



Meeting Minutes - Final License and Variance Board

Wednesday, June 12, 2019

10:00 AM

Council Chambers

1. Roll Call

Present: 3 - Roy Acree, Scott Andrews and Frank Martin

Also Present: 8 - Terri Graham, Mary Arvin, Russell Martin, Joey Staubes, Caitlin Crowe, Jim Cox, Jeffrey Tucker and Landon O'Neal

2. Call to Order

The meeting of the License and Variance Board was called to order by Fire Chief Roy Acree at 10:00 am

3. Business

A. [LIC2019-13](#)

Public Hearing - Privilege License Request LIC2019-13 - Beer and Wine Package - 2670 Cobb Parkway - Walgreen Corporation dba Walgreens #5902 with Edward W Heintz as agent.

Sponsors: Norton

Mr. Heintz was present and stated that he is the store manager at the 2670 Cobb Parkway Walgreens located in the Braves Stadium. His teammembers do online courses for training. Mr. Heintz works from 7:30 am - 5:00 pm and he is working most days.

Employees must scan ID cards and enter date of birth to confirm eligibility to purchase alcohol. This is Mr. Heintz's first time becoming a registered agent. Mr. Heintz has a certification and his background check cleared.

The Public Hearing was announced and no one came forward to speak.

Boardmember Frank Martin made a motion to approve the Privilege License Request LIC2019-13 - Beer and Wine Package - 2670 Cobb Parkway - Walgreen Corporation dba Walgreens #5902 with Edward W Heintz as agent; the motion was seconded by Boardmember Scott Andrews.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

B. [LIC2019-15](#)

Public Hearing - Privilege License Request LIC2019-15 - Beer, Wine, & Liquor Pouring - 4924 South Cobb Drive STE G - Monterrey Mexican Restaurant #21 dba Monterrey #21 with Gustavo Mata as agent.

Sponsors: Fennel

Mr. Gustavo Mata was present and his role is store manager since 1991. Mr. Mata

continues training of himself and employees. He works 11:00 am - 3:00 pm, & 6:00 pm - 11:00 pm; he is at the store most of the time.

Mr. Mata provides training to his staff based on his experiences. Staff must check id's for under age customers and they also attend once a month training sessions.

Mr. Mata holds a certification for liquor pouring and there are no record of background concerns.

The Public Hearing was announced and no one came forward to speak.

Boardmember Scott A. Andrews made a motion to approve the privilege License Request LIC-2019-15 - Beer, Wine, & amp; Liquor Pouring - 4924 S. Cobb Dr. & nbsp; STE G - Monterrey Mexican Restaurant #21 dba Monterrey #21 with Gustavo Mata as agent; Boardmember Frank Martin seconded the motion.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

C. [V19-021](#)

Public Hearing - Variance Request - V19-021 - Allow front setback reduction from 35 feet to 24 feet for the construction of a new single family home - Land Lot 560 - 0.24 acres - 2740 Morris Circle - Ron Rowland

Mr. Ron Rowland was present and he is a resident of Smyrna who lives on Roswell Street.

Mr. Joey Staubes Community Development Planner II spoke to allow setback 35 feet to 24 feet to demolish and build on the same foundation a new single family home. Mr. Staubes analyzed the structure and Mr. Rowland agrees to stated stipulations.

The Public Hearing was announced and no one came forward to speak.

Boardmember Frank Martin made a motion to approve the privilege License Request LIC2019-13 - Beer and Wine Package - 2670 Cobb Parkway - Walgreens Corporation dba Walgreens #5902 with Edward Heintz as agent; The motion to approve was seconded by Boardmember Scott A. Andrews.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

D. [V19-022](#)

Public Hearing - Variance Request - V19-022 - Allow side setback reduction from 10 feet to 5 feet for the construction of a new single family home - Land Lot 560 - 0.24 acres - 2740 Morris Circle - Ron Rowland

Mr. Ron Rowland was present and agreed to conditions.

Mr. Joey Staubes stated same three conditions for V19-021.

Mr. Roy Acree announced this is a Public Hearing and no one came forward to speak.

Boardmember Scott A. Andrews made a motion to approve the Variance Request - V19-022 - Allow side setback reduction from 10 feet to 5 feet for the construction of a

new single family home - Land Lot 560 - 0.24 acres - 2740 Morris Circle - Ron Rowland; The motion to approve was seconded by Frank Martin.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

E. [V19-023](#)

Public Hearing - Variance Request V19-023 - Allow an additional wall sign - Land Lot 847 - 1.89 acres - 2589 Spring Road - Aldi Food Market

Parties came forward on behalf of Aldi Food on Spring Rd., Mr. Al Keeler (Real Estate Director) and Ms. Kathy White (Georgia Certified Signs) who briefly explained adding a second sign on second tower to increase visibility to store to increase sales and customer base.

Currently there's one sign to the building. There were no questions for the applicant. Mr. Joey Staubes spoke about signage restrictions, and said there would be no visible hardship. Mr. Staubes recommended denial on request.

Mr. Roy Acree spoke on unattractive signs all over and the board asked Mr. Keeler to compel this request. Mr. Keeler said they want to increase attractiveness of their building; without the added sign it would be a hardship in not being visible to new residents or clients.

Aldi building was expanded with additional cost. Mr. Roy Acree explained that people are aware of the business which has been there for a number of years.

The Public Hearing was announced and no one came forward to speak.

Boardmember Frank Martin made a motion to deny Variance Request V19-023 - allow an additional wall sign - Land Lot 847 - 1.89 acres - 2589 Spring Road - Aldi Food Market; Boardmember Scott Andrews seconded the motion.

The motion to deny carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

F. [V19-024](#)

Public Hearing - Variance Request - V19-024 - Allow increase in wall sign area from 40 square feet to 74 square feet - Land Lot 847 - 2589 Spring Road - Aldi Food Market

Ms. Kathy White (Georgia Certified Signs) spoke on behalf of Aldi Food Market to request a second sign added at the allowable 40 square footage.

Boardmember Roy Acree spoke for the Board and the decision is to appeal this request. Mr. Joey Staubes and other staff members present did not have any additional questions. Also there were not any others present who wished to speak.

The Public Hearing was announced and no one came forward to speak.

Boardmember Scott Andrews made a motion to deny Variance Request - V19-024 - Allow increase in wall sign area from 40 square feet to 74 square feet - Land Lot 847 - 2589 Spring Road - Aldi Food Market; Boardmember Frank Martin seconded the motion.

The motion to approve carried the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

G. [2019-200](#)

Appeal of the denial of an alcohol permit for Antonio Favors

Sponsors: City Council

Denial of alcohol permit for Mr. Antonio Favors who was present and Ms. Holly Strenad from police department records division; runs background, finger prints and alcohol. Both raised right hand and swore they were giving the truth.

Ms. Strenad runs background on party after they complete documentation. May 13, 2019 Mr. Favors completed paperwork and a background check was conducted on Mr. Favors.

The background check showed criminal felony conviction and 10 probation listings, and two misdemeanors for marijuana possession. The Board had no questions.

Mr. Favors stepped up to speak and said nothing said was inaccurate. Two years ago he was arrested for theft at the felony level; no trial was held, Mr. Favor pleaded guilty for felony conviction for theft.

The Board had copies of appeal letter that Mr. Favors drafted (2 pages). The Board was present to contemplate if Mr. Favors should be allowed (works at Red Lobster as host) to hold an alcohol permit.

Mr. Favors is a different person today, he doesn't want to be involved in trouble any longer. Mr. Favors at the time of his theft said, he was trying to help his family. He has listened to his family's advice to stay out of trouble; he's a happy outgoing person now. Mr. Favors is a first offender.

Mr. Roy Acree asked for details while on probation to clear this felony. Mr. Favors is paying fees and restitution in the amount of \$3,000.00. Mr. Favors said, he should have been more honest and he stays away from anything that will hurt his probation. He doesn't want to take a criminal path; he is also a known comedian.

Mr. Favors meets with his probation officer beginning on March 2019; he's on probation for 10 years in the event he can't pay the restitution. Otherwise his probation will period will only be 3 years.

Mr. Favors voiced his appreciation for appearing before the board. The board granted an approval.

Boardmember Frank Martin made a motion to grant the appeal of the denial to an alcohol permit for Antinio Favors; Boardmember Scott Andrews seconded the motion.

The motion to grant the appeal carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

4. Approval of Minutes:

Boardmember Scott A. Andrews made a motion to approve the May 22, 2019 License and Variance Board Meeting Minutes. Boardmember Frank Martin seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 3 - Roy Acree, Scott Andrews and Frank Martin

A. [2019-207](#)

Approval of the May 22, 2019 License and Variance Board Meeting Minutes

5. **Adjournment**

Boardmember Roy Acree adjourned the June 12, 2019 License and Variance Board Meeting at 10:46 am.