



## Meeting Minutes - Final License and Variance Board

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Wednesday, June 14, 2017

10:00 AM

Council Chambers

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### Rollcall

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

**Also Present:** 4 - Christiana Craddock, Jim Cox, Russell Martin and Joey Staubes

### 2. Call to Order

Chairperson Tammi Saddler Jones called the June 14, 2017 meeting of the License and Variance Board to order at 10:01am.

### 3. Business

#### A. [LIC2017-07](#)

Public Hearing - Privilege License Request LIC2017-07 - Beer, Wine, & Liquor Package - 3181 South Cobb Drive - South Cobb Package LLC dba South Cobb Package with Xander Vo as agent.

**Attachments:** [SOUTH COBB PACKAGE.pdf](#)

*Chairperson Tammi Saddler Jones announced the public hearing and also stated there would be a wording change in the motion regarding the name of the LLC. Mr. Xander Vo came to the podium. Chairperson Saddler Jones asked Mr. Vo if he had a copy of the City's alcohol beverage ordinance, if he read it and understood it, and if he agreed to abide by it, and he said yes to all.*

*She asked what steps he had in place to make sure that none of his employees sell alcohol to underage persons, and Mr. Vo said he would be at the store all the time and there is signage posted around the store that says they cannot sell to minors. He said this was his second package store, and he just sold his other one located in Dekalb County and he was very aware of the rules and regulations.*

*Chairperson Tammi Saddler Jones asked if he completed the pre-requisite responsible alcohol sales class, and he said yes. Boardmember Roy Acree asked what his role was at the store, and Mr. Vo said he was the owner and CEO. Boardmember Acree asked what other policies and procedures were in place to insure they do not sell to minors, and Mr. Vo said they checked ID for everyone, and if someone does not have ID, then they do not sell to them. Chairperson Saddler Jones asked if he and his employees understood that the Smyrna Police Department does undercover inquiries and if anyone in the store sells to a minor, they are taken immediately to jail, and Mr. Vo said yes. She said that a background investigation was conducted and there was no information revealed that would preclude issuance of the license. She announced the public hearing and asked if there was anyone who wished to speak on the item, and there was no one.*

A motion was made by Boardmember Roy Acree to approve Item LIC2017-07, a Privilege License Request for Beer, Wine, & Liquor Package at 3181 South Cobb

Drive, Gon and Xander LLC dba South Cobb Package with Xander Vo as agent; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

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

**B. [LIC2017-08](#)**

Public Hearing - Privilege License Request LIC2017-08 - Beer and Wine Pouring - 2772 Cumberland Boulevard - AKSM LLC dba Bollywood Zing Indian Bistro with Kajal Makhijani as agent.

**Attachments:** [BOLLYWOOD ZING INDIAN BISTRO.pdf](#)

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come forward. Ms. Kajal Makhijani stated her name for the record. Chairperson Saddler Jones asked the applicant if she received a copy of the alcohol beverage ordinance, read it, understood it, and agreed to abide by it, and she said yes. Ms. Makhijani said they had signs up and also have a code of conduct for employees that instructs them about checking for IDS. She said they also perform random ID checks themselves on patrons.*

*Boardmember Scott Stokes asked the applicant what her role was, and she said she was the owner. She said they are open from 12-3 for lunch and 5-10 for dinner, and she is there on the weekends. She said her husband is also the agent, so she is just adding herself. Chairperson Tammi Saddler Jones asked if Ms. Makhijani had completed the pre-requisite alcohol sales class, and she said yes. She asked if she understood that the Smyrna Police Department conducts undercover sting operations, and if anyone sells alcohol to a minor they will be taken to jail immediately, and she said yes. Chairperson Saddler Jones stated a background investigation was conducted and there was no information on it that would preclude the issuance of this license. 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 Item LIC2017-08, a Privilege License Request for Beer and Wine Pouring at 2772 Cumberland Boulevard, AKSM LLC dba Bollywood Zing Indian Bistro with Kajal Makhijani as agent; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

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

**C. [LIC2017-09](#)**

Public Hearing - Privilege License Request LIC2017-09 - Beer and Wine Package - 475 Windy Hill Road - Ayra Chevron LLC dba Chevron Food Mart with Syeda Khatun as agent.

