

BOARD OF ZONING APPEALS

Minutes

July 28, 2014

Eron Moore, Chairman	Present
Ronnie Allen	Present
Mark Burson	Present
John Pentecost	Present
Bill Perkins	Present

Chairman Moore called the meeting to order at 6:00 pm and declared a quorum present.

Mr. Moore asked for the approval of the prior meeting minutes. A motion was made by Mr. Allen to approve the prior meeting minutes of June 23, 2014 with 4 changes where Mr. Pentecost's name needed to be replaced with Mr. Perkins' name. The motion was seconded by Mr. Perkins. The motion carried. 4-0

Mr. Moore called for the approval of the agenda. Mr. Pentecost made a motion to approve the agenda as presented. Mr. Allen seconded the motion. The motion carried. 4-0

OLD BUSINESS

None.

NEW BUSINESS

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| 1. Raju Daredia on behalf of
Sam's Express Mart
120 Paper Mill Road
Lawrenceville, GA 30046 | Appeal of Alcohol License Denial |
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Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson stated that the City Clerk, Karen Pierce, who made the denial decision would give the presentation. Mrs. Pierce presented to the Board and outline of actions taken by her and the applicant. Mrs. Pierce stated that the reasons for denial are that the applicant made false statements on the application and that the location is too close to residential property in two directions. Mrs. Pierce presented to the Board documents to support the denial. Mrs. Pierce also presented letters from two property owners in support of the denial and requesting that the appeal be denied.

Mr. Moore asked if the applicant was present. Mr. Frank Pape spoke on behalf of the applicant. Mr. Pape stated that he was unaware of the inconsistencies on the application but believed those could be worked out. Mr. Pape asked the Board to consider granting a variance of the distance requirements because the distance was very close.

Mr. Moore asked if the Board Members had any questions of the applicant. Mr. Pentecost asked the applicant if he held an alcohol license in Sandy Springs as Mrs. Pierce claimed. Mr. Daredia said that he does and has held it for approximately two years. Mr. Burson

asked why he had such trouble completing the application if he had gone through the process in Sandy Springs. Mr. Daredia stated that the license in Sandy Springs was existing when he bought the business and the name change process was easier than starting a new application.

Mr. Moore asked if there was any opposition. There was none. Mr. Moore then called for a motion. Mr. Allen made a motion to deny the appeal request. The motion was seconded by Mr. Perkins. The motion carried. 4-0

Mr. Pape stated that the alcohol ordinance allows for the Board to grant a refund of the \$500.00 filing fee. Mr. Moore asked Mr. Ferguson if the Board had that authority. Mr. Ferguson said that he was not certain. Mrs. Pierce stated that the alcohol ordinance does give the Board the authority to refund the filing fee. Mr. Moore asked the Board to consider the request. Mr. Allen made a motion to refund the filing fee of \$500.00. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

Mr. Moore asked if there were any reports from staff or any other comments. Mr. Ferguson stated that he had received an application and the Board of Appeals would be holding a meeting for the August meeting date.

Mr. Moore then called for a motion for adjournment. Mr. Allen made a motion to adjourn. Mr. Perkins seconded the motion. The motion carried 4-0

Eron Moore, Chairman

Joshua M. Ferguson, Director
Planning and Zoning Department