



## Meeting Minutes - Final License and Variance Board

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Wednesday, February 28, 2018

10:00 AM

Council Chambers

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### 1. Roll Call

**Present:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**Also Present:** 5 - Terri Graham, Lisa Ochoa, Elsa Thompson, Jim Cox and Russell Martin

### 2. Call to Order

City Administrator/Chair Tammi Saddler Jones called the meeting of the License and Variance Board to order at 10:00 AM.

### 3. Business

#### A. [LIC2018-08](#)

Public Hearing - Privilege License Request LIC2018-08 - Beer, Wine, and Wine Specialty Shop (Retail Package) - 1295 West Spring Street Ste 100 - The Vineyard Cafe & Wine Bar with Anthony F Alvarez as owner/agent.

**Sponsors:** Blackburn

*City Administrator Tammi Saddler Jones called Mr. Anthony Franco Alvarez to come forward. Ms. Saddler Jones asked if Mr. Alvarez had received, read, and understood the City's Alcohol Beverage Ordinance. Mr. Alvarez replied that he had. Ms. Saddler Jones asked if Mr. Alvarez had completed the prerequisite, Responsible Alcohol Sales class and he replied yes. Ms. Saddler Jones asked what steps were in place to prevent the sale of alcohol to minors. Mr. Alvarez stated that all employees would receive their license through the police department; the company installed a point of sales system that would not allow a purchase without the date of birth being entered. Mr. Alvarez noted that during the Wine Specialty events, everyone would be carded upon entry. Boardmember Scott Stokes asked the hours of operations. Mr. Alvarez replied, Monday through Thursday, 9 AM to 10 PM, Friday and Saturday until 11PM and Sunday 12:30 PM until 7 PM. Mr. Stokes asked if Mr. Alvarez was the owner/agent and what hours he would work. Mr. Alvarez stated he is and he would be there every day.*

*Ms. Saddler Jones asked Mr. Anthony Alvarez if he understood that from time to time, the Smyrna Police Department operates undercover sting operations to make sure that none of the employees sell to minors. He said absolutely and that he would also hire an agency to do the same. City Administrator Tammi Saddler Jones informed Mr. Alvarez if they do sell to minors, the employee would immediately be taken to jail. Mr. Alvarez stated he understood. Ms. Saddler Jones stated that the Smyrna Police Department had done a criminal background check and found no information that would preclude issuance of this particular license.*

*City Administrator Tammi Saddler Jones called for a public hearing and no one came forward to speak.*

A motion was made by Boardmember Scott Stokes to approve Privilege License Request LIC2018-08 for Beer, Wine, and a Wine Specialty Shop (Retail Package) located at 1295 West Spring Street Suite 100. The applicant is Vineyard Cafe & Wine Bar with Anthony F Alvarez as owner/agent, seconded by Boardmember David Lee. The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**B. [LIC2018-10](#)**

Public Hearing - Privilege License Request LIC2018-10 - Beer, Wine, and Liquor Pouring - 2579 Cobb Parkway - Red Lobster Restaurants LLC dba Red Lobster # 0392 with Kimberly Jean Griffin as agent.

**Sponsors:** Norton

*City Administrator Tammi Saddler Jones called Ms. Kimberly Jean Griffin to come forward. Ms. Saddler Jones asked if Ms. Griffin had received, read, understood and agreed to abide by the City's Alcohol Beverage Ordinance. Ms. Griffin replied that she had and she did. Ms. Saddler Jones asked if Ms. Griffin had completed the prerequisite, Responsible Alcohol Sales class, she replied yes. Ms. Saddler Jones asked what steps were in place to prevent the sale of alcohol to minors. Ms. Griffin stated that Red Lobster had implemented a training program that requires the potential applicant to complete and pass a computer based alcohol awareness training. The point of sales system displays the minimum age to purchase alcohol and the wait staff are required to enter the customers date of birth into the computer. Boardmember Scott Stokes asked Ms. Griffin what position she held and the length of time employed with Red Lobster. Ms. Griffin replied she is the General Manager and had been with Red Lobster for seven and a half years. Mr. Stokes inquired if she had held a liquor license before or acted as the agent of this establishment in the past. Ms. Griffin acknowledged that she has held a liquor license before but not as the agent for Red Lobster. Mr. Stokes asked Ms. Griffin what hours she worked. She stated approximately sixty (60) hours a week depending on the need. Ms. Saddler Jones asked Ms. Kimberly Jean Griffin if she understood that from time to time, the Smyrna Police Department operated undercover sting operations to ensure that none of the employees sell to minors. Ms. Griffin replied yes. Ms. Saddler Jones stated that the Smyrna Police Department had done a criminal background check and found no information that would preclude issuance of this particular license.*

*City Administrator Tammi Saddler Jones called for a public hearing and one citizen came forward.*

