

**FULTON COUNTY BOARD OF ZONING APPEALS
MEETING MINUTES
APRIL 21, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, April 21, 2005 beginning at 1:15 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
M. Rose McCain-Shane, Vice Chair
Donne Bland
Douglas M. Gray
Rosemary Lawson-Edge

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

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

LEGAL DEPARTMENT

Steve Rosenberg

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 MARCH 2005 MINUTES

The Board of Zoning Appeals approved the March 2005 Minutes by majority vote with the following corrections: **Case 2005V-007** – Ms. McCain-Shane abstained from voting; **Case 2005V-017** – The motion was seconded by Ms. Thurman.

Ms. McCain-Shane moved for approval of the March Minutes and Ms. Thurman seconded. Mr. Bland abstained from voting as he was not present for the March meeting. The motion was carried by majority vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 3:33 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 # 2005V-013 FCS

4555 WASHINGTON ROAD

(Held from March '05)

The appeal of Andy Lawson seeks variances to the Fulton County Zoning Resolution in an A (Medium Density Apartment District) zoning classification as follows:

Requests:

- (1) To increase the sign area from 16 square feet to 32 square feet for an identification monument located on each side of the entrance to the Highland Brooke Apartment Homes (Ref: XXXIII.5, Section C (2)).
- (2) To allow the overall sign structure to exceed the maximum 3.5 times 32 square feet of allowable sign size for a total sign structure size of 184.95 square feet (Ref: Article XXXIII.4.9).

Property located at 4555 Washington Road, in Land Lot 34 of District 13 in Fulton County, Georgia.

Purpose: To allow construction of a new entry wall type sign for the existing Azalea Manor apartment development as part of a renovation project.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **Approve Request #1** of Case # 2005V-013 FCN, **and to Withdraw Request #2** at request of applicant due to new interpretation, in accordance with Article XXII. The motion was seconded by Ms. Thurman and carried by majority vote. Ms. Lawson-Edge was not present for the vote.

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

Attendance: Andy Lawson spoke in support; there was no opposition present but one letter of opposition is in the file.

Case # 2005V-028 FCS

1185 & 1195 FAIRBURN ROAD

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

Request:

To reduce the required sign setback from 10 feet to 5 feet from Fairburn Road (Out-lot C) (Ref: Article XXXIII.4.9).

Property located at 1185 and 1195 Fairburn Road, in Land Lots 9 & 10 of District 14FF in Fulton County, Georgia.

Purpose: To allow a second freestanding monument sign for out-parcel located behind this developing 12,000 square foot “Shops at Fairburn” retail center.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2005V-028 FCS, in accordance with Article XXII. The motion was seconded by Mr. Bland and unanimously carried. Ms. Lawson-Edge was not present for the vote.

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

Attendance: Kevin Ramage spoke in support; there was no opposition present and no letters of opposition were filed.

Case # 2005V-033 FCN

12890 STATE HIGHWAY 9

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

Request:

To allow an identification monument sign where design of base is not equal to sign face (Ref: Article.XII.G.5, Section A).

Property located at 12890 Highway 9, in Land Lot 1048 of District 2-2 in Fulton County, Georgia.

Purpose: To allow construction of a sign at the entrance to the small retail out-parcel of the Windward Way Development. The proposed sign matches existing signage along State Route 9.

After review and discussion by Board Members, Ms. Shane made a motion to **Approve** Case # 2005V-033 FCN in accordance with Article XXII. Ms. Thurman seconded this motion that was unanimously carried. Ms. Lawson-Edge was not present for the vote.

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

Attendance: John McMillan spoke in support; there was no opposition present and no letters of opposition received.

Case # 2005VS-034 FCN

30 PROVIDENCE WAY

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

Request:

To appeal the decision declaring the subject property a non-conforming lot without the required road frontage.

Property located at 30 Providence Way, in Land Lot 950 of District 2-2 in Fulton County, Georgia.

Purpose: In order to allow expansion of the existing dwelling, the lot must have at least 35 feet of road frontage. The applicant states that Providence Way provides legal frontage.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve Case # 2005VS-034 FCN, declaring the property a legal non-conforming lot**, and disagreed with staff's interpretation that the lot is not a non-conforming lot without the required road frontage. The BZA declared the property to be a legal non-conforming lot. Mr. Bland seconded the motion in accordance with Article XXII, and the vote was carried by majority vote. Ms. Lawson-Edge abstained.

Reason: Applicant presented a hardship in keeping with Article 22.3.1.

Attendance: Linda Braddon spoke in support; Jim Greiff spoke in opposition.

