



Meeting Minutes - Final
License and Variance Board

Wednesday, June 11, 2014

10:00 AM

Council Chambers

1. Call To Order

The meeting was called to order by Chairperson Tammi Saddler Jones at 10:00 AM.

Present 3 - Board Member Roy Acree, Chair Person Tammi Saddler Jones, and Board Member Scott Stokes

Also Present 5 - Business License Officer Jim Cox, City Planner Russell Martin, City Attorney Jeffrey Tucker, Joey Staubes, and Lisa Moore

2. Business:

A. Public Hearing-Privilege License Request LIC2014-06-Beer and Wine Package-475 Windy Hill Rd-BHAM LLC dba Hop In BP with Elizabeth Romero as agent.

Sponsors: Wilkinson

Ms. Saddler Jones called the applicant forward, and Ms. Romero was not present. The item would be called again at the end of the business agenda.

B. Public Hearing - Variance Request - V14-005 - Reduction of side setback from 10 feet to 3.5 feet - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive - John Dickson

Ms. Saddler Jones called for the applicant to come forward. Napoleon Onate stated the plans are to build an outdoor patio and to enclose the drive through for the Monterrey's building. Planner Joey Staubs stated this building was formerly used as a drive through restaurant and is now being used as a full service restaurant. The applicant is requesting to enclose the drive through area, add a walk in cooler and a patio area. These additions will be less intrusive on the site than the current configuration.

Staff recommended approval with the following condition: Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Mr. Stokes asked if the patio addition will be covered and Mr. Staubs replied that it will be uncovered. Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to approve V14-005 for a variance request to allow the reduction of the side setback from 10 feet to 3.5 feet - 0.68 acres - Land Lot 412, located at 3326 South Cobb Drive by the applicant, John Dickson, seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

C. Public Hearing - Variance Request - V14-006 - Reduction of parking requirement from 76 spaces to 62 spaces - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive - John Dickson - To be tabled until June 11, 2014.

Mr. Jimmy Graves came forward to inform that the plan is to improve the parking lot plan for the restaurant. Mr. Staubs stated that this request is due to the change in the design of the building and also Community Development's request to the property owner to bring the lot up to current standards by upgrading the landscaping in the parking lot which will result in a reduction of available parking spaces. Mr. Dickson owns the property and the adjacent parking lot and has allowed the restaurant to use their parking. Mr. Stokes asked where the shared parking is located, it was shown on the site plan and is striped. A detailed site plan has been submitted and a landscape plan will be submitted at a later date.

Staff recommended approval with the following condition: Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to approve V14-006 for a variance request for a reduction of the parking requirement from 70 spaces to 40 spaces - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive for the applicant, John Dickson, seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

D. Public Hearing - Variance Request - V14-019 - Allow 6 foot privacy fence in front yard - 0.15 acres - Land Lot 520 - 1210 Hill Street - Traton Homes

Mr. Chris Davote, with Traton Homes, came forward to discuss the variance. The fence is already placed, they did not know to come to the Board for request prior to building it. Mr. Staubs stated this request is to increase the height of the fence from 4 to 6 feet. The landscaping plan has been followed with the required trees. Without the fence, the homeowner would not have a usable backyard. The fence faces the Hickory Hill Road side of the house. The staff recommended approval. Mr. Acree asked if it is in compliance based on precedence of the board and Mr. Staubs stated that it was. Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to approve V14-019, for a variance request to allow a 6 foot privacy fence in the front yard - 0.15 acres - Land Lot 520, located at 1210 Hill Street for the applicant, Traton Homes, seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

E. Public Hearing - Variance Request - V14-020 - Allow setback reduction from 10 feet to 0 feet - 0.36 acres - Land Lot 631 - 1669

Spring Road - Antonio Strangolgalli

Ms. Saddler Jones requested the applicant to come forward and Mr. Strangolgalli came forward. The request was to add a patio to the building which will be accessible from the inside of the restaurant and may also have an outside entrance. Mr. Acree stated there may be stipulations in regard to an outside entrance which will be determined by Community Development. Mr. Staubs stated that the restaurant is next door to a package store. The abutting property is on the property line. Mr. Strangolgalli wants to cover the patio. Site elevations and plans were shown. This will need to go through normal plan review.

