

**Fulton County Board of Zoning Appeals
Meeting Minutes
March 16, 2006**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, March 16, 2006 beginning at 1:10 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
Douglas Gray
Rosemary Lawson-Edge
Rose McCain Shane
Aasia Mustakeem

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Madolyn Spann, Planner
Shirley Williams, Zoning Coordinator
Bettie Jones, Administrative Coordinator II
Marcia Stone, Administrative Assistant II
Randolph Beck, Planning Analysis Manager

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 FEBRUARY 2006 MINUTES

The motion for approval was made by Ms. Lawson-Edge and seconded by Ms. Thurman. The motion was carried by unanimous vote. Ms. Mustakeem was not present for the vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:27 p.m.

SUBMITTED BY:

Terry L. Todd, Acting Director
Environment & Community Development

APPROVED BY:

Chairperson

PREPARED BY:

Bettie J. Jones
Administrative Coordinator II

Case # 2006 VS-006

595 DORRIS ROAD

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

Request:

To delete the requirement for sidewalk along 310.85 feet of frontage along Dorris Road (Ref: Article 34.5.7).

Property located at 595 Dorris Road, in Land Lot 953 of District 2-2 in Fulton County, Georgia.

Purpose: To allow development of a 1.19 acre parcel for single family use.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **Approve** Case # 2006V-006 FCN, in accordance with Article XXII. This motion was seconded by Ms. Shane and unanimously carried

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

Attendance: Jeffrey Dopheide spoke in support; there was no opposition present.

Case # 2005V-259
(Held from Jan '06)

5945 STATE BRIDGE ROAD

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

Requests:

- (1) To increase the maximum sign area from 32 square feet to 55 square feet (Ref: Article 12.E.6).
- (2) To increase the maximum sign height from eight feet to 10 ½ feet (Ref: Article 12.E.6).
- (3) To increase the allowable tenant panels from four panels to six panels (Ref: Article 12.E.6).

Property located at 5945 -100 State Bridge Road, in Land Lots 331 & 336, of District 1-1 in Fulton County, Georgia.

Purpose: To allow the construction of a freestanding monument sign to identify the new Whole Foods Market and other retail shops located on site.

After review and discussion by Board Members, Mr. Gray made a motion to Defer Case # 2005V-259 FNC, in accordance with Article XXII. The motion was seconded by Ms. Shane and unanimously carried.

Reason: **Deferred 30 days** at the request of the applicant.

Attendance: Wendy Butler spoke in support; there was no opposition present.

Case # 2005V-271 FCN
(Held from Feb '06)

STATE ROUTE 9

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

Requests:

- (1) To delete the required 25-foot buffer along the east property line to provide a 10-foot wide landscape strip planted to buffer standards (Ref: Article 4.23).
- (2) To delete the required 25-foot buffer along the west property line to provide a 15-foot wide landscape strip planted to buffer standards (Ref: Article 4.23).
- (3) To delete the required 50-foot buffer along the south property line (rear) to provide a 15-foot landscape strip planted to buffer standards (Ref: Article 4.23)
- (4) To reduce the required 20-foot landscape strip to a 10-foot wide landscape strip along the State Route 9 frontage (north property line (Ref: Article 12G.4, Section A.1).
- (5) To reduce the minimum required parking from 48 spaces to 18 spaces (Ref: Article 18.3.1, Section F).

Property located at State Bridge Highway 9, in Land Lot 1123 of District 2 in Fulton County, Georgia.

Purpose: To allow the development of a 9,600 square foot retail center, Magnolia Plaza.

After review and discussion by Board Members, Ms. Shane made a motion to **DEFER** Case # 2005V-271 FCN, in accordance with Article XXII. This motion

was seconded by Ms. Mustakeem and carried by majority vote. Ms. Lawson-Edge opposed the vote.

Reason: **Deferred 30 days** to allow applicant the opportunity to meet with arborist.

Attendance: Haji Pourreza spoke in support. There was no opposition was present, but one letter of opposition is on file.

