



## Meeting Minutes - Final License and Variance Board

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Wednesday, February 14, 2018

10:00 AM

Council Chambers

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### 1. Roll Call

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

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

### 2. Call to Order

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

### 3. Business

#### A. Public Hearing - Privilege License Request LIC2018-07 - Beer/Wine Package - 2113 South Cobb Drive - Walgreen Company dba Rite-Aid #11725 with Chantel K Wiggins as agent.

**Sponsors:** Wilkinson

*City Administrator Tammi Saddler Jones called the applicant. The applicant's attorney, Mike Sarge came forward and Ms. Saddler Jones asked if he was representing Walgreens and he acknowledged that he was and that the applicant, Chantel K. Wiggins, was on vacation. Ms. Wiggins was presently the managing agent on the alcohol license. Ms. Saddler Jones stated it was her understanding that Ms. Wiggins had completed the prerequisite Responsible Alcohol Sales class. He confirmed that she had. Ms. Saddler Jones asked Mr. Sage if he had any knowledge of what steps are in place to prevent the sale of alcohol to minors. Attorney Mike Sarge stated they have a training program with a test that is required for all applicants prior to hiring. The purchaser is asked for identification by the employee and the date of birth is put into the point of sales system. If the purchaser is a parent or older than sixty-five, the employee will have the manager complete the transaction. There is a training module each employee must take and pass the test in order to be hired. Ms. Saddler Jones asked if Attorney Mike Sarge 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 and if they do sell to minors, the employee will be taken immediately to jail. He said 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 regarding this issue.*

*Boardmember Scott Stokes asked if Chantel K. Wiggins would retain the same position with Walgreens that she held with Rite Aid. Attorney Mike Sarge replied yes.*

A motion was made by Boardmember Scott Stokes to approve LIC2018-07 for a Privilege License request, Beer/Wine Package located at 2113 South Cobb Drive, the applicant is Walgreen Company dba Rite-Aid #11725 with Chantel K Wiggins as agent; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

**B.**

**Public Hearing** - Variance Request - V18-011 - Allow accessory structure height increase from 15 feet to 20 feet - Land Lot 416 - 0.32 acres - 2795 Crestwood Rd - Luz Ragan

**Sponsors:** City Council

*City Administrator Tammi Saddler Jones called the applicant to the podium, state her name and the reason for her first variance request. The applicant, Luz Ragan explained that she would like to build a second floor living quarters for her 80 year old mother on the accessory building. This addition would allow her mother to have her own bedroom upstairs.*

*Boardmember Roy Acree stated that he understood that all three of Ms. Ragan's variances centered on this one project but he needed clarification on the structure. Mr. Acree asked if the structure was attached to the home and what the current structure was made of. Ms. Ragan replied that the structure was not attached and was made of blocks. Mr. Acree also inquired about the second story being the living quarters. Ms. Ragan stated the second story would be her mother's bedroom. This would require removing the roof and adding a floor.*

*Boardmember Roy Acree asked for the dimensions of the current structure. Ms. Ragan provided the dimensions of 15 feet by 20 feet which would be 300 square feet on the first floor. Ms. Saddler Jones inquired as to the possibility of adding on to the existing residence to accommodate her mother. Ms. Ragan felt the addition would be easier, cheaper and would allow her to retain both bedrooms in the main structure and the floor plan would remain intact. Boardmember Scott Stokes asked Ms. Ragan if she had done any research on the proposed project. Ms. Ragan said she is in real estate and she has flipped houses occasionally and has used an array of contractors. Ms. Ragan had contractors come out and give her an estimate of \$20,000 to add the second story. Mr. Stokes asked if the living area would be downstairs. Ms. Ragan replied the downstairs area would have a bathroom, a microwave and the rest will be an open area. Mr. Stokes inquired how Ms. Ragan and her mother would co-habitate between the two structures in regards to the preparation of meals and sharing a kitchen. Ms. Ragan said her mother is a very active person with a strong personality; however, the structure is for her mother to reside in when she is angry with her. This would be used as a way to convince her mother to move here. All cooking would be done in the main house. Mr. Stokes queried how the structure would be heated and cooled. Ms. Ragan noted she may install central heating or a window unit. Mr. Stokes asked if she had any drawings or site plans. Ms. Ragan replied she had drawings that she completed herself. Ms. Saddler Jones asked if a bathroom would be added to the second floor structure; Ms. Ragan said no. Boardmember Acree stated that the Board had multiple questions regarding the variance request, given that accessory structures not connected to the home are not intended to be used as a second living quarters on a parcel in the City. Mr. Acree stated he was having a difficult time understanding her hardship. There is also the concern of when the property is sold and how the structure would be used by a new owner.*

