

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
July 2, 2025
6:30 PM**

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, Rebecca Patterson, Robert Trim

Absent: Phillip Jackson, Lacey Ragus, Carolyn Greenall

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

Speakers Present: Basha Williams (Applicant), Ann Moormann (Applicant)

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 July 21, 2025

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: March 5, 2025

Chairman Bodenhamer called for a motion.

Motion to approve by Commissioner Trim.

Seconded by Commissioner Patterson.

Chairman Bodenhamer proceeded with a roll call for approval.

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

4. New Business

- A. **LU2025-02** - Consideration for approval of a land use request located at 3980 Weeks Drive (20006100220) submitted by Basha Williams. Said request is to obtain a home occupation business license to operate a licensed home

childcare business with a maximum of six (6) children. Property is zoned R-20, Single Family Residential, consists of 0.55 +/- acres and lies in land lot 61, tax parcel 22.

Ms. Chanelle Campbell presented this agenda item. This is a land use permit application submitted by Ms. Basha Williams, who resides at 3980 Weeks Drive. Ms. Williams is seeking approval for a home occupation to operate a licensed home childcare business for up to six children. The subject property is zoned R-20, Single Family Residential, and carries a future land use designation of Community Activity Center. Staff has reviewed the application in accordance with the criteria for a family childcare learning home, including a recent site visit. Based on staff review, the proposed use is not expected to create any nuisance to neighboring properties and appears to have adequate off-street parking to accommodate pick-up and drop-off activities. Due to the property's proximity to the Cobb County boundary, the application was forwarded to Cobb County's Planning and Zoning department for review as part of the intergovernmental agreement. No objections have been received to date. Staff has received written confirmation from the property owner, Emily Bowman-Johns, approving the use of the residence for the proposed childcare. The subdivision, Yonah Valley Estates, was established in 1967 and currently does not have an active Home Owner's Association (HOA).

Staff recommended approval with the following conditions: 1. The land use is valid for two years starting from the date of final approval; 2. The land use is limited to the current applicant, this business, and use, and is not transferable. Any changes would require additional review and approval; 3. There shall be no additional employees at this location and there shall be a maximum of six children. There shall be no evidence of a home-based business from the right-of-way, including signs and any indication of a commercial use, and there is no more than one commercial vehicle dedicated to the business.

The application was advertised in the Marietta Daily Journal (MDJ) on June 13, 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 or additional concerns from the commissioners.

Chairman Bodenhamer invited the applicant to speak.

Ms. Basha Williams, applicant, asked if the application, public notice, and hearing process needed to be completed again once the twenty-four months expired. Chairman Bodenhamer responded in the affirmative. Ms. Williams asked if there was a way to avoid repeating the process for a renewal. Ms. Campbell stated that the ordinance requires reapplication, advertisement, and a public hearing after twenty-four months to get another permit. Ms. Williams asked if reapplication could occur before the 24-month expiration or if the business would need to stop operating and apply for a new permit. Ms. Campbell explained that staff recommended starting the reapplication process in advance so business operations are not interrupted.

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

Chairman Bodenhamer opened the floor to commissioner comments.

Vice Chair Vande Zande stated that land use applications for a home business usually include a stipulation that customers cannot come to the location. He asked how the approval differs with a home childcare. Chairman Bodenhamer stated he had the same question.

Mr. Darryl Simmons explained that there are two types of home occupations called Type A and Type B. Type A is a limited home occupation for using a home as an administrative office, and does not allow customers to visit the home. The Type B home occupation, which requires a formal land use permit, has an allowance for visitation. Mr. Simmons provided tutors and therapists as examples of Type B home occupations that allow visitation by the public. Mr. Simmons explained that the current land use permit application being considered is for a Type B home occupation that would allow visitation by customers.

Chairman Bodenhamer asked the commissioners if they had any additional questions or comments. Hearing no additional commissioner comments, Chairman Bodenhamer called for a motion.

Motion by Commissioner Trim 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 home-based and use, and it is not transferrable. Any changes would require additional review and approval.
2. There shall be no additional employees at this location and there shall be a maximum of six (6) children. There shall there no 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 Patterson

Chairman Bodenhamer proceeded with a roll call for approval.