Case # 2005V-035 FCN

615 ELIZABETH OAK COURT

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

Request:

To reduce the minimum required rear yard setback from 50 feet to 30 feet (Ref: Article V.1.3, Section D).

Property located at 615 Elizabeth Oak Court, in Land Lot 979 of District 2-2 in Fulton County, Georgia.

Purpose: To construct an approximate 850 square foot pool house in the rear yard adjoining the existing pool.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve Conditional Case # 2005V-035 FCN, to site plan submitted with no living quarters provided in pool house**, in accordance with Article IXX. The motion was amended by Ms. Thurman to include no living quarters in the pool house and seconded by Ms. Thurman. It was carried unanimously.

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

Attendance: Mr. Eddie Moore spoke in support. There was no opposition present, but one letter of opposition was in the file.

Case # 2005V-042 FCS **6045 BAKERS FERRY ROAD**

The appeal of Butch Baur, Waffle House, Inc., seeks variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

- (1) To allow a wall sign on a non-street facing wall (oriented toward internal drive – west wall) (Ref: Article 33.5, Section G.5).
- (2) To increase the sign area of the street-facing wall sign from 16 square feet to 21.24 square feet (oriented toward Fulton Industrial Boulevard – north wall) (Ref: Article 33.5, Section G.5).

Property located at 6045 Bakers Ferry Road, in Land Lot 109 of District 14F in Fulton County, Georgia.

Purpose: To allow the construction of a Waffle House at the southwest corner of Fulton Industrial and Bakers Ferry Road.

After review and discussion by Board Members, Ms. Thurman made a motion to **Approve Case # 2005V-042 FCS** in accordance with Article XXII. The motion was seconded by Ms. McCain-Shane and unanimously carried.

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

Attendance: Butch Baur spoke in support. There was no opposition present and no letters of opposition on file.

Case # 2005V-044 FCN **5305 WOODRIDGE FOREST TRAIL**

The appeal of Lloyd and Linda Greenwald 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 building setback from the northwest side property line from 15 feet to 0 feet for a subterranean (underground) garage structure (Ref: Article VI.3.3, Section C).

Property located at 5305 Woodridge Forest Trail, in Land Lot 175 of District 17 in Fulton County, Georgia.

Purpose: To allow a 250-square foot detached garage constructed subterranean into the hillside to the northwest side of the existing dwelling.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2005V-044 FCN in accordance with Article XXII. The motion was seconded by Ms. Lawson-Edge and unanimously carried.

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

Attendance: Lloyd Greenwald spoke in support. There was no opposition present.

Case # 2005V-045 FCN

5125 SOUTH TRIMBLE ROAD

The appeal of John and Nancy Cohen 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 8 feet along the north property line (Ref: Article VI.2.3, Section C).

Property located at 5125 South Trimble Road, in Land Lot 15 of District 17 in Fulton County, Georgia.

Purpose: To allow a garage addition to the side of the existing dwelling (north property line).

After review and discussion by Board Members, Mr. Bland made a motion to **DENY** Case # 2005V-045FCN in accordance with Article XXII. The motion was seconded by Mr. Gray and carried by majority vote. Ms. Lawson-Edge abstained.

Reason: Failure of applicant to present hardship.

Attendance: John Cohen spoke in support and Bernie and Susan Cabrera spoke in opposition. Five letters and one petition of opposition are in the file.

Case # 2005V-046 FCS

6555 FULTON INDUSTRIAL BLVD

The appeal of Roy W. Mertz seeks a variance to the Fulton County Resolution in an M-1A, M-2 (Industrial Park/Light Industrial District) zoning classification as follows:

Request:

To allow a non-street facing wall sign for the corner wall oriented toward Fulton Industrial Boulevard (Ref: Article XXXIII.5, Section F).

Property located at 6555 Fulton Industrial Boulevard, in Land Lots 61, 62, 137 and 150 of Districts 9C and 14F in Fulton County, Georgia.

Purpose: To allow wall signage for the new Bosch Office Warehouse on both corner walls.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **Approve** case # 2005V-046 FCS in accordance with Article XXII. This motion was seconded by Ms. Thurman and unanimously carried.

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

Attendance: Mr. Roy Mertz spoke in support. There was no opposition present.

Case # 2005V-047 FCS

4299 ROOSEVELT HIGHWAY

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

Requests:

- (1) To delete the minimum required 35-foot buffer and 10-foot improvement setback along the west side property line (Ref: Article IV.23.1).
- (2) To delete the minimum required 75-foot buffer and 10-foot improvement setback along the northwest (rear property line (Ref: Article IV.23.1)

Purpose: To allow the construction of an auto repair facility on a 188-acre site.

