in the neighborhood like a doggy daycare or an auto body shop. Ms. Campbell responded that high intensity uses that change the character of the neighborhood, like a doggy daycare or an automobile shop, are not allowed under a land use permit. Ms. Campbell

also explained that the clients would not be coming to the applicant's property and that the applicant's intention was to sell products at pop-up locations and farmers markets.

Chairman Bodenhamer clarified that the land use conditions did not allow clients at the location. Ms. Campbell confirmed.

Hearing no additional public comment, Chairman Bodenhamer closed the floor for public comment and opened the floor for Commissioner comment.

Hearing no additional Commissioner comment, Chairman Bodenhamer closed the floor to Commissioner comment and called for a motion.

Motion by Commissioner Jackson to approve with the following conditions:

1. The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.
2. There shall be no clients, customers or additional employees at this location. Nor shall there be any evidence of a home-based business visible from the public right-of-way, including no signs and no more than one commercial vehicle dedicated to this business.
3. The land use permit is valid for 24-months starting from the date of final approval.

Seconded by Commissioner Greenall.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

- B. **ZV2025-02** - Consideration for approval of a variance application submitted by Alberto Florido for the property located at 2292 Bayswater Drive (20009000390). Said request is to vary from the minimum setback required for R-15, Single Family Residential. Property consists of 0.66 +/- acres and lies in Land Lot 90, Tax Parcel 39.

Ms. Chanelle Campbell presented this agenda item. This is a variance application for the property located at 2292 Bayswater Drive submitted by Mr. Alberto Florido. The request seeks relief from Section 2.01.03.04, Section D of the Unified Development Code, which outlines standards for residential zoning districts. Mr. Florido is requesting approval to allow a 14-foot encroachment into the required 30-foot rear setback to reconstruct a previously existing deck and balcony. The property is currently zoned R-15, Single Family Residential, and is located within the Fairfax subdivision. The property sits on an approximately 30,000 square foot lot and includes a stream and drainage easement that limits the buildable area. The home was constructed towards the rear of the lot to avoid encroachment into the easement, resulting in limited space for rear improvements. The proposed deck and balcony would remain within the footprint of the previous structure and not impact the stream buffer located on the site.

The applicant received a Stop Work Order on March 3, 2025, due to non-permitted construction involving the replacement of both the front and rear deck. The applicant has since tried to obtain the necessary permits to do the work. The applicant was able to obtain a permit for the replacement of the front deck, but due to the encroachment

into the setback, the application for the rear deck replacement is still under review pending a decision on this variance application.

The property is designated Residential Low-Medium under the city's comprehensive plan. The variance request maintains consistency with the designation and does not alter density, use, or neighborhood character. Staff finds that this meets the criteria for variance consideration under Section 9.02.00 of the Unified Development Code, noting that the site's specific constraints create practical difficulty not common to other parcels with the placement of the stream and easement on the property, relief would not be detrimental to the public welfare or the intent of the Unified Development Code, and the proposed encroachment is modest and maintains compatibility with adjacent properties. For these reasons, Staff recommends approval of the variance. The request was advertised in the Marietta Daily Journal on August 15, 2025, and a public notice sign was placed on the property. Ms. Campbell announced that the applicant was present and available to answer any questions.

Chairman Bodenhamer asked if the original footprint of the deck was already encroaching on the setback. Ms. Campbell responded in the affirmative. Chairman Bodenhamer asked if the footprint would remain the same. Ms. Campbell responded in the affirmative. She explained that when the property was built, based on the tax assessor's footprint, the building footprint was already beyond the setback.

Chairman Bodenhamer commented that the house was set far back on the lot and noted that the property would have no rear deck if the rear setback requirement was adhered to.

Chairman Bodenhamer invited the applicant to speak.

Mr. Alberto Florido stated that he made a mistake working without a permit and apologized. He stated that the deck was beyond repair. He explained that the footprint of the new deck would be much smaller than the previous deck. The deck footprint would change from almost 600 square feet to twelve feet by fourteen feet. He reiterated that the position of the house on the property did not allow for a thirty-foot rear setback from the property line. Mr. Florido added that allowing the deck would provide the house with a second exit in case something happened at the front of the house.

Chairman Bodenhamer opened the floor for public comment. Hearing no public comment, he closed the floor to public comment and opened the floor to Commissioner comment.