**Attachments:** [AYRA CHEVRON.pdf](#)

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come to the podium. Ms. Syeda Khatun stated her name for the record. Chairperson Saddler Jones asked her if she received a copy of the alcohol beverage ordinance, read it, understood it, and agreed to abide by it, and she said yes.*

*Mr. Sayeed Rasheed said he was going to help translate for the applicant. Ms. Khatun was asked if she attended the responsible alcohol sales class, and she said yes. Chairperson Saddler Jones asked what steps were in place at the store to insure they do not sell alcohol to minors, and Mr. Rasheed said he worked there as well as his cousin, and there is one other employee. They make sure no one gets in*

the store without showing their ID. He said they have on the window a sign that says all customers must show ID in order to buy alcohol, and they also have that written at the cash register, along with a POS system that requires the cashier to enter the date of birth of the customer.

Boardmember Roy Acree asked for clarification from Mr. Rasheed as to his relationship to Ms. Khatun. Mr. Rasheed said he was the brother of the applicant. Boardmember Acree asked what Ms. Khatun's role was in the business, and he said she is the owner, but did not physically work there. Boardmember Acree asked if Ms. Khatun understood that as the listed agent, she is the responsible party for the alcohol sales, and she answered yes.

Boardmember Stokes asked if the applicant held a privilege license anywhere else before, and she said no, this was her first time. He asked who the owner of the store was, and she said she was the owner. Boardmember Acree clarified for the record that there was no provision that said if you hold the privilege license that you have to work there, but he wanted to make sure Ms. Khatun understood the responsibility. Chairperson Saddler Jones asked the applicant if she understood if anyone sold alcohol to a minor they would be taken to jail immediately, and Ms. Khatun said she understood. Chairperson Saddler Jones said a background check had been conducted that revealed no information that would hinder the issuance of the license to the applicant. 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 Roy Acree to approve item LIC2017-09, a Privilege License Request for Beer and Wine Package at 475 Windy Hill Road, Ayra Chevron LLC dba Chevron Food Mart 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

**D. [LIC2017-10](#)**

Public Hearing - Privilege License Request LIC2017-10 - Beer, Wine, and Liquor Pouring - 4490 South Cobb Drive - GI Bakery II, Inc. dba Atlanta Bread Company with Kerry Nichols as agent.

**Attachments:** [ATLANTA BREAD.pdf](#)

Chairperson Tammi Saddler Jones announced the hearing. Business License Officer Jim Cox said that Ms. Nichols, the applicant, had left the company, and so they wished to withdraw this application. There was no one else present who wished to speak on the item.

A motion was made by Boardmember Scott Stokes to withdraw at the request of the applicant Item LIC2017-10, a Privilege License Request for Beer, Wine, and Liquor Pouring at 4490 South Cobb Drive, GI Bakery II, Inc. dba Atlanta Bread Company with Kerry Nichols as agent; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

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

**E. [V17-008](#)**

**Public Hearing** - Variance Request - V17-008 - Allow encroachment into City 50 ft. Undisturbed Buffer and 75 ft. Impervious setback - 0.50 acres - Land Lot 626 - 1747 Cedar Ridge Court - Miguel Cristech

**Attachments:**    [1747 Cedar Ridge Ct - Staff Memo](#)  
[1747 Cedar Ridge Ct - Application](#)  
[1747 Cedar Ridge Ct - Original Site Plan](#)  
[Revised Site Plan - 5/17/17](#)

*Chairperson Tammi Saddler Jones announced the public hearing and Mr. Miguel Cristech came forward. He said he had been before the Board earlier this year and was building a deck in his backyard. The board asked him to submit more detailed plans and a survey, which he has done.*

