

**FULTON COUNTY BOARD OF ZONING APPEALS
MEETING MINUTES
FEBRUARY 17, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, February 17, 2005 beginning at 1:00 p.m. in the Fulton County Government Center Assembly Hall, 141 Pryor Street, Atlanta, Georgia. Board members and staff attending this meeting were:

BOARD OF ZONING APPEALS

Karen Thurman, Chairperson
Donne Bland
Rosemary Lawson-Edge
M. Rose McCain-Shane
Aasia Mustakeem
David N. Patton

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Alice Wakefield, Deputy Director
Madolyn Spann, Planner
Shirley King, Zoning Coordinator
Bettie Lawson, Administrative Coordinator II

LEGAL DEPARTMENT

ALL REFERENCE TO THE WORD "DOCKET" IN THE FOLLOWING MINUTES APPLIES TO THE FILE KEPT IN A LARGE ENVELOPE DULY ENTITLED IN EACH CASE AND ON RECORD IN THE FULTON COUNTY ENVIRONMENT & COMMUNITY DEVELOPMENT DEPARTMENT. THE DOCKET CONTAINS ALL PAPERS AND DOCUMENTS REQUIRED BY THE FULTON COUNTY ZONING RESOLUTION, SHOWING METES, BOUNDS, COURSES AND DISTANCES, AND AS INCORPORATED BY REFERENCES AS PART OF THESE MINUTES. RECORDING TAPES OF THE PROCEEDINGS OF THIS MEETING ARE ON FILE IN THE ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT.

THESE MINUTES REFLECT ONLY THE ACTION BY THE BOARD OF ZONING APPEALS ON EACH CASE.

PUBLIC HEARING

The cases noted on the following pages were sounded by and acted upon by the Board of Zoning Appeals.

APPROVAL OF NOVEMBER 2004 AND JANUARY 2005 MINUTES

The Board of Zoning Appeals approved the November 2004 Minutes by majority vote. Ms. McCain moved for approval and Ms. Thurman seconded.

Ms. Thurman made a motion to approve the January 2005 minutes and Mr. Bland seconded. Ms. McCain, Ms. Mustakeem and Mr. Patton abstained as they were not present for the January hearing. The motion was carried.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:17 p.m.

SUBMITTED BY:

Steven R. Cover, AICP, Director
Environment & Community Development
Executive Secretary to the Board of
Zoning Appeals

APPROVED BY:

Chairperson

PREPARED BY:

Bettie J. Lawson
Administrative Coordinator II

Case # 2004V-228 FCN APPROVED 5565 MOUNT VERNON HWY

The appeal of David A. Hronchek 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 minimum required side yard setback along the north property line from 15 feet to 8 feet (Ref: Article VI.5.3, Section C).

Property located at 5565 Mount Vernon Highway, in Land Lot 165 of District 17 in Fulton County, Georgia.

Purpose: To allow improvements to the existing attached carport that currently has an 8-foot setback.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2004V-228 FCN in accordance with Article XXII. Ms. McCain-Shane seconded and the motion was carried. Ms. Lawson-Edge was not present for this vote.

Reason: Applicant presented a hardship in keeping with Article 22.3.1 of the Zoning Resolution.

Attendance: David Hronchek spoke in support and Michelle Gibson spoke in opposition.

Case # 2004V-229 FCN 300 PEACHTREE DUNWOODY CIRCLE

The appeals of Tim Ward seek 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 7.5 feet (Ref: Article VI.5.3, Section C).
- (2) To reduce the minimum required rear yard setback from 40 feet to 20 feet (Ref: Article VI.3.3, Section D).

Property located at 300 Peachtree Dunwoody Circle, in Land Lot 15 of District 17 in Fulton County, Georgia

Purpose: To allow the construction of a detached two-car, two-story garage with office above.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **DEFER** Case # 2004V-229 FCN for 30 days in accordance with Article XXII. This

motion was seconded by Mr. Patton and carried by majority vote. Ms. Lawson-Edge was not present for this vote.

Reason: To allow applicant opportunity to meet with neighbors and arrive at a variance that would be more in keeping with the neighborhood, and to submit new plans showing lesser impact on neighbors and evidence of a hardship, in accordance with Article XXII.

Attendance: Tim Ward and Neal McClain, property owner, spoke in support and Rita John spoke in opposition. She submitted photographs and an alternative site plan to be considered by applicant and BZA.

Case # 2004V-230 FCN

5561 ARUNDEL DRIVE

The appeal of Philip and Patricia Kennedy seeks a 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 side yard setback from 15 feet to 10 feet along the south property line (Ref: Article VI.2.3, Section C).

Property located at 5561 Arundel Drive, in Land Lot 174 of District 17 in Fulton County, Georgia.

Purpose: To allow an addition onto the front of the existing dwelling, maintaining the existing 10-foot setback along the south property line.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **APPROVE CONDITIONAL Case # 2004V-230 FCN**, to the drawing submitted with file and to the reconstruction of the former structure, in accordance with Article XXII. This motion was seconded by Mr. Bland and unanimously carried.

Reason: Applicant presented hardship in keeping with Article 22.3.1 of the Zoning Resolution.

Attendance: Philip Kennedy spoke in support; there was no opposition present.

Case # 2004V-231 FCN

6224 WILSON ROAD/PARSONS ROAD

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

Request:

To allow a six-foot high wooden fence along the property's Parson Road frontage within the required 40-foot landscape strip (Ref: Article IV.2.3).

Property located at 6224 Wilson Road, in Land Lots 342 and 343 of District 1 in Fulton County, Georgia.

Purpose: To provide a privacy fence along Parsons Road for a 74 -lot town home development, Myers Park (located across from North View High School).

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2004V-231 in accordance with Article XXII. This motion was seconded by Ms. Thurman and unanimously carried.

Reason: Applicant presented hardship in keeping with Article 22.3.1 of the Zoning Resolution.

Attendance: Mark Murphy spoke in support; there was no opposition present.

Case # 2004V-232 FCN **6193 and 6207 GLENRIDGE DRIVE**

The appeals of Masoud Zahedi seek variances to the Fulton County Zoning Resolution in an R-5A (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required perimeter setback from 40 feet to 20 feet along the North property line (Ref: Article VI.9.3, Section F).
- (2) To reduce the minimum required perimeter setback from 40 feet to 20 feet along the South property line (Ref: Article VI.9.3, Section F).
- 3) To reduce the minimum required perimeter setback from 40 feet to 30 feet along the property's Glenridge frontage (West property line) (Ref: Article VI.9.3, Section F).
- 4) To delete the minimum required 20-foot landscape strip around the detention area (Ref: Article XXXIV.5.4).

Property located at 6193 and 6207 Glenridge Drive, in Land Lot 36 of District 17 in Fulton County, Georgia.

Purpose: To allow the development of two acres into nine single family lots with lots ranging from 6,000 square feet to 10,000 square feet.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **APPROVE** Case # 2004V-232 FCN in accordance with Article XXII. Mr. Bland made a friendly amendment that applicant provide an executed copy of Agreement with

Aberdeen Forest Homeowners' Association to Fulton County. Ms. Mustakeem approved the friendly amendment and the motion was seconded by Mr. Patton and unanimously carried to **APPROVE CONDITIONAL** to applicant providing an executed copy of Agreement to Fulton County.

Reason: Applicant presented hardship in keeping with Article 22.3.1 of the Zoning Resolution.

Attendance: Masoud Zahedi spoke in support; there was no opposition present.
