



**City of Flowery Branch  
City Council Meeting  
Thursday, October 17, 2024, 6:00 PM  
City of Flowery Branch City Hall  
5410 Pine Street, Flowery Branch, GA 30542**



**CALL WORK SESSION TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ADOPTION OF AGENDA:**

**AWARDS & RECOGNITIONS:**

**NEW BUSINESS -WORK SESSION:**

- Consider First Read for Ordinance 719, a Variance Request for 4865 Hog Mountain Road, Flowery Branch, GA.  
[ES - TPS Hog Mountain Road.pdf](#)  
[Ordinance 719 4865 Hog Mountain Road Variance Request.pdf](#)

**DEPARTMENT REPORTS:**

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

**ADJOURNMENT WORK SESSION:**

**VOTING SESSION AGENDA**

**CALL VOTING SESSION TO ORDER:**

**PUBLIC COMMENTS:**

Please limit to two minutes

**CONSENT AGENDA:**

- Consider September 2024 Per Diem for Mayor Asbridge  
[September 2024 Mayor Asbridge Per Diem.pdf](#)
- Consider October 3, 2024 City Council Meeting Minutes  
[Unofficial October 3, 2024 City Council Meeting Minutes.pdf](#)
- Consider October 8, 2024 Special Called City Council Meeting Minutes

**NEW BUSINESS - VOTING SESSION:**

- Consider First Read for Ordinance 719, a Variance Request for 4865 Hog Mountain Road, Flowery Branch, GA.  
[ES - TPS Hog Mountain Road.pdf](#)  
[Ordinance 719 4865 Hog Mountain Road Variance Request.pdf](#)

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

*If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change*



## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider First Read for Ordinance 719, a Variance Request for 4865 Hog Mountain Road, Flowery Branch, GA.

**COUNCIL MEETING DATE:** October 17, 2024

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#### HISTORY:

FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road.

A survey and complete description of the property subject to the requested variance was included in the application and reviewed by City of Flowery Branch staff. Staff has reviewed the submitted application and the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2

The submitted request for variance is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. Â§ 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.

A public hearing was duly noticed as prescribed by law and published in the Gainesville Times.

However, there was an error in the listing of the property. The correct numerical was listed with the wrong street name.

Because of this error, the required public notice was re-published with the correct property address to include numerical and street name. The Public Hearing date was published in the Gainesville Times on 10/05/2024.

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**FACTS AND ISSUES:**

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer, and tree plan.
6. The applicant's engineer shall provide a right in access and left in lane access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.

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**OPTIONS:**

- 1) Approve the submitted application for Variance Request " Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.
- 2) Do not approve the submitted application for Variance Request " Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.

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**IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:**

Yes

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**AMOUNT AND SOURCE OF FUNDS:**

N/A

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**RECOMMENDATION:**

Approve an ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel " Managing Partner; AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

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**SAMPLE MOTION:**

I move to approve Ordinance 719 granting a Variance Request as submitted for TownePlace Suites at 4865 Hog Mountain Road, Flowery Branch.

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [ES - TPS Hog Mountain Road.pdf](#)
- [Ordinance 719 4865 Hog Mountain Road Variance Request.pdf](#)



## FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

**SUBJECT:** Consider first read for ORDINANCE 719 – Variance Request for 4865 Hog Mountain Road, City of Flowery Branch, GA.

**DATE:** October 17, 2024

**(X)RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL - N/A**

**( ) OTHER**

**CAPITAL - N/A**

**COUNCIL ACTION REQUESTED ON:** October 17, 2024

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**PURPOSE:** - AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel – Managing Partner; AS SHOWN ON EXHIBIT “A”, DESCRIBED ON EXHIBIT “B”, AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

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**HISTORY:** FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road.

A survey and complete description of the property subject to the requested variance was included in the application and reviewed by City of Flowery Branch staff. Staff has reviewed the submitted application and the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2

The submitted request for variance is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

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Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.

A public hearing was duly noticed as prescribed by law and published in the Gainesville Times. However, there was an error in the listing of the property. The correct numerical was listed with the wrong street name.

Because of this error, the required public notice was re-published with the correct property address to include numerical and street name. The Public Hearing date was published in the Gainesville Times on 10/05/2024.

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**FACTS AND ISSUES:**

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
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2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
  3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
  4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
  5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer, and tree plan.
  6. The applicant's engineer shall provide a right in access and left in lane access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.

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**OPTIONS:**

- 1) Approve the submitted application for Variance Request – Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.
- 2) Do not approve the submitted application for Variance Request – Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.

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**RECOMMENDED SAMPLE MOTION:**

I move to approve the Variance Request as submitted for 4865 Hog Mountain Road, City of Flowery Branch.

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**DEPARTMENT:** Administration

**Prepared by:** Tonya Parrish

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

## ORDINANCE 719

### 4865 Hog Mountain Road Variance Request

**AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: *Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district*, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel – Managing Partner; AS SHOWN ON EXHIBIT “A”, DESCRIBED ON EXHIBIT “B”, AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on 11/07/2024, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of FB TMK LLC/Darrell Baker, agent for owner in conjunction with the standards set forth in Article 9, Table 9.2, Dimensional Requirements for Nonresidential Zoning District of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

#### SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

#### Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

#### SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 9, Table 9.2, Dimensional Requirements for Nonresidential Zoning Districts:

For properties zoned HB:

Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district of 30 feet.

Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district of 30 feet.

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

#### SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

#### SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 17th day of November 2024.

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Edward R. Asbridge, Mayor

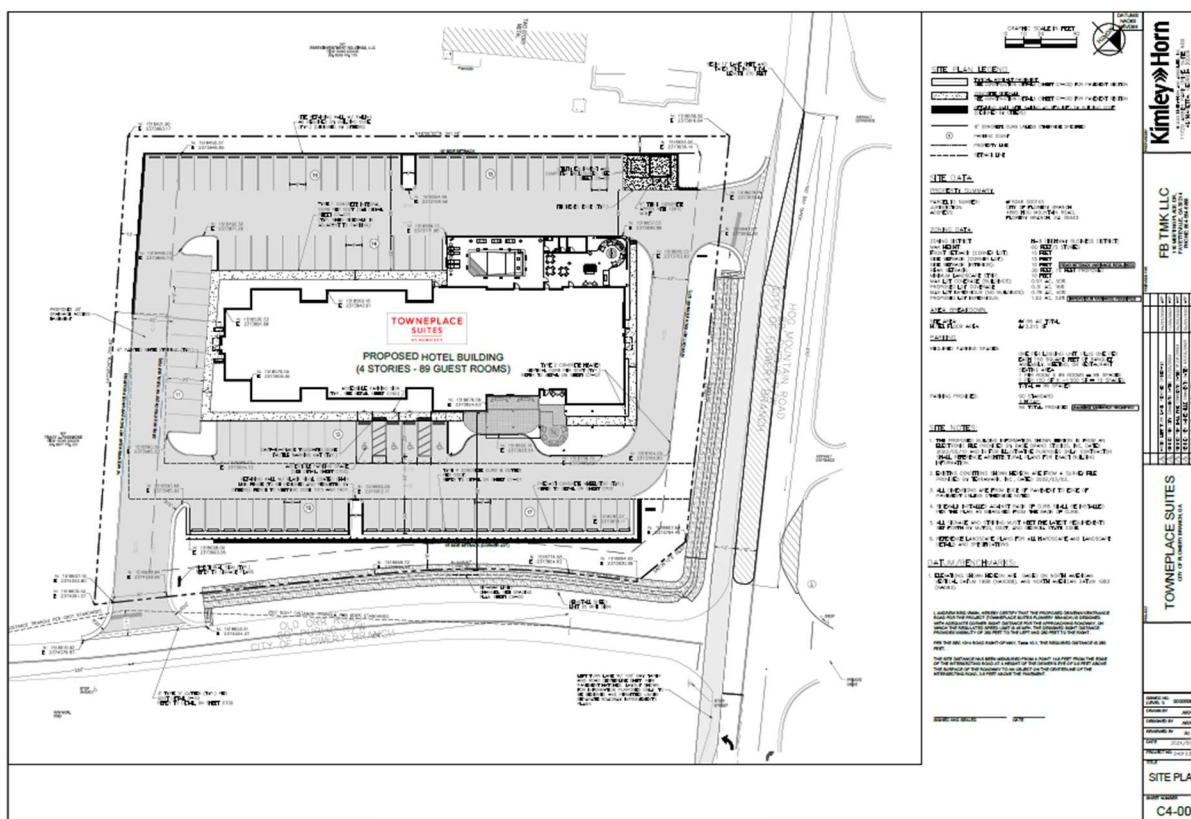
ATTEST:

\_\_\_\_\_  
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ted C. Baggett, City Attorney

## Exhibit "A"



Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

Exhibit "B"

LEGAL DESCRIPTION

| PROPERTY DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Being all that tract or parcel of land lying and being in Georgia Militia District 270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                    |
| BEGINNING at the point of intersection of the southeasterly right-of-way line of Hog Mountain Road (having an 80' right-of-way) and the southwesterly right-of-way line of Old Orr Road (having a 60' right-of-way); thence, from said POINT OF BEGINNING as thus established, leaving the aforesaid right-of-way line of Hog Mountain Road and running with said right-of-way line of Old Orr Road, |                                                                                                                                                                                                                                                                    |
| 1.                                                                                                                                                                                                                                                                                                                                                                                                   | South 85° 36' 12" East, 35.67 feet; thence,                                                                                                                                                                                                                        |
| 2.                                                                                                                                                                                                                                                                                                                                                                                                   | South 38° 59' 44" East, 39.04 feet; thence,                                                                                                                                                                                                                        |
| 3.                                                                                                                                                                                                                                                                                                                                                                                                   | 110.37 feet along the arc of a curve deflecting to the left, having a radius of 548.87 feet and a chord bearing and distance of South 46° 29' 31" East, 110.18 feet; thence,                                                                                       |
| 4.                                                                                                                                                                                                                                                                                                                                                                                                   | South 52° 15' 08" East, 160.41 feet to a 1/2-inch rebar found bent; thence, leaving the aforesaid right-of-way line of Old Orr Road                                                                                                                                |
| 5.                                                                                                                                                                                                                                                                                                                                                                                                   | South 47° 58' 28" West, 266.82 feet to a 3/4-inch open top pipe found; thence,                                                                                                                                                                                     |
| 6.                                                                                                                                                                                                                                                                                                                                                                                                   | North 46° 06' 55" West, 341.78 feet to a 1/2-inch rebar found on the aforesaid right-of-way line of Hog Mountain Road; thence, running with the said right-of-way line of Hog Mountain Road,                                                                       |
| 7.                                                                                                                                                                                                                                                                                                                                                                                                   | North 49° 44' 18" East, 137.54 feet; thence,                                                                                                                                                                                                                       |
| 8.                                                                                                                                                                                                                                                                                                                                                                                                   | 94.23 feet along the arc of a curve deflecting to the left, having a radius of 4164.10 feet and a chord bearing and distance of North 50° 29' 36" East, 94.23 feet to the Point of Beginning, containing 85,038 square feet or 1.9522 acres of land, more or less. |
| Property is subject to all easements and rights of way recorded and unrecorded.                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                    |

