

**Fulton County Board of Zoning Appeals
Meeting Minutes
May 18, 2006**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, May 18, