



INTEROFFICE MEMORANDUM

To: Environment & Community Dev. Staff
From: Bettie Lawson, Administrative Coordinator II
Date: January 21, 2005
Subject: **BZA ACTIONS –January 20, 2005 Hearing**

Case No.	Location	Applicant	Decision
2004VS-191	West Stubbs Road	Woody Galloway	Approved
2004V-215	Deerfield Parkway	Bret Jefferson	Approved
2004V-216, 217, 218	8085 Brandon Mill Road	Terry Turk	Approved Conditional*
2004V-219	801 Mount Paran Road	Larry Lord	Approved Conditional*
2004V-220	240 River North Drive	Wade Chappell	Approved Conditional*
2004V-221	4559 Northside Drive	Phillip Clark	Approved Conditional*
2004V-222	335 Benita Trace	Alexander Katz	Approved Conditional *
2004V-223	7865 Roswell Road	Eric Gregory	Approved Conditional *
2004V-224	13850 Hopewell Road	Sally Shupert	Approved
2004V-244	6149 Old National Hwy	John Tennant	Approved Conditional*

* Please refer to attached agenda for conditions or further information, and contact Madolyn Spann at (404) 730-8105, or Bettie Lawson at (404) 730-8069, if you have additional questions.

**Board of Zoning Appeals Hearing
January 20, 2005
Agenda**

Case # 2004V-191	FCS	WEST STUBBS ROAD
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APPROVED

The appeals of Woody Galloway seek variances to the Fulton County Zoning Resolution in a CUP (Community Unit Plan District) zoning classification as follows:

Requests:

- (1) To increase the maximum height of the monument signs located on each side of the subdivision entrance from six (6) feet to 17 feet and 7 inches (Ref: Article XXXIII.5, Section 3.a).

- (2) To allow the sign structures to exceed 3 ½ times the size of the sign face. The total sign face equals 14.09 square feet and the sign structure equals 100.34 square feet along the front elevation (Ref: Article XXXIII.4, Section 9).

Property located at West Stubbs Road in Land Lots 34, 35, 33, 156, 157, 162, 43, and 44, in Fulton County, Georgia.

Purpose: To bring into compliance an existing identification monument sign for the Walden Park Development from the West Stubbs Road entrance.

Decision: **Approved.**

Case # 2004V-215	FCN	DEERFIELD PARKWAY
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APPROVED

The appeal of Bret Jefferson seeks a variance to the Fulton County Zoning Resolution in a TR (Townhouse Residential District) zoning classification as follows:

Request:

To allow sign face to be less than the width of the sign base (Ref: Article XXII.G.5, Section A –State Route 9).

Property located at Deer Park Lane in Land Lots 1046 and 1115 in Fulton County, Georgia.

Purpose: To allow a standard monument sign at entrance to the Lake Deerfield Town home project from Deerfield Parkway.

Decision: **Approved.**

Case # 2004V-216, 217, 218

FCN 8085 BRANDON MILL ROAD

APPROVED CONDITIONAL

The appeals of Terry Turk seek variances to the Fulton County Zoning Resolution in an A (Medium Density Apartment District) zoning classification as follows:

Requests:

- (1) To allow existing sign structure to encroach by three feet into the Brandon Mill Road right-of-way (Sign "C") (Ref: Article IV.3.5). Phase II – 2004V-216.
- (2) To allow existing retaining/sign wall to reduce setback from three feet to 0 feet at the development entrance along Brandon Mill Road (Sign "D") (Ref: Article IV.3.5.) Phase II – 2004V-216.
- (3) To allow entry wall along both sides of apartment entrance, reducing the setback from three feet to 0 feet, Sign E (Ref: Article XXXIII.4.9). Phase III – 2004V-217.
- (4) To reduce the sign setback from 10 feet to 5 feet for Sign "A" along Roswell Road (Ref: Article XXXIII.4.9). Phase I – 2004V-218.
- (5) To allow sign within the median (right-of-way) of Grogan Ferry Road (Ref: Article IV.3.5). Phase I – 2004V-218.
- (6) To increase the sign height for sign "A" from six feet to nine feet (Ref: Article XII.B.6., Section 2.9). Phase I – 2004V-218.
- (7) To reduce the sign setback from 10 feet to 7 feet for Sign "B" along Brandon Mill Road (Ref: Article XXXIII.4.9). Phase I 2004V-218.