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

Exhibit "C"

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer and tree plan.
6. The applicant's engineer shall provide a right in access and a left in turning lane for access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.



## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider September 2024 Per Diem for Mayor Asbridge

**COUNCIL MEETING DATE:** October 17, 2024

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**HISTORY:**

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**FACTS AND ISSUES:**

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**OPTIONS:**

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**IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:**

Yes

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**AMOUNT AND SOURCE OF FUNDS:**

GL #100-1110-511101

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**RECOMMENDATION:**

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [September 2024 Mayor Asbridge Per Diem.pdf](#)



**City of Flowery Branch  
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Mayor Edward R. Asbridge Month/Year: September 2024

| Meeting Date       | Description of Meeting             |
|--------------------|------------------------------------|
| September 13, 2024 | Chamber EDC Meeting                |
| September 17, 2024 | Chamber – Michelin Raceway         |
| September 18, 2024 | Chamber Issues Committee           |
| September 18, 2024 | TSPLOST at Summit Lake Subdivision |
|                    |                                    |

My signature certifies that I am eligible to be paid for 4 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

**Total of \$200.00**

\_\_\_\_\_  
Signature



## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider October 3, 2024 City Council Meeting Minutes

**COUNCIL MEETING DATE:** October 17, 2024

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**HISTORY:**

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**FACTS AND ISSUES:**

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**OPTIONS:**

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**IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:**

No

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**AMOUNT AND SOURCE OF FUNDS:**

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**RECOMMENDATION:**

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [Unofficial October 3, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch  
City Council Meeting  
Thursday, October 3, 2024, 6:00 PM  
City of Flowery Branch City Hall  
5410 Pine Street, Flowery Branch, GA 30542**



**CALL WORK SESSION TO ORDER:**

Mayor Asbridge called the council meeting to order at 6:02 p.m.

Present: Mayor Asbridge and Council Members Oliver McClellan, William McDaniel, Joseph Mezzanotte and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Public Works & Utilities Director Bill Whidden, Director of Fun Renee Carden, Finance Director Matt Hamby, Human Resources Director Krystle Hightower, Police Chief Chris Hulsey, and City Attorney Ted Baggett.

**PLEDGE OF ALLEGIANCE:**

Mayor Asbridge led the Pledge of Allegiance.

**ADOPTION OF AGENDA:**

There was a motion made to approve the agenda as presented.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

### **AWARDS & RECOGNITIONS:**

Hall County Domestic Violence Task Force recognized Flowery Branch Officer Max Lifirenko as Hall County Domestic Violence Officer of the Year. Congratulations to Officer Lifirenko.



Council Member Joe Anglin joined the meeting at 6:08 p.m.

### **NEW BUSINESS -WORK SESSION:**

#### *Discussion of Potential Development of 5816, 5926, 5934, 5940 and 5948 Lights Ferry Road*

Mr. Rob Robinson and Mr. Josh Kilby of Downtown Development Partners, LLC presented a potential development at 5816, 5926, 5934, 5940, and 5948 Lights Ferry Road. Downtown Development Partners, LLC (DDP) is a residential construction and development partnership formed by Hall County residents; Rob Robinson, Josh Kilby, and Robbie Rudacil. DDP has purchased lots 5934, 5940, and 5948 Lights Ferry Road and propose to build 18 high end townhomes for sale in the \$600,000 to \$650,000 price range. These three lots are currently zoned R1 and lie adjacent to lots 5816 and 5926 Lights Ferry Road which are also owned by DDP and are currently zoned TND.

Council held a discussion with Mr. Robinson and Mr. Kilby regarding the development.

#### *Consider Resolution 24-008: Fourth Quarter Amendment to the Budget for FY2024 as Previously Adopted on June 15, 2023.*

Director Hamby presented Resolution 24-008: Fourth Quarter amendment to the budget for FY2024 as previously adopted on June 15, 2023.

*Consider Creation of an Executive Pay Plan Salary Table to Increase Recruitment and Help Ensure Retention of Senior Executive Members of Critical Positions of the City of Flowery Branch, GA.*

City Manager Parrish presented a consideration of creating an executive pay plan salary table to increase recruitment and help ensure retention of senior executive members of critical positions of the City of Flowery Branch. The executive pay salary table will be narrow in scope; positions for placement in the category will be authorized by the City Manager and approved by the City of Flowery Branch City Council. The pay table will enable the City of Flowery Branch to remain competitive with surrounding jurisdictions.

