

The Planning and Zoning Commission of the City of Harlem, Georgia met for their Regular meeting on Tuesday, November 7, 2023, at 6:00 p.m. at the Public Safety Building with Vice Chairman Dustin Driggers presiding.

Present: COMMISSION: Vice Chairman Dustin Driggers, Commissioner Herbert Flick, Commissioner John Thigpen, Jr. and Commissioner James Thomas, Jr.; STAFF: Community Development Director David Jenkins, City Clerk Leona Holley, and City Attorney Adam Nelson; ABSENT: Chairman Robert Holland.

The meeting was called to order by Vice Chairman Driggers at 6:00 p.m.

The Invocation and Pledge of Allegiance was given and led by Vice Chairman Driggers.

Determination of a Quorum: A quorum of the Commission was present.

Approval of the Agenda: Commissioner Flick made a motion to approve the Agenda as presented; 2nd by Commissioner Thomas. The motion carried with Commissioners Flick, Thigpen, and Thomas voting in the affirmative.

Approval of the Minutes: Commissioner Flick made a motion to approve the minutes of the October 3, 2023 meeting, as written; 2nd by Commissioner Thomas. The motion carried with Commissioner Flick, Thigpen, and Thomas voting in the affirmative.

PUBLIC HEARINGS:

VAR-2023-11-01 Side Setbacks for 651 N Fairview Drive: Community Development Director David Jenkins presented the variance application for side setbacks at 651 N. Fairview Drive. The applicant is Dorothy Strickland of 651 N Fairview Drive. The applicant is requesting a variance for side setbacks to construct a garage and a sitting area on her property. The northern portion of the lot is the best location for the proposed garage and sitting area, however, given the location of the existing house and the narrow nature of the lot, construction of the garage and the sitting area must be located within the established side setback area. Mr. Jenkins explained the existing conditions. The topography is challenging, there is a sixteen-foot (16') difference in height from the front of the property on N. Fairview Drive to the rear northeast corner of the property. To the south of the property is Pine Valley Court, which is a private drive, the property is bordered to the north and east by established homes. Mr. Jenkins stated he looked at the request from the perspective of an accessory building. There will be an accessory sitting area at the back of the property and on the front northside of the property will be the garage. Mr. Jenkins stated he does not think they have decided yet if the garage will be attached or detached. Mr. Jenkins explained the reason for the variance is the nature of the lot is narrow and the way the house is set. To do a two-car garage they will have to get within the 15-foot side setback. Mr. Jenkins stated the staff investigation and report analysis was done as an accessory building because this was the most stringent requirement he could find. The applicant was asked to have a soil erosion and sedimentation plan done. There is concern of possible runoff to the north and additional flow to the northeast corner of the property onto the neighbor's property. If the garage is put up in the front of the property, they will have to work out how the

PUBLIC HEARINGS (cont'd):

VAR-2023-11-01 Side Setbacks for 651 N Fairview Drive (cont'd): water that was going east towards the back of the property will get around. In the staff recommendation it lists installing drains and consultation with the Public Works Director and the Building Official for the soil erosion and sedimentation plan. This development is consistent with the comprehensive plan. The Staff recommendation is to recommend approval of VAR-2023-11-01 for 651 N. Fairview Drive Side Setbacks with the following "Findings of Facts":

- a. The location of the residence on the property does result in a unusual, exceptional, and extraordinary circumstances applying to the property that does not apply generally to other property in the same vicinity, and such conditions are not the result of the owner or occupant's own actions.
- b. The submitted Erosion and Sedimentation Control Plan will, if constructed and maintained, help to protect adjacent and downstream property owners from erosion, sedimentation, and stormwater velocity.
- c. Staff recommendations for construction requirements do not unfairly impact on the property development rights of Ms. Strickland.
- d. The side yard placement of the garage is justified given the unique nature of the lot and typical placement of garages.

Staff recommendation is to recommend approval of application VAR-2023-11-01 for 651 N. Fairview Drive Side Setbacks with the following conditions:

- a. No windows or openings are present on the northern garage wall that would allow interior sounds to be transmitted.
- b. Stormwater piping must be installed along the northern and southern footer of the garage as indicated and approved by the Harlem Building Official.
- c. The components of the attached Erosion and Sedimentation Control Plan (Item 5) are installed and maintained by the property owner.
- d. No permanent construction shall take place within five feet (5') of the northern property line.

