



Meeting Minutes - Final License and Variance Board

Wednesday, August 27, 2014

10:00 AM

Council Chambers

Rollcall

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

Also Present 4 - Russell Martin, Jeffrey Tucker, Terri Graham, and Chelsea Jackson

1. Call To Order

The meeting was called to order by Assistant City Administrator Tammi Saddler Jones at 10:00am.

2. Business:

A. Public Hearing-Privilege License Request LIC2014-09-Beer and Wine Package-3240 South Cobb Drive-The Kroger Company dba Kroger Store #699 with Wanda R Bell as agent

Sponsors: Welch

Assistant City Administrator Tammi Saddler-Jones called Wanda R. Bell to the podium. Ms. Bell has received, read and understands the alcohol ordinance and will abide by the ordinance. Ms. Bell stated everyone who runs a register at Kroger has a permit from the City, plus attends a 4-hour class. She has completed the Responsible Alcohol Sales class and states she has never been a registered agent for a business, but ensures if an individual purchases alcohol there are signs that states everyone must show ID and every register asks for a birthdate to be entered into system. There is also a system in place which flags employees every six months to have them tested on the City's ordinance. Ms. Bell understands the Smyrna Police Department does underground sting operations and anyone who sells alcohol to a minor will be taken to jail immediately. The Smyrna Police Department did a background investigation and no information was revealed to preclude issuance of this 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 LIC 2014-09, a Privilege License request for Beer and Wine Package-3240 South Cobb Drive-The Kroger Company dba Kroger Store #699 with Wanda R Bell 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

B. Public Hearing - Variance Request - V14-026 - Allow side setback reduction from 10 feet to 5 feet for the construction of an attached

garage - 0.51 acres - Land Lot 527 - 1314 Hayes Drive - Patrick Winchester - Item to be tabled to August 27, 2014.

Ms. Saddler-Jones called Patrick Winchester to the podium. Mr. Winchester stated he is doing renovations to a recently purchased property on Hayes Drive. City Planner Staubes gave background on the Variance. The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a minimum side yard setback of 10 feet. The applicant is requesting a reduction of the side setback for 1314 Hayes Drive to 5 feet for the construction of a garage on a single-family home. At the time of this report, Community Development has not received any phone calls regarding the variance request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance 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 what type of connection would be between the suite and the garage. The applicant stated it is roughly 13 feet into the 2-car garage, a roof structure, with the air conditioner unit on the back of the structure. Mr. Winchester stated he works from home, but does not have a business that will operate out of the house. Mr. Acree asked the applicant if he agreed with the stated condition, Mr. Winchester stated he did.

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

A motion was made by Roy Acree to approve V14-026, Variance Request for a side setback reduction from 10 feet to 5 feet for the construction of an attached garage on .51 acres at Land Lot 527 on 1314 Hayes Drive by Patrick Winchester 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 elevation submitted within the variance application; seconded by Scott Stokes. The motion carried by the following vote:

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

C.

Public Hearing - Allow reduction of front setback from 35 feet to 24 feet for the construction of a front porch - 0.26 acres - Land Lot 417 - 833 Frances Drive - Stanley Kelley

Ms. Saddler-Jones called applicant Stanley Kelley to the podium. Mr. Kelley stated he wanted to improve the looks of his house and add a front entrance from the porch. City Planner Staubes gave the background on the Variance. The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a minimum front yard setback of 35'. The applicant requests a reduction of the front setback for 833 Frances Drive to 24' for the construction of 6 feet in depth and 12 feet in length front porch on a single-family home. The proposal has a similar architecture feature to an adjacent property to the west, so it fits with the development pattern of the neighborhood. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance 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. Kelley stated he will abide by the stipulations presented by staff.

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

A motion was made by Scott Stokes to approve V14-031, Variance Request for a reduction of front setback from 35 feet to 24 feet for the construction of a front porch on 0.26 Acres in Land Lot 417 at 833 Frances Drive by Stanley Kelley with the following stipulation; variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation submitted within the variance application; 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 - Allow reduction of front side setback from 23 feet to 21.6 feet - 0.42 acres - Land Lot 524 - 3245 Dunn Street - Tim Aycock - Item has been withdrawn

Ms. Saddler-Jones called City Planner Staubes to the podium. Mr. Staubes stated at the request of the applicant this Variance, V14-033 has been withdrawn and asks it be withdrawn without prejudice.

A motion was made by Roy Acree to withdraw without prejudice V14-032, Variance Request, at the request of the applicant, for a reduction of front side setback from 23 feet to 21.6 feet on 0.42 Acres in Land Lot 524 at 3245 Dunn Street by Tim Aycock; seconded by Scott Stokes.

The motion carried by the following vote:

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

E. Public Hearing - Allow side setback reduction from 12 feet to 10.5 feet - 0.42 acres - Land Lot 524 - 3245 Dunn Street - Tim Aycock - Item has been withdrawn by request of the applicant.

Mr. Staubes stated previously the applicant sent an email to withdraw the request and Community Development requests the Variance, V14-034, is withdrawn without prejudice.

A motion was made by Scott Stokes to withdraw without prejudice V14-033, Variance Request, at the request of the applicant, for a side setback reduction from 12 feet to 10.5 feet on 0.42 acres in Land Lot 524 at 3245 Dunn Street; seconded by Roy Acree.

The motion carried by the following vote:

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

F. Appeal of the denial of application for an alcohol servers permit for Nabil Muzemil.

Sponsors: Blustein

Ms. Saddler-Jones called the applicant, Mr. Muzemil, and Ms. Gerber to the podium. Assistant City Attorney Jeffrey Tucker swore both individuals in. Ms. Gerber works in the Permits Department for the Smyrna Police Department, issuing background checks, permits, and finger printing. Earlier this month Ms. Gerber received an application and ran a background check for Mr. Muzemil. Ms. Gerber stated the

application includes the disclosure of any arrests and conviction of crimes within the last 5 years. The background investigation disclosed Mr. Muzemil had a previous possession of marijuana and cocaine misdemeanor charge dated to 2011 and a conviction, which a year later the probation was revoked. In 2013, there was an arrest made by Atlanta Police Department for driving without a valid license and also in January 2014 arrested by the Doraville Police Department for driving with a suspended license and for a felony possession of cocaine. Ms. Gerber stated the applicant only disclosed he had a suspended license with the Atlanta Police Department on August 13, 2013 on his application. Assistant City Attorney Tucker asked if Ms. Gerber inquired to the applicant about the completeness of his application and she stated yes.

Mr. Muzemil stated the information Ms. Gerber and Assistant City Attorney Tucker provided was correct and his application was filled out by him, in which he did not disclose all convictions or arrests.

Mr. Acree asked Mr. Muzemil why did he fail to disclose correct information. Mr. Muzemil stated he was not trying to hide anything, but acted out of embarrassment and thought him not disclosing all information would possibly decrease the time of the process. Mr. Muzemil currently works at a gas station as a cashier, which he needs the permit for, and has learned that breaking the law is never worth it and it will always come back to haunt you. He also apologized to the board and Ms. Gerber for causing any inconvenience.

Ms. Saddler-Jones stated Mr. Muzemil had the right to appeal the decision of the License and Variance Board.

A motion was made by Roy Acree to deny the appeal of application for an alcohol servers permit for Nabil Muzemil; 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 August 13, 2014 License and Variance Board Minutes

Sponsors: City Council

A motion was made by Scott Stokes to approve the August 13, 2014 License and Variance Board Meeting Minutes; seconded by Roy Acree.
The motion was carried by the following vote:

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

4. Adjournment

The meeting was adjourned at 10:32am.