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

Ms. Basha Williams asked if the conditions restricted her from having a substitute teacher. She stated that she has worked in childcare for eighteen years in other states and counties and has not previously encountered restrictions on staff for licensed childcare. Mr. Simmons explained that land use permits are for business activities within residential areas and are intended to be operated by the residents. He stated that an exception could be made due to health, noting that staff could work with the applicant if the need for a substitute teacher is temporary. Chairman Bodenhamer asked if staff would work with the applicant and bring the issue before Mayor and City Council instead of having the applicant return to the Planning Commission for approval of the additional employee. Mr. Simmons responded in the affirmative, noting that it would be documented. Chairman Bodenhamer asked the applicant if the resolution was satisfying. Ms. Williams responded that the question was for clarification. She explained

that in her experience, if she needs to go to the doctor, if she is sick, or if one of her kids is sick, having an assistant helps maintain consistency for families. She stated that she had never heard of a provider that can be open five days a week and never have a single staff member. She stated that if childcare providers could not have a staff member, they would frequently close, and impact the parents' ability to go to work. Chairman Bodenhamer stated he understood as a father of four young kids. Ms. Williams stated that being able to have one additional employee would be helpful. Chairman Bodenhamer stated that they would leave the matter of an additional employee for staff to discuss with the applicant and let the Mayor and City Council make the final decision.

- B. **LU2025-03** - Consideration for approval of a land use request located at 1205 Mountain Springs Drive (20012802780) submitted by Ann Moormann. Said request is to obtain a home occupation business license to produce and sell soap and bath-related products. Property is zoned R-10, Single Family Residential, consists of 0.20 +/- acres and lies in land lot 128, tax parcel 278.

Ms. Channele Campbell presented this agenda item. This is a land use permit application submitted by Ms. Ann Moormann, who currently owns and resides at 1205 Mountain Drive. She is interested in renewing her land use permit for an occupational business license to create and sell soaps and bath-related products. On May 15, 2023, the Mayor and City Council approved the applicant's request for a land use permit. The applicant has been operating the business from her home with no complaints from neighboring properties in regard to the home-based business. The applicant plans to continue creating her products, which include soaps, bath salts, and bath bombs, in the workshop located in her home with equipment, including oils, clay, molds, and other ingredients listed in the application packet. Staff believes the use is low in commercial intensity as the use will be contained within an enclosed business space. There will be no indication of a commercial business as the product will be sold off-site at pop-up locations and through online sales. The applicant continues to receive approval and support from the subdivision's HOA.

Staff recommended approval with the following conditions: 1. The land use is valid for two years starting from the date of final approval; 2. The land use permit is limited to the current applicant, this business, and use, and is not transferable. Any changes would require additional review and approval; 3. There shall be no clients, customers, or employees at this location. Nor shall there be any evidence of a home-based business.

This application was advertised in the MDJ on June 13, 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 invited the applicant to speak.

Ms. Ann Moormann, applicant, stated that she had been operating the business for two years and her neighbors only seem to notice the business when the sign goes up. She added that she would be happy to answer any questions. Vice Chair Vande Zande asked what sign the applicant was referring to. Ms. Moormann responded that she was referring to the yellow zoning notification sign and that there was no signage on the

property for the business.

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

Chairman Bodenhamer opened the floor to commissioner comment. Chairman Bodenhamer commented that he has been on the commission for four or five years now and that it is the first time he remembers hearing a re-approval.

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

Motion by Commissioner Vande Zande 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 home-based and use, and it is not transferrable. Any changes would require additional review and approval.
2. There shall be no clients, customers or 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 Patterson

Chairman Bodenhamer proceeded with a roll call for approval.

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

5. Staff Comment

Mr. Darryl Simmons announced that staff would be sending out training opportunities. He asked the commissioners to please take advantage of training opportunities and noted the additional benefit of networking with other planning commissioners throughout the state. Mr. Simmons expressed that training opportunities were a great way to understand changing laws and some of the factors that affect property owners and local government. Chairman Bodenhamer asked if commissioners just needed to contact staff if interested. Mr. Simmons confirmed. He reiterated that there were multiple opportunities through organizations like the Georgia Association of Zoning Administrators and the American Planning Association, and that there was an education budget available.

6. Adjourn

Chairman Bodenhamer called for a motion to adjourn

Motion to adjourn by Commissioner Vande Zande

Seconded by Commissioner Trim

Chairman Bodenhamer proceeded with a roll call for approval.

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