City Administrator Tammi Saddler Jones asked if there were any other questions from the Board and there were none. She called Joey Staubes, Planner II, Community Development to provide the background on the variance request. Mr. Staubes discussed the request. The current home structure is about 1700 square feet and the structure would be 600 square feet. Community Development had received letters of support from adjacent property owners. Community Development recommended approval with the following five conditions:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. The detached accessory structure is not permitted to have a full kitchen, and 220 volt power shall not be permitted within the structure.
3. Accessory structure shall not to be rented or occupied for gain in perpetuity.
4. Gutters and downspouts shall be installed to divert storm water away from adjacent properties.
5. Prior to issuance of building permit, applicant must meet with Building Official to discuss engineer's letter for the foundation, floor plan, floor framing, roof framing and pitch, electrical layout, and mechanical system

Boardmember Roy Acree asked Mr. Staubes what documents, site plans or architectural drawings had he received in regards to this project. Mr. Staubes stated he had a floor plan. Boardmember Stokes questioned that they had not received a site plan. Mr. Staubes added, the reason his department included the last condition was because Ms. Ragan was doing the project from a conceptual plan. Prior to issuing a building permit, Ms. Ragan would have to provide more details by way of specific plans. Boardmember Stokes asked Mr. Staubes for the what the stated hardship on this and the other three variance requests. Mr. Staubes answered that it was the small size of the main home which is 1700 square feet. Boardmember Acree informed Mr. Staubes that the notion of a home of 1700 square feet being considered small is of an individual's perception. Mr. Stokes stated he was struggling with the hardship that necessitated the need for the unattached living quarters. The Board did not have any information such as a floor plan to contemplate for the variance request. The City Administrator asked Ms. Ragan to explain her hardship and what would be the reason be for requesting that an accessory structure to be used as living quarters instead of another option. Ms. Ragan stated she wanted her mother to have her own place within Ms. Ragan's property. She and her mother can get along for about 3 months and then they get on each other's nerves. The additional structure would provide her mother with her own space during those times. Boardmember Stokes stated the hardship seems self-imposed and he did not see where a hardship existed. Ms. Tammi Saddler Jones agreed.

City Administrator Tammi Saddler Jones announced the public hearing and two (2) people came forward.

Frank Chandler, who lives at 2784 Crestwood stated he had concerns about Ms. Ragan raising the footage height and the house being close to 50 years old. Mr. Chandler pondered if the concrete block would continue to support the structure. He stated it seemed inconceivable to him that her plan to run all of the utilities for the accessory structure living quarters would be able to come from the main house. He was also concerned as to what will become of the structure when Ms. Ragan sells the

property. He would be concerned this would become a rental property in the future.

Mr. Delbert, who lives a block from the home, was concerned about a small apartment being added to the limited space. He felt Ms. Ragan could put her mother in one of her other properties. He is against any apartments in the neighborhood.

Mr. Chandler added that according to Ms. Ragan, she and her mother do not get along well and that her mother did not want to move from Columbia, South America.

Ms. Ragan added that her mother lives here half time and spends time with her brother. What she would like to build is none of her neighbors business. She felt this addition would help her to keep an eye on her mom as she gets older.

Boardmember Acree informed Ms. Ragan that it is not the panel's intention or desire to get involved in whether anyone gets along. The responsibility of the panel is to contemplate if there is a significant proven hardship.

A motion was made by Boardmember Roy Acree to deny V18-011 Variance Request to allow accessory structure height increase from 15 feet to 20 feet at Land Lot 416 on 0.32 acres, located at 2795 Crestwood Road by the applicant Luz Ragan, and seconded by Boardmember Scott Stokes.