*City Planner Joey Staubes said Mr. Cristech came before the Board in February, and the Board asked for additional information on the site with more specific items to be shown on the survey. He said Mr. Cristech supplied that to staff, showing all the manholes, sewer easements, stream buffers, and impervious setbacks. He said there are no issues that staff is aware of that would cause any problems with what he has proposed. Mr. Staubes further explained that the applicant is remodeling the deck in the backyard, which is already a nonconforming deck because it encroaches into the impervious buffer and 50 foot stream buffer. He said Mr. Cristech is proposing to rearrange the deck so it is less impactful in the immediate city stream buffer and he shifted the deck outside of those buffers as much as possible. Mr. Staubes finished by saying it was an improvement to the existing nonconforming deck that is already there, and there were no complaints from adjacent property owners. He said staff recommended approval with the condition that it be built in substantial compliance with the site plan submitted with the variance application and that the building permit's issuance was dependent on the stormwater management plan and buffer restoration plan as required by the City Engineer.*

*Chairperson Tammi Saddler Jones asked the applicant if he agreed to the two conditions as stated, and he said yes. She asked if there was anyone else present who wished to speak on this item, and there was no one.*

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-008, a Variance Request (V17-008) to allow encroachment into the City's 50 ft. Undisturbed Buffer and 75 ft. Impervious setback on 0.50 acres located on Land Lot 626 at 1747 Cedar Ridge Court by the applicant Miguel Cristech; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application on April 5, 2017.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management and buffer restoration plan that meets the requirements of the City Engineer.

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

**F.    [V17-029](#)**

**Public Hearing** - Variance Request - V17-029 - Allow reduction of rear setback from 35 ft. to 28 ft. for an addition to a single family residence - 0.487 acres - Land Lot 599 - 3498 Vinings North Trail - Zachary Strayer

**Attachments:**    [3498 Vinings North Trl - Staff Memo](#)  
                              [3498 Vinings North Trl - Application](#)  
                              [3498 Vinings North Trl - Subdivision Plat](#)

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come forward. Mr. Michael Hatcher said he was representing Ms. Strayer, and was the builder. He said they were going to be removing an existing deck and replacing it with a sunroom, and in order to do so they need to expand it slightly. He said the way the house sits on the lot, it encroaches into the setback, and they would be expanding the existing structure by about 6 feet and therefore need a variance.*

*City Planner Joey Staubes said the subject property is a corner lot and it is more of a square shape, without much depth to the lot. He said due to the orientation of the house on the property there is not much available building envelope, and there was not much area to expand into without encroaching into the setback. He said their proposal is to build a screen porch in the rear yard and roughly less than 25% of it will encroach into the rear setback. He said given the unique shape of the lot and existing orientation of the house, staff recommended approval with the standard condition that it be built in accordance with the site plan submitted with the variance application. He added that no complaints were received from adjacent properties.*

*Chairperson Tammi Saddler Jones asked the applicant if he accepted the condition, and he said yes. She asked if there was anyone else present who wished to speak on the item, and there was no one.*

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17-029, a Variance Request (V17-029) to allow the reduction of the rear setback from 35 ft. to 28 ft. for an addition to a single family residence on 0.487 acres on Land Lot 599 located at 3498 Vinings North Trail, by the applicant Zachary Strayer; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

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

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

**G.    [V17-032](#)**

**Public Hearing** - Variance Request - V17-032 - Allow reduction of rear setback from 20 ft. to 9.6 ft. for a covered patio addition - 0.134 acres - Land Lot 520 - 1215 Hill Street - Josh Tenery

**Attachments:**    [1215 Hill St - Staff Memo](#)  
                              [1215 Hill St - Application](#)  
                              [1215 Hill St - Notification](#)  
                              [1215 Hill St - Notification](#)

