

City Council of Peachtree City
Meeting Minutes
Thursday, October 5, 2023
6:30 PM

Call to Order

The Mayor and Council of Peachtree City met in regular session on Thursday, October 5, 2023. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Frank Destadio, Clinton Holland, and Mike King. Phil Prebor was out of town.

Pledge of Allegiance and Moment of Silence

Announcements, Awards, Special Recognition

The Mayor mentioned that the Fire Department was holding its annual pumpkin sale at Station 81 on Paschal Road.

Public Comment

None

Agenda Changes

Minutes

King moved to approve the September 21, 2023 regular meeting minutes and the September 21, 2023 executive session minutes. Holland seconded. Motion carried unanimously.

A. September 21, 2023 Regular Meeting Minutes

APPROVED 4-0

B. September 21, 2023 Executive Session Minutes

APPROVED 4-0

Consent Agenda

Holland moved to approve Consent Agenda items A through F. Destadio seconded. Motion carried unanimously.

Learnard noted they had just approved the appointment of Joe Campbell to the Convention and Visitor's Bureau Board. She asked Campbell to stand and thanked him for volunteering to serve.

A. Huddleston Road Sewer, Road Improvement, and Cart Path Project Agreement- Peachtree City WASA

APPROVED 4-0

B. Stormwater Maintenance Agreement - Peachtree City Orthodontics - 101 Gates Entry

APPROVED 4-0

C. Stormwater Maintenance Agreement - Peachtree Cardiology - 100 McWilliams

Drive

APPROVED 4-0

D. 118 Lexington Pass Pipe Replacement

APPROVED 4-0

E. 211 Van Ness Pipe Replacement

APPROVED 4-0

F. Consider appointment to the Convention and Visitors Bureau Board

APPROVED 4-0

Old Agenda Items

None

New Agenda Items

None

Public Hearings

A. 10-23-01 New Alcohol License - Linda Nails Salon, 100 N. Peachtree Parkway, Suite 36

City Clerk Yasmin Julio said this was a new alcohol license for Linda Nails Salon. She noted it was common for businesses of this type to offer a hospitality drink while customers were receiving services. The owner and the location met all requirements for an alcohol license.

The Mayor opened the public hearing. No one wished to speak either in favor or in opposition, and she closed the public hearing.

Destadio moved to approve Public Hearing item 10-23-01 New Alcohol License - Linda Nails Salon, 100 N. Peachtree Parkway, Suite 36. King seconded. Motion carried unanimously.

B. 10-23-02 Variance request for 270 Parkade Court to encroach into rear setback

Planning and Development Director Robin Cailloux explained this property was on the Flat Creek side of the Industrial Park. There was an existing building on the property and that was where they were asking for a rear setback encroachment of 24.6 feet into the required 50-foot rear setback. There was an existing uncovered concrete pad in the back which was permitted because it was not considered a structure. They wanted to cover about half of it with a steel roof structure, Cailloux reported, and as soon as a roof was added, this became a structure and had to meet the setback requirement. They were proposing this for outdoor storage and materials handling. Should Council approve this, staff had no recommended conditions.

Learnard asked if the applicant had comments, and he said he did not.

The Mayor opened the public hearing. No one wished to speak either in favor or in opposition, and she closed the hearing.

King said he had no objections because the company needed this covered space. The woods would still block visibility from Panasonic, which was the neighbor to the north. He wanted Council to do what they could to keep businesses here and keep them happy.

Destadio asked Cailloux if Panasonic had commented? She said they had not. She noted that Planning staff did not contact neighbors, but the applicant might have more information.

Steve Carroll said he represented Lewis General Contractors, the contractor for Integrity Fusion. They sent a letter to Panasonic, but there was no one local to comment on something like this, so they had heard nothing back. He, too, pointed out the deep wooded buffer between the properties, adding there was a valley there that would prevent future development.

Destadio confirmed with Carroll there was no way to move this because it was going on top of an existing concrete pad.

While he was in favor of industrial expansion, Holland stated that he did not like to break rules and set precedents, so he could not support this. This variance was too large; he might consider a foot or two. Could they do something on the side or on a different spot? He also was concerned about the lack of input from Panasonic.

Learnard said they could not just give lip service to supporting industries; they needed to take action to support business needs.

Destadio said he agreed with Holland on variances, but this was an existing pad, and it was well-buffered. Like King said, they needed to support the industrial base. He could support this.

Destadio moved to approve Public Hearing item 10-23-02, Variance request for 270 Parkade Court to encroach into rear setback. King seconded. Motion carried 3-1, with Destadio, Learnard, and King voting in favor, and Holland in opposition.

