

City of Smyrna

*2800 King Street
Smyrna, Georgia 30080*



Meeting Minutes

Wednesday, September 12, 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: 3 - Elsa Thompson, Joey Staubes and Russell Martin

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 LIC2018-14 - Beer and Wine Package - 4480 South Cobb Drive - Publix Super Markets Inc dba Publix Super Markets 0753 with James Scott Hirsch as agent.

Boardmember Tammi Saddler Jones called applicant, James Scott Hirsch, to come forward. Ms. Saddler Jones asked the applicant if he had received, read, and understood the City's Alcohol Beverage Ordinance. Mr. Hirsch advised that he had. She asked him if he agreed to abide by the ordinance. Mr. Hirsch agreed that he would. Ms. Saddler Jones inquired if he completed the Responsible Alcohol Sales class. Mr. Hirsch advised that he completed the class. Ms. Saddler Jones asked Mr. Hirsch what steps were in place to prevent the sale of alcohol to minors. Mr. Hirsch advised that that his company required all of their employees take mandatory computer based training before they could operate a cash register and noted that employees repeated that training yearly. He stated that the company had 2 sister stores that would perform random checks in his store to make sure that employees were following proper procedure.

Boardmember Roy Acree asked Mr. Hirsch if he had ever been the registered agent for a company prior to this. Mr. Hirsch 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. Hirsch advised that it did.

Boardmember Eric Randall asked Mr. Hirsch for his personal experience was with alcohol sales. Mr. Hirsch stated that he had worked for Publix for 30 years, operated a cash register for many years, and worked as a store manager for 17 years. He noted that he had checked quite a few identifications in his professional life.

Ms. Saddler Jones asked Mr. Hirsch what his work schedule was like. He advised that his schedule varied but did not work 7 days a week. She inquired Mr. Hirsch was aware that the Smyrna Police Department operated undercover sting operations to make sure that none of the employees sold alcohol to minors. He advised that he was aware.

Ms. Saddler Jones announced the public hearing. No one came forward. Ms. Saddler Jones advised that Mr. Hirsch's background conducted by Smyrna PD did not produce any results that would impede Mr. Hirsch from getting the Privilege License from the City.

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

A motion was made by Boardmember Eric Randall to approve Privilege License

Request LIC2018-14 for a Beer and Wine Package located at 4480 South Cobb Drive by applicant Publix Super Markets Inc. d/b/a Publix Supermarkets 0753 with James Scott Hirsch as the agent; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

B.

Public Hearing - Variance Request - V18-060 - Allow front setback reduction from 35 feet to 22 feet for an addition to a single family residence - Land Lot 384 - 0.32 acres - 621 Highview Drive - Jacob and Laura Tilton

Boardmember Tammi Saddler Jones called applicants, Jacob and Laura Tilton, to come forward.

Ms. Laura Tilton came forward and advised that her father was present with her. Ms. Saddler Jones requested that Ms. Tilton explain her variance request to the Board. Ms. Tilton advised that they would like to build an addition to the front of their home to create a third bedroom and an additional bathroom.

Ms. Saddler Jones called Community Development Planner Joey Staubes to come forward. He advised that the variance request was to construct an addition on an existing single family home. He noted that the addition was approximately 416 square feet which would be a second bedroom and bathroom. He advised that the existing structure was facing the intersection, rather than either road frontage, leaving minimal area to construct the addition causing encroachment into the setback boundaries. He stated that there had been no complaints from adjacent properties and that staff recommended 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.

Boardmember Roy Acree inquired if the proposed addition would encroach on the right side. Mr. Staubes advised that he was correct. Mr. Acree clarified the reduction measurements as well as the condition.

Boardmember Eric Randall inquired if the site plan displayed the existing encroachment and expressed some concern.

Ms. Saddler Jones asked the applicant if she accepted the condition as stated.

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 V18-060 to allow a front setback reduction from 35 feet to 22 feet for an addition to a single family residence in Land Lot 384 on 0.32 acres located at 621 Highway Drive by applicants Jacob and Laura Tilton; seconded by Boardmember Eric Randall.

The motion to approve carried by the following vote:

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

C. Public Hearing - Variance Request - V18-061 - Allow six foot wooden privacy fence in front yard on corner lot - Land Lot 560 - 0.30 acres - 1450 Walker Street - Matt and Melissa Ivie

Boardmember Tammi Saddler Jones called applicants, Matt and Melissa Ivie, to come forward. Mr. Ivie came forward. Ms. Saddler Jones requested that Mr. Ivie explain the variance request to the Board.

Mr. Ivie advised that they had chain link fence on 3 sides of their property that he would like to replace with a wooden fence for privacy. Boardmember Eric Randall inquired if there were any complaints from Mr. Ivie's neighbors. Mr. Ivie stated that he had not heard any complaints and noted that the chain link fence was "old and rusty" and felt that his neighbors would be pleased with the new fence.

