

Don Bergwall - Chair,
Phillip Jackson - Vice-Chair,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

**MEETING MINUTES
PLANNING COMMISSION
CITY OF KENNESAW
Council Chambers
September 6, 2023
6:30 P.M.**

1. Call to Order / Roll Call

- Vice Chairman Jackson calls the meeting to order at 6:30 p.m.
- Roll Call: Phillip Jackson, Lacey Ragus, Todd Vande Zande, Rebecca Patterson & Carolyn Greenall
- Absent: Don Bergwall & Trey Bodenhamer
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Speakers: Jose Gomez

2. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link [www.Facebook.com/City of Kennesaw/](https://www.facebook.com/CityofKennesaw/), however, comments made on Facebook Live will not be visible by City staff. If you will like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to Mayor and Council unless otherwise noted.
- B. New business items on this agenda will be heard by the Mayor and Council on September 18, 2023.
- C. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.

3. Approval of the Meeting Minutes

A. Meeting Minutes from 8-2-2023 (Regular Meeting)

- Vice Chairman Jackson calls for a motion to approve meeting minutes from August 2nd as submitted.
- Motion of approval by Commissioner Vande Zande.
- Second by Commissioner Greenall.
- Vice Chairman Jackson proceeds with a roll call for approval.
- **All in favor, 4-0. Meeting minutes are approved.**

4. New Business

5. Consideration for approval of a variance application submitted by Jose Gomez for the property located at 2407 Pine Drive (Parcel Number 20016600640). Case #ZV2023-02
 - Vice Chairman Jackson introduces the first new business item.
 - Mr. Albert Trevino comes to the podium and states “This item is a variance case. It's located at 2407 Pine Drive. This is a newly created address for the property, the old address is 0 Woodland Dr. The parcel number is 20016600640. So this request came in to us through a building permit request for a brand new single family home. The applicant, Mr. Jose Gomez, plans to build a new home for his family. This house is a one story traditional modern home with an unfinished basement and each floor is approximately 1,500 square feet. So you'll have a finished 1st floor at 1,500 square feet, and the basement will be unfinished at the same. The architecture of this home will blend in beautifully with the existing homes in the Kennesaw Woodland Acres neighborhood, which is located, of course, between the Kennesaw Due West Road and Pine Mountain Rd access corridors. This home will also be to scale with the other homes, as seen on the screen. The request this evening is to vary from the design standards from our R-15 zoning district. The R-15 district requires that you need at least 15,000 square feet of land area to build and currently this lot size is only 11,999 square feet, so it is short. So the request tonight is to reduce that minimum lot size down to 11,999 square feet. This neighborhood zoning is quite unusual. These lots range from about 150 feet by 80 feet. These lots are typically about 12,000 square feet. This means that many of these lots within this neighborhood are legal, but they're not conforming to today's zoning standards. This can be explained by when this neighborhood was first established sometime in the 1950's. Many of these homes were built in the mid-50s and at that time, these lots conformed to the zoning. That was the law of the land at that time. But over the years, zoning has changed and the zoning rules have been updated.
 - Mr. Trevino proceeds with the staff recommendation “For this particular scenario it was staff's recommendation to Mr. Gomez that he should apply for a variance to reduce the lot size rather than apply for rezoning to a lot for a smaller lot size amount. We did not want to create an R-10 island within a sea of R-15. We also wanted to avoid spot zoning, which is not a good practice through the states eyes, also through the cities eyes as well, because this neighborhood is almost all built out. Our recommendation is to reduce the lot size and not to rezone for this particular circumstance. Staff did review the application and the request thoroughly

and we are recommending approval with two conditions. The first condition is that the architectural style of the home that is being built is substantially similar to what is being presented to you all tonight. Substantially similar means using the same exterior materials, same scale, and the same style. We are not holding him to the exact image that he presented, but that it meets that same style and also be compatible to the surrounding homes in the neighborhood. The second condition is that the driveway that is installed on the property should be at least 20 feet from the garage to the curb. This is to allow for cars to be fully parked on the driveway and for them not to be extended out into the roadway. Finally, we advertised this case in the Marietta Daily Journal on August 18th. We posted a public notice sign on the property on the 22nd. We did not receive phone calls or emails for or against this proposal, but the phone calls we did receive were just inquiries about the application.”

- Vice Chairman Jackson opens the floor for public comment.
- Mr. D. Duncan (2406 Pine Drive) comes up to the podium to describe his concerns for the property. He states that during years with heavy rain, a mud puddle tends to form on the property. He mentions that a drainage easement exists on the property. He then goes on to explain his concern with how building a home on that property would exacerbate issues with the dead end on that road.
- Commissioner Patterson clarifies that Mr. Duncan’s biggest concerns are the parking and water drainage.
- Mr. Duncan further explains his concerns with the drainage easement and dead end.
- Vice Chairman Jackson thanks Mr. Duncan for his comment and opens the floor for further comment.
- Mr. Trevino goes to the podium and states “We take our citizens concerns very seriously. I believe that those are concerns should be dealt with at a staff level. We will most certainly get with our Public Works department for the roadway abandonment or barricade issue and the overgrowth issue. He is correct about the drainage easement on the property to the rear. There is a drainage easement that runs along their property, but this property is free and clear of a drainage easement. Also, there are no streams or stream buffers or state waters that are on this property as well. Staff did look at that and we wanted to verify that that Mr. Gomez was not going to run into any issues. Here, with easements or streams, the home that was built to the rear, they did build out of that drainage easement. He's correct there. There is that issue going on in this corridor of the neighborhood, but we will gladly take care of that at a staff level. We'll give them our cards, we'll get them the appropriate information and hopefully get those issues corrected. However, for as far as this site, it is a buildable lot. The roadway does end halfway towards this lot. It doesn't go all the way down. I don't have the history on that. I think it was maybe supposed to be a cut through back in the 1950s, but Due West Circle came along and there was never a cut through fully established. So half of the lot is accessible by Pine Drive. It is a developed lot. And so we're just here before you asking for the approval for a single family house. But we'll be happy to take care of their questions on a staff level.”
- Vice Chairman Jackson opens the floor to questions from commissioners.
- Commissioner Greenall references the plat and states that there is a drainage easement running through the property.

- Mr. Trevino confirms that there is a drainage easement in the bottom left corner of the property, but Mr. Gomez will not be building over it. He explains that the house will be built closer to Pine Drive within the City's setback standards.
- Vice Chairman Jackson calls for a motion.
- Motion of approval by Commissioner Vande Zande to approve the variance request with the two conditions as outlined by staff.
- Seconded by Commissioner Greenall.
- Vice Chairman Jackson proceeds with a roll call for approval.
- **All in favor, 4-0. Motion is approved.**

6. Staff Comment

- A. "Historic Downtown Walking Tour," offered by the Historic Preservation Commission on Friday, September 22nd @ 2PM and 6PM and Saturday, September 23rd @ 10AM and 2PM presented by Andrew J. Bramlett. This event is free. Register online. Each tour is approximately half-a-mile, lasts 45 minutes and can accommodate up to 20 people.
 - Mr. Trevino talks about the walking tour being hosted by Andrew Bramlett walking through the Historic District. He mentions that all slots for the tour have been filled up and are closed. He states he is confident that there will be another historic walking tour in the future.
 - Mr. Trevino mentions that this will be his last Planning Commission meeting with the City of Kennesaw. He thanks the commissioners for their hard work and support.

7. Adjourn

- Vice chair Jackson calls for a motion to adjourn
- Motion to adjourn by Commissioner Greenall
- Seconded by Commissioner Patterson
- Time: 7:00 p.m.