*Chairperson Tammi Saddler Jones announced the public hearing. Applicant Josh Tenery came to the podium and said he was proposing a covered porch structure attached to the back of the house, which would slightly increase the existing patio from 14 feet wide to 18.5 feet wide, and the covering would cover that enlarged patio. City Planner Joey Staubes said the current patio was 14 x 12 at grade, and is not subject to the rear setback because it is at grade. The proposal to add the roof over it would be subject to the rear setback requirements, thus requiring the variance. He*

said the proposed roof structure will be 18.5 feet wide by 12 feet, so it will extend the same 12 feet as the existing patio, but will be wider. Mr. Staubes added that to the rear of the subject property is the rear of the Village Walk townhome subdivision, and there is an existing wood privacy fence located there as well as evergreen shrubs that provide a buffer between those properties. He finished by saying that given the constraints of the property being smaller and not having much depth, staff is recommending approval with two conditions, that it be built in substantial compliance with the site plan submitted, and that the applicant will implement stormwater management practices subject to approval of the City Engineer. Chairperson Tammi Saddler Jones asked the applicant if he accepted those conditions, and he said yes. She asked if there was anyone else 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 V17-032, a Variance Request (V17-032) to allow the reduction of the rear setback from 20 ft. to 9.6 ft. for a covered patio addition on 0.134 acres located on Land Lot 520 at 1215 Hill Street by the applicant Josh Tenery; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. Applicant will implement stormwater management best management practices, subject to approval by the City Engineer, to ensure adjacent properties are not adversely impacted.

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

#### H. [V17-027](#)

**Public Hearing** - Variance Request - V17-027 - Allow reduction of driveway setback from 5 ft. to 3 ft. - 0.647 acres - Land Lot 557 - 1408 Collier Drive - Margaret Shannon/George and Lisa Wannamaker

**Attachments:** [1408 Collier Drive - Staff Memo](#)

[1408 Collier Drive - Site Plan](#)

[1408 Collier Drive - Application](#)

Chairperson Tammi Saddler Jones announced the public hearing, and Ms. Margaret Shannon said she was representing the Wannamakers and was their designer. She said currently there was a driveway on the property not in compliance, and it needed to be repaved. Boardmember Scott Stokes asked what made it noncompliant, and Ms. Shannon said it was in the setback, and they were asking to repave it exactly where it is. Boardmember Acree clarified that they did not intend to increase the size, and she said no. Boardmember Stokes said it looks like they are redesigning the driveway with a roundabout, and Ms. Shannon said that was a different variance, not a part of this request. She clarified this variance was just for the driveway that goes down from the road to the garage in back.

City Planner Joey Staubes said the existing driveway was almost a 0 foot setback and goes right up to the property line. He said the applicant is proposing to resurface the whole driveway and will add more separation to the setback, but due to the location of the house they cannot shift it over much more than what it is currently without making the driveway too narrow to drive on. He said they are proposing the minimum driveway width possible and shifting it over as much as they can to maybe leave three feet of separation, where currently there is 0. He said given the circumstances, staff recommends approval with two conditions, that it be built in substantial compliance with the site plan submitted and the issuance of the permit is



*contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer. Chairperson Tammi Saddler Jones asked the applicant if they accepted the conditions, and she said yes. Chairperson Saddler Jones asked if there was anyone else present who wished to speak on the item, and there was no one.*

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17-027, a Variance Request (V17-027) to allow a reduction of the driveway setback from 5 ft. to 3 ft. on 0.647 acres on Land Lot 557 located at 1408 Collier Drive by the applicant Margaret Shannon and George and Lisa Wannamaker; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

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

I. [V17-028](#)

**Public Hearing** - Variance Request - V17-028 - Allow encroachment within City's 75 ft. Impervious Setback.- 0.647 acres - Land Lot 557 - 1408 Collier Drive - Margaret Shannon/George and Lisa Wannamaker

*Chairperson Tammi Saddler Jones announced the public hearing. Ms. Shannon explained that they were doing an addition that attaches onto the area of the house already in the buffer zone, and they were expanding it by 3 feet. She said they were trying as best as possible to work with the existing conditions of the house.*

*Boardmember Roy Acree referred to the site plan and said he understood the encroachment of the addition into the impervious buffer, but it also appeared that the new half circle portion of the driveway would also encroach. Ms. Shannon said no, it should not encroach and they would clear that up so that does not happen. Boardmember Acree clarified that she meant they would modify the site plan, and she said yes.*

