



INTEROFFICE MEMORANDUM

To: Environment & Community Dev. Staff
From: Bettie Lawson, Administrative Coordinator II
Date: June 17, 2005
Subject: **BZA ACTIONS – June 16, 2005 Hearing**

Case No.	Location	Applicant	Decision
2005V-050	6149 Old National Hwy	John Roegge	Approved
2005V-007	4565 Jett Road	Donald & Kim Addington	Approved
2005V-062	2925 & 2935 Webb Road	Donald Rolader	Deferred 30 Days
2005V-077	5495 Old National Hwy	Joseph Nunan	Denied (90-day grace)
2005V-078	310 Hammond Drive	Janel Marks & Romi Alavi	Deferred 30 Days
2005V-079	720 Old Knoll View	Andrew Bohlmann	Approved
2005V-082	8040 Roswell Road	Stephanie Seltzer	Approved
2005V-084	5067 Green Pine Drive	Gregory Broms	Approved Conditional *
2005V-086	240 Embassy Court	Daniel Franke	Approved Conditional *
2005V-087	400 Creek Point	Javad Oskoei	Approved Conditional *
2005V-088	395 Creek Point	Javad Oskoei	Approved
2005V-090	775 Tramore Place	Jim Bonem	Approved
2005V-094	2080 N Bethany Creek D	Roger Hunter	Approved
2005V-095	4711 Dudley Lane	Lorraine Enwright	Approved Conditional *
2005V-096	4565 Frederick Drive	M. Hakim Hilliard	Approved
2005V-072	3695 Roosevelt Hwy	Terry Dozier	Denied Reconsideration

* 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
June 16, 2005
Actions

Case # 2005V-050 FCS
(Held from April '05)

6149 OLD NATIONAL HIGHWAY

The appeal of John Roegge seeks variances to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:

Requests:

- (1) To increase the maximum sign area from 180 square feet to 919.54 square feet, exceeding the maximum square feet and meeting the 5% area of the total front wall (Ref: Article XXXIII.5, Section E.4).
- (2) To allow a non-street facing wall sign along the rear building wall identifying the Tire and Lube Center (Ref: Article XXXIII.5, Section E.4)

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

Purpose: To allow signage for the new Wal-Mart Super Center.

Decision: Approved.

Case # 2005VS-007 FCN

4565 JETT ROAD

The appeal of Donald and Kim Addington seeks a secondary variance to the Fulton County Zoning Resolution in an R-2 (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the minimum required front yard setback of 60 feet to allow a portion of the existing garage to encroach (Ref: Article VI.2.3.B).

Property located at 4565 Jett Road, in Land lot 162 of District 17 in Fulton County, Georgia.

Purpose: An approximate 1,300 square foot garage addition was constructed with a portion of the structure encroaching the front yard setback, leaving a 56-foot front setback.

Decision: Approved.

Case # 2005V-062 FCN**2925 & 2935 WEBB ROAD**

The appeal of Donald Rolader seeks variances to the Fulton County Resolution in a C-1 (Community Business District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required 20-foot landscape strip along Webb Road to 10-feet (Ref: Article XII.G.4.A.1).
- (2) To reduce the minimum required 20-foot landscape strip along State Route 9 to 10 feet (Ref: Article XII.G.4.A.1).

Property located at 2925 and 2935 Webb Road in Land Lots 1047 and 1048 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the development of a 2-acre parcel for office and commercial use.

Decision: Request #1 **Deferred** for 30 days to allow applicant time to continue meeting with Arborist; Request #2 **Withdrawn**.

Case # 2005V-077 FCS**5495 OLD NATIONAL HIGHWAY**

The appeal of Joseph Nunan seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

To allow steel security gates to remain in windows of the Blockbuster Video Store (Ref: Article XII.D.3, Section D.12)

Property located at 5495 Old National Highway in Land Lot 93 of District 13, Fulton County, Georgia.

Purpose: To grant relief from the Old National Overlay District standards prohibiting steel gates or burglar bars.