Council held a discussion with City Manager Parrish regarding the pay table.

*Consider Authorizing a Contract with John Powell for Administrative Services to the City Manager's Office.*

City Manager Parrish presented a consideration of a contract with Mr. John Powell for administrative services to the City Manager's Office. The City of Flowery Branch currently has vacancies in the Planning and Community Development Department. Active recruitment is ongoing, with positive results, to fill any vacancies in this area. However, current vacancies result in the city manager being tasked with multiple functions in this specialty area outside of normal required city administration duties. Further, this tasking has resulted in process reassignment to other employees as supplemental duties to ensure minimal disruption to customer service.

Council held a discussion with City Manager Parrish regarding the contract with Mr. Powell.

**DEPARTMENT REPORTS:**

Department of Fun Report:

Director Carden noted upcoming events.

Human Resources Report:

Director Hightower reported seventy-two percent of staff have completed CPR, First Aid, AED and Nasal Naloxone (Narcan) training. She also reported the newly hired employees of the city.

Police Department Report:

Chief Hulsey congratulated Officer Lifirenko on receiving the Hall County Domestic Violence Officer of the Year. He also reported that Flowery Branch has had two officers receive this prestigious award. He further advised that October is Domestic Violence Awareness Month.

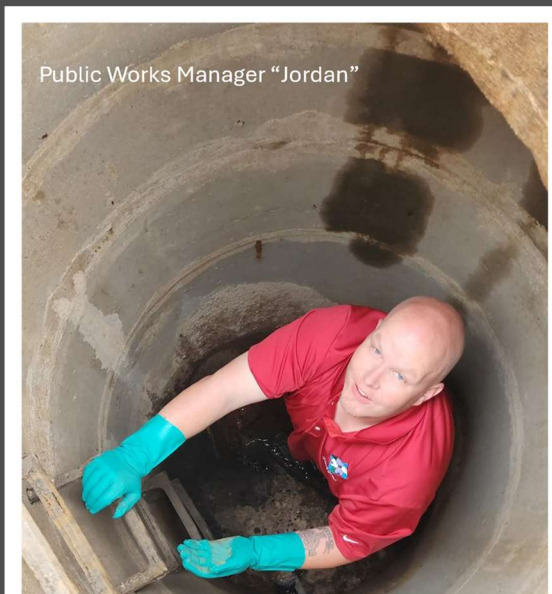
Public Works & Utilities Report:

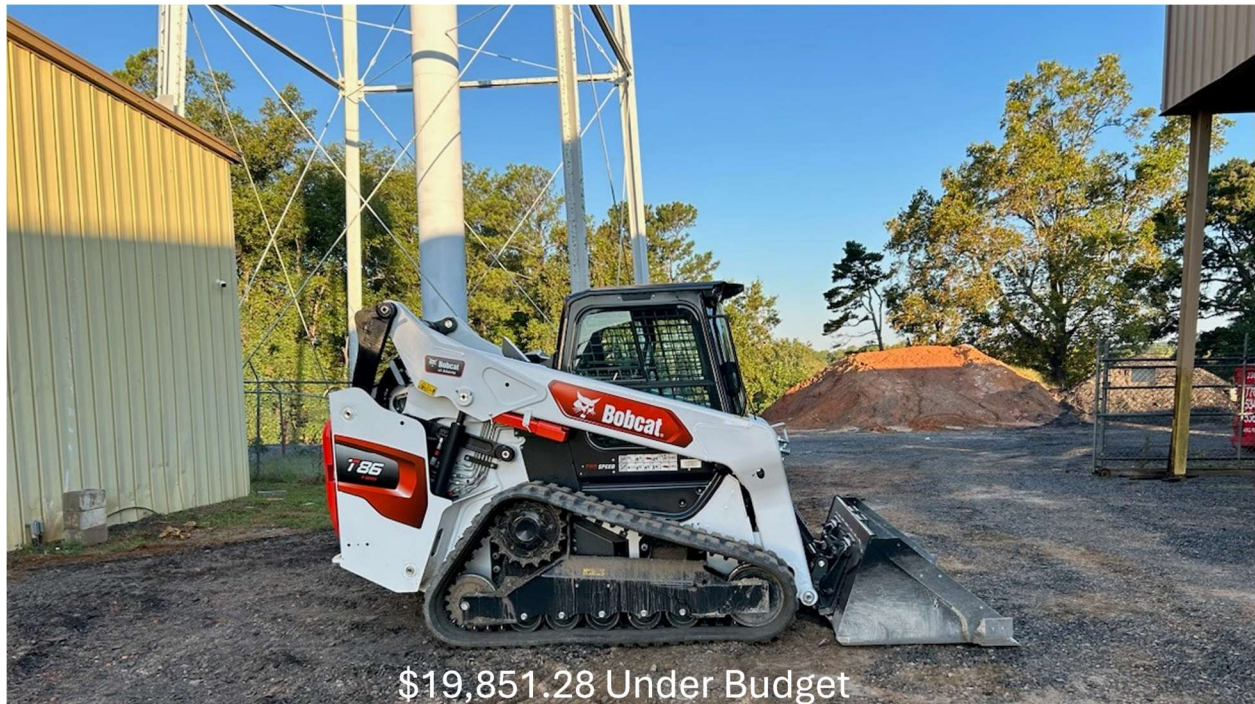
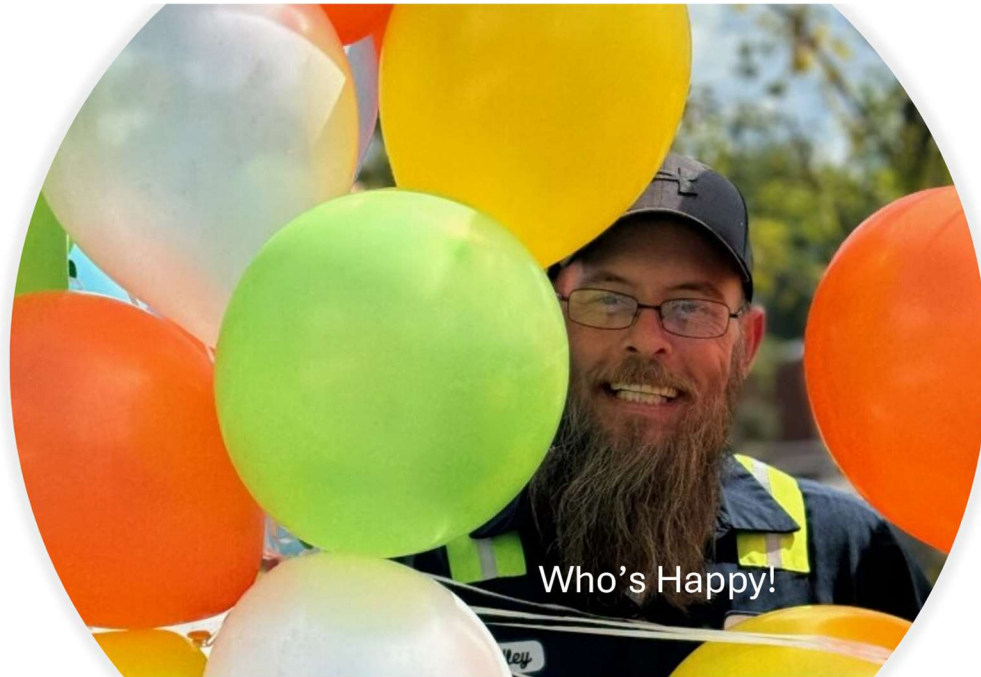
Director Whidden updated Council on the Public Works and Utilities Department. He reported that there are 6.3 +/- square miles and sixty miles of roads in the City of Flowery Branch. He provided an update on proposed force mains, sewer plant expansion, water line repairs, and culverts located around the city. He reported a new skid steer has been purchased and he bragged on the finance department for helping to get the costs of the skid steer almost \$20,000 under budget.

The Public Works Department is comprised of six full time employees, two full time corrections officers and one manager. Public Works department is responsible for the care, maintenance and operation of the city water distribution system, the street lighting system, all city streets and sidewalks, parkways, and municipal buildings.

The Water/Wastewater Department is comprised of eight full time employees and one manager. Our wastewater operators, working at the Water Quality Reclamation Facility, operate the plant with the objectives of providing the best possible treatment of waste to protect the receiving waters, down stream users and neighbors.

Director Whidden praised all departments and their hard work to the City of Flowery Branch.





Council Report:

Council Member Mundy stated he has enjoyed learning about the department report presentations.

Council Member Mezzanotte reported he is proud of the Flowery Branch Police Department. He stated he appreciates Mayor Asbridge for hosting the Day of Prayer.

Council Member McDaniel stated he is proud of the outstanding work of the Flowery Branch Police Department, and he stated it reflects the leadership of the police department.

**ADJOURNMENT WORK SESSION:**

Mayor Asbridge adjourned the work session at 7:28 p.m.

**VOTING SESSION AGENDA**

**CALL VOTING SESSION TO ORDER:**

Mayor Asbridge called the voting session to order at 7:28 p.m.

**PUBLIC COMMENTS:**

Charles Mull, 5918 Mitchell Street, Flowery Branch, Georgia.

Mr. Mull stated he appreciates the Flowery Branch Police Department for always being present. He also appreciates the Public Works & Utilities Department presentation. He would like to see more citizen involvement. He recommends a citizen's advisory board for fresh ideas and city growth. He also suggested painting murals under the 985 bridge at Spout Springs and Phil Niekro Boulevard. He also mentioned homestead exemption regarding city taxes.

**CONSENT AGENDA:**

- Consider September 19, 2024 City Council Meeting Minutes

There was a motion made to approve the consent agenda as presented.

MOTION: Oliver McClellan

SECOND: Joseph Mezzanotte

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

**UNFINISHED BUSINESS - VOTING SESSION:**

Consider the Second Reading of Ordinance 721, An Amendment to the Insurer Licensing Fee.