*Ms. Patricia Ann Weaver inquired if the license was for Ms. Griffin or a business. Ms. Saddler Jones stated it was for a business. Ms. Weaver asked if this Red Lobster establishment obtained a license before or if this was a renewal. Ms. Saddler Jones replied this was an agent change.*

A motion was made by Boardmember Scott Stokes to approve Privilege License Request LIC2018-10 for Beer, Wine, and Liquor Pouring, located at 2579 Cobb Parkway. The applicant is Red Lobster Restaurants LLC dba Red Lobster # 0392 with Kimberly Jean Griffin as agent, seconded by Boardmember David Lee. The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**C. [V18-012A](#)**

**Public Hearing** - Variance Request - V18-012A - Allow front setback reduction from 35 feet to 26 feet for an addition to single family residence - Land Lot 523 - 0.29 acres - 3114 Dunn Street - Shannon McGhee

City Administrator Tammi Saddler Jones called Mr. Shannon McGhee to come forward. Mr. McGhee stated he was in the process of remodeling the home and would like to put a roof on the front porch. The home was purchased in the current condition and the addition would not be in the 35 feet setback.

Tammi Saddler Jones called staff member Mr. Rusty Martin to speak about the Variance Request. Mr. Martin stated the applicant was requesting to deviate from the development standards established by the City for the front setback. He would like to reduce the R-15 zoned setback requirements that would change from 35 feet to 26 feet to add a roof structure over the front porch. This would require the variance and after reviewing, staff had approved the request with one condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.

Boardmember Scott Stokes asked Mr. McGhee if he owned the home and how long had he lived there. Mr. McGhee stated he owned the home for ten (10) years and resided there for five (5) years. Mr. Stokes asked if he planned to do more improvements to the property. Mr. McGhee replied yes, a fence and then a carport.

Ms. Saddler-Jones asked Mr. McGhee if he accepted the one condition as stated. Mr. McGhee stated that he accepted.

The City Administrator called for a public hearing on the request and one person came forward to speak.

Ms. Patricia Ann Weaver, residing on Lee Street, inquired if the porch was put on without getting a variance. Mr. Martin explained it is possible, but the variance request would bring the home into compliance with the City's zoning requirements. Ms. Weaver wanted to know if the City had changed the required setback in the last twenty (20) years. Mr. Martin replied no. Since she had not seen the plans, Ms. Weaver wanted to know if the roof would cover the porch only or would it extend beyond that. Mr. Martin stated the roof only.

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-012A, to allow for a front setback reduction from 35 feet to 26 feet for an addition to a single family residence at Land Lot 523 on 0.29 acres located at 3114 Dunn Street by applicant Shannon McGhee, seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**D. [V18-012B](#)**

**Public Hearing** - Variance Request - V18-012B - Allow side setback reduction for addition to single family residence from 10 feet to 6 feet - Land Lot 523 - 0.29 acres - 3114 Dunn Street - Shannon McGhee

City Administrator Tammi Saddler Jones called the applicant, Mr. Shannon McGhee to give details about his second variance request. Mr. McGhee stated that he would like to put a proper roof on the carport.

Boardmember Scott Stokes asked if Mr. McGhee had a copy of the site plan which Senior Planner Rusty Martin provided. Mr. Stokes inquired about the steps that appeared to extend over the property line and would the steps remain. Mr. McGhee stated the steps would be removed as well as the door that leads to the steps. Senior Planner Rusty Martin recommended approval of the needed 4 foot reduction with same condition as the previous Variance Request.

Mr. Stokes asked if there had been any complaints from the neighbors. Mr. Martin

*stated that his department had not received any.*

*Ms. Saddler Jones asked Mr. McGhee if he accepted the conditions and he replied yes.*

*Ms. Saddler Jones called for a Public Hearing and Ms. Patricia Ann Weaver came forward to speak.*

*Ms. Weaver asked if a second story was being added. Mr. McGhee replied the home already had a second story. Ms. Weaver noted she felt the end product would allow a very large home to be completed on a quarter of an acre lot. Mr. Martin informed Ms. Weaver that the addition would bring the home closer to the R-15 zoning requirements.*

A motion was made by Boardmember Scott Stokes to approve Variance Request, V18-012B, to allow side setback reduction for an addition to a single family residence from 10 feet to 6 feet at Land Lot 523 on 0.29 acres located at 3114 Dunn Street by applicant Shannon McGhee, seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**E. [V18-013](#)**

**Public Hearing** - Variance Request - V18-013 - Allow second kitchen in basement of existing single family residence - Land Lot 333 - 0.25 acres - 462 Cooper Woods Court - Valerie George

*City Administrator Tammi Saddler Jones called the applicant Ms. Valerie C. George to the podium. Ms. George stated that her mother recently moved in with her and would like to maintain some independence. She stated the reason she requested to add a kitchen was because her mother felt she needed it to maintain some independence.*