Ms. Saddler Jones called Community Development Planner Joey Staubes to come forward. Mr. Staubes advised that the applicant was requesting a variance to allow a six foot wooden privacy fence in the front yard at 1450 Walker Street. He noted that the property was "more circular" and that it had frontage along three sides which created a front yard on three sides. He advised that they wooden fence would be replacing a non-conforming chain link fence. Mr. Staubes stated that there had been no complaints from adjacent properties and that staff recommended approval with no conditions.

Boardmember Eric Randall asked Mr. Staubes if there was any concern about sight distance. Mr. Staubes advised that the issue was briefly discussed however there was "no determination" about the matter. Mr. Randall advised the applicant that he was the City Engineer and requested that 1 or 2 sections of the wooden fence be cut down as to not obstruct the drivers' view. Mr. Ivie clarified Mr. Randall's request and was advised to cut approximately 10 feet back from the corner, on either side. Mr. Randall inquired if there was any access to the backyard. Mr. Ivie advised that there would be two points of entry to enter the backyard.

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 Eric Randall to approve Variance Request V18-061 to allow a six foot wooden privacy fence in a front yard on a corner lot in Land Lot 560 on 0.30 acres located at 1450 Walker Street by applicants Matt and Melissa Ivie; seconded by Boardmember Roy Acree.

The motion to approve carried by the following vote:

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

D. Public Hearing - Variance Request - V18-062 - Allow second kitchen in existing dwelling unit - Land Lot 303 - 0.15 acres - 469 Crimson Maple Way - Ashley and Johnny Harrison

Boardmember Tammi Saddler Jones called applicants, Ashley and Johnny Harrison, to come forward. Mrs. Harrison was present and came forward. Ms. Saddler Jones asked Mrs. Harrison to explain the variance request to the Board.

Mrs. Harrison advised that they were finishing their basement and would like to add a full kitchen for a parents retreat for her parents. She stated that the space would have

a bedroom and as well as a full bath and noted that the request was for her parents to have their own space because whenever they visit her home, they stayed for an extended period of time.

Boardmember Roy Acree advised that there would be several questions on this matter simply because, like Smyrna, most municipalities were strict on allowing a second kitchen in single family homes because future home owners could possibly use the space as a rental unit. He noted that in viewing the site plan he found that there would not be any way for the applicant to add a second driveway; the applicant agreed. Mr. Acree inquired if the main access to the basement was from the main house and if there was a second access point to the basement. Mrs. Harrison advised that he was correct but noted that one could walk down into the backyard to gain access if need be. Mr. Acree inquired if the applicant planned to rent the space whenever her parents were not using the space. She advised that they had considered "Airbnb" but noted that if the City did not allow it, they would not do it. Mr. Acree stated that part of the conditions, if the variance request were approved, would be that the space could only be used by family members.

Boardmember Eric Randall inquired if she had spoken to her subdivision's HOA about her request. She advised that they told her that her neighbors had to approve her variance and noted that her neighbors were shocked that she needed approval. She stated that her next door neighbor had a full kitchen in her finished basement that was done by the builder when they bought their home. Mr. Randall stated that the fact that her neighbors did not know there was a required approval process was a concern. He stated that he was not sure if there were any ordinances that specifically addressed those types of services (Airbnb) but that it was on the Council's radar. Mrs. Harrison inquired what a service like that caused. Mr. Randall advised that it had become more prevalent for people to utilize services such as Airbnb which in turn resulted in the presence of more transients in residential neighborhoods which causes security concerns for residents.

Ms. Saddler Jones called Community Development Planner Joey Staubes to come forward. Mr. Staubes advised that the applicant was requesting the allowance of a kitchen within the basement, to be used by family for extended periods, and that it was discussed that the space was not to be rented or occupied for gain. He noted that the City has had similar variance requests in the Heritage at Vinings, Enclave at Cooper Lake and Stonegate subdivisions which were homes of similar size and type with no known issues to the surrounding areas. He advised that after reviewing, it was determined that it would not be easy for the home to be converted into a duplex because there was only one main entrance into the home. Mr. Staubes stated that there was no complaints made to Community Development from neighboring properties and advised that they recommended approval of the requested variance with the following stipulations:

1. The addition is to be utilized by family members only.
2. The applicant shall not lease, rent, or sublet any space in their home.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Mr. Staubes made note that the other home discussed (with the finished basement and second full kitchen) did not apply for a variance so he could only "speculate" that an inspector did not see it or did not notify the City about it.

Ms. Saddler Jones asked the applicant if she accepted the three conditions as stated. The applicant requested clarification of the conditions.

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 V18-062 to allow a second kitchen in an existing dwelling unit in Land Lot 303 on 0.15 acres located at 469 Crimson Maple Way by applicants Ashley and Johnny Harrison; 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 22, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Eric Randall to approve the August 22, 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 10:28am.