*Boardmember Stokes asked City Planner Joey Staubes what the intent of the new half circle driveway was, and Mr. Staubes said that question should be directed towards the applicant. Boardmember Roy Acree stated for the sake of clarity that the variance for encroaching into the impervious buffer was for two different places in the site plan. Mr. Staubes said that was correct. Boardmember Acree said that if the applicant wishes to modify the existing site plan for the sake of the process, then we can keep the assumption that the applicant will continue to work with staff. City Planner Joey Staubes said yes, and if they were to modify the site plan, then that would be less impactful than what the Board is already contemplating, so there would be no issue with that.*

*Boardmember Stokes said he understands the impact, and he can see the justification for the house to encroach into the setback, but he did not see justification for the hardship to push the 25 foot impervious buffer in the front with the circle driveway. He asked that the condition or stipulation be modified, because he cannot accept a motion that states "substantial compliance with the site plan."*

*Ms. Shannon replied that she had spoken with City Engineer Eric Randall and he*

said if they used a material that is pervious, then it would be fine. She said there was no problem to shift it over, but they could also use a pervious material. Boardmember Stokes asked where that was in the documentation, and City Planner Joey Staubes said that information was not conveyed to him, therefore he did not have it. Boardmember Acree said that could be added as part of the conditions. Mr. Staubes said due to the narrowness of the driveway, the circular addition would help vehicles turn around so they do not back onto Collier Drive. Boardmember Acree asked the applicant if she would be comfortable with a condition that included a modification of the proposed half circle that would not impede into the impervious buffer, and Ms. Shannon said she thinks that should be fine.

The homeowner, Ms. Lisa Wannamker, came forward and said the reason they want to do a circle driveway is because it is dangerous to back out onto Collier Drive because the vegetation around the stream hinders the view. She asked if the Board's issue was because it was going into the buffer or because it was not in the variance request. Boardmember Acree said he did not have an issue with it and he was trying to discuss possibilities to lessen the impact of additional impervious surface and come up with a win/win solution for her and the City. He said that solution could be to use a surface that is more pervious and allows water to seep through or it could be to lessen the impact into the impervious buffer. Ms. Wannamaker clarified that if the circular driveway did not hit the buffer, then there was no jurisdiction of the Board, and Boardmember Acree said that was correct.

City Planner Rusty Martin addressed the Board and said if they wanted to have the stipulation to pull the driveway out of the impervious surface and allow them to design it later, then if they meet that requirement, then they are within the ordinance. He said that staff could work around the design of the driveway at the staff level. Boardmember Acree said yes, that was where he was going with the conditions and his intent was to add on to the condition and acknowledge that the applicant will continue to work with City staff to come up with a solution, so as to not hamstring either party to one particular plan.

Chairperson Tammi Saddler Jones asked the applicant if they accepted the revised conditions, and she said yes.

There was no one else present who wished to speak on the item.

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17-028, a Variance Request (V17-028) to allow encroachment within the City's 75 ft. Impervious Setback on 0.647 acres on Land Lot 557 located at 1408 Collier Drive by the applicant Margaret Shannon and George and Lisa Wannamaker; seconded by Boardmember Scott Stokes.

1. Approval is conditioned upon substantial compliance with the site plan submitted and that the applicant will continue to work with the City Engineer for potential solutions to the half circle portion of the driveway that is represented on the existing site plan.

2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

The motion carried by the following vote:

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

**J. [V17-030](#)**

**Public Hearing** - Variance Request - V17-030 - Allow additional accessory structure in rear yard - 0.36 acres - Land Lot 455 - 3671



## Wisteria Lane - Matthew Middleton

**Attachments:** [3671 Wisteria Ln - Staff Memo](#)  
[3671 Wisteria Ln - Application](#)  
[3671 Wisteria Ln - Site Plan](#)  
[3671 Wisteria Ln - Exhibits](#)  
[3671 Wisteria Ln - Property Notifications](#)  
[3671 Wisteria Ln - Shed Details](#)