City Clerk Cooper read the caption for Ordinance 721, an amendment to the Insurer Licensing Fee.

There was a motion made to approve the second reading of Ordinance 721, an amendment to the Insurer Licensing Fee.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

**NEW BUSINESS - VOTING SESSION:**

Consider Resolution 24-008: Fourth Quarter Amendment to the Budget for FY2024 as Previously Adopted on June 15, 2023.

There was a motion made to approve Resolution 24-008, Fourth Quarter Amendment to the Budget for FY2024.

MOTION: Oliver McClellan

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider Creation of an Executive Pay Plan Salary Table to Increase Recruitment and Help Ensure Retention of Senior Executive Members of Critical Positions of the City of Flowery Branch, GA.

There was a motion made to approve the establishment of an executive pay plan for the City of Flowery Branch.

MOTION: Oliver McClellan

SECOND: Chris Mundy

AYES: Oliver McClellan, William McDaniel, Chris Mundy

NAYS: Joe Anglin, Joseph Mezzanotte

Motion carried

*Consider Authorizing a Contract with John Powell for Administrative Services to the City Manager's Office.*

There was a motion made to authorize a contract with John Powell for Administrative Services to the City Manager's Office not to exceed \$27,000.

MOTION: Joseph Mezzanotte

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

**EXECUTIVE SESSION:** There was no executive session.

**ADJOURNMENT:**

There was a motion made to adjourn at 7:37 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

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Edward R. Asbridge, Mayor

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Date

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Shelia Cooper, City Clerk



## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider October 8, 2024 Special Called City Council Meeting Minutes

**COUNCIL MEETING DATE:** October 17, 2024

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**HISTORY:**

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**FACTS AND ISSUES:**

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**OPTIONS:**

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**IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:**  
No

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**AMOUNT AND SOURCE OF FUNDS:**

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**RECOMMENDATION:**

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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#### ATTACHMENTS

- [Unofficial October 8, 2024 Special Called City Council Meeting Minutes.pdf](#)



**City of Flowery Branch  
Special Called City Council Meeting  
Tuesday, October 8, 2024, 5:00 PM  
Sterling on the Lake Clubhouse**



**7005 Lake Sterling Boulevard, Flowery Branch, GA 30542**

**CALL TO ORDER:**

City Manager Tonya Parrish called the meeting to order at 5:05 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Bowman Consulting Group Chris McCrary, and City Attorney Ted Baggett.

**PLEDGE OF ALLEGIANCE:**

Mayor Asbridge led the Pledge of Allegiance.

**HOUSING PRESENTATION FROM TOMMY HOWARD, THE NORTON AGENCY:**

Mr. Tommy Howard, President Norton Brokerage Service, presented a housing market update. He gave many statistical facts about the housing markets including price point breakdowns, Metro Atlanta inventory, and FMLS stats. He advised that rentals are slowing, and single-family home rentals are more desirable than apartments. He provided an overview of residential and commercial desirable markets with hot market trends.

Council held a discussion with Mr. Howard.

**RATE STUDY:**

Mr. Bobby Sills presented FY2025 water and wastewater financial plan. He recommended a 5-year rate plan similar to other communities. He provided detailed information on system development charges.

Council held a discussion with Mr. Sills.

## **DISCUSSIONS:**

### *Historic Preservation Commission*

Attorney Baggett presented a discussion on Historic Preservation Commissions. In the past, the city had a Historic Preservation Commission but during COVID, the commission disbanded. He gave a basic overview of how a historic preservation committee works and added the pros and cons of such a committee. Historic committees can preserve the character of a particular area.

Council held a discussion with Attorney Baggett.

### *Downtown Development Authority*

Attorney Baggett presented a very detailed discussion on the advantages and disadvantages of having a downtown development authority. He explained that downtown development authorities exist to revitalize and redevelop the central downtown business districts of cities and to develop and promote trade, commerce, industry, and employment opportunities.

Council held a discussion with Attorney Baggett.

### *Overlay District*

Mr. Chris McCrary, Bowman Consulting Group presented a discussion regarding the overlay district. The need has arisen to expand parts of the Central Business District (CBD), providing more of an area for downtown activities which can be resolved through an overlay district. The discussion was to have microbreweries and micro distilleries allowed in the overlay district as well as expanding architectural standards similar to those in the CBD throughout the overlay district.

Council held a discussion with Mr. McCrary.

### *Gainesville Street Eleven Acres*

City Manager Parrish presented a discussion on the potential of a pickleball court as a potential use of the city owned property on Gainesville Street.

Council held a discussion with City Manager Parrish.

### *Acreage on Hog Mountain Road*

City Manager Parrish presented a discussion regarding sewer availability and previous annexation requests at 0 Hog Mountain Road.

Council held a discussion with City Manager Parrish.

**EXECUTIVE SESSION:**

There was a motion to enter an executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 8:27 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

There was a motion made to exit the executive session at 9:12 p.m.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 9:12 p.m.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

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Edward R. Asbridge, Mayor

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Date

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Shelia Cooper, City Clerk



## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider First Read for Ordinance 719, a Variance Request for 4865 Hog Mountain Road, Flowery Branch, GA.

**COUNCIL MEETING DATE:** October 17, 2024

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#### HISTORY:

FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road.

A survey and complete description of the property subject to the requested variance was included in the application and reviewed by City of Flowery Branch staff. Staff has reviewed the submitted application and the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2

The submitted request for variance is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. Â§ 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.

A public hearing was duly noticed as prescribed by law and published in the Gainesville Times.

However, there was an error in the listing of the property. The correct numerical was listed with the wrong street name.

Because of this error, the required public notice was re-published with the correct property address to include numerical and street name. The Public Hearing date was published in the Gainesville Times on 10/05/2024.

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**FACTS AND ISSUES:**

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer, and tree plan.
6. The applicant's engineer shall provide a right in access and left in lane access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.

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**OPTIONS:**

- 1) Approve the submitted application for Variance Request " Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.
- 2) Do not approve the submitted application for Variance Request " Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.

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**IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:**

Yes

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**AMOUNT AND SOURCE OF FUNDS:**

N/A

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**RECOMMENDATION:**

Approve an ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel " Managing Partner; AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

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**SAMPLE MOTION:**

I move to approve Ordinance 719 granting a Variance Request as submitted for TownePlace Suites at 4865 Hog Mountain Road, Flowery Branch.

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [ES - TPS Hog Mountain Road.pdf](#)
- [Ordinance 719 4865 Hog Mountain Road Variance Request.pdf](#)



## FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

**SUBJECT:** Consider first read for ORDINANCE 719 – Variance Request for 4865 Hog Mountain Road, City of Flowery Branch, GA.

**DATE:** October 17, 2024

**(X)RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL - N/A**

**( ) OTHER**

**CAPITAL - N/A**

**COUNCIL ACTION REQUESTED ON:** October 17, 2024

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**PURPOSE:** - AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel – Managing Partner; AS SHOWN ON EXHIBIT “A”, DESCRIBED ON EXHIBIT “B”, AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

---

**HISTORY:** FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road.

A survey and complete description of the property subject to the requested variance was included in the application and reviewed by City of Flowery Branch staff. Staff has reviewed the submitted application and the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2

The submitted request for variance is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

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Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.

A public hearing was duly noticed as prescribed by law and published in the Gainesville Times. However, there was an error in the listing of the property. The correct numerical was listed with the wrong street name.

Because of this error, the required public notice was re-published with the correct property address to include numerical and street name. The Public Hearing date was published in the Gainesville Times on 10/05/2024.

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**FACTS AND ISSUES:**

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
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2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
  3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
  4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
  5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer, and tree plan.
  6. The applicant's engineer shall provide a right in access and left in lane access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.

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**OPTIONS:**

- 1) Approve the submitted application for Variance Request – Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.
- 2) Do not approve the submitted application for Variance Request – Ordinance 719, 4865 Hog Mountain Road, City of Flowery Branch, GA.

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**RECOMMENDED SAMPLE MOTION:**

I move to approve the Variance Request as submitted for 4865 Hog Mountain Road, City of Flowery Branch.

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**DEPARTMENT:** Administration

**Prepared by:** Tonya Parrish

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

## ORDINANCE 719

### 4865 Hog Mountain Road Variance Request

**AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 9, Table 9.2, specifically Dimensional Requirements for Nonresidential Zoning Districts: *Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet) and Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district*, 4865 Hog Mountain Road, TAX PARCEL IDENTIFICATION NO. 15046000145, OWNED BY FB TMK, LLC/Alpesh Patel – Managing Partner; AS SHOWN ON EXHIBIT “A”, DESCRIBED ON EXHIBIT “B”, AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, FB TMK LLC/Darrell Baker, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4865 Hog Mountain Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on 11/07/2024, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of FB TMK LLC/Darrell Baker, agent for owner in conjunction with the standards set forth in Article 9, Table 9.2, Dimensional Requirements for Nonresidential Zoning District of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

#### SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 9, Table 9.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

#### Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

#### SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 9, Table 9.2, Dimensional Requirements for Nonresidential Zoning Districts:

For properties zoned HB:

Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district of 30 feet.

Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district of 30 feet.