Commissioner Jackson asked what the difference was between maintenance work and work that required a permit. Mr. Darryl Simmons responded that any time an existing structure with footings or supports is replaced, a permit is required. Commissioner Jackson sought clarification and asked if a full deck replacement would need a permit. Mr. Simmons responded that replacing a couple of boards or repainting was maintenance, but that altering the structure required a permit.

Chairman Bodenhamer commented that altering the structural integrity would likely be a safety issue. Mr. Simmons agreed. He added that the property was built between the late 1980s and early 1990s and is a non-conforming property. He stated that per the city code, as long as the applicant is not increasing the degree of non-conformity, modifications to the structure are permitted. Staff, therefore, recommends approval. Chairman Bodenhamer commented that the applicant would be making the size of the non-conformity smaller because the deck footprint was being reduced. Mr. Simmons agreed.

Hearing no additional Commissioner comment, Chairman Bodenhamer closed the floor to Commissioner comments and called for a motion.

Motion to approve by Commissioner Jackson.

Seconded by Vice Chair Vande Zande.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

- C. **PP2025-01** - Consideration for approval for a preliminary plat submitted by Greg Gardner for parcel 20020501270 for the development of personal warehouses, professional work suites and self storage spaces. Property consists of 2.14 +/- acres and lies in Land Lot 205, Tax Parcel 127.

Chairman Bodenhamer recused himself for this agenda item.

Ms. Chanelle Campbell presented this agenda item. This is a preliminary plat application for the proposed development of personal warehouse units, professional work units, and self storage spaces on approximately 2.14 acres. As part of the preparation for the new development on a vacant parcel, the applicant has submitted a Preliminary Plat to formally outline the proposed site layout and confirm addressing for the future units. An internal review of the submission was completed by Staff, which included Public Works, GIS, Cobb County Water, Cobb County Fire, and Planning and Zoning, and it was approved. The proposed layout is consistent with applicable development standards and zoning requirements for Heavy Industrial, which the property is currently zoned as. Staff recommends approval of the Preliminary Plat contingent upon the applicant addressing any outstanding development-related issues prior to submission and as-built plans with the Final Plat.

The applicant also initially had concerns pertaining to their site. Prior to moving forward, the applicant submitted a preliminary plat. Once the development is completed and finalized, the applicant will have a Final Plat that is then recorded with Cobb County Superior Court. Ms. Campbell announced that the applicant was present and available to answer any questions.

Vice Chair Vande Zande asked if the Final Plat application would have to come back before the Planning Commission. Ms. Campbell responded that the applicant would not come back before the Planning Commission with the Final Plat.

Vice Chair Vande Zande invited the property owner to speak. The property owner declined.

Vice Chair Vande Zande opened the floor for public comment. Hearing no public comment, he closed the floor to public comment and opened the floor to Commissioner comments.

Commissioner Greenall asked where the property was located. Ms. Campbell responded that the property was located off of Cobb International Boulevard and was the vacant lot below 4001 Cobb International Boulevard. Commissioner Greenall asked if the lot was near the airport. Commissioner Trim described the property as across Highway 41 and near a Cobb County School. Ms. Campbell stated that the property is in the industrial zoning district on that side of Cobb Parkway.

Commissioner Jackson commented that the plans appeared to show the detention ponds on top of the retaining wall. Mr. Bruce Fallahi, civil engineer for the project, responded that the detention pond would be underground. Commissioner Jackson asked if it was cheaper to place the detention ponds on top of the retaining wall rather than below the retaining wall. He asked if the property was steep. Mr. Fallahi responded that there was a twelve to thirteen foot elevation difference between the site and the natural drainage of the property. He stated that the detention pond was behind the retaining wall, not on top of it. He explained that in more detailed designs, the detention pond could be contained by the retaining wall, or it could be underground chambers behind the retaining wall.

Ms. Campbell explained that the plat was preliminary in nature and that the applicant would need to submit detailed engineering and civil plans for review by Public Works and other departments prior to receiving any permits. She stated that the applicant would also have to adhere to the Unified Development Code with regards to development.

Hearing no additional Commissioner comment, Vice Chair Vande Zande closed the floor to Commissioner comment and called for a motion.

Motion to approve by Commissioner Trim.

Seconded by Commissioner Greenall.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 3-0. Motion carried.

- D. **MISC2025-06** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, "Unified Development Code" Chapter 1 Section 1.09.02, Chapter 2 Section 2.01.03, and Chapter 2 Section 2.02.03 of said chapters as submitted by the City of Kennesaw.

Ms. Chanelle Campbell introduced this agenda item. This is a proposed text amendment to Appendix A of the Unified Development Code (UDC). On July 21, 2025, Mayor and Council approved the adoption of an ordinance regulating Short Term Rentals.

