



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final License and Variance Board

Wednesday, January 13, 2021

10:00 AM

Community Center - Large Gym

Smyrna Community Center Large Gym / 200 Village Green Circle SE
Parking and entrance to meeting on Powder Springs Street Side of Building
MASKS REQUIRED / TEMPERATURE WILL BE CHECKED

1. Roll Call

Present: 3 - Roy Acree, Richard Garland and Mary Moore

Also Present: 0

Staff: 4 - Russell Martin, Caitlin Crowe, Tyler Addison and Tina Monaghan

2. Call to Order

Chairperson Roy Acree called to order the January 13, 2021 License and Variance Board meeting at 10:00 AM.

3. Business

A. [LIC2020-25](#)

Public Hearing - Privilege License Agent Change Request LIC 2020-25 - Beer & Wine (retail package) - 2390 S. Cobb Drive SE - Walgreen Co. dba Walgreens #05901 with Billy Bonner as agent.

The applicant was running late so the decision was made to postpone the item until later in the meeting.

Boardmember Mary Moore made a motion to postpone Public Hearing - Privilege License Agent Change Request LIC 2020-25 - Beer & Wine (retail package) - 2390 S. Cobb Drive SE - Walgreen Co. dba Walgreens #05901 with Billy Bonner as agent to the end of the agenda. Boardmember Richard Garland seconded the motion.

The motion to postpone until the end of the meeting was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

B. [2021-014](#)

Public Hearing - V21-005 - Allow encroachment into 75-foot impervious setback - Land Lot 537 - 1254 Grand View Drive - Brian & Allison Wray
This item will be tabled to the January 27, 2021 License and Variance Board Meeting on the request of the applicant.

Boardmember Richard Garland made a motion to table Public Hearing - V21-005 - Allow encroachment into 75-foot impervious setback - Land Lot 537 - 1254 Grand View Drive - Brian & Allison Wray to the January 27, 2021 License and Variance Board Meeting on the request of the applicant. Boardmember Mary Moore seconded the

motion.

The motion to table was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

C. [2021-009](#)

Pubic Hearing - V21-001 - Increase accessory building size from 25% to 79% - Land Lot 489 - 1095 Powder Springs Street - Blake Baklini

The applicant, Mr. Blake Baklini, was present and came to the podium.

Chairperson Acree asked Mr. Baklini to offer explanation of his two variance requests.

Community Development Planner I, Ms. Caitlin Crowe provided background information. The applicant is requesting to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the main structure and the maximum accessory structure height of 15 feet. 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 it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the variances will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Mr. Baklini came back up to podium and agreed to all stipulations.

Boardmember Richard Garland asked if it was an open air garage which it is.

The public hearing was announced and no one came forward.

Boardmember Mary Moore made a motion to approve V21-001 - Increase accessory building size from 25% to 79% - Land Lot 489 - 1095 Powder Springs Street - Blake Baklini. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

D. [2021-010](#)

Pubic Hearing - V21-002 - Increase accessory building height from 15 feet to 17 feet - Land Lot 489 - 1095 Powder Springs Street - Blake Baklini

The information on this variance request was presented with agenda item 4C which is part of the same property.

The public hearing was announced and no one came forward to speak.

Boardmember Richard Garland made a motion to approve V21-002 - Increase accessory building height from 15 feet to 17 feet - Land Lot 489 - 1095 Powder Springs Street - Blake Baklini. Boardmember Mary Moore seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

E. [2021-011](#)

Pubic Hearing - V21-003 - Reduction of streetside setback from 23.3 feet to 9 feet - Land Lot 561 - 1406 Roswell Street - Tiffany McAllister

The applicant, Ms. Tiffany McAllister, was present. Per Chairman Acree's request, she provided a big picture view of what she was trying to accomplish. She wants to add an attached garage to the house rather than use the existing detached structure which is in the backyard.

Ms. Caitlin Crowe, Planner I Community Development, provided the background information on these variance requests. The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum street side setback of 23.3 feet and Section 503-A, which requires a four-foot fence in the front yard. 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 it to be in compliance with four (4) of the four (4) standards. Similar variances have been approved throughout the city so no negative precedent would be set. At the time of this report, Community Development has not received any phone calls regarding the variance request. After a review of the standards above, Community Development believes that the encroachments will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

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

Boardmember Garland asked if new fence will match current fence and it will.

Ms. McAllister came back to the podium and agreed to all of the stipulations.

Boardmember Mary Moore asked about the driveways. The one in the back is concrete and the one now being used is chipped slate. The one in the back will go away.

The public hearing was announced and no one came forward to speak.

Boardmember Mary Moore made a motion to approve V21-003 - Reduction of street side setback from 23.3 feet to 9 feet - Land Lot 561 - 1406 Roswell Street - Tiffany McAllister. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

F. [2021-012](#)

Public Hearing - V21-004 - Allow 5.6-foot wooden fence in front yard on a corner lot - Land Lot 561 - 1406 Roswell Street - Tiffany McAllister

The information on this variance was request was presented with item 4E since they are the same property.

Boardmember Garland asked the applicant about the fence. Will it move closer to road or stay in the same area. It will stay the same.

The public hearing was announced and no one came forward to speak.

Boardmember Richard Garland made a motion to approve V21-004 - Allow 5.6-foot wooden fence in front yard on a corner lot - Land Lot 561 - 1406 Roswell Street - Tiffany McAllister. Boardmember Mary Moore seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

G. [2021-013](#)

Public Hearing - Administrative Appeal - Appeal of Community Development Director's Interpretation of Welded Wire for the Fence at 2711 Gilbert Street - Elizabeth B. Davis & James R. Davis

Boardmember Mary Moore made a motion to table indefinitely Public Hearing - Administrative Appeal - Appeal of Community Development Director's Interpretation of Welded Wire for the Fence at 2711 Gilbert Street - Elizabeth B. Davis & James R. Davis at the request of the applicant. Boardmember Richard Garland seconded the motion.

The motion to table indefinitely was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

A. [LIC2020-25](#)

Public Hearing - Privilege License Agent Change Request LIC 2020-25 - Beer & Wine (retail package) - 2390 S. Cobb Drive SE - Walgreen Co. dba Walgreens #05901 with Billy Bonner as agent.

The applicant, Mr. Billy Bonner came forward to the podium.

Chairman Acree explained that Walgreens sells beer and wine. The applicant is the assistant store manager at that location. He works approximately 44 hours a week. He explained about the modules utilized for training all employees and everyone, regardless of age, who purchases alcohol is now carded.

Chairman Acree read into record that all requirements were met and the background check revealed nothing preventing the issuance of the license. He reviewed the random alcohol checks with Mr. Bonner.

The public hearing was announced and no one came forward to speak.

Boardmember Richard Garland made a motion to approve Privilege License Agent Change Request LIC 2020-25 - Beer & Wine (retail package) - 2390 S. Cobb Drive SE -

Walgreen Co. dba Walgreens #05901 with Billy Bonner as agent. Boardmember Mary Moore seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

4. **Approval of Minutes:**

A. [2021-015](#)

Approval of the December 9, 2020 License and Variance Board Meeting minutes.

Boardmember Mary Moore made a motion to approve the December 9, 2020 License and Variance Board Meeting minutes. Boardmember Richard Garland seconded the motion.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Richard Garland and Mary Moore

5. **Adjournment**

Chairperson Roy Acree adjourned the January 13, 2021 License and Variance Board meeting at 10:28 AM.