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

#### SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

#### SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 17th day of November 2024.

\_\_\_\_\_  
Edward R. Asbridge, Mayor

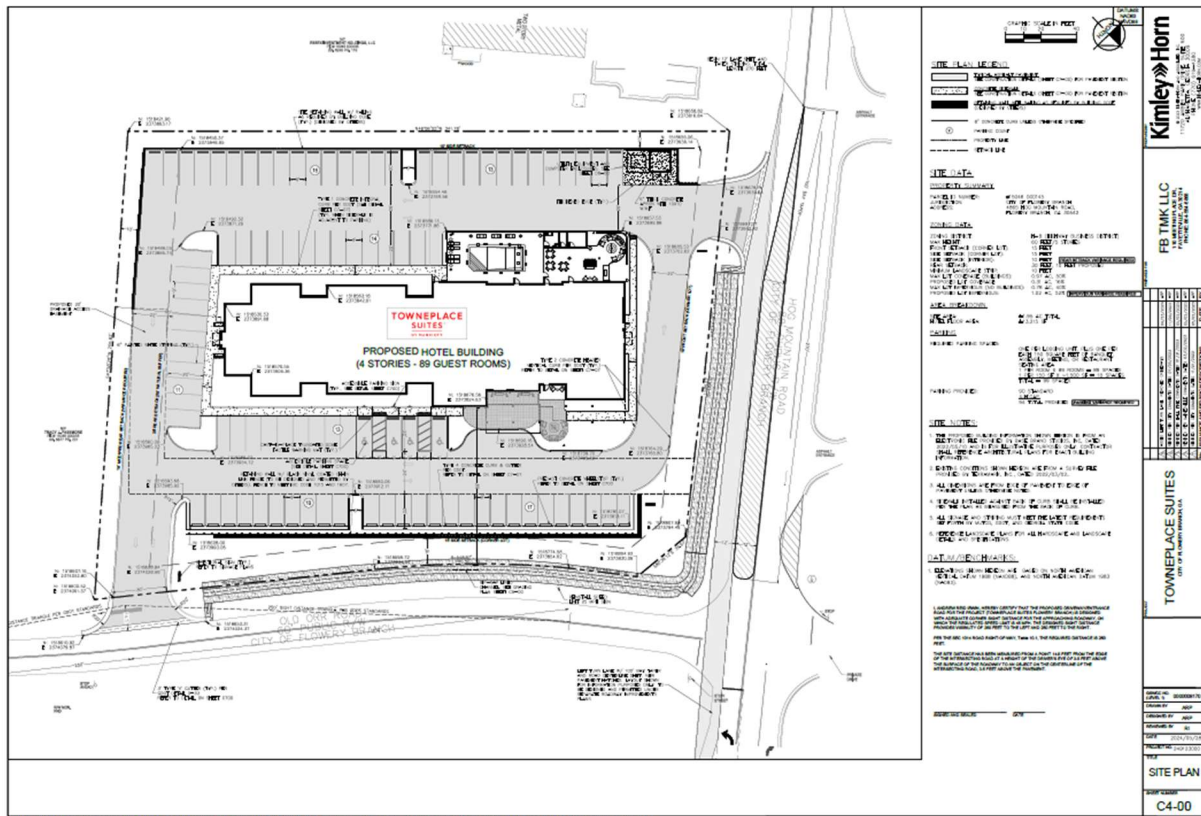
ATTEST:

\_\_\_\_\_  
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ted C. Baggett, City Attorney

## Exhibit "A"



Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

Exhibit "B"

LEGAL DESCRIPTION

## PROPERTY DESCRIPTION

Being all that tract or parcel of land lying and being in Georgia Militia District 270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the point of intersection of the southeasterly right-of-way line of Hog Mountain Road (having an 80' right-of-way) and the southwesterly right-of-way line of Old Orr Road (having a 60' right-of-way); thence, from said POINT OF BEGINNING as thus established, leaving the aforesaid right-of-way line of Hog Mountain Road and running with said right-of-way line of Old Orr Road,

1. South 85° 36' 12" East, 35.67 feet; thence,
2. South 38° 59' 44" East, 39.04 feet; thence,
3. 110.37 feet along the arc of a curve deflecting to the left, having a radius of 548.87 feet and a chord bearing and distance of South 46° 29' 31" East, 110.18 feet; thence,
4. South 52° 15' 08" East, 160.41 feet to a 1/2-inch rebar found bent; thence, leaving the aforesaid right-of-way line of Old Orr Road
5. South 47° 58' 28" West, 266.82 feet to a 3/4-inch open top pipe found; thence,
6. North 46° 06' 55" West, 341.78 feet to a 1/2-inch rebar found on the aforesaid right-of-way line of Hog Mountain Road; thence, running with the said right-of-way line of Hog Mountain Road,
7. North 49° 44' 18" East, 137.54 feet; thence,
8. 94.23 feet along the arc of a curve deflecting to the left, having a radius of 4164.10 feet and a chord bearing and distance of North 50° 29' 36" East, 94.23 feet to the Point of Beginning, containing 85,038 square feet or 1.9522 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

Public Hearing Published 10/05/2024  
Public Hearing 11/07/2024

First Reading 10/17/2024  
Second Reading 11/07/2024

Exhibit "C"

1. The minimum setback from abutting R-1, R-2, R-3, TND, or PUD zoned property shall be reduced to 10 feet.
2. The minimum width of the natural buffer abutting a R-1, R-2, R-3, TND, or PUD property shall be reduced to a 10-foot replanted buffer.
3. The 10-foot replanted buffer shall consist of an enhanced landscape strip including evergreen trees that shall be no less than eight (8) inches in caliper at the time of planting. Final landscape plan shall be reviewed for condition compliance by the Community Development Director.
4. The buffer shall include a solid six (6) foot high brick wall as measured from the finished grade to the top of the wall. The brick shall match the brick used in the building. Final wall design shall be reviewed for condition compliance by the Community Development Director.
5. The approval of the Variance does not provide approval of other non-conforming components that may be shown on the site plan. The applicant shall follow the process and procedures of filing a Land Disturbance Permit Application including the landscape, buffer and tree plan.
6. The applicant's engineer shall provide a right in access and a left in turning lane for access along Hog Mountain Road. The applicant's engineer shall design the left turn lane assuming the speed limit on Hog Mountain Road is 35MPH.