C. 10-23-03 Variance request for 319 Sandalin to encroach into rear setback

This property was on a cul-de-sac in the north side of the city. Normally, Cailloux explained, this request would qualify for an administrative variance, but that required letters of support from all neighbors, and there was one neighbor from whom they were not able to obtain a letter. Their only option was to go through the full variance process.

She said they were asking to encroach one and a half feet into the 30-foot rear

setback in order to rebuild an existing deck. When the deck was built in the 1980s, International Building Code, and therefore the City, did not require building permits. Staff caught this encroachment when they applied for the permit to rebuild the deck this year.

There was a variance granted to this property in 2000 for the construction of a sunroom, but the motion to grant that variance made it very clear it was only for the sunroom, Cailloux remarked.

If Council approved this variance, staff had no recommended conditions.

The applicants, Rodney and Annette Strong, were present. Rodney Strong explained the variance would be one foot, two inches into the setback for just one corner of the deck. Annette Strong clarified that they were not going any further back; they just wanted to rebuild the deck where it was.

The Mayor opened the public hearing. No one wished to speak either in favor or in opposition, and she closed the hearing.

Destadio asked why the one neighbor did not endorse this, and the Stronges said they did not ask that neighbor. Everyone along the back where the deck was had written letters, Annette Strong said. The neighbor who did not was on the other side from the deck. King asked if that was house number 320? The Stronges said that was correct.

Learnard emphasized this was a request to rebuild a deck that encroached one foot, two inches into a 30-foot setback. She confirmed with Cailloux that was where the deck was right now, and this encroachment was discovered as part of the permitting process. Cailloux noted that the Stronges applied for a permit, which was a requirement that many people ignored.

Was it possible to put the new deck in at an angle, keeping it within the setback line? Holland asked. He thought it could be an interesting design. The Stronges said they wanted to replace it like it was; it could not be turned without ruining the appearance. They said they had photos of the deck as it was now.

Holland questioned why they did not ask the other neighbors, saying if they had their approval, they would not have had to come before Council. Annette Strong explained there had been issues over property lines with those neighbors in the past, and she was sure they would not okay this project. They were not on friendly terms.

Destadio asked to see the photos.

Rodney Strong said they had lived there more than 30 years and always sought permits and tried to do the right thing.

King said he talked to the neighbors at 320. He wanted to hear from every neighbor when reviewing a variance request. Those neighbors cited problems of their own, he reported. He said he would not go into details, but there was some angst going on, and he was not in favor of approving this.

Learnard again pointed out that the sunroom was already encroaching on the setback, and it was hard to imagine how one foot, two inches could be some kind of affront to anyone. There had not been complaints from the neighbors about the deck that had been there for many years. She said she was usually a stickler for adhering to the ordinances regarding variances, but this seemed clear-cut. While there may have been issues over a fence, that did not mean they should not be able to replace an existing deck with the same deck.

The Mayor asked to see the photos. She pointed out the deck and the steps, noting that it was not large or imposing. Rodney Strong said the steps were not in the setback. One foot on the corner was in the setback, Learnard stated, it had been like that all along. Was Council going to tell them they could not build it again?

Holland suggested they postpone a decision until the Stronges got approval from the next-door neighbor. That was not coming, Learnard remarked. She asked the Stronges about that, and they agreed.

The Mayor summed up the situation: four out of five neighbors signed a letter saying this would be no problem. Just one neighbor objected to replacing an existing deck with the same deck that was one foot over the setback line.

She could make that argument all she wanted, Holland stated, but there were laws and setbacks for a reason. He did not like variances, and here was another one where Council was asked to make changes and did not have the agreement of all the surrounding property owners.

King had no further comments, nor did Destadio. Learnard asked what would happen if they denied this? Did the Stronges have to rip out the deck?

King said they could leave it as it was, and they might get a vote when Council changed in three months. Right now, if they voted, he believed it would fail.

Cailloux asked City Attorney Ted Meeker if the Stronges would have to take down the existing deck. She noted that it was built when permits were not required. Meeker said Councils in the past had done that, but it was up to this Council.

That was absolutely outrageous, Learnard remarked. They wanted to make an improvement to their property. Meeker said you could make an argument that the deck was grandfathered in as it was. The problem was that it did not comply with the setback when it was built because there was no permit required.

Could they ask the applicants to withdraw their request? Learnard asked, and Cailloux said withdrawal would mean they would not have to wait six months to resubmit as they would if it was denied.

Learnard said she was defeated and apologized to the applicants, asking them if they wanted to withdraw the request until there was a new Council. King pointed out they could bring it back sooner to a meeting where there was a full Council.

Meeker noted that if and when the neighbor okayed this, it would fall under an administrative variance and would not have to come to Council. That might not be a viable option, but it was an option.