In alignment with that ordinance, this amendment seeks to formally update the UDC to reflect the newly adopted provisions and ensure consistency across regulatory documents.

Ms. Campbell directed Commissioners to look in their packets to view the proposed updates. She stated that the changes included Chapter 1 Section 1.09.02 - Addition of a formal definition for Short Term Rentals, Chapter 2 Section 2.01.03- Inclusion of Short Term Rentals as a permitted use within various residential zoning districts, and Chapter 2 Section 2.02.03- Updates to the table of land uses for residential districts to reflect Short Term Rentals as permitted uses. Ms. Campbell stated that the Planning Commission did not hear the ordinance because it was added to the Business License portion of the Code of Ordinances, which is not required to come before the Planning Commission. She explained that Planning and Zoning was coming back to update the sections that relate to zoning ordinances to ensure consistency with the changes that were amended and adopted by Mayor and Council.

The application was advertised in the Marietta Daily Journal on August 15th, 2025, as required by the UDC.

Chairman Bodenhamer opened the floor for public comment. Hearing no public comment, Chairman Bodenhamer closed the floor to public comment and opened the floor to Commissioner comment.

Chairman Bodenhamer asked if a variance or zoning condition was required to allow a Short Term Rental before the new ordinance was adopted. Ms. Campbell responded that prior to the ordinance adoption, there was no regulatory document pertaining to Short Term Rentals. She stated that the new ordinance now regulates Short Term Rentals coming into the city, requiring them to have the necessary licenses and documents to be official in the city limits.

Commissioner Greenall asked what would be considered a Short Term Rental. Ms. Campbell responded that the rental period for a short-term rental is for less than 31 days.

Commissioner Jackson asked if the provision was for Airbnb and VRBO. Ms. Campbell responded in the affirmative. Commissioner Jackson asked if Short Term Rentals had to come before the Planning Commission for a hearing like a land use permit. Ms. Campbell responded that was not the case. She explained that applicants would only need to adhere to the ordinance requirements because Short Term Rentals would be handled by the business license department and are only allowed in certain zoning districts. She reiterated that a public hearing was not part of the requirements. Commissioner Jackson asked if there was an annual fee associated with Short Term Rentals. Ms. Campbell responded that there would be a fee that will be updated in the master fee schedule when it goes before Mayor and Council. Ms. Campbell offered to send the Commissioners a copy of the adopted Short Term Rental ordinance. Chairman Bodenhamer requested that the ordinance be sent.

Commissioner Jackson proposed a hypothetical where his neighbor wanted to rent out

their house for a football game. He asked if the neighbor would need a permit and inspections. Ms. Campbell responded that in the hypothetical, the neighbor would need to register their property to be used as a Short Term Rental. Once a license is obtained, similar to an Airbnb, the applicant can register to utilize the space for a period of time not exceeding 31 days. Ms. Campbell added that a Short Term Rental could not be used to host events or parties and that the intent is to have a dwelling space for a short period of time. Commissioner Jackson asked if the ordinance was for overnight stays. Ms. Campbell confirmed that it was for overnight stays in a personal dwelling unit.

Chairman Bodenhamer asked if the ordinance had already been adopted by Mayor and Council. Ms. Campbell confirmed that Mayor and Council already passed the ordinance. She reiterated that the text amendment is to amend the use and outline the permitted zoning districts so the zoning sections of the UDC align with the recently passed ordinance.

Chairman Bodenhamer asked if the zoning changes to allow Short Term Rentals in certain zoning designations had already been made by Mayor and Council. Ms. Campbell responded that the ordinance was already adopted by Mayor and Council and that applications would be formally accepted beginning October 1, 2025. Mr. Darryl Simmons added that the purpose of the text amendment was to align the business license and zoning UDC sections on Short Term Rentals. He stated that the text amendment was only to allow the Short Term Rental use in the zoning sections of the ordinance.

Chairman Bodenhamer clarified that he was asking if the annual zoning map update would be impacted. Mr. Simmons responded that this ordinance does not affect the zoning map.

Hearing no additional Commissioner comment, Chairman Bodenhamer called for a motion.

Motion to approve by Vice Chair Vande Zande.

Seconded by Commissioner Greenall.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

## **5. Staff Comment**

## **6. Adjourn**

Chairman Bodenhamer called for a motion to adjourn.

Motion to approve by Commissioner Trim.

Seconded by Commissioner Greenall.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.