



Meeting Minutes - Final License and Variance Board

Wednesday, September 26, 2018

10:00 AM

Council Chambers

1. Roll Call

Present: 3 - Roy Acree, Brian Marcos and David Lee

Also Present: 3 - Elsa Thompson, Jim Cox and Russell Martin

2. Call to Order

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

3. Business

A. LIC2018-16

Public Hearing - Privilege License Request LIC2018-16 - Beer, Wine, and Liquor Pouring - 2467 Cobb Parkway - GMRI Inc dba The Olive Garden Italian Restaurant #1136 with Nishil Patel as agent.

Sponsors: Norton

Boardmember Roy Acree called applicant, Nishil Patel, to come forward. Mr. Acree Jones inquired what Mr. Patel's role was at the business and how often he was there. Mr. Patel advised that he was the general manager and was present approximately 5 days per week. Mr. Acree asked the applicant to describe the business's practices when selling alcohol. Mr. Patel stated that they have a one day in-house alcohol sales training program which includes studying the "specific glassware" the business serves only alcohol in. He advised that they also had color coded lanes in the bar area where alcohol was to be placed and the business was also in the practice of not putting straws in beverages containing alcohol so that the server could better identify when a drink had alcohol in it. He stated that they had sessions every morning with their servers which included giving them a sheet which detailed the "on or before date" according to the day's date; he noted that the server had to verbally repeat the date and write it down to be certain they are aware of "what the responsible alcohol date is". He also advised that their point of sale system required a date of birth which the server got from the patrons driver's license. He noted that the bartenders also confirmed with the servers that they were picking up the correct drinks.

There were no questions from the Board.

Mr. Acree inquired if Mr. Patel had been a registered agent before. Mr. Patel advised that he had been the registered agent at an Olive Garden in Savannah. Mr. Acree asked the applicant if he was aware that the Smyrna Police Department operated undercover sting operations to make sure that alcohol was not being served to minors. Mr. Patel advised that he was aware. Mr. Acree advised that Mr. Patel's background check did not produce any results that would impede him from getting the Privilege License from the City.

Mr. Acree announced the public hearing. No one came forward. After no further discussions or comments, Mr. Acree called for a motion.

A motion was made by Boardmember Brian Marcos to approve Privilege License Request LIC2018-16 for a Beer, Wine, and Liquor Pouring located at 2467 Cobb Parkway by applicant GMRI Inc. d/b/a The Olive Garden Italian Restaurant #1136 with Nishil Patel as the agent; seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Brian Marcos and David Lee

B. [V18-063](#)

Public Hearing - Variance Request - V18-063 - Allow six foot wooden privacy fence in front yard on a corner lot - 0.20 acres - Land Lot 489 - 2629 Grady Street - Kevin D. Bailey

Boardmember Roy Acree called applicant, Kevin D. Bailey, to come forward and asked him to explain the variance request to the Board.

Mr. Bailey advised that he had a home on Grady Street in an "odd lot" and that he would like to install a privacy fence to separate his property from their neighbors and create a backyard. There were no questions from the Board for the applicant.

Mr. Acree called Community Development Senior Planner Russell Martin to come forward. Mr. Martin advised that the fence was proposed along the property line adjacent to Fleming Street. The property had road frontage along two sides of the property, which created front yards on two sides; the property was accessed from Grady Street and also had road frontage along Fleming Street on the northern property line. He stated that the applicant would like to construct a 6 foot wooden privacy fence along Fleming Street but due to the property having road frontage on two sides, each of those sides is considered a front yard. He noted that the ordinance restricted within a front yard to 4 feet but that the applicant felt that 4 feet was inadequate to provide sufficient privacy and security. He stated that staff reviewed the area and that the adjacent property to the west had a similar style fence. Mr. Martin advised that Community Development recommended approval with no conditions.

Mr. Acree announced the public hearing. No one came forward. Mr. Acree asked that the record reflect that only City staff and the applicant were present in chambers. After no further discussions or comments, Mr. Acree called for a motion.

A motion was made by Boardmember Brian Marcos to approve Variance Request V18-063 to allow a six foot wooden privacy fence in the front yard on a corner lot on 0.20 acres in Land Lot 489 located at 2629 Grady Street by applicant Kevin D. Bailey; seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Brian Marcos and David Lee

4. Approval of Minutes:

A. [2018-407](#)

Approval of the September 12, 2018 License and Variance Board Meeting Minutes

A motion was made by Boardmember Brian Marcos to approve the September 12, 2018 License and Variance Board Meeting Minutes; seconded by Boardmember David Lee.

The motion to approve carried by the following vote:

Aye: 3 - Roy Acree, Brian Marcos and David Lee

5. **Adjournment**

Boardmember Roy Acree adjourned the meeting of the License and Variance Board at 10:08am.