

City of Smyrna

*2800 King Street
Smyrna, Georgia 30080*



Meeting Minutes

Wednesday, August 22, 2018

10:00 AM

Council Chambers

License and Variance Board

1. Roll Call

Present: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

Also Present: 4 - Jim Cox, Russell Martin, Joey Staubes and Elsa Thompson

2. Call to Order

The meeting of the License and Variance Board was called to order by Boardmember Tammi Saddler Jones at 10:00am.

3. Business

A. Public Hearing - Privilege License Request LIC2018-13 - Beer and Wine Package - 2670 Cobb Parkway - Walgreen Corp. dba Walgreens #5902 with Matthew James Conner as agent.

Boardmember Tammi Saddler Jones called applicant, Matthew James Conner, to come forward. Ms. Saddler Jones asked the applicant if he had received, read, and understood the City's Alcohol Beverage Ordinance. Mr. Conner advised that he had. She asked him if he agreed to abide by the ordinance. Mr. Conner agreed that he would. Ms. Saddler Jones inquired if he completed the Responsible Alcohol Sales class. Mr. Conner advised that he completed the class. Ms. Saddler Jones asked Mr. Conner what steps were in place to prevent the sale of alcohol to minors. Mr. Conner stated that new hires were required to come to the City for their permit, he stated that he reviewed the training class information with them to be sure they understood the responsibilities and consequences of selling alcohol to minors and noted that Walgreens required employees to participate in an "in-depth" internal online class about selling alcohol.

Boardmember Roy Acree asked Mr. Conner if he had ever been the registered agent for a company prior to this. Mr. Conner advised that he had not. Mr. Acree inquired if the company's "point of sale" system required the employee's date of birth to be entered. Mr. Conner advised that it did and that the system also allowed for the employees' permits' expiration dates to be entered, he stated that the permit expiration tracking feature helped with keeping them in compliance. Mr. Acree inquired what Mr. Conner's role was within the store and what his work schedule was like. Mr. Conner advised that he was the store manager and that he typically worked about 50 hours per week.

Boardmember Eric Randall inquired what Mr. Conner's work schedule was like. Mr. Conner stated that he worked on average about 4 days a week from 7:30am – 5pm; he advised that he usually worked one night per week between the hours of 11am – 8pm and two to three Saturdays per month he worked from 8am – 12pm. Mr. Randall inquired who was responsible in his absence. Mr. Conner advised that he had 3 assistant store managers and 3 shift leads that worked under him. Mr. Randall asked Mr. Conner what his personal experience was with selling and checking, and if he had ever been a waiter. Mr. Conner stated that he'd never worked as a waiter but with all of the training that he'd received, he knew the huge responsibility that came with selling alcohol and noted that he took the responsibility very seriously.

Ms. Saddler Jones inquired if Mr. Conner was aware that on occasion, the Smyrna Police Department operated undercover sting operations to make sure that none of the employees sell alcohol to minors. He advised that he was aware. Ms. Saddler Jones advised that Mr. Conner's background investigation did not reveal any information that would prevent him from getting the license.

Ms. Saddler Jones announced the public hearing. No one came forward.

After no further discussions or comments, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Roy Acree to approve Privilege License Request LIC2018-13 for a Beer and Wine Package at 2670 Cobb Parkway by applicant Walgreen Corp. d/b/a Walgreens #5902 with Matthew James Conner as the agent; seconded by Boardmember Eric Randall.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

B.

Public Hearing - Variance Request - V18-056 - Allow rear setback reduction from 35 feet to 16 feet for an addition to a single family residence - 0.30 acres - Land Lot 705 - 2659 Knoll Road - Renato Maldonado

Boardmember Tammi Saddler Jones called applicant, Renato Maldonado, to come forward and requested that he explain his variance request to the Board.

Mr. Maldonado advised that his home was in an odd position, on a corner lot and not facing either street. He stated that he would like to add a kitchen in the rear of the home as well as a 2 car garage to his home. There were no questions from the Board for Mr. Maldonado.

Ms. Saddler Jones called Community Development Planner Joey Staubes to come forward. Mr. Staubes advised that there was a typo in the title of the request, it should read 30 feet instead of 35 feet and noted that the correct language was in the memo. He stated that the home was on a corner lot, oddly angled, facing an intersection. He advised that the applicant would like to build an addition which due to the configuration of the home and the lot required a rear setback reduction to 16 feet. He advised that staff analyzed the request, had not heard any complaints from adjacent properties and that they recommended approval with one conditions:

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

Ms. Saddler Jones asked the applicant if he accepted the condition as stated. Mr. Maldonado accepted.

Boardmember Eric Randall inquired how the project would affect the impervious area on the property and if it was below the 35% for R-15. Mr. Staubes advised that it looked to be well below because the majority of the front yard was undeveloped. Mr. Randall asked the applicant if there was a carport or driveway on the property and if it was being replaced. Mr. Maldonado advised that there was a driveway and that the 2 bay garage would be built there.

Ms. Saddler Jones announced the public hearing. Ms. Frieda Castleberry came forward

and requested an explanation on the condition that was given to the applicant for this variance. Mr. Acree advised that the condition meant that the applicant had to build the garage exactly like he detailed it in the plan he submitted with his application to the City. No one else came forward.

After no further discussions or comments, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Eric Randall to approve Variance Request V18-056 to allow a rear setback reduction from 30 feet to 16 feet for an addition to a single family residence on 0.30 acres in Land Lot 705 located at 2659 Knoll Road by applicant Renato Maldonado; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

C.

Public Hearing - Variance Request - V18-057 - Allow rear setback reduction from 20 feet to 15 feet to construct a deck on a single family residence - 0.21 acres - Land Lot 596 - 3356 Fieldwood Drive - Jason Wallace

Boardmember Tammi Saddler Jones called applicant, Jason Wallace, to come forward and requested that he explain his variance request to the Board.

Mr. Wallace advised that his home had an existing deck that he wanted to increase, size-wise and noted that a small portion would extend into the setback.

There were no questions for the applicant.

Ms. Saddler Jones called Mr. Staubes to come forward. Mr. Staubes advised that lot was pie shaped and that the applicant requested to expand the deck on the property. He noted that the only suitable area was within the 5 foot section of the rear setback. He stated that there was a drainage easement on the property that would not be affected. There had been no complaints from adjacent properties and that they recommended approval with one conditions:

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

Ms. Saddler Jones inquired if Mr. Wallace had an HOA in his community and if they had approved his request. He advised that he did and that they approved his request. Mr. Wallace also noted that he planned to install a hot tub in the future and that the HOA only requested that he screen it in.

Ms. Saddler Jones announced the public hearing. No one came forward.

After no further discussions or comments, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Roy Acree to approve Variance Request V18-057 to allow a rear setback reduction from 20 feet to 15 feet to construct a deck on a single family residence on 0.21 acres in Land Lot 596 located at 3356 Fieldwood Drive by applicant Jason Wallace; seconded by Boardmember Eric Randall.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

D. Public Hearing - Variance Request - V18-058 - Allow second accessory structure for a single family residence - 0.24 acres - Land Lot 449 - 1010 Powder Springs Street - Kurt and Lisa Poling

Boardmember Tammi Saddler Jones called applicants, Kurt and Lisa Poling, to come forward. Mr. Poling was present. Ms. Saddler Jones requested that he explain his first variance request to the Board (Mr. Poling had 2 variance requests on the agenda).

Mr. Poling advised that the request was for a garden shed built with similar materials of the home.

Boardmember Roy Acree inquired if the existing accessory structure was an outdoor fireplace and if the second structure was a small shed. Mr. Poling advised the Mr. Acree was correct.

Ms. Saddler Jones called Mr. Staubes to come forward. He advised that there was already an outdoor fireplace on the property and that the applicant was requesting a garden shed in conjunction with a landscape project at the rear of the property. He stated that they needed the variance for the additional structure and advised that there had been no complaints from adjacent properties and that they recommended approval with two conditions, however the second condition only applied to the second variance request:

- 1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.*
- 2. Stormwater management plans are subject to approval by the City Engineer.*

Boardmember Eric Randal inquired if accessory structures were exempt from setback requirements. Mr. Staubes advised that he was correct.

Ms. Saddler Jones announced the public hearing. No one came forward.

Mr. Randall advised Mr. Poling that they would have further discussions and that he would be looking for more details about the project.

After no further discussions or comments, Ms. Saddler Jones called for a motion.

After the motion was read into the record, Ms. Saddler Jones asked the applicant if he accepted the conditions as stated. Mr. Poling advised that he accepted.

A motion was made by Boardmember Eric Randall to approve Variance Request V18-058 to allow a second accessory structure for a single family residence on 0.24 acres in Land Lot 449 located at 1010 Powder Springs Street by applicants Kurt and Lisa Poling; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

E. Public Hearing - Variance Request - V18-059 - Allow an increase in impervious coverage from 35% to 43% of total lot area - 0.24 acres - Land Lot 449 - 1010 Powder Springs Street - Kurt and Lisa Poling

Boardmember Tammi Saddler Jones called applicant, Kurt Poling, to come forward and requested that he explain his variance request to the Board.

Mr. Poling advised that the request was to increase the impervious percentage however after working with staff, they were able to reduce the percentage to 20% because he would be installing a rain garden (an in ground tank with holes in the lid) that would catch the water and disperse it. There were no questions for applicant.

Ms. Saddler Jones called Mr. Staubes to come forward. He advised that the existing impervious coverage was 35% and that the addition of both accessory structures would increase the impervious coverage of the lot to 43%. He advises that the applicant proposed a rain garden to offset the additional impervious area would mitigate the impervious percentage increase therefore the additional impervious area should have no negative impact on adjacent properties. He stated that there had been no complaints from adjacent properties and that staff recommended approval with two conditions:

- 1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.*
- 2. Stormwater management plans are subject to approval by the City Engineer.*

Ms. Saddler Jones asked the applicant if he accepted the conditions as stated. Mr. Poling accepted.

Ms. Saddler Jones announced the public hearing. No one came forward.

After no further discussions or comments, Ms. Saddler Jones called for a motion.

A motion was made by Boardmember Roy Acree to approve Variance Request V18-059 to allow an increase in impervious coverage from 35% to 43% of the total area on 0.24 acres in Land Lot 449 located at 1010 Powder Springs Street by applicants Kurt and Lisa Poling; seconded by Boardmember Eric Randall.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Eric Randall

4. Approval of Minutes:

A. Approval of the August 8, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Eric Randall to approve the August 8, 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 Eric Randall

5. Adjournment

Boardmember Tammi Saddler Jones adjourned the meeting of the License and Variance Board at 10:23am.