Property located at 8085 Brandon Mill Road, in Land Lot 30 of District 17 in Fulton County, Georgia.

Purpose: To allow the re-facing of existing sign monuments for the Spring Creek Apartments – Phase II.

Decision: **Approved Conditional to an indemnification agreement for sign structures located within the right-of-way, and the applicant meeting with the Department of Public Works**

regarding traffic concerns as addressed in the memo from Alex Hofelich dated January 19 2005.

Case # 2004V-219 FCN 801 MOUNT PARAN ROAD

APPROVED CONDITIONAL

The appeal of Larry Lord seeks a variance to the Fulton County Zoning Resolution in an R2 (Single Family Dwelling District) zoning classification as follows:

Request:

To allow the construction of an accessory building within the front yard (Ref: Article VI.2.3, Section I).

Property located at 801 Mount Paran Road in Land Lot 162 of District 17 in Fulton County, Georgia.

Purpose: To allow the construction of a detached workshop/studio setback approximately 300 feet from Mount Paran Road in front of the existing dwelling.

Decision: **Approved Conditional to workshop/studio not ever being used for living quarters.**

Case # 2004V-220 FCN 240 RIVER NORTH DRIVE

APPROVED CONDITIONAL

The appeal of Wade Chappell seeks a variance to the Fulton County Zoning Resolution in an R-2A (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the required rear yard setback from 40 feet to 15 feet (Ref: Article 6.3.3.D).

Property located at 240 River North Drive in Land Lot 127 in Fulton County, Georgia.

Purpose: To allow the construction of a detached garage within the rear yard.

Decision: **Approved Conditional to the site plan submitted with the request.**

Case # 2004V-221 FCN 4559 NORTHSIDE DRIVE

Requests:

- (1) To allow outside sales in parking lot (Ref: Article XII.D.3.E.7).
- (2) To allow two (2) additional identification monument signs (Article 12.D.4.1).
- (3) To reduce the out parcel frontage from 200' to 170' for out parcel 1 (Ref: Article IV.13.C).
- (4) To reduce the out parcel frontage from 200' to 190' for out parcel #2 (Ref: Article IV.13.C).
- (5) To allow parking lot islands every 15 spaces instead of every six spaces (Ref: Article IV, 23.2). **(Withdrawn)**
- (6) To allow steel roll-down curtains (Ref: Article XII.D.3.12).
- (7) To disturb the required 25-foot buffer and 10-foot improvement setback average of 6-feet to a maximum of 12-feet and replant to buffer standards (Ref: Article IV.23.1 – Old National Overlay District).

Property located at 6149 Old National Highway in Land Lot 125 of District 13 in Fulton County, Georgia.

Purpose: To redevelop the Pine View Plaza into a Wal-Mart Super Center.

Decision: **Approved Conditional requests 1, 2, 3, 4, 6 and 7. Request 5 was withdrawn.** The applicant provided alternative parking lot landscaping subject to Arborist's approval.

Approved Conditions:

- (a) Outside sales permitted four times a year for not more than two weeks in duration; not to exceed six weeks per year excluding Holiday sales during November and December.
- (b) Tenants other than Wal-Mart are limited to sidewalk sales/displays once per quarter for not more than two weeks in duration; not to exceed six weeks per year in conjunction with a shopping center event coordinated with Fulton County.
- (c) The display of outdoor merchandise only is allowed along the Wal-Mart store sidewalk for not more than 200 linear feet of store front.

- (d) Display of outdoor plants is allowed in areas along the remainder of store sidewalk.
- (e) Other plants and landscape materials are allowed in a designated area in the parking lot not to exceed an allowable 6500 square feet of area.
- (f) No storage trailers allowed in parking lot.
- (g) The terms of agreement as stated in a letter dated January 14, 2005 (Community Memorandum of Understanding) between Old National Merchants Association and Hendon Properties, LLC, not in conflict with these conditions.
- (h) Per the memo from Gene Calloway, Senior Arborist, Department of Environment and Community Development, dated January 20, 2005.