

**FULTON COUNTY BOAD OF ZONING APPEALS
MEETING MINUTES
MAY 19, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, May 19, 2005 beginning at 1:06 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
Asia Mustakeem

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Madolyn Spann, Planner
Shirley King, Zoning Coordinator
Bettie Lawson, Administrative Coordinator II

LEGAL DEPARTMENT

Laura Hansford

PUBLIC WORKS

Earl Burrell

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 APRIL 2005 MINUTES

The Board of Zoning Appeals approved the April 2005 Minutes. The motion for approval was made by Ms. Lawson-Edge and seconded by Mr. Gray. Ms. Mustakeem abstained from voting as she was not present for the April hearing. The motion was carried by majority vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:30 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 # 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 (with 50 foot right-of-way, the new setback is 44 foot front yard setback from Jett Road) (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 garage to encroach the minimum required 60-foot front yard setback.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **Defer for 30 Days**, Case # 2005V-007 FCN at the request of the applicant and in accordance with Article XXII. This motion was seconded by Mr. Bland and unanimously carried.

Reason: Applicant requested deferral in order that the issue of the Jett Road right-of-way may be resolved.

Attendance: Linda Dunlavy, Attorney for applicant, spoke in support; there was no opposition present, but five letters of opposition were filed at the March 17th Hearing and are part of the file.

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, Ms. Lawson-Edge made a motion to **APPROVE CONDITIONAL** to site plan submitted, in addition to providing a solid

wooden fence between the automobile storage area and the deleted buffer areas; no storage and no parking of cars in deleted buffer areas, Case # 2005V-047 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: Mr. Lee Mayweather spoke in support. There was no opposition present and no letters of opposition were received.

Case # 2005V-059 FCN

10180 JONES BRIDGE ROAD

The appeal of Hirsh Minkowicz seeks variances to the Fulton County Zoning Resolution in the Johns Creek Overlay District and the AG-1 (Agricultural District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required 50-foot buffer and 10-foot improvement setback to a 20-foot buffer and a 10-foot improvement setback along the rear (west) property line (Ref: Article IV.23.1).
- (2) To reduce the minimum required 100-foot building setback along the rear (west) property line to 30-feet (Ref: Article XIX.4.10, Section B.1).
- (3) To reduce the minimum required parking spaces from 167 spaces to 100 spaces (Ref: Article XVIII.2.1)

Property located at 10180 Jones Bridge Road, in Land Lots 34 and 59 of District 1-1 in Fulton County, Georgia.

Purpose: To allow phase development of the Chabad of Alpharetta, allowing, the construction of a pool and pool house to the rear of the property.

After review and discussion by Board Members, Ms. McCain-Shane made a motion to **APPROVE CONDITIONAL** to a minimum 15-foot landscape area along the west property line, Case # 2005V-059 FCN, in accordance with Article XXII. The 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. Applicant also submitted a booklet containing drawings and letters of support from the Villages at Jones Ferry Home

Owners Association and a local business, Mill Creek Animal Hospital, in support of his case as part of his application for file.

Attendance: Hirsh Minkowicz and Mike Bodker spoke in support. There was no opposition present.

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.

After review and discussion by Board Members, Mr. Donne Bland made a motion to **DEFER for 30 Days**, Case # 2005V-062 FCN in accordance with Article XXII. The motion was seconded by Ms. Mustakeem and unanimously carried.

Reason: Applicant requested a 30-day deferral to allow time to address Arborist's concerns for specimen trees.

Attendance: Lisa Shippel and Ken Morton spoke in support; there was no opposition present.

Case # 2005V-066 FCS

FAIRBURN ROAD

The appeal of Stephen Rothman seeks variances to the Fulton County Zoning Resolution in an M-1 (Light Industrial District) zoning classification as follows:

Requests:

- (1) To allow a 20,000 square foot storage building within the 100-year Flood Prone Area (Ref: Article IV.24.9, Section C).
- (2) To allow relief from the Flood Storage Capacity requirements (Ref. Article IV.24.12).

Property located at Fairburn Road, in Land Lot 10 of District 14FF in Fulton County, Georgia.

Purpose: To allow the construction of a self-storage facility within a designated flood prone area providing flood plane compensation.

After review and discussion by Board Members, Mr. Gray made a motion to **DENY** Case # 2005V-066 FCS in accordance with Article XXII due to the potential negative impact on surrounding properties. The motion was seconded by Ms. Lawson-Edge and carried by a majority vote. The motion to Deny was opposed by Ms. Thurman and Ms. McCain.

Reason: Denied due to the potential negative impact on surrounding properties.