The motion to deny the variance carried by the following vote:

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

**C.**

**Public Hearing** - Variance Request - V18-005 - Allow increase in accessory structure size from 25 to 35 percent - Land Lot 416 - 0.32 acres - 2795 Crestwood Rd - Luz Ragan

City Administrator Tammi Saddler Jones called the applicant, Luz Ragan to come forward and asked if she would she like to give details about her second variance request. Luz Ragan came forward and stated that she had seen other properties that have built something similar and she did not understand why she could not improve her home. The existing home has two bedrooms

Mr. Staubes stated he had no additional comments.

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

Boardmember Scott Stokes reiterated that the hardship again appeared to be a self-imposed hardship.

A motion was made by Boardmember Scott Stokes to deny V18-005 a Variance Request to allow increase in accessory structure size from 25 to 35 percent at Land Lot 416 on 0.32 acres located at 2795 Crestwood Road by the applicant Luz Ragan, was seconded by Boardmember Roy Acree.

The motion to deny the variance carried by the following vote:

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

**D.**

**Public Hearing** - Variance Request - V18-006 - Allow side setback reduction for accessory structure from 10 to 5 feet - Land Lot 416 - 0.32 acres - 2795 Crestwood Rd - Luz Ragan

*City Administrator Tammi Saddler Jones called the applicant Luz Ragan to come forward and asked would she like to give details about her third variance request.*

*Ms. Ragan left the chambers while her request for the variance was being read.*

*City Administrator Tammi Saddler Jones asked that staff please inform Ms. Ragan that she had the right to appeal the decision of the License and Variance Board to the City Clerk within the allotted time.*

A motion was made by Boardmember Roy Acree to deny V18-006 for a Variance Request to allow side setback reduction for accessory structure from 10 to 5 feet at Land Lot 416 on 0.32 acres located at 2795 Crestwood Road by the applicant Luz Ragan, was seconded by Boardmember Scott Stokes.

The motion to deny was carried by the following vote:

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

**E.**

**Public Hearing** - Variance Request - V18-007 - Allow encroachment in to City's 50 ft. undisturbed buffer - Land Lot 572 - 0.47 acres - 1272 Kingsview Cir - Portico Properties, Inc.

*City Administrator Tammi Saddler Jones called Mr. Terrance Lewis, an agent of Portico Properties, Inc. to the podium. Mr. Lewis was seeking to put a single family home on the platted lot of record from years ago when the state's 25 foot buffer was in the requirement. Mr. Williams stated the 50 foot and 75 foot stream buffer renders the home unbuildable.*

*Tammi Saddler Jones called City Planner II Joey Staubes to the podium to discuss the variance request. Joey Staubes said the home is an existing lot of record and has been platted since the 60's. The current stream buffer ordinances render the lot unbuildable due to the updated buffer requirements. Mr. Staubes continued that Community Development recommended approval with two conditions:*

- 1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.*
- 2. Issuance of a building permit is contingent upon the submittal of a tree inventory and tree protection and replacement plan by the applicant and approval by the City's Arborist.*

*Ms. Saddler Jones asked if there were any questions for the staff. Boardmember Roy Acree asked if the applicant had proposed to try and move the foot print of the structure plan in order to minimize impact to the undisturbed buffer. Joey Staubes replied that he had. Chairperson Tammi Saddler Jones asked Mr. Lewis if he accepted the two stated conditions, and he stated that he did.*

*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 V18-007 a Variance Request to allow encroachment into the City's 50 ft. undisturbed buffer at Land Lot 572 on 0.47 acres located at 1272 Kingsview Cir, by applicant Portico Properties, Inc., seconded by Boardmember Roy Acree with addition of two conditions read into record by staff Joey Staubes.

The motion to approve with stated conditions carried by the following vote:

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

- F. Public Hearing - Variance Request - V18-008 - Allow encroachment in to City's 75 ft. impervious surface setback - Land Lot 572 - 0.47 acres - 1272 Kingsview Cir - Portico Properties, Inc.**

*City Administrator Tammi Saddler Jones called the applicant, Mr. Terrance Lewis to come forward and would he like to give details about his second variance request. Mr. Lewis had no further information.*

*City Planner Joey Staubes said this request was the same as the V18-007 and he recommended approval with the same conditions.*

*City Administrator Tammi Saddler Jones asked Mr. Lewis if he accepted the conditions and he said yes.*