Commission Comments: Vice Chairman Driggers referenced Sec. 108-96 – Accessory buildings, structures, and uses, Item (7) then questioned if the garage or the accessory sitting area will be in plain view and if so, will they have to use one of the materials listed in Item (7); Mr. Jenkins replied he would imagine you would be able to see the garage doors; the applicant is in attendance and can answer questions. Vice Chairman Driggers asked for clarification of the action before the Commission tonight, if it is on the side setbacks or type of materials to be used; Mr. Jenkins replied the vote is only on the variance application for the side setbacks. City Attorney Nelson explained the Planning Commission is being asked tonight to only vote for the variance of side setbacks. Commissioner Flick asked if the owners would have to come back to the Planning Commission to build a structure. City Attorney Nelson explained they would not come back to the Planning Commission; they would go to the city for a building permit, and they would have to be in compliance with the city's ordinances and codes.

Applicant Comments: Ben and Dorothy Strickland, 651 N. Fairview Drive. Mr. Strickland explained they designed the garage as the same pitch of the house, and the same colors. Mr. Strickland stated it is a steel

PUBLIC HEARINGS (cont'd):

VAR-2023-11-01 Side Setbacks for 651 N Fairview Drive (cont'd): building that is aesthetically pleasing. The building will have regular garage doors, not roll-up doors, and will be on the front of the building. The building is 24' x 36', large enough to put four vehicles in. Behind it will be an 18' x 20' storage building on an existing concrete pad. The storage building will be the same color and will not be visible to the street. Commissioner Thomas expressed concerns if the property owner sales the property can the owner/new owners be responsible in maintaining the water runoff from the building that will run on someone else's property; City Attorney Nelson explained the variance is on the land, it would transfer to the new owners or who inherits the property. The right to build and maintain the variance goes with the land. Commissioner Thigpen stated he has a concern about the structure of the building, he believes the structure needs to be constructed out of like materials of the home, not steel. Commissioner Flick commented that the structure and roof need to match the house materials. Mr. Strickland responded they are going to place a metal roof on the house. Commissioner Flick stated there is not an existing metal roof now, and there is no site plan in the application. He asked the owner which direction the 36' on the building going; Mr. Strickland replied it is going West to East. Mr. Jenkins explained they cannot get within five feet of the property line in the North. Mr. Jenkins stated if it were an attached garage, it could be built out of the items listed. Mr. Jenkins commented that this is just accessory structures, which is why he looked at it as strictly as he could.

City Attorney Nelson explained tonight the Commission is only voting on the side setback variance. If the Commission grants the variance of the side setback, everything else has to be complied with and if they do not there will be a code enforcement issue or compliance issue. There are sometimes parts of the code that are subject to interpretation. City Attorney Nelson explained you as the Commission and ultimately the Council can try to clarify those if they are not being interpreted the right way or maybe they are not as clear as you want them to be, and the Commission has the right to suggest to Council to change those. For the variance tonight, two of the Commissioners has concerns of the building materials, these concerns are helpful to staff for what your expectations are of compliance of that provision.

Public Comment For/Against: None.

With there being no further discussion, Commissioner Thomas made the motion to approve Variance Application VAR-2023-11-01, 651 N. Fairview Drive, side setbacks with the recommended conditions and the "Findings of Facts"; 2nd by Commissioner Thigpen. The motion carried with Commissioners Thigpen and Thomas voting in the affirmative. Commissioner Flick opposed the motion.

NEW BUSINESS:

Review of 2024 Planning Commission Calendar: Mr. Jenkins presented the draft calendar for 2024 Planning Commission. Mr. Jenkins asked the Commissioners to look at the calendar to see if any adjustments need to be made; the calendar will need to be adopted at the December meeting.

Public Comments: None.

Legal Matters: None.

Staff Report: Mr. Jenkins provided information on continuing education as well as a package on a single-family build to rent affordable housing and all the issues.

Chairman's Comments: Vice Chairman Driggers thanked everyone for being at the meeting and the discussion.

With there being nothing further for discussion, Commissioner Flick made the motion to adjourn the meeting; 2nd by Commissioner Thomas. The motion carried with Commissioners Flick, Thigpen, and Thomas voting in the affirmative. The meeting adjourned at 6:27 p.m.

Respectfully submitted,

Leona H. Holley
City Clerk