Learnard told the applicants that if they chose to withdraw the request, it could be submitted in the near future. Since three Council members were against this, they would be looking at January after the new Council took office, she explained.

Rodney Strong asked King if he spoke with the rest of the neighbors, and King said he did. Even though four out of five were in favor, one was not, and King said he wanted to know their feelings. Annette Strong pointed out that the deck was not on that neighbor's side. King said their elevation was higher, and they looked down on the deck. The deck was already there, the Strong's pointed out.

Would they have to pay for another variance? Rodney Strong asked, and Cailloux and Learnard said the City would work with them. He went on to say he felt this was unfair. They had lived there 31 years and got permits every time they wanted to build something. The deck was already there, and objections were just ludicrous, his wife added.

The applicants had two options, Learnard stated: to let this go to a vote and have it denied or return in January when there were two new Council members. Annette Strong said they would withdraw.

D. 10-23-04 Variance request for 140 Tamerlane to encroach into rear setback

Code Enforcement discovered construction of a patio cover already in progress without a permit, Cailloux explained, and a stop-work order was issued. The property was on a cul-de-sac on the south side and backed up to Braelinn Golf Course. The site plan submitted after the stop-work order showed a 28-foot encroachment into a 30-foot rear setback. The owners would like the variance in order to keep the structure already built.

A variance was granted when this house was originally constructed because it encroached into the rear setback, meaning no structure could be added to the back without another variance. They had letters of support from all their neighbors except the golf course.

Given the amount of work that had already been done, Cailloux said staff recommended requiring an as-built survey if Council approved the variance in order to get measurements of where the structure and footings were located.

She displayed photos the applicant had provided, pointing out the house, a covered structure, and a fieldstone patio. The structure was attached to their house. Cailloux indicated the tree line, which was the property of the golf course.

The applicant, Jihad Hojaij, said they bought this house in 2004 and had always believed the buffer at the golf course was part of their property. His family maintained it, not the golf course.

The concrete pad was present in 2004, and they had not built anything in the rear until now. He commented that their survey showed the fence around the pool encroached three feet into the setback. The canopy they were building was six feet inside the fence line.

That was why staff requested an as-built survey as a condition if approved, Cailloux remarked.

Hojaij also noted they had letters of support from the neighbors on either side of their property.

The Mayor opened the public hearing. No one wished to speak in favor of this variance. Suzanne Brown spoke in opposition, saying that Hojaij had her sympathies for his mistake, but a variance of 28 feet for a 30-foot setback was beyond intolerable.

King agreed it would make the view from the golf course better, but he had issues with someone starting a building project without a permit. He noted that he believed 28 feet into the setback was a bit much.

Destadio and Holland said they agreed, with Holland adding that he would want to see a statement from the golf course agreeing that this structure could be built right up to their property line. He recalled the previous variance request for one foot that they were against, remarking that there was no way he could approve a 28-foot variance.

Holland moved to deny Public Hearing item 10-23-04, variance request for 140 Tamerlane to encroach into rear setback. Destadio seconded. Motion carried unanimously.

Council/Staff Topics

- A. Discussion of sewer accessibility to the seven-acre tract south of Starr's Mill school complex.**

Learnard explained there was a property owner south of the Starr's Mill School complex who owned a seven-acre tract that they would like Peachtree City sewer to access. This was outside the city limits, and the Water and Sewerage Authority (WASA) was not able to run sewers outside the city without Council permission, in accordance with the bond documents.

King said he saw no benefit to the City, adding that they would be setting precedent. He pointed out this was a bigger issue than it seemed. If they decided to annex this property, they would have to take in the school complex as well.

Holland agreed, but noted the situation might change if they did an annexation study in 2024. Right now, though, he was against extending sewer to this area because it was outside the city.

Destadio concurred, remarking that this was part of the bond. They had already been attempted lawsuits because of different things, and he did not want to jeopardize the bond and the situation with WASA. Destadio was against doing this just for this one person.

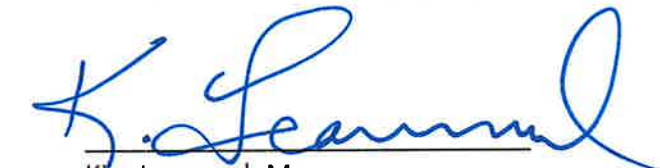
It would set a precedent of running City sewer outside the borders, Learnard stated. While property owners on the other three sides of Peachtree City would love to see that happen, it would be disadvantageous for the City and WASA. She told the City Manager that Council direction had been made very clear.

Executive Session

Adjourn

There being no further business, King moved to adjourn at 7:13 p.m. Holland seconded. Motion carried unanimously.


Martha Barksdale, Recording Secretary


Kim Learnard, Mayor