



Meeting Minutes - Final
License and Variance Board

Wednesday, September 27, 2017

10:00 AM

Council Chambers

1. Rollcall

Present: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

Also Present: 4 - Ashley Youmans, Joey Staubes, Jim Cox and Christiana Craddock

2. Call to Order

City Administrator, Tammi Saddler Jones called the meeting of the License and Variance Board to order for September 27, 2017 at 10:00 AM. As the Chair of the License and Variance Board she introduced the board members: to her left Roy Acree, Fire Chief and to her right Scott Stokes, Director of Public Works. Christiana Craddock the Executive Assistant to the City Administrator will take the official meeting minutes.

3. Business

A. Public Hearing - Privilege License Request LIC2017-19 - Beer and Wine Package - 1265 West Spring Street STE D - Smyrna Tapas LLC dba Smyrna Beer Market with Brandon Eugene King as agent.

Sponsors: Anulewicz

Chair Tammi Saddler Jones announced the public hearing and asked the applicant, Brandon King to come to the podium.

Ms. Saddler Jones inquired if Mr. King had received a copy of the Alcohol Beverage Ordinance and if he had read it. She asked if he understood the ordinance and would agree to abide by it. Mr. King answered in the affirmative to all Ms. Saddler's questions. She asked if he had completed a responsible alcohol sales class and he answered, yes that he had.

Ms. Saddler Jones continued to inquire about what steps they had in place at the store to make sure no one sells alcohol to underage persons. Mr. King replied they have a computer system that requires a date of birth to be entered for every alcohol sale for each person purchasing alcohol. Each employee is required to check ID for every purchase of alcohol. They also employ the training institute, which comes in and spot checks them at least once a month with an underage person to make sure they are checking ID's and complying. They have passed every onsite check.

Ms. Saddler Jones asked if the board members had any questions for the applicant.

Fire Chief Roy Acree asked Mr. King what his role was with the business. Mr. King replied that he is the primary owner. He stops in and checks in on the store and

General Manager at least 3 4 times a week. Chief Acree asked on average how many hours a week he is physically in the store? Mr. King stated he is there 4 to 5 hours a week, but he is in constant contact with the training institute following up on the onsite visits. He is in constant contact with the General Manager by text, phone and email 50 60 hours a week. Chief Acree inquired if he had ever been an agent for any other businesses. He replied that he is the registered agent for The Nest in Kennesaw.

Public Works Director Scott Stokes asked if The Nest is his primary location. Mr. King replied that he has taken a position as Beverage Director for Southern Fried Hospitality, where he is overseeing another 5 6 restaurants as well as making sure that bar staff is trained.

Chair Tammi Saddler Jones asked Mr. King if he understood that the Smyrna Police Department does undercover investigations from time to time and if they sell to persons underage they will be taken to jail immediately. Mr. King indicated that he understood and employees understood that if they sell alcohol to the undercover training institute they will be terminated regardless of their position. The Smyrna Police Department has done a background investigation and no information was revealed to preclude issuance of an alcohol license.

Ms. Saddler Jones called the public hearing and asked if anyone was present to speak for or against the item. No one came forward to speak. The public hearing was concluded. She then called for the vote.

A motion was made by Boardmember Scott Stokes to approve LIC2017-19 for a privilege license request for Beer and Wine Package at 1265 West Spring Street Suite D. by Smyrna Tapas LLC dba Smyrna Beer Market with Brandon Eugene King as agent; seconded by Boardmember Chief Roy Acree.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

B.

Public Hearing - Privilege License Request LIC2017-20 - Beer and Wine Pouring - 2421 Cobb Parkway - Choi Family Foods dba Yakitori Jinbei with Jae Matthew Choi as agent.

Sponsors: Norton

Chair Tammi Saddler Jones announced the public hearing for LIC2017 20 for Beer and Wine pouring for Yakitori Jinbei. She asked the applicant to come forward to the podium. Mr. Jae Matthew Choi came to podium and stated his name for the record.

Ms. Saddler Jones asked Mr. Choi if he received a copy of the alcohol beverage ordinance. He replied yes. She asked if he had read it and understood it, and he replied that he understood the ordinance. She asked if he agreed to abide by the guidelines set forth in the ordinance. He replied he would abide by the guidelines in the ordinance.

Ms. Saddler Jones inquired if he had completed the responsible alcohol sales class. Mr. Choi replied, yes. Ms. Saddler Jones noted the city had a certificate for him. She asked what steps he had put in place to prevent the sale of alcohol to underage persons. Mr. Choi said, with their POS system it would not allow them to sell to underage persons. They have training and manuals with the manager and once a month they do a training with servers that trains them not to serve alcohol to anyone underage. They will ask to see ID's from everyone.

Ms. Saddler Jones asked the boardmembers if they had any questions for the applicant.

Boardmember Chief Roy Acree asked the applicant to describe his role as the agent. Mr. Choi noted that he is the owner, he has a general manager on premises, but he is currently going to the restaurant 3-4 days a week and stays for about 4 hours. Chief Acree inquired how many hours he is present at this business. Mr. Choi said he is present 12-16 hours a week. His primary profession is being an optometrist and has his business in Smyrna as well. Chief Acree asked if he is currently the registered agent for any other businesses. Mr. Choi replied yes, the business is under the same corporation called Eye Elements in unincorporated Cobb County.

Chair Tammi Saddler Jones inquired if Mr. Choi understood that the Smyrna Police Department does undercover checks and if alcohol is sold to underage patrons the person selling will be arrested and taken to jail immediately. Mr. Choi acknowledged that he understood.

