



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

Wednesday, January 10, 2018

10:00 AM

Council Chambers

**1. Roll Call**

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

**Also Present:** 3 - Terri Graham, Joey Staubes and Lisa Moore

**2. Call to Order**

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

**3. Business**

Suspend the Rules to add 4 agenda items

A motion was made by Boardmember Scott Stokes to suspend the rules to add four items to the agenda; seconded by Boardmember Roy Acree.

The motion to suspend the rules carried by the following vote:

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

Agenda Change to Add items F- V18-001, G - V18-002, H -V18-003 and I - V18-004

A motion was made by Boardmember Scott Stokes to approve an agenda change to add Items 3-F, 3-G, 3-H, and 3-I; seconded by Boardmember Roy Acree.

The Authorization was approved by the following vote:

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

**A. Public Hearing - Privilege License Request - LIC 2018-01 - Beer Wine Package - 2113 South Cobb Dr - Ekerd Corporation dba Rite-aid #11725 with Chantel K Wiggins as agent.**

**Sponsors:** Wilkinson

*City Administrator Tammi Saddler Jones called Chantel Wiggins to come forward. Ms. Saddler Jones asked if Ms. Wiggins had received, read, and understood the City's Alcohol Beverage Ordinance. Ms. Wilson replied that she had. Ms. Wiggins agreed to abide by the ordinance. Ms. Saddler Jones asked if Ms. Wiggins had completed the prerequisite Responsible Alcohol Sales class. Ms. Saddler Jones asked what steps are in place to prevent the sale of alcohol to minors. Ms. Wiggins stated that Rite-Aid policy is to ID everyone who comes in to buy Alcohol.*

*Boardmember Acree asked if the applicant had been the registered agent for this or*

any other establishment. She stated she had not, this would be her first. Mr. Acree asked how people were trained in the Rite-Aid policy. Employees are trained on a regular basis and there are signs posted that everyone purchasing alcohol or tobacco products will have their identification checked. The point of sale system prompts a date of birth to be put in for any alcohol or tobacco purchase.

Boardmember Stokes asked what Ms. Wiggins' position was with the store. She replied that she is the store manager. Mr. Stokes asked what her hours were. She works 45 hours a week, usually from 7:00 AM to 4 PM, and they rotate weekends.

The City Administrator asked if Ms. Wiggins understood that from time to time, the Smyrna Police Department operates undercover inquiries to make sure that none of her employees' sale to minors and if they do sale to minors, the employee will be taken to jail. She said she 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.

A motion was made by Boardmember Roy Acree to approve Privilege License Request LIC 2018-01 for Beer and Wine Package at 2113 South Cobb Drive by Ekerd Corporation dba Rite-aid #11725 with Chantel K Wiggins as agent; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

**B.**

Public Hearing - Privilege License Request 2018-02 Beer, Wine, Liquor Pouring - 2420 Atlanta Road STE 100-200 - Exsares OPA LLC dba Opa Greek Village Taverna with Harry Nicolaou as agent.

**Sponsors:** Blackburn

City Administrator Tammi Saddler Jones called the applicant, Harry Nicolaou to come forward. Ms. Saddler Jones asked if Mr. Nicolaou had received, read, and understood the City's Alcohol Beverage Ordinance. Mr. Nicolaou replied that he had. Mr. Nicolaou agreed to abide by the ordinance. Ms. Saddler Jones asked if Mr. Nicolaou had completed the prerequisite Responsible Alcohol Sales class. Ms. Saddler Jones asked what steps are in place to prevent the sale of alcohol to minors at the restaurant. Mr. Nicolaou stated all employees must take a one on one class with himself and the manager, which is the same class he offers at his restaurant in Hiram. It is a Campbell Institute Training Course. There will be signs posted on the door and the menu will denote that everyone requesting alcohol will be asked for identification.

Boardmember Acree asked if there was a point of sale program that required the date of birth to be entered. Mr. Nicolaou stated there was not. Mr. Nicolaou is the registered agent at his store in Hiram.

Boardmember Stokes asked if he had any issues with alcohol sales at his other restaurant. The applicant stated he had not. Mr. Nicolaou works there 6 days a week, he works between the two restaurants and there are managers at each location.

The City Administrator asked if Mr. Nicolaou understood that from time to time, the Smyrna Police Department operates undercover inquiries to make sure that none of her employees' sale to minors and if they do sale to minors, the employee will be taken

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.

A motion was made by Boardmember Roy Acree to approve Privilege License Request 2018-02 for Beer, Wine, and Liquor Pouring at 2420 Atlanta Road STE 100-200 by Exsares OPA LLC dba Opa Greek Village Taverna with Harry Nicolaou 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

**C.** Public Hearing - Privilege License Request LIC2018-03 - Beer, Wine Package - 2387 South Cobb Drive - New Hope America LLC dba Discount Smoke and Food Mart with Alnashir AlibhaiPunjani as agent.

