



INTEROFFICE MEMORANDUM

To: Environment & Community Dev. Staff
From: Bettie Lawson, Administrative Coordinator II
Date: September 17, 2004
Subject: **BZA ACTIONS –September 16, 2004 Hearing**

Case No.	Location	Applicant	Decision
2004V-057	8877 Roswell Road	Eric Burden	Denied
2004VS-124	5180 Highland Lake Dr	Shaunteil Williams	Deferred 30 Days
2004VS-127	Haynes Bridge Road	Homa Daniels	Deferred 30 Days
2004V-134	Medlock Bridge Road	Atlantic Realty Partners	Approved
2004V-146	14425 Wood Road	Scott French	Approved
2004V-155	7913 Stratford Drive	Daniel Franke	Approved
2004V-157	3165 Roosevelt Highway	Paul Doss	Approved #1; Denied #2
2004V-158	12872 Highway 9	Gary Reckers	Approved Conditionally*
2004V-160	227 Sandy Springs Place	Tim Curl	Approved Conditionally*
2004V-161	Danforth Road	Sherise Bunbury	Denied
2004V-165	Campbellton/Fairburn Rd	Timothy P. Mullen	Deferred 30 Days
2004V-171	5190 Highland Lake Dr.	Ritner Nesbitt	Deferred 30 Days

* 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
September 16, 2004
Agenda and Actions**

Case # 2004V-057

FCN

8877 ROSWELL ROAD

Appeal of Eric Burden, seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

To allow a third free-standing sign for Dry Clean City located within the North River Shopping Center. (Ref: Article XXXIII.5, Section F.2)

Property located at 8877 Roswell Road in Land Lot 367 of District 6, Fulton County, Georgia.

Purpose: The North River Shopping Center has two existing signs along Roswell Road, and the subject applicant proposes a third sign structure for a separate out-parcel business.

Decision: **DENIED. Applicant failed to make a presentation of his hardship.**

Case # 2004VS-124

FCS

5180 HIGHLAND LAKE DRIVE

Appeal of Shauntiel Williams, seeks a variance to the Fulton County Zoning Resolution in a SUB-C (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 50 feet to 43 feet for Lot 33 of the Highland Lake Subdivision. (Ref: Article XXXII.2, Section A)

Property located at 5180 Highland Lake Drive in Land Lot 175 of District 9F, Fulton County, Georgia.

Purpose: To bring existing single family residence into compliance with front yard setback.

Decision: **DEFERRED 30 days until October 21, 2004.**

Case # 2004V-127

FCN

HAYNES BRIDGE ROAD

Appeal of Homa Daniels, seeks a variance to the Fulton County Zoning Resolution in an R-4 (Single Family Dwelling District) zoning classification as follows:

Request:

To allow six lots access from a private drive. The Subdivision Regulations allow a maximum of three lots to access a shared private drive. (Ref: Subdivision Regulations, Article III.2.14)

Property located at Haynes Bridge Road in Land Lot 865 of District 1-2, Fulton County, Georgia.

Purpose: To allow the development of six single family lots with shared access from one curb cut from Haynes Bridge Road (Willow Royal Subdivision).

Decision: DEFERRED 30 days until October 21, 2004.

Case # 2004V-134

FCN

MEDLOCK BRIDGE ROAD

Appeals of Atlantic Realty Partners, seek variances to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:

Requests:

(Revised)

- (1) To delete the required 25-foot buffer along a portion of the west property line per the site plan and delete the 10-foot improvement setback in its entirety. Provide the required 25-foot undisturbed buffer in all other locations as shown on the site plan, and provide in place of the deleted portions of the buffer, a 25-foot wide landscape strip with detention facilities encroachments. (Ref: Article IV.23.1).
- (2) To delete the required 25-foot buffer along a portion of the north property line per the site plan and delete the 10-foot improvement setback in its entirety. Provide the required 25-foot undisturbed buffer in all other locations as shown on the site plan, and provide in place of the deleted portions of the buffer, a 25-foot wide landscape strip with detention facilities encroachments. (Ref: Article IV.23.1).
- (3) To allow detention/retention facilities within the 25-foot landscape strip proposed along the west and north property lines (Ref: Article IV.23).

Property located at Medlock Bridge Road in Land Lots 346 and 359 of District 1-1, Fulton County, Georgia.

Purpose: To allow the development of a 25-acre tract for a Mixed Use development of commercial, office, multi-family and single family uses. The applicant proposes to delete buffer between the development and the adjoining Standard Club Golf Course.

Decision: APPROVED.

Case # 2004V-146

FCN

14425 WOOD ROAD

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

Request:

To allow the subdivision of four lots as a minor plat under the Fulton County Subdivision Regulations (Ref: Article III.2.25, Subdivision Regulations).

Property located at 14425 Wood Road in Land Lots 699 and 742 of District 2-2, Fulton County, Georgia.

Purpose: To allow the re-subdivision of 50 acres into four lots at a minimum of ten (10) acres each with frontage on Wood Road.

Decision: **APPROVED.**

Case # 2004V-155 **FCS** **7913 STRATFORD DRIVE**

The appeal of Daniel Franke, seeks a variance to the Fulton County Zoning Resolution in a C.U.P. (Community Unit Plan District) zoning classification as follows:

Request:

To reduce the minimum required pool and deck setback from ten (10) feet to five (5) feet along the southwest side property line (Ref: Article XIX.3.12, Section B.1).

Property located at 7913 Stratford Drive in Land Lot 384 of District 18, Fulton County, Georgia.

Purpose: To allow the construction of a swimming pool in the rear yard.