Decision: **Denied**. Applicant has 90 days to remove gates and install alternate security system.

Case # 2005V-078 FCN**310 HAMMOND DRIVE**

The appeal of Janel Marks and Romi Alavi seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

To allow property under 40,000 square feet to maintain the existing free-standing sign along Hammond Drive (Ref: Article XII.B.2.6, Section A.1).

Property located at 310 Hammond Drive, in Land Lot 89 of District 17, Fulton County, Georgia.

Purpose: To allow an existing 32 square foot sign to remain for the Psychic Readings business.

Decision: **Deferred** 30 days to get full recommendation of Sandy Springs Design Review Board.

Case # 2005V-079 FNC **720 OLD KNOLL VIEW**

The appeal of Andrew and Carol Bohlmann seeks a variance to the Fulton County Zoning Resolution in a CUP (Community Unit Plan District) zoning classification as follows:

Request:

To reduce the minimum required pool deck setback from 10 feet to 0 feet (Ref: Article XIX.3.12, Section B.1)

Property is located at 720 Old Knoll View, in Land Lot 839 of District 1-2 of Fulton County, Georgia.

Purpose: To allow a swimming pool and deck to be located 0 feet from the rear of the property line.

Decision: **Approved.**

Case # 2005V-082 FCN **8040 ROSWELL ROAD**

The appeal of Stephanie Seltzer seeks a variance to the Fulton County Zoning Resolution in a C-2 (Commercial District) zoning classification as follows:

Request:

To allow an identification monument sign within the right-of-way of Roswell Road (Ref: Article XXXIII.4.9).

Property located at 8040 Roswell Road, in Land Lot 24 of District 17 in Fulton County, Georgia.

Purpose: The Great American Floors business located at the corner of Brantley and Roswell Roads proposes to place a 32-square foot

monument sign at its entrance from Roswell Road.

Decision: Approved.

Case # 2005V-084 FCN

5067 GREEN PINE DRIVE

The appeal of Gregory and Allison Broms seeks variances to the Fulton County Zoning Resolution in an R-2 (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required side yard setback from 15 feet to 4.70 feet along the south property line (Ref: Article VI.2.3, Section C).
- (2) To reduce the minimum required front yard setback from 60 feet to 40 feet to bring the existing garage setback into compliance (03V-099) (Ref: Article VI.2.3, Section A).

Property located at 5067 Green Pine Drive, in Land Lot 40 of District 17 in Fulton County, Georgia.

Purpose: To allow a storage addition onto the side of the existing garage with a 50-foot front yard setback and an approximate 5-foot side yard setback.

Decision: Approved Conditional. Request #1 approved as requested. Request # 2 approved per site plan submitted to bring existing garage into compliance.

Case # 2005V-086 FCN

240 EMBASSY COURT

The appeal of Daniel Franke seeks a variance to the Fulton County Zoning Resolution in a CUP (Community Unit Plan) zoning classification as follows:

Request:

To allow a swimming pool in the front yard along Mitchell Road of Lot 26 in the Grosvenor Subdivision (Ref: Article XIX.3.12, Section B).

Property located at 240 Embassy Court, in Land Lot 123 of District 17 in Fulton County, Georgia.

Purpose: The subject lot has frontages on Embassy Court and Mitchell Road, and no rear yard by definition.

Decision: Approved Conditional to site plan submitted.

Case # 2005V-087 FCN

400 CREEK POINT

The appeals of Javad Oskoei seek variances to the Fulton County Zoning Resolution in an AG-1 (Agricultural District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required side yard setback from 25 feet to 10 feet along the southerly property line of Lot 14 (Ref: Article V.1.3, Section C).
- (2) To reduce the minimum required front yard setback from 60 feet to 40 feet on Lot 14 of the Creek Crossing Subdivision (Ref: Article V.1.3, Section B).

Property located at 400 Creek Point, in Land Lot 917 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the construction of a single family dwelling on Lot 14 of the Creek Crossing Subdivision.