**Sponsors:** Wilkinson

City Administrator Tammi Saddler Jones called the applicant, Alnashir Alibhai Pujani to come forward. Ms. Saddler Jones asked if Mr. Pujani had received, read, and understood the City's Alcohol Beverage Ordinance. Mr. Pujani replied that he had. Mr. Pujani agreed to abide by the ordinance. Ms. Saddler Jones asked if Mr. Pujani completed the prerequisite Responsible Alcohol Sales class. Ms. Saddler Jones asked what steps are in place to prevent the sale of alcohol to minors at the restaurant. Mr. Pujani stated that employees will undergo training and the register will not accept underage sales of alcohol.

Boardmember Stokes asked what his position was with the store. He stated he is the store manager. Mr. Pujani works at the store on the weekends, when alcohol sales are the highest. He will work 40 hours on Friday – Sunday.

The City Administrator asked if Mr. Pujani understood that from time to time, the Smyrna Police Department operates undercover inquiries to make sure that none of her employees' sale to minors and if they do sale to minors, the employee will be taken 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

A motion was made by Boardmember Roy Acree to approve Privilege License Request LIC2018-03 for Beer and Wine Package at 2387 South Cobb Drive by New Hope America LLC dba Discount Smoke and Food Mart with Alnashir Alibhai Punjani as agent; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

**D.** Public Hearing - Privilege License Request LIC2018-04 - Beer, Wine Package - 1828 Spring Road - Meba Business dba Smyrna Food Mart with Meron Yimer as agent.

**Sponsors:** Norton

City Administrator Tammi Saddler Jones called the applicant, Meron Yimer to come forward. Ms. Saddler Jones asked if Ms. Yimer had received, read, and understood the City's Alcohol Beverage Ordinance. Ms. Yimer replied that she had. Ms. Yimer agreed to abide by the ordinance. Ms. Saddler Jones asked if Ms. Yimer completed the prerequisite Responsible Alcohol Sales class. Ms. Saddler Jones asked what steps are in place to prevent the sale of alcohol to minors at the restaurant. Signs are posted states that everyone must show their identification when purchasing alcohol.

Boardmember Acree asked for clarity that it was her policy as the manager that everyone will be asked for their identification. Ms. Yimer stated that was true. Mr. Acree asked if there was a point of sale register program that requires a date of birth to be entered. She stated there was not.

Boardmember Stokes asked if she had a license at any other store, and she replied that she was not, this would be her first. She is the manager of the store, working three days a week, open to close.

The City Administrator asked if Ms. Yimer understood that from time to time, the Smyrna Police Department operates undercover inquiries to make sure that none of her employees' sale to minors and if they do sale to minors, the employee will be taken to jail. She said she 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.

A motion was made by Boardmember Scott Stokes to approve Privilege License Request LIC2018-04 - Beer and Wine Package at 1828 Spring Road by Meba Business dba Smyrna Food Mart with Meron Yimer 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

**E.**

**Public Hearing** - Variance Request - V17-057 - Allow increase in accessory structure size from 25 percent of primary structure to 27.5 percent - 0.24 acres - Land Lot 375 - 660 Burbank Circle - Keith Nelson

The City Administrator asked the applicant, Keith Nelson to come to the podium to discuss the variance request. Mr. Nelson stated this was for a storage building on an existing slab.

Boardmember Stokes asked if there were other buildings in the yard. Mr. Nelson stated there was not; there was a building, but it has been torn down. There is a temporary tent, but this will be taken down when the structure is built.

Boardmember Acree asked if they are building a new accessory structure on the slab that will be 27.5% of the primary structure. Mr. Nelson said it would be.

Ms. Jones called Planner II, Joey Staubes from Community Development to give background on the request. The house is 1400 square feet, and because of the size, they need additional storage. Mr. Nelson wants to increase the size to 400 square feet, on the existing slab. This should have no negative impact on the adjacent properties. There have been no comments from nearby property owners. Staff

*recommends approval with one condition:*

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

*Mr. Nelson accepted the one condition as stated. 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 Variance Request - V17-057 - Allow increase in accessory structure size from 25 percent of primary structure to 27.5 percent - 0.24 acres - Land Lot 375 - 660 Burbank Circle - Keith Nelson; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

**F. Public Hearing - Variance Request - V18-001 - Allow increase in fence height from four feet to six feet in a front yard on corner lot - Land Lot 593 - 0.33 acres - 1606 Walker Street - Forrest and Christine Ainsworth**