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

Motion by Boardmember Roy Acree to approve V18-008 for a Variance Request to allow encroachment into the City's 75 ft. impervious surface setback at Land Lot 572 on 0.47 acres located at 1272 Kingsview Circle, by applicant Portico Properties, Inc., was seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

- G. Public Hearing - Variance Request - V18-009 - Allow front setback reduction for new attached garage from 35 ft. to 22 ft. - Land Lot 667 - 0.3 acres - 1898 Heathridge Court - John Dollarhide**

*City Administrator Tammi Saddler Jones called John Dollarhide to the come forward to give details of the request. Mr. Dollarhide stated the home was built in 1960 and it is turned to the side and pushed back oddly onto the lot and would make building a garage difficult given the way the home is oriented.*

*Boardmember Scott Stokes asked if Mr. Dollarhide planned to place a boat in the garage. Mr. Dollarhide replied he did.*

*Ms. Saddler Jones called City Planner II to the podium to discuss the variance request. City Planner Joey Staubes said the home is on a corner lot pushed further to the side on the north where the driveway is located. Mr. Dollarhide would like to take the carport down which would not cause an increase in impervious surface. After reviewing the request, Mr. Staubes recommended approval as a hardship with two conditions:*

- 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.*
- 2. Prior to issuance of building permit, the applicant will provide an as-built survey of*

*proposed addition and meet with Building Official to discuss floor plan, framing plan, and other construction details.*

*Ms. Saddler Jones asked Mr. Dollarhide if he accepted the stated conditions, and he stated he did.*

*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 V18-009 a Variance Request to allow front setback reduction for new attached garage from 35 ft. to 22 ft. at Land Lot 667 on 0.3 acres located at 1898 Heathridge Court, by applicant John Dollarhide, seconded by Boardmember Roy Acree with addition of two conditions read into record by staff Joey Staubes.

The motion to approve with stated conditions carried by the following vote:

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

## H.

**Public Hearing** - Variance Request - V18-010 - Allow increase in fence height in a front yard from 4 to 6 feet - Land Lot 632 - 0.19 acres - 2781 Mathews Street - Jim Beveridge

*City Administrator Tammi Saddler Jones called the applicant Jim Beveridge. Mr. Beveridge stated he had recently built a home adjacent to an older home that has not been well maintained. The older home is in Cobb County and not part of the City. When the homes on Mathew Street were annexed into the City in 2006, the owner at the time did not want to let his property be annexed. That homeowner is now deceased and the estate owns the home. Mr. Beveridge has tried to purchase the home, but has not been successful. There are new homes nearby which have sold for \$400,000 and this home is vacant or occupied by a tenant that does not maintain the property. He stated this was a request for a 24 foot section of fence from the front face of the house to the right of way to provide visual and safety/privacy for the residents. Mr. Beveridge agreed with staff and Community Development that there are sufficient privacy and visual concerns that justify approval of the request.*

*Ms. Saddler Jones called City Planner II Joey Staubes to the podium to discuss the variance request. The request is for an increase in fence height in the front yard. This is an interior lot, not a corner lot and there is a Cobb County island adjacent to this property. The fence has been extended within the front yard section of the property and it goes down the property line. After reviewing the request, it was found to be in compliance and Community Development recommended approval.*

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

A motion was made by Boardmember Roy Acree to approve V18-010 a Variance Request to allow increase in fence height in a front yard from 4 to 6 feet at Land Lot 632 on 0.19 acres located at 2781 Mathews Street, by applicant Jim Beveridge, seconded by Scott Stokes.

The motion to approve with stated conditions carried by the following vote:

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

**4. Approval of Minutes:**

*Tammi Saddler Jones stated that she did not have the opportunity to inform Ms. Ragan she has the right to appeal. She asked the Community Development office inform her.*

**A. Approval of the January 24, 2018 License and Variance Board Meeting Minutes**

**Sponsors:** City Council

A motion was made by Boardmember Scott Stokes for the 2018-69 Approval of the January 24, 2018 License and Variance Board Meeting Minutes; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

**5. Adjournment**

*The meeting was adjourned at 10:51AM.*

City Administrator/Chair Tammi Saddler Jones adjourned the License and Variance Board Meeting at 10:51 AM.