Decision: **Approved Conditional.** Request #1 approved as requested; Request #2 front yard setback reduced from 60 feet to 50 feet.

Case # 2005V-088 FCN

395 CREEK POINT

The appeal of Javad Oskoei seeks a variance to the Fulton County Zoning Resolution in an AG-1 (Agricultural District) zoning classification as follows:

Request:

To reduce the minimum required side yard setback from 25 feet to 10 feet along the southerly property line of Lot 13 (Ref: Article V.1.3, Section C).

Property located at 395 Creek Point, in Land Lot 917 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the construction of a single family dwelling on Lot 13 of the Creek Crossing Subdivision.

Decision: **Approved.**

Case # 2005V-090 FCN

775 TRAMORE PLACE

The appeal of Jim Bonem seeks a variance to the Fulton County Zoning Resolution in an AG-1 (Agricultural) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 60 feet to 52 feet (Ref: Article V.1.3, Section B).

Property located at 775 Tramore Place, in Land Lot 883 of District 2-2 in Fulton County, Georgia.

Purpose: To bring the newly constructed dwelling into compliance with required 60-foot front yard setback for Lot 15 in the Tramore Subdivision.

Decision: **Approved.**

Case # 2005V-094 FCN

2080 N. BETHANY CREEK DRIVE

The appeal of Roger Hunter seeks a variance to the Fulton County Zoning Resolution in an R-4A (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To allow a swimming pool within the legal front yard along Spring Brook Drive (Ref: Article XIX.3.12, Section B-1).
- (2) To reduce the minimum required pool deck setback from the front property line from 10 feet to 5 feet (westerly property line adjoining Spring Brook Park) (Ref: Article XIX.3.12, Section B.1).
- (3) To reduce the minimum required pool deck setback from the side property line from 10 feet to 3 feet (northerly property line) (Ref: Article XIX.3.12, Section B.1).

Property located at 2080 North Bethany Creek Drive, in Land Lot 899 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the construction of a swimming pool in the legal front yard adjoining Spring Brook Drive.

Decision: **Approved.**

Case # 2005V-095 FCN

4711 DUDLEY LANE

The appeal of Lorraine Enwright seeks a variance to the Fulton County Zoning Resolution in an R-3 (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the minimum required side yard setback from 10 feet to 5 feet (Ref: Article VI.4.3, Section C).

Property located at 4711 Dudley Lane, in Land Lot 119 of District 17 in Fulton County, Georgia.

Purpose: To allow the addition of a garage and living area additions to the existing dwelling of approximately 3,000 square feet. The garage will have a five-foot setback. Other additions will be at seven feet.

Decision: **Approved Conditional** to reduction of side yard to 5 feet and 7 feet for other additions as shown on site plan.

Case # 2005V-096 FCS **4565 FREDERICK DRIVE**

The appeal of M. Hakim Hilliard seeks a variance to the Fulton County Zoning Resolution in an M-2 (Heavy Industrial District) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 40 feet to 19 feet (Ref: Article X.3.3, Section B).

Property located at 4565 Frederick Drive, in Land Lot 56 of District 14F in Fulton County, Georgia.

Purpose: To bring existing warehouse building into compliance with required zoning setback from Frederick Drive.

Decision: **Approved.**

Case # 2005V-072 FCS **3695 ROOSEVELT HIGHWAY**
(Reconsideration)

The appeal of Terry Dozier seeks variances to the Fulton County Zoning Resolution in a C-I (Community Business District) zoning classification as follows:

Requests:

- (1) To allow a 79 square foot sign along Delano Road (Ref: Article XXXIII.5., Section F.2).
- (2) To allow one off-site identification monument sign for Siloam Baptist Church to be located at the northwest corner of Delano Road and Roosevelt Highway (Ref: Article XXXIII.4.9, Section F.2).

Property located at 3695 Roosevelt Highway in Land Lot 129 of District 9F in Fulton County, Georgia

Purpose: To allow a new identification monument with an electronic reader board located on property between the South Fulton Parkway and Delano Road.

Decision: **Denied request for reconsideration.**