*City Administrator Tammi Saddler Jones called the applicant, Forrest Ainsworth, to discuss the variance request. This is on the Matthews Street side of their lot. The requestor had safety concerns for their daughter and glass bottles are often thrown in their yard. They are asking for an increase in fence height so that they have a safe place for kids to play. This fence will also help block some of the road noise and give them more privacy.*

*Ms. Jones called Planner II, Joey Staubes from Community Development to give background on the request. Mr. Staubes stated that there currently a 4 foot fence along their yard on Walker Street and Matthews Street with 30 feet on the Matthews Street side. There is an 11.5 foot set back from the road. It is far enough from the intersection so that it does not interfere with sight visibility from the intersection. There have been no negative comments from neighbors and Community Development believed there would be no negative impact to the community.*

*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 Variance Request - V18-001 to allow increase in fence height from four feet to six feet in a front yard on corner lot in Land Lot 593 on 0.33 acres at 1606 Walker Street by Forrest and Christine Ainsworth; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

**G. Public Hearing - Variance Request - V18-002 - Allow increase in fence height from four feet to six feet in front yard on corner lot - Land Lot 670 - 0.26 acres - 3438 Creatwood Trail - Lloyd and Allison Fisher**

*City Administrator Tammi Saddler Jones called the applicants, Lloyd and Allison Fisher, to discuss the variance request. Ms. Fisher stated that they have a four foot fence, but have since adopted dog that can jump the fence. This is also for privacy and security concerns because there is a lot of traffic in the area.*

*Ms. Jones called Planner II, Joey Staubes from Community Development to give background on the request. This is on the corner lot of Creatwood and Navaho Trail.*

*There was an existing 4 foot chain link fence that has been replaced with a 6 foot wooden privacy fence. It is sufficiently away from the road and down a slope and not imposing on the Navaho Trail side. There have been no negative comments from neighbors and should have no negative impact to the community. Staff recommended approval with no conditions.*

*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 Variance Request - V18-002 to allow increase in fence height from four feet to six feet in front yard on corner lot in Land Lot 670 on 0.26 acres at 3438 Creatwood Trail by Lloyd and Allison Fisher; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

**H. Public Hearing - Variance Request - V18-003 - Allow front setback reduction from 35 feet to 27 feet for a front porch addition - Land Lot 554 - 0.51 acres - 3690 Ashwood Drive - Donald and Amy Rutzen**

*City Administrator Tammi Saddler Jones called the applicant, Donald Rutzen, to discuss the variance request. Mr. Rutzen stated they are planning to remodel the whole home, and keep the existing footprint. He is asking for a setback to build a new porch on the home.*

*Ms. Jones called Planner II, Joey Staubes from Community Development to give background on the request. This is for a remodel of an existing 1960 home, in which they want to add a front porch that will extend into the setback by 8 feet wide and 16 feet length. Staff recommends approval with stated conditions:*

- 1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.*
- 2. Prior to issuance of building permit, the applicant shall record a plat that combines the two parcels shown on the site plan as one parcel.*
- 3. The plat shall also designate an area for compensatory mitigation equal to the area of impervious setback encroachment, as well as the location of the sewer line, with a 20 ft. easement around the sewer line.*

*Mr. Rutzen stated that he agreed to the conditions as read by Mr. Staubes.*

*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 Variance Request - V18-003 to allow front setback reduction from 35 feet to 27 feet for a front porch addition in Land Lot 554 on 0.51 acres at 3690 Ashwood Drive by Donald and Amy Rutzen; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

**I. Public Hearing - Variance Request - V18-004 - Allow impervious setback reduction from 75 feet to 70 feet for a single family home addition - Land Lot 554 - 0.51 acres - 3690 Ashwood Drive - Donald and**

Amy Rutzen

*City Administrator Jones asked Mr. Rutzen if there was any additional information to add to this request. Mr. Rutzen replied he had none; this is a part of the remodel on the property.*

*Ms. Jones called Planner II, Joey Staubes from Community Development to give background on the request. As part of the remodel process on the home, they are adding to the right and left side of the home. This will keep the home symmetrical in shape. Staff recommends approval with the three previously stated conditions. Mr. Rutzen accepted the conditions.*

*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 Variance Request - V18-004 to allow impervious setback reduction from 75 feet to 70 feet for a single family home addition in Land Lot 554 on 0.51 acres at 3690 Ashwood Drive by Donald and Amy Rutzen; seconded by Boardmember Scott Stokes.

The motion to approve carried by the following vote:

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

**4. Approval of Minutes:**

4. Approval of Minutes:

**A. Approval of the December 27, 2017 License and Variance Board Meeting Minutes**

A motion was made by Boardmember Scott Stokes to approve the December 27, 2017 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**

*City Administrator Tammi Saddler Jones adjourned the meeting of the License and Variance Board at 10:38 AM.*