Decision: **APPROVED.**

Case # 2004V-157 **FCS** **3165 ROOSEVELT HWY**

The appeals of MDM Services, seek variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

- (1) To increase the maximum required sign area from 64 square feet to 96.65 square feet (Ref: Article XXXIII.5, Section F.2).

- (2) To increase the maximum required sign height from 20 feet to 24 feet (Ref: Article XXXIII.5, Section F-4).

Property located at 3165 Roosevelt Highway, in Land Lot 63 of District 13, Fulton County, Georgia.

Purpose: To allow the re-facing of the existing Amoco signage with signage for BP Gas.

Decision: **APPROVED Request #1 conditioned to maximum of 88 square feet; DENIED Request #2 after height increase.**

Case # 2004V-158 **FNC** **12872 Highway 9**

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

Request:

To allow a sign on a non-street facing wall on the side of the existing building

(West wall facing Kroger Shopping Center) (Ref: Article XXXIII.5, Section F.5).

Property located at 12B72 Highway 9, in Land Lots 1048 and 1113 of District 2-2, Fulton County, Georgia.

Purpose: To allow a wall sign along the side wall of a beverage store in the area of the drive-thru window located in the Windward Way Shopping Center.

Decision: **APPROVED CONDITIONAL to no more than 60 square feet of total wall area.**

Case # 2004V-160

FNC

227 SANDY SPRINGS PLACE

The appeals of Tim Curl, seek variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Requests:

- (1) To allow a second freestanding sign at the second Kroger Shopping Center entrance from Hammond Drive (East entry) (Ref: Article XII.B.6.A, Section 3).
- (2) To increase the sign area of a new Kroger sign located on Sandy Springs Circle from 32 sq. feet to 37 sq. feet. (Ref: Article XII.B.6.A, Section h).
- (3) To allow an increase in sign height from 6 feet to 16 feet for new sign located at the Sandy Springs Circle entrance to Kroger (Ref: Article 12.b.6, Section b).
- (4) To increase the sign area from 32 sq. feet to 37 sq. feet for a new sign located at the Sandy Springs Place entrance to Kroger (Ref: Article XII.B.6, Section a).
- (5) To increase sign height from 6 feet to 16 feet for new sign located at the Sandy Springs Place entrance to Kroger (Ref: Article XII.B.6, Section a).
- (6) To allow a sign mural on a retaining wall at the Hammond Drive entrance exceeding the 5% maximum area (Ref: Article XXXIII.5, Section F.5).
- (7) To allow a sign mural on the building wall of the Kroger store oriented towards Sandy Springs Drive and Hammond Drive (Ref: Article XXXIII.5, Section 5).
- (8) To increase the sign area from 32 sq. feet to 37 sq. feet for a new sign located at the Sandy Springs Drive entrance to Kroger (Ref: Article XXII.B.6.A, Section a).
- (9) To increase the sign height from 6 feet to 16 feet for a new sign located at the Sandy Springs Drive entrance to Kroger (Ref: Article XII.B.6.A., Section a).
- (10) To allow an increase in wall sign area (mural) for Building Three Hundred with wall sign facing Hammond Drive (South Elevation) from 5% to 26% (Ref: Article XXXIII.5, Section F.5).

- (11) To allow an increase in wall sign area (mural) for Building Three Hundred and Twenty-Five with wall sign facing Hammond Drive (South Elevation) from 5% to 8% (Ref: Article XXXIII.5, Section F.5).
- (12) To allow an increase in wall sign area (mural) for Building Five Hundred with wall sign facing Sandy Springs Place (North Elevation) from 5% to 13% (Ref: Article XXXIII.5, Section F).
- (13) To increase the height of a new freestanding sign at the Hammond Drive West entrance from 10 feet to 16 feet (Ref: Article XII.B.6.A, Section a).

Property located at 227 Sandy Springs Place, in Land Lot 89 of District 17, Fulton County, Georgia.

Purpose: To allow new signage at all entrances to the City Walk Kroger and to allow wall sign murals on building walls.

Decision: **APPROVED CONDITIONAL to no tenant names being placed on murals, only the center's name; also with the approval of the Director of Environment and Community Development as recommended by the Sandy Springs Design Review Board on all murals.**

Case # 2004V-161

FCS

DANFORTH ROAD

The appeals of Sherise Bunbury, seek variances to the Fulton County Zoning Resolution in an R-3 (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required setback for recreational court from 100 feet to 60 feet from Danforth Road (Court 1 – Tennis Court) (Ref: Article XIX.3.8, Section B.3.b).
- (2) To reduce the minimum required setback for recreational court from 100 feet to 10 feet along the east property line (Court 1) (Ref: Article XIX.3.8, Section B.3.6).
- (3) To reduce the minimum required setback for recreational court from 100 feet to 50 feet from the west property line (Court 2 – Basketball Court) (Ref: Article XIX.3.8, Section B.3.6).
- (4) To reduce the minimum required front yard landscape area along internal subdivision street from 40 feet to 20 feet on Court 2 (Ref: Article IV.2.3.1).
- (5) To increase the maximum street grade (slope) for a new subdivision street from a 12% maximum grade to an approximate 16.6% grade (Ref: Article VII.2.8, Section B. Subdivision Regulations).
- (6) To delete the required parking for Courts 1 and 2 (Ref: Article XVIII.2.1).

The property is located at Danforth Road in Land Lot 28 of District 14F, Fulton County, Georgia.

Request:

To reduce the minimum required front yard setback from 50 feet to 47 feet for Lot 32 of the Highland Lake Subdivision (Ref: Article XXXII.2, Section A).

Property located at 5190 Highland Lake Drive in Land Lot 175 of District 9F, Fulton County, Georgia.

Purpose: To bring existing single family residence into compliance with front yard setback.

Decision: **DEFERRED for 30 days until October 21, 2004.**