



## Meeting Minutes - Final License and Variance Board

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Wednesday, September 13, 2017

10:00 AM

Council Chambers

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### Rollcall

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

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

### 2. Call to Order

Chairperson Tammi Saddler Jones called the September 13, 2017 meeting of the License and Variance Board to order at 10:00am.

### 3. Business

#### A. [LIC2017-18](#)

Public Hearing - Privilege License Request LIC2017-18 - Beer and Wine Pouring -1260 West Spring Street with David Jackson as agent

**Attachments:** [CAFE LUCIA.pdf](#)

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come forward. Mr. David Jackson said he had read a copy of the City's alcohol beverage ordinance, read it, understood it, and agreed to abide by it. He also said he took the responsible alcohol sales class and had his certificate. Chairperson Saddler Jones asked him to describe what steps he had in place to make sure his employees did not sell alcohol to minors. Mr. David Jackson said they will be checking the IDs of everyone, and they also have on order a state license handbook which shows what a state's license should look like, and what someone should look for when trying to spot a fake. He said they also required people to order their alcohol from the counter so IDs can always be checked.*

*Boardmember Roy Acree asked Mr. Jackson what his role in the business was, and he said he was the owner and anticipated being at the store every day for the first 3-6 months. He said he had another store in the City of Atlanta, which has a manager and his father working there. He did not have a privilege license for that location because they did not sell alcohol there. He explained this was because there were concerns with crime and homelessness, as it was located on the Georgia State campus.*

*Chairperson Saddler Jones asked Mr. Jackson if he understood the Smyrna PD did undercover sting operations and if anyone was caught selling alcohol to a minor they would be taken to jail immediately, and he said he did understand that and he found the class very informative. He said all of his staff had been hired and would be trained accordingly on these things, and they were all above the age of 21. He added that he had a few employees that had severe autism and down syndrome, but they would not be serving alcohol. Chairperson Saddler Jones said there was a background*

*investigation performed on the applicant and it revealed no information that would preclude issuance of the license. 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 item LIC2017, a Privilege License Request (LIC2017-18) for Beer and Wine Pouring at 1260 West Spring Street, Cafe Lucia, with David Jackson 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. [V17-045](#)**

**Public Hearing** - Variance Request - V17-045 - Allow side setback reduction from 10 feet to 5 feet for an addition to a single family residence - Land Lot 561 - 0.47 acres - 1420 Roswell Street - Dallas Page - ***The applicant has requested this item be tabled until the 9/27/17 License and Variance Board Meeting***

*Chairperson Tammi Saddler Jones announced the public hearing and said it had been requested by the applicant to be tabled to the next License and Variance Board meeting.*

A motion was made by Boardmember Scott Stokes to table item V17-045, a Public Hearing for Variance Request V17-045 to allow a side setback reduction from 10 feet to 5 feet for an addition to a single family residence on Land Lot 561 on 0.47 acres located at 1420 Roswell Street by the applicant Dallas Page to the September 27, 2017 meeting of the License and Variance Board; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

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

**C. [V17-047](#)**

**Public Hearing** - Variance Request - V17-047 - Allow side setback reduction from 10 feet to 5.7 feet for an addition to a single family residence - 0.28 acres - Land Lot 453 - 953 Sharon Circle - Michelle Marsh

**Attachments:** [V17-047 - Staff Memo](#)  
[APPLICATION](#)  
[Property Notifications](#)

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come forward. Ms. Michelle Marsh said they needed the side setback reduction for an addition to the back of their home. City Planner Joey Staubes said the property has an existing single family home on it that is less than 1000 square feet, and it was not centered on the lot. He said the home was shifted to the right side and was not on the same parallel plane to the street, so it is on an angle, thus requiring the side setback reduction. He said the addition would be on the right side of the house on top of the existing driveway. He said similar variances had been heard by the Board and granted. He said there was one condition that went with their recommendation of approval, that the property be built in substantial compliance with the site plan submitted with the variance application. Boardmember Stokes said he may want to add a stipulation with respect to stormwater runoff from the addition, and City Planner*

Joey Staubes said that was fine. Boardmember Roy Acree agreed for the sake of consistency that verbiage be added regarding gutters and downspouts. Mr. Joey Staubes added that the adjacent property was significantly far away and also shifted to the right of its lot, so if that property ever needed an addition, this approval would not impact them from adding to that structure.

Chairperson Tammi Saddler Jones asked the applicant if she accepted the conditions as had been discussed, and she said yes. Boardmember Roy Acree clarified that the first condition says that the applicant agrees to build the addition in compliance with the plan and the other condition required the applicant to consider the stormwater runoff from the addition and install gutters and downspouts on the addition, which people typically do anyway.

There was no one else present to speak on this item.

A motion was made by Boardmember Roy Acree to approve with conditions as listed Item V17-047, a Variance Request (V17-047) to allow a side setback reduction from 10 feet to 5.7 feet for an addition to a single family residence on 0.28 acres on Land Lot 453 located at 953 Sharon Circle by the applicant Michelle Marsh; 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.
2. Stormwater runoff will be addressed and mitigated by the installation of gutters and downspouts to divert and manage runoff.

The motion carried by the following vote:

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

**D. [V17-048](#)**

**Public Hearing** - Variance Request - V17-048 - Allow rear setback reduction from 20 feet to 3 feet on existing single family residence - 0.20 acres - Land Lot 332 - 4533 Oak Brook Drive - Michael and Nichole Bradley

**Attachments:** [V17-048 - Staff Memo](#)

[SITE PLAN](#)

[Example](#)

[APPLICATION](#)

Chairperson Tammi Saddler Jones announced the public hearing, and the applicant Mr. Michael Bradley came forward. He said he was wanting to put a deck addition on his home for the purposes of grilling. He explained the existing deck was a screened in porch and the hardship would be that he cannot put a grill on a screened in porch due to ventilation and safety concerns. He added that the existing lot shape and HOA covenants prevent him from putting this grilling area anywhere else on his property. Boardmember Roy Acree said that as Fire Chief, he appreciated the applicant not wanting to put a grill in a space that had a roof over it.

City Planner Joey Staubes said the setback reduction was from 20 feet to 3 feet, and the existing deck is screened in and has a roof over it. He said the applicant was proposing to add a 6 x 12 feet offset to the deck that will allow him to grill in open air. He said the lot is more pie-shaped, so there is nowhere in the rear of the home where you can add to it without requiring any kind of setback reduction. He added that the

*existing screened in porch is a nonconforming structure, as some of it encroaches into the rear setback, so he is asking the Board to have that on record so that this variance will include that encroachment to make it all compliant. Boardmember Scott Stokes said it looked like the deck was going to be the same elevation as the screened porch and they were removing the stairs from the screened porch. Mr. Bradley said that was correct and new stairs would be off the new portion of the deck. He said there was also a tree on the plan that they would be leaving as it provides a buffer between his home and the one next door.*

*Chairperson Tammi Saddler Jones asked the applicant if he accepted the standard condition that the deck be built in substantial compliance with the site plan submitted with the variance application, and he said he did. 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 V17-048, a Variance Request (V17-048) to allow a rear setback reduction from 20 feet to 3 feet on existing single family residence on 0.20 acres on Land Lot 332 located at 4533 Oak Brook Drive by the applicants Michael and Nichole Bradley; 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

#### **4. Approval of Minutes:**

- A. [2017-368](#)** Approval of the minutes from the August 30, 2017 meeting of the License and Variance Board.

**Attachments:** [08-30-2017 August 30, 2017 LVB Minutes - FINAL.pdf](#)

A motion was made by Boardmember Roy Acree to approve Item 2017-368 for the approval of the minutes from the August 30, 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 September 13, 2017 meeting of the License and Variance Board adjourned at 10:19am.