After review and discussion by Board Members, Mr. Gray made a motion to **Defer for 30 Days**, Case # 2005V-047 in accordance with Article XXII. This motion was seconded by Mr. Bland and unanimously carried.

Reason: To allow applicant opportunity to obtain additional information,

Attendance: Mr. Lee Mayweather spoke in support; there was no opposition present and no letters of opposition were received.

Case # 2005V-048 FCN

160 HILDERBRAND DRIVE

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

Request:

To allow property less than 40,000 square feet to have an identification monument sign (Ref: Article XII.B.6.A, Section 1).

Property located at 160 Hildebrand Drive in Land Lot 89 of District 17 in Fulton County, Georgia.

Purpose: To allow an existing Hair Salon to place a free-standing wall sign along Hildebrand Drive.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL Case # 2005V-048 FCN, to the site plan submitted, and per the following recommendation of the Sandy Springs Design Review Board**, in accordance with Article XXII as follows:

- (1) Free-standing sign be no higher than five (5) feet.
- (2) The sign has a horizontal look rather than a vertical look.
- (3) The sign has a monument base with brick supports and base to match the house.

The motion was seconded by Ms. Thurman and unanimously carried.

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

Attendance: Maurice Hider spoke in support. There was no opposition present.

Case # 2005V-049 FCN

120 NORTHWOOD DRIVE

The appeal of William Mark Sisk seeks variances to the Fulton County Zoning Resolution in the Sandy Springs Overlay District and the C-1 (Community Business District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required sidewalk width from 10 feet to 7 feet (Ref: Article XII.B.5).
- (2) To reduce the minimum required front landscape strip from 10 feet to 2 feet and 6 inches (Ref: Article XII.B.5, Section 1).
- (3) To increase the maximum sign area from 32 square feet to 64 square feet for primary identification monument sign (Ref: Article XII.B.6.A, Section B).
- (4) To increase the maximum sign height from 6 feet to 8 feet for primary identification monument sign (Ref: Article XII.6.A, Section A).
- (5) To allow second identification monument sign for church (Holy Spirit Catholic Center) (Ref: Article XII.B.6.A, Section 2).
- (6) To reduce the minimum required sign setback from 10 feet to 3 feet for signage along Northwood Drive (Ref: Article XXXIII).

Property located at 120 Northwood Drive, in Land Lot 90 of District 17 in Fulton County, Georgia.

Purpose: To allow site improvements and renovations to the Solidarity Mission Village, formerly Dover Square, in accordance with the Sandy Springs Overlay District.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve Conditional Case #2005V-049 FCN, to the recommendations of the Sandy Springs Design Review Board** in accordance with Article XXII as follows:

- (1) Reduce the sidewalk width from 9' to 7'.
- (2) Reduce front yard landscape strip from 10' to 2.6'.
- (3) Increase primary sign from 32 to 64 square feet.
- (4) Increase sign height from 6' to 8'.
- (5) Allow 2nd free-standing sign for church, and
- (6) Reduce minimum sign setback from 10' to 3'.

The 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: William Sisk and Steve Holton spoke in support. There was no opposition present. There was no opposition present; however, one letter of opposition is in the file.

Case # 2005V-050 FCS

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.

After review and discussion by Board Members, Mr. Gray made a motion to **Defer for 60 days**, Case # 2005V-050 FCS, in accordance with Article XXII. This motion was seconded by Ms. Lawson-Edge and unanimously carried.

Reason: To allow applicant opportunity to meet with the Old National Merchants Association. Applicant amended request to increase maximum sign area from 180 square feet to 919.54 square feet, down from 1,014.70 square feet.

Attendance: John Roegge spoke in support; Inga Kennedy spoke in opposition to support letter of opposition filed.

Case # 2005VS-007 FCN

4565 JETT ROAD

(Request for Reconsideration)

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 from 60 feet to 56 feet (Ref: Article VI.2.3.B).

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

Purpose: To allow an existing 1,300 square foot garage addition with a portion of the structure encroaching the front yard setback by 4 feet.

After review and discussion by Board Members, Ms. Thurman made a motion to **Rehear** Case # 2005VS-007 FCN at the May 19, 2005 BZA Hearing, in accordance with Article XXII. This motion was seconded by Ms. McCain-Shane and carried by majority vote. Ms. Lawson-Edge **Denied** the vote.

Reason: To allow Applicant opportunity to present case as applicant thought hearing was on a different date than the actual date scheduled.

Attendance: Linda Dunlavy, Attorney for applicant, spoke in support. There was no opposition present, but five letters of opposition were filed at previous March 17, 2005 Hearing.