*Chairperson Tammi Saddler Jones announced the public hearing. Mr. Matthew Middleton said he was the owner of the home and design professional. He said his first variance was to add a shed to his backyard, which already has an existing swingset with two swings and a slide. He said he wanted to discuss the validity of the interpretation of the ordinance that the swingset was an accessory structure. Mr. Middleton stated that he did not think a swingset should be considered an accessory structure. Boardmember Acree said the Board had pictures of the swingset on a soft surface pad surrounded by brick patios and he was not sure the Board would be able to debate whether it is or is not an accessory structure successfully during the hearing. He said he leans towards the recommendation of Staff, as they are the subject matter experts. He added that the variance the applicant was requesting would allow him to add the shed he is requesting, with staff's recommendation to approve it, and he asked the applicant how far he wanted to debate the issue. Mr. Middleton replied that he made several valid arguments that it is not an accessory structure, and wanted that noted for the record. He said there was documentation of his arguments in the variance attachments, and the Board took a few moments to review them.*

*City Planner Joey Staubes said staff took a strict definition of the ordinance and the definitions applied that place the swingset as an accessory structure, but they also were recommending approval of the additional structure, with the standard condition that it is built in accordance with the site plan submitted.*

*City Planner Rusty Martin referenced and read the definition of an accessory structure and its use based on the zoning code ("anything constructed on or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but not limited to tennis courts, swimming pools, and buildings; "a use of a structure subordinate to the principal use of the building on the lot in serving a purpose customarily incidental to use of the principal building, provided any such structure is built within or after construction of principal building, where accessory is attached to building by wall or roof shall be considered as part of main building"). He said those two definitions are clear as to whether or not the swingset is subordinate to the principal home, and it is a structure placed on top of the ground. He said from a staff perspective, they cannot make any other interpretation other than it is an accessory structure. He finished by saying staff was supportive of the request for the shed, and he was not sure the debate was warranted because they support what Mr. Middleton wants to do.*

*Boardmember Acree said this agenda item was not a formal appeal to determine whether the swingset is an accessory structure, and with that point, the question is if the applicant can have an additional structure, and he would like to make sure the Board focuses on that. Mr. Middleton said he would belay further commentary and encouraged the Board to read his arguments. He said he accepted the one condition, that the structure be built in substantial compliance with the site plan submitted with the variance application.*

*There was no one else present who wished to speak on the item.*

A motion was made by Boardmember Scott Stokes to approve with conditions as listed item V17-030, a Variance Request (V17-030) to allow an additional accessory structure in rear yard on 0.36 acres on Land Lot 455 located at 3671 Wisteria Lane by the applicant Matthew Middleton; 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.  
The motion carried by the following vote:

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

**K. [V17-031](#)**

**Public Hearing** - Variance Request - V17-031 - Allow side setback reduction from 10 ft. to 3 ft. for an accessory structure - 0.36 acres - Land Lot 455 - 3671 Wisteria Lane - Matthew Middleton

*Chairperson Tammi Saddler Jones announced the public hearing. Mr. Middleton said this variance request was for the side setback reduction to be reduced to three feet. City Planner Joey Staubes said the property has an unusual shape and the house is angled on the lot, which is the hardship. The setback was needed for the addition of the shed. Chairperson Tammi Saddler Jones asked the applicant if he accepted the same condition as before, and he said yes.*

*There was no one else present who wished to speak on the item.*

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17-031, a Variance Request (V17-031) to allow a side setback reduction from 10 ft. to 3 ft. for an accessory structure on 0.36 acres on Land Lot 455 located at 3671 Wisteria Lane by the applicant Matthew Middleton; seconded by Boardmember Scott Stokes.

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

The motion carried by the following vote:

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

**4. Approval of Minutes:**

**A. [2017-225](#)**

Approval of the minutes from the May 24, 2017 License and Variance Board meeting.

**Attachments:** [05-24-2017 May 24, 2017 LVB Minutes - FINAL with attachments.pdf](#)

A motion was made by Boardmember Scott Stokes to approve Item 2017-225, the approval of the minutes from the May 24, 2017 License and Variance Board meeting; seconded by Boardmember Roy Acree.

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 June 14, 2017 meeting of the License and Variance Board meeting adjourned at 11:17am.