Smyrna Police Department preformed a background investigation, it revealed no information that would preclude issuance of the alcohol license.

Chair Tammi Saddler Jones called the public hearing and asked if anyone wanted to speak for or against this item. No one came forward. This concluded the public hearing.

A motion was made by Boardmember Roy Acree to approve LIC2017-20 for a privilege license request for Beer and Wine Pouring. The location is 2421 Cobb Parkway, the applicant Choi Family Foods dba Yakitori Jinbei with Jae Matthew Choi as agent; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

- C. Public Hearing - Variance Request - V17-045 - Allow side setback reduction from 10 feet to 5 feet for an addition to a single family residence - Land Lot 561 - 0.47 acres - 1420 Roswell Street - Dallas Page - **The applicant has requested this item be tabled indefinitely****

Chair Tammi Saddler Jones noted that the applicant had requested this variance be tabled indefinitely; she would entertain a motion by the Board.

A motion was made by Boardmember Scott Stokes to table indefinitely, as requested by the applicant, a variance request for item V17-045 to allow side setback reduction from 10 feet to 5 feet for an addition to a single-family residence - Land Lot 561 - 0.47 acres located at 1420 Roswell Street the applicant Dallas Page; seconded by Boardmember Chief Roy Acree.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

- D. Public Hearing - Variance Request - V17-049 - Allow reduction of front setback from 35 feet to 27 feet for a front porch addition to an existing single family home - 0.37 acres - Land Lot 526 - 3596 Marion Street - Jacqueline & Ben Geer**

Chair Tammi Saddler Jones read the item and announced the public hearing and asked the applicants to come to the podium. The applicants stated their names as Ben Geer and Jacqueline Geer. Ms. Saddler Jones asked that they explain their variance request. Mr. Geer stated they wanted to reduce their front side setback 8 feet to put in a deeper porch. The architecture of the house will be on the line of a farm house with a tin roof. It will be keeping with the architecture of other houses in neighborhood.

Joey Staubes planner 2, Community Development came forward to present the variance request. The Variance request is for 3596 Marion Street to allow for a reduction to the front side setback from 35 feet to 27 feet for a front porch addition to an existing structure, which is a ranch style house and a single family residence. The house was built in the 1950s and the applicant is undergoing a remodel of that structure. Since it's a ranch with a straight front face, they are wanting to add an addition for a front porch. Mr. Staubes continues, that given the orientation and placement of existing structure right on front setback line, they would need a reduction to the front setback for the addition of the porch. They have seen other requests like this in the past and have recommended approval; they would do so again with this. The structure needs an update, given how the orientation is on the lot. There is nowhere forward they can add onto it without a front setback reduction. Community Development recommends approval with standard conditions.

The applicant is requesting to deviate from the City's front setback requirement of 35 feet and side setback requirement of 10 feet in the R 15 zoning district, found in section 801 of the Zoning Ordinance. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found them to be in compliance with the review standards. Similar variances for additions have been granted, and Community Development believes that the requested variance will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance request. Therefore, Community Development recommends approval of the requested variances with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.

Chair Tammi Saddler Jones inquired if the Board had questions for staff.

The public hearing was announced; no one came forward for or against the variance. The public hearing was closed.

Ms. Saddler Jones asked the applicants Mr. and Mrs. Geer if they accepted the condition as stated by Planner 2, Joey Staubes. Mr. and Mrs Geer indicated acceptance of the condition.

A motion was made by Boardmember Chief Acree to approve V17-049 variance request to allow reduction of front setback from 35 feet to 27 feet for a front porch addition to an

existing single family home - 0.37 acres - Land Lot 526 located at 3596 Marion Street the applicants are Jacqueline & Ben Geer. The requested variance shall be conditioned upon substantial compliance with the site plan submitted; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

E. Public Hearing - Variance Request - V17-050 - Approve non-conforming north side setback from 10 feet to 3 feet for the existing structure - 0.37 acres - Land Lot 526 - 3596 Marion Street - Jacqueline & Ben Geer

Chair Tammi Saddler Jones read item E on the agenda; it was a second variance request by the Geer's at 3596 Marion Street. Planner 2, Joey Staubes noted that he would explain the variance request.

Joey Staubes Planner 2 Community Development explained the second request made by Mr. and Mrs. Greer to approve nonconforming north side setback from 10 feet to 3 feet. This is a formality, where the existing structure encroaches the north side setback line. The applicant is not encroaching it any further. The part they are adding conforms with the setback. Community Development wanted to acknowledge non formally the recommended approval that the north side setback as an existing condition

The public hearing was announced; no one came forward to speak for or against the item. The public hearing was concluded.

A motion was made by Boardmember Scott Stokes to approve item V17-050 variance request for a non-conforming north side setback from 10 feet to 3 feet for the existing structure - 0.37 acres - Land Lot 526 located at 3596 Marion Street. The applicants are Jacqueline & Ben Geer; seconded by Boardmember Chief Roy Acree.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

4. Approval of Minutes:

A. Approval of the minutes from the September 13, 2017 License and Variance Board meeting.

A motion was made by Boardmember Chief Roy Acree to approve the minutes from the September 13, 2017 License and Variance Board meeting; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

5. Adjournment

Tammi Saddler Jones, Chair for the License and Variance Board adjourned the meeting of the License and Variance Board Meeting for September 27, 2017 at 10:16 AM.