



**Meeting Minutes - Preliminary
License and Variance Board**

Wednesday, May 28, 2014

10:00 AM

Council Chambers

Rollcall

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

Also Present 4 - Russell Martin, Terri Graham, Joey Staubes, and Jeffrey Tucker

1. Call To Order

2. Business:

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

Joey Staubes comes forward to provide the details for this item, Mr Staubes states that Community Development has requested the item be tabled due to lack of information from the applicant to June 11, 2014.

Tammi Saddler Jones announced the public hearing no one came forward .

A motion was made by Scott Stokes to table V14-005 a variance request for a reduction of side setback from 10 feet to 3 feet - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive applicant John Dickson until June 11, 2014, seconded by Roy Acree. Motion carried by the following vote:

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

Public Hearing - Variance Request - V14-006 - Reduction of parking requirement from 70 spaces to 40 spaces - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive - John Dickson

The public hearing is announced no one came forward.

A motion was made by Scott Stokes to table V14-006 a variance request for a reduction of parking requirement from 76 spaces to 62 spaces - 0.68 acres - Land Lot 412 - 3326 South Cobb Drive applicant John Dickson until June 11, 2014, seconded by Roy Acree. Motion carried by the following vote:

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

Public Hearing - Variance Request - V14-016 - Allow reduction of side setback from 10 feet to 1 feet for the construction of a carport -

0.29 acres - Land Lot 525 - 1257 Pinehurst Circle - Vicki Masella

The Public Hearing was announced no one came forward.

Vicki Masella steps to the podium and states her name and reasons for requesting the side setback.

1) condition that appropriate gutters be installed before final inspection.

A motion was made by Roy Acree to approve V14-016 for a variance request to allow a reduction of side setback from 10 feet to 1 foot for the construction of a carport - 0.29 acres - Land Lot 525 - 1257 Pinehurst Circle applicant Vicki Masella. seconded by Scott Stokes. Motion carried by the following vote:

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

Public Hearing - Variance Request - V14-017 - Allow reduction of front setback from 35 feet to 20 feet - 0.18 acres - Land Lot 561 - 1455 Whitfield Street - Peter Harris & Son

Community Development states that the request is in compliance with the rest of the neighborhood and is recommending approval.

A motion was made by Scott Stokes to approve V14-017 for a variance request to allow a reduction of front setback from 35 feet to 20 feet - 0.18 acres - Land Lot 561 located at 1455 Whitfield Street for the applicant Peter Harris & Son, seconded by Roy Acree. The motion carried by the following vote:

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

Public Hearing - Variance Request - V14-018 - Allow reduction of side setback from 10 feet to 8 feet - 0.18 acres - Land Lot 561 - 1455 Whitfield Street - Peter Harris & Son

The Public Hearing was announced and no one came forward. Mr. Peter Harris came forward to request a reduction of font setback the applicant is improving the property making it a 3 bedroom 2 bath home and enlarging the master bath. Mr Staubes states that the far corner encroaches the setback.

A motion was made by Scott Stokes to approve V14-018 for a variance request to allow a reduction of side setback from 10 feet to 8 feet - 0.18 acres - Land Lot 561 located at 1455 Whitfield Street for the applicant Peter Harris & Son, seconded by Roy Acree. Motion carried by the following vote:

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

Appeal the denial for a alcohol servers permit for Ellyn Waters

Assistant City Attorney Jeffrey Tucker swore in Ellyn Waters, the applicant, and Marla Gerber from the records department at the police department. Marla Gerber stated that a background check had been run on the applicant and the criminal background check revealed two pending charges that have not been adjudicated. Ms Waters stated her name and address. Jeffrey Tucker asked Ms. Waters if she disagreed with the testimony of Ms Gerber. Ms Waters stated that she has one pending felony and one pending misdemeanor charge. Ms. Waters came to appeal her denial to the board. She stated that it is her understanding that only the Mayor and Council can approve the appeal. She stated that she works for Jim 'n Nicks in Smyrna. When her grace period for getting the alcohol server permit ended, she

forgot to apply. She is in recovery and has been for several years. She is trying to work and pay her bills. This is her only job and she is currently bussing tables. Public Works Director Scott Stokes asked if she was serving alcohol without a permit, and she stated that she had been until management brought to her attention management that she needed her permit. She holds a permit in the City of Atlanta and didn't expect to have a problem in Smyrna since she never had a problem in the past. Ms. Jones stated that due to her pending charges according to the ordinance, they have to postpone the decision and advised her that she can appeal her denial to the Mayor and Council at the next meeting.

A motion was made by Roy Acree to postpone the decision regarding 2014-137 for an appeal of the denial for an alcohol servers permit made by Ellyn Waters, seconded by Scott Stokes. Motion carried by the following vote:

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

3. **Approval of Minutes:**

Approval of the May 14, 2014 License and Variance Board Minutes

A motion was made to approve 2014-153 the May 14, 2014 License and Variance Board Minutes, seconded by Roy Acree. Motion carried by the following vote:

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

4. **Adjournment**

Meeting was adjourned by Tammi Saddler Jones at 10:35 AM