The staff recommended approval with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. Appropriate gutters and downspouts will be installed to divert stormwater away from adjacent property, prior to final inspection.

Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Roy Acree to approve V14-020, for a variance request to allow setback reduction from 10 feet to 0 feet - 0.36 acres - Land Lot 631, located at 1669 Spring Road by the applicant, Antonio Strangolgalli, seconded by Scott Stokes. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

F. Public Hearing - Variance Request - V14-021 - Allow parking reduction from 41 spaces to 29 spaces- 0.36 acres - Land Lot 631 - 1669 Spring Road - Antonio Strangolgalli

Mr. Strangolgalli stated he has an agreement to let his business patrons use the parking lot of the establishment next door. That agreement has been given to Community Development. The adjacent property has 11 spaces that the restaurant can use at any time, which is in a written, formal agreement. Mr. Staubs stated there are 29 parking spaces between the two businesses combined that may be used for restaurant. Based on the agreement, staff recommended approval. Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to approve with stated conditions V14-021 for a variance request to allow a parking reduction from 41 spaces to 29 spaces- 0.36 acres - Land Lot 631, located at 1669 Spring Road by the applicant, Antonio Strangolgalli; seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

A. Public Hearing-Privilege License Request LIC2014-06-Beer and Wine Package-475 Windy Hill Rd-BHAM LLC dba Hop In BP with Elizabeth Romero as agent.

Sponsors: Wilkinson

Ms Elizabeth Romero, as agent, has received, read and understood the alcohol requirements. She has completed the City's alcohol sales class. To make sure the store does not sale to underage patrons, the store has a register program that requires the clerk to put in the date of birth of the patron. The owner came forward to

she reiterated the computer has the clerk put in the date of birth and also there are calendars to look at on the counter. They do not sell to anyone without an ID. Ms. Romero has held a license before at another Shell Gas Station, but does not work there anymore. Jim Cox stated he will make sure that the Shell now has a current agent. The background investigation of Ms. Romero and found nothing to preclude issuance of the license.

Ms. Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to approve LIC2014-06 for a request of a Privilege License for Beer and Wine Package, located at 475 Windy Hill Rd by BHAM LLC dba Hop In BP with Elizabeth Romero as agent, seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

G. Appeal to Mayor and Council the denial of application for alcohol servers permit for Douglas James Barnes

Sponsors: Blustein

Assistant City Attorney Jeffrey Tucker swore in the applicant, Mr. Barnes and Ms. Gerber, who works in the Permits at the Police Department. Mr. Tucker asked Ms. Gerber if she regularly runs criminal background checks for these permits and reviews them. Within the past six weeks, she has run the check on Mr. Barnes, and found that he had a pending felony charge that has not been adjudicated. The charge, which was possession of a narcotic, originated on July 18, 2012, and is in a probationary period until November 2014.

Mr. Barnes stated that nothing has been incorrectly stated. He has continually held a permit since 2000. His permit expired in January 2014, but forgot to renew. He is in a supervisory probationary program for two years with monthly drug testing. Once the probationary period is over, it will be recorded as a felony. He is working at the restaurant in the take out department at Caraba's, but would like to become a server again. He has been continually employed at the restaurant during this time. Mr. Acree stated that because the case is not yet adjudicated, he is going to postpone the decision. Mr. Barnes was informed of the process for appeal to the Mayor and Council.

A motion was made by Roy Acree to postpone the decision for 2014-180 pending adjudication of the charges, an appeal of the denial of application for alcohol servers permit for Douglas James Barnes; seconded by Scott Stokes. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

3. Approval of Minutes:

A. Approval of the May 28, 2014 License and Variance Board Meeting Minutes

A motion was made by Roy Acree to approve 2014-178 for the approval of the May 28, 2014 License and Variance Board Meeting Minutes, seconded by Scott Stokes. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Board Member Stokes

4. Adjournment

The meeting was adjourned by Chairperson Tammi Saddler Jones at 10:48 AM.