CASE # 2005V-273 FCN

10455 PARSONS ROAD

The appeal of Larry Genn seeks variances to the Fulton County Zoning Resolution in a TR (Townhouse Residential District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required pool setback from 100 feet to 17 feet along the northern property line (Ref: Article 19.3.12, Section B.3).
- (2) To reduce the minimum required pool setback to the east from a residential building (Unit 20) from 100 feet to a minimum of 13 feet (Ref: Article 19.3.12, Section B.3).
- (3) To reduce the minimum required pool setback to the south from Residential buildings across Hyde Park Lane from 100 feet to a minimum of 52 feet (Ref: Article 19.3.12, Section B.3).
- (4) To reduce the minimum required pool setback to the west from a residential building (Unit 21) from 100 feet to a minimum of 83 feet (Ref: Article 19.3.12, Section B.3).
- (5) To reduce the minimum required pool setback from 100 feet to a minimum of 14 feet to Hyde Park Lane (Ref: Article 19.3.12, Section B.3).

Property located at 10455 Parsons Road, in Land Lots 362, 363, 368 and 369 of district 1-1 in Fulton County, Georgia.

Purpose: To allow the construction of a private swimming pool within the Hyde Park town home development.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE**, Case # 2005V-273 FCN in accordance with Article XXII. This motion was seconded by Mr. Gray and carried unanimously.

Reason: Applicant presented a hardship in keeping with Article 22.3.1 of the Zoning Resolution, and he has the support of the Johns Creek Overlay.

Attendance: Larry Genn spoke in support; there was no opposition present.

Case #2006V-0001

9320 CHAPELWOOD DR

The appeal of Todd McAllister seeks variances to the Fulton County Zoning Resolution in an R-4A (Single Family Dwelling) district as follows:

Requests:

- (1) To allow a wrought iron and stacked stone column fence in the right-of-way of Norwich Way along the exterior side yard (Ref: Article 4.11).
- (2) To reduce the minimum required side yard setback from 20 feet to 10 feet to allow a garage addition along the West property line (along Norwich way) (Ref: Article 6.6.3).

Property located at 9320 Chapelwood Drive, in Land Lots 872 and 873 of District 1-2 in Fulton County, Georgia.

Purpose: To bring the existing fence into compliance and to allow a 10' X 15' garage addition onto the west side of the existing dwelling.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2006V-001 FCN, in accordance with Article XXII. This motion was seconded by Ms. Mustakeem and carried unanimously.

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

Attendance: Sharon and Todd McAllister spoke in support; there was no opposition present.

Case # 2006V-008, 009, 010 FCS

6565 YOUPON ROAD, 635 BLUE ANGEL DR, & 4405 WILD LAKE DR

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

Request:

- (1) To reduce the minimum required rear yard setback from 35 feet to 30 feet for Lot 17 along Youpon Road (Ref: Article 6.4.3, Section D) (2006V-008 FCS).

- (2) To reduce the minimum lot width from 75 feet to 65 feet on Lot 27 (Ref: Article 6.4.3, Section F) (2006V-009 FCS).
- (3) To reduce the minimum required front yard setback from 50 feet to 45 feet on Lot 32 along Wild Lake Drive (Ref: Article 6.4.3, Section B) (2006V-010 FCS).
- (4) To reduce the minimum required rear yard setback from 35 feet to 30 feet for Lot 32 (Ref: Article 6.4.3, Section B) (2006V-010 FCS).

Properties located at 6565 Youpon Road, 635 Blueangel Drive, and 4405 Wild Lake Drive, in Land Lot 164 of District 9F in Fulton County, Georgia.

Purpose: To allow the construction of single family dwellings on Lots 17, 27 and 32 of the Waterford Edge (formerly Rock Creek) Subdivision.

After review and discussion by Board Members, Mr. Gray made a motion to **DEFER** Cases 2006V-008, 009 and 010 FCS, in accordance with Article XXII. This motion was seconded by Ms. Lawson-Edge and carried unanimously.

Reason: **Deferred 30 days** to allow applicant the opportunity to meet with the Cliftondale Community Club.

Attendance: Jay Eurey spoke in support. Bruce Moody, Joseph Simeon and Teola Porch spoke in opposition.

Case # 2006V-011 **7780 SPENCE ROAD**

The appeal of Dave Tinsley seeks a variance to the Fulton County Zoning Resolution in an M-1A (Industrial Park District) zoning classification as follows:

Request:
 To reduce the minimum required setback for outdoor advertising sign from 100 feet to 15 feet along the I-85 Right-of-Way (Ref: Article 33.5, Section G.1.c).

Property located at 7780 Spence Road, in Land Lots 33 & 34 of District 9F in Fulton County, Georgia.

Purpose: To allow a billboard sign on the South Fulton Industrial Park site located on Spence Road with frontage along Interstate-85.

After review and discussion by Board Members, Mr. Gray made a motion to **DENY** Case # 2006V-011 FCN, in accordance with Article XXII. This motion was seconded by Ms. Lawson-Edge and unanimously carried.

Reason: **Denied** due to failure of applicant to prove hardship.

Attendance: Dave Tinsley spoke in support; there was no opposition present.

Case # 2006V-012

JOHN'S CREEK PARYWAY

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

Request:

To allow a temporary structure to be exempted from the Building Materials and Architectural Treatment Standards of the Northeast Overlay District (Ref: Article 12.E.4, Section D).

Property located at McGinnis Ferry Road and Johns Creek Parkway, in Land Lots 399 and 400 of District 1-1 in Fulton County, Georgia.

Purpose: To allow a temporary trailer for bank use while the main bank building is being constructed for Haven Trust Bank located at the southwest corner of Johns Creek Parkway and McGinnis Ferry Road.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE CONDITIONAL** Case # 2006V-012 FCN, in accordance with Article XXII, to compliance with Johns Creek Community Association letter dated March 16, 2006, paragraphs 1 and 4: (1) The proposed temporary trailer size, materials, colors, site landscaping and walkway will be constructed and/or strictly defined by the rendering and site plan; (4) All signage will comply with the Northeast Fulton Overlay Standards. Paragraph (2) The temporary trailer will be removed within 30 days of the opening of the main bank building or within six months, whichever comes first. The BZA amended this paragraph to a **total period** of not longer than nine months; and (3) The temporary trailer shall serve as both the construction Headquarters and temporary bank building. The BZA deleted this requirement. This motion was seconded by Ms. Lawson-Edge and carried unanimously.

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

Attendance: Rees Waite spoke in support; there was no opposition present.

Case # 2006V-013 FCN

2765 BETHANY BEND

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

Request:

To allow a “Coming Soon” sign to remain throughout the construction period at the southwest corner of Cogburn Road and Bethany Bend (Ref: Article 33.4.12, Section A.4).

Property located at 2765 Bethany Bend, in Land Lots 833, 834, 895 and 896 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the King’s Ridge Christian School to locate a “Coming Soon” sign to identify the new campus located on a 70-acre tract.

After review and discussion by Board Members, Ms. Shane made a motion to **Approved Conditional** to sign remaining for a period of no more than 12 months, and sign being limited to requirements of the Sign Ordinance, Case # 2006V-013 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray and unanimously carried.

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

Attendance: Mary Beechum spoke in support; there was no opposition present.

Case # 2006V-014

6940 HASSANA LANE

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

Request:

To reduce the minimum required rear yard setback from 25 feet to 6 feet (Ref: Article 6.6.3, Section D).

Property located at 6940 Hassana Lane, in Land Lot 161 of District 13 in Fulton County, Georgia.

Purpose: To allow an existing 14’x20’ storage building to remain as constructed.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **Approved Conditional** to existing building, Case # 2006V-014 FCS, in accordance with Article XXII. This motion was seconded by Mr. Gray and unanimously carried.

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

Attendance: Elmore Thomas spoke in support. There was no opposition present, but one letter of opposition is on file.