*Boardmember Scott Stokes asked how her mother would get upstairs from the basement. Ms. George replied by way of the stairs that were already in the home but she would add a chair lift for future mobility needs. She also stated her mother would have access to the upstairs since this was her point of entrance from outside.*

*Senior Planner Rusty Martin recommended approval with three conditions:*

- 1. The addition is to be utilized by family members only.*
- 2. The applicant shall not lease, rent, or sublet any space in their home*
- 3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner*

*Ms. Saddler Jones asked Ms. George if she accepted the conditions and she replied yes.*

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

*\*only applicant and staff in the courtroom at the time the hearing concluded\**

A motion was made by Boardmember Scott Stokes to approve Variance Request V18-013, to allow a second kitchen in the basement of an existing single family residence at Land Lot 333 on 0.25 acres located at 462 Cooper Woods Court by applicant Valerie George, seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**F. [V18-014](#)**

**Public Hearing** - Variance Request - V18-014 - Reduction of front yard setback for fence from 50 ft. to 10 ft. along S Cobb Drive - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

*Chair Tammi Saddler Jones noted that the applicant, Dive In Inc., had requested this variance be tabled until the March 28, 2018 meeting. Staff member Mr. Rusty Martin informed the board that the applicant would work with staff to resolve additional issues.*

A motion was made by Boardmember Scott Stokes to table Variance Request V18-014, to allow parking of company vehicles overnight at Land Lot 347 on 0.41 acres located at 2291 South Cobb Drive. The applicant, Dive In, Inc., has requested this be tabled until the March 28, 2018 License and Variance Board hearing, seconded by Boardmember David Lee.

The motion to table to March 28, 2018 carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**G. [V18-015](#)**

**Public Hearing** - Variance Request - V18-015 - Reduction of front yard setback for fence from 35 ft. to 10 ft. along Ventura Drive - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

*Chair Tammi Saddler Jones noted that the applicant, Dive In Inc., had requested this variance be tabled until the March 28, 2018 meeting.*

A motion was made by Boardmember Scott Stokes to table Variance Request V18-015, to allow increase in fence height within the front yard at Land Lot 347 on 0.41 acres located at 2291 South Cobb Drive. The applicant, Dive In, Inc., has requested this be tabled until the March 28, 2018 License and Variance Board hearing, seconded by Boardmember David Lee.

The motion to table to March 28, 2018 carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**H. [V18-016](#)**

**Public Hearing** - Variance Request - V18-016 - Allow accessory structure greater than 25 percent of primary structure - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

*Chair Tammi Saddler Jones noted that the applicant, Dive In Inc., had requested this variance be tabled until the March 28, 2018 meeting.*

A motion was made by Boardmember Scott Stokes to table Variance Request V18-016 h, to allow increase in accessory structure size at Land Lot 347 on 0.41 acres located at 2291 South Cobb Drive. The applicant, Dive In, Inc., has requested this be tabled until the March 28, 2018 License and Variance Board hearing, seconded by Boardmember David Lee.

The motion to table to March 28, 2018 carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**I. [V18-017](#)**

**Public Hearing** - Variance Request - V18-017 - Allow front setback reduction for accessory structure from 35 ft. to 20 ft. - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

*Chair Tammi Saddler Jones noted that the applicant, Dive In Inc., had requested this variance be tabled until the March 28, 2018 meeting.*

A motion was made by Boardmember Scott Stokes to table Variance Request V18-017, to allow setback reduction for accessory structure at Land Lot 347 on 0.41 acres located at 2291 South Cobb Drive. The applicant, Dive In, Inc., has requested this be tabled until the March 28, 2018 License and Variance Board hearing, seconded by Boardmember David Lee.

The motion to table to March 28, 2018 carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**J. [V18-018](#)**

**Public Hearing** - Variance Request - V18-018 - Allow accessory structure in front/side yard - Land Lot 347 - 0.41 acres - 2291 S Cobb Dr - Dive In, Inc - Lee Staggs

*Chair Tammi Saddler Jones noted that the applicant, Dive In Inc., had requested this variance be tabled until the March 28, 2018 meeting.*

A motion was made by Boardmember Scott Stokes to table Variance Request V18-018, to allow front setback reduction for accessory structure at Land Lot 347 on 0.41 acres located at 2291 South Cobb Drive. The applicant, Dive In, Inc., has requested this be tabled until the March 28, 2018 License and Variance Board hearing, seconded by Boardmember David Lee.

The motion to table to March 28, 2018 carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**4. Approval of Minutes:**

**A. [2018-106](#)**

Approval of the February 14, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Scott Stokes for the 2018-106 Approval of the February 14, 2018 License and Variance Board Meeting Minutes; seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

**Aye:** 3 - Tammi Saddler Jones, David Lee and Scott Stokes

**5. Adjournment**

*Meeting adjourned at 10:33 AM.*