Attendance: Steve Rothman spoke in support. Vangie Watkins, representing the Cascade Overlook District, spoke in opposition, as well as Art Geter, Public Relations Representative of the Association of West Cascade Communities and President of Cascade Knolls Subdivision. Mr. Geter also submitted a letter of opposition at the hearing.

Case # 2005V-067 FCS

4839 WOLF CREEK VIEW

The appeal of Ed Buchli 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 lot width from 100 feet to 74 feet for Lot 97 of the Brookwood Subdivision.

Property located at 4839 Wolf Creek View in Land Lot 157 of District 9F in Fulton County, Georgia.

Purpose: To allow the construction of a single family dwelling at the minimum 50-foot building setback required by zoning due to steep topography to the rear of lot.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-067 FCS in accordance with Article XXII. The 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: Ed Buchli spoke in support; there was no opposition present.

Case # 2005V-068 FCN

453 EBENEZER ROAD

The appeal of Perry Pettett seeks variances to the Fulton County Zoning Resolution in an AG-1 (Agricultural District) zoning classification as follows:

Requests:

- (1) To increase the height of the sign structure from six feet to twelve feet (Ref: Article XXXIII.5, Section A.2).
- (2) To allow a non-monument type identification sign (Ref: Article XXIII.5, Section A.2).

Property located at 453 Ebenezer Road, in Land Lots 1090, 1091, 1070, and 1071 of District 2-2 in Fulton County, Georgia.

Purpose: To allow a 12 square foot hanging sign at the entrance to the 21-lot Heydon Hall Subdivision from Ebenezer Road.

After review and discussion by Board Members, Ms. Thurman made a motion to **APPROVE CONDITIONAL** to sign wording being no greater than 8” in height, Case # 2005V-068 FCN in accordance with Article XXII. The motion was seconded by Ms. McCain-Shane. Mr. Bland and Mr. Gray denied the vote and Ms. Lawson-Edge abstained. The motion was carried by 3:2:1 ratio and the motion to approve was carried by majority vote.

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

Attendance: Perry Pettett spoke in support; there was no opposition present, however, one letter of opposition is on file.

Case # 2005V-069 FCN
Case # 2005V-070 FCN

130 PINEY HILL TRACE
4345 PINE HALLOW COURT

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

Request:

- (1) To allow an off-site identification monument sign along Buice Road on Lot 55 (near Kimball Bridge Road), identifying the Pinewalk Subdivision (Ref: Article XXXIII.5, Section B.2). (2005V-069).
- (2) To allow an off-site identification monument sign along Buice Road on Lot 41 (Near Jones Bridge Road), identifying the Pinewalk Subdivision (Ref: Article XXXIII.5, Section B.2) (2005V-070).

Property located at 130 Piney Hill Trace AND 4345 Pine Hallow Court, in Land Lot 11-7 of District 1-1 in Fulton County, Georgia.

Purpose: To allow construction of a stone monument along the Buice Road right-of-way at the entrance to Pinewalk Subdivision.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Cases # 2005V-069 and 2005V-070 which were sounded together, in accordance with Article XXII. The motion was seconded by Mr. Bland and carried unanimously.

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

Attendance: Brian McCarthy spoke in support and presented a Sign Maintenance Agreement and Easement in support of his case. There was no opposition present.

Case # 2005V-072 FCS 3695 ROOSEVELT HIGHWAY

The appeal of Terry Dozier seeks variances to the Fulton County Zoning Resolution in a C-1 (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.

After review and discussion by Board Members, Mr. Gray made a motion to **DENY** Case # 2005V-072 FCS in accordance with Article XXII. This motion was seconded by Ms. McCain-Shane and carried unanimously.

Reason: Denied due to inconsistency with surrounding area.

Attendance: Jerry Dozier and Keith Yancey spoke in support; there was no opposition present.

The appeal of Diana Stawnyczy Prockow seeks a variance to the Fulton County Zoning Resolution in an R-1 (Single Family Dwelling) zoning classification as follows:

Request:

To allow an existing one-story frame structure to encroach the side yard setback of 25 feet allowing a 15-foot setback (Ref: Article VI.1.3.C).

Property located at 4556 Northside Drive in Land Lots 162 and 177 of District 17 in Fulton County, Georgia.

Purpose:

To bring into compliance an existing cottage-like structure located within the side, rear yard of the subject property.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL** Case # 2005V-073 FCN in accordance with Article XXII. Ms. Thurman amended the motion stating approval for existing structure. The motion was seconded by Ms. Thurman and carried unanimously.

Reason:

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

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