



Meeting Minutes - Final License and Variance Board

Wednesday, April 12, 2017

10:00 AM

Council Chambers

Rollcall

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

Also Present: 5 - Christiana Craddock, Joey Staubes, Russell Martin, Eleanor Butts and Jeffrey Tucker

2. Call to Order

Chairperson Tammi Saddler Jones called the April 12, 2017 meeting of the License and Variance Board to order at 10:00am.

3. Business

A. Public Hearing - Variance Request - V17-019 - Allow side setback reduction from 12 feet to 1 foot for an addition to a single family residence - 0.48 acres - Land Lot 598 - 3491 Vinings North Way - John Bush

Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come to the podium. Mr. John Bush said he had a three bedroom home and they wanted to add more space because he had two small children and they needed more room. He said the back corner of his lot had sat unused for the past 17 years he has owned the home. He said he spoke with the neighborhood behind him, the only property that would be affected by the addition, and the neighbor had no issues.

City Planner Joey Staubes said the applicant was requesting a variance for a side setback reduction from 12 feet to 1 foot for the construction of a pool house in the rear corner of the property. He said because the lot was a corner lot, it had two front setbacks along Vinings North Way and Vinings North Trail, so there were 35 feet of setback on both corners which limited where the applicant could develop on his property. He said given those constraints, the proposed location is the most reasonable place to put the addition and it would be attached to the primary structure by a breezeway so there would be no accessory structure limitations. Mr. Staubes said the property was adjacent to a rear yard of property to the south and the side yard of the property to the east, but there was a driveway, retaining wall, and fencing that provide buffers between those two lots. He said staff analyzed the request and recommended approval with three conditions. First of which is the standard condition that the addition be built in substantial compliance with the site plan submitted with the variance application. Secondly, the proposed addition is not permitted to have a full kitchen or to be rented or occupied for gain. Lastly, downspouts and gutters must be placed on the addition to divert stormwater from adjacent properties. Mr. Staubes stated that adjacent properties had been notified with no complaints.

Chairperson Tammi Saddler Jones asked the applicant if he accepted the three conditions, and after some clarification on the third condition, he said that he did.

She announced the public hearing and asked if there was anyone present who wished to speak on the item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-019, a Variance Request to allow a side setback reduction from 12 feet to 1 foot for an addition to a single family residence on 0.48 acres on Land Lot 598 at 3491 Vinings North Way by the applicant John Bush; seconded by Boardmember Roy Acree.

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. The proposed addition is not permitted to have a full kitchen, or to be rented or occupied for gain.
3. Prior to final inspection, downspouts and gutters shall be installed to divert stormwater away from adjoining properties.

The motion carried by the following vote:

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

B.

Public Hearing - Privilege License Request LIC 2017-04 - Beer and Wine Package - 475 Windy Hill Road - Ayra Chevron LLC with Syeda Khatun as agent.

Sponsors: Wilkinson

Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come to the podium. The applicant was not present.

Boardmember Roy Acree stated for the record that this applicant was originally scheduled two weeks ago, and the applicant failed to appear, so the item was tabled to this meeting. He said that given that the application is not here a second time, he would like to make a motion to deny the privilege license request.

Chairperson Tammi Saddler Jones announced the public hearing and asked if there was anyone present who wished to speak on the item, and there was no one.

A motion was made by Boardmember Roy Acree to deny privilege license request LIC2017-04 for the sale of Beer and Wine Package at 475 Windy Hill Road at Ayra Chevron LLC with Syeda Khatun 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.

Appeal of the denial of an alcohol permit for Josh Taylor.

Chairperson Tammi Saddler Jones announced the public hearing and asked City Attorney Jeffrey Tucker to come forward. He asked for the applicant Josh Taylor and SPD employee Eleanor Butts to come forward and be sworn in.

City Attorney Jeffrey Tucker asked Ms. Eleanor Butts to state her name for the record, and she said she was the Records Supervisor for the Smyrna Police Department. He stated that when somebody applies for an alcohol serving permit,

part of the procedure is they consent for the SPD to run a criminal background check through GCIC, and Ms. Butts said that was correct. He asked if Mr. Taylor consented to the background check, and she said yes. He asked if he turned up any recent criminal violations that were charged or convicted, and she said yes, the report showed two pending felony drug charges and one misdemeanor charge in Cobb County. She said the charges were pending and from January 31, 2017. Mr. Jeffrey Tucker clarified that these had not come up for final adjudication and there was no disposition issued on the charges as of yet. He asked what the specific charges were for, and Ms. Butts read from the GCIC report that they were for possession of a schedule 1 controlled substance (methamphetamine), possession of a schedule 1 controlled substance (cannabis oil), and minor in possession of alcohol. Mr. Jeffrey Tucker clarified that the applicant was under 21 at the time of the charges. He asked Ms. Butts if the applicant accurately disclosed those charges on his alcohol server application, and she said that he did.

Mr. Jeffrey Tucker asked Mr. Josh Taylor to come forward and asked if there was anything he wanted to correct or contest from what Ms. Butts stated, and he said he was confused about the methamphetamine charge because he thought it was for MDMA (or "molly"). Boardmember Roy Acree asked Mr. Taylor although there was confusion about the substance, was he aware that he was receiving two felony charges regardless of what the substances were, and Mr. Taylor said yes, he was.

Mr. Jeffrey Tucker asked the applicant if he had any formal arraignments or court proceedings on the charges yet, and Mr. Taylor said no.

Chairperson Tammi Saddler Jones asked for Mr. Taylor to share with the Board what he has done since this situation occurred in January.

Mr. Josh Taylor said he went back to therapy, and prior to his arrest he was using a lot and self medicating. He said the therapy was to help him with some personal issues and help him stay clean. He said he had not used since his arrest and he was getting drug tested by his parents every month at random. He stated he was going to start going to NA meetings. He added that he would most likely end up going to an outpatient program at Ridgeview for drug abuse. He said he was currently working at Varners and he had lost his job at Starbucks when they found out he had been arrested.

Boardmember Acree commented that the Board hears appeals for these specific denials frequently, and given that the charges are so very recent he was going to have a hard time supporting the appeal. He said his hope is for Mr. Taylor to see this incident in hindsight as a small stumbling block to an otherwise successful life, and he was encouraged that his parents were holding him accountable and encouraging him to seek treatment and therapy. He said he hoped that he follows through with those things. He concluded that with the responsibility he has, he was going to have a difficult time supporting the appeal and that he thinks it is too soon, although Mr. Taylor is taking the right steps.

A motion was made by Boardmember Scott Stokes to deny item 2017-128, an appeal for an alcohol permit for Josh Taylor; seconded by Boardmember Roy Acree.

Chairperson Tammi Saddler Jones told Mr. Taylor that he could appeal the denial of his serving permit to the Mayor and Council by a request in writing within 10 business days.

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 March 22, 2017 meeting of the License and Variance Board.

A motion was made by Boardmember Roy Acree to approve item 2017-136 for the approval of the minutes from the March 22, 2017 meeting of the License and Variance Board; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

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

5. Adjournment

Chairperson Tammi Saddler Jones declared the April 12, 2017 meeting of the License and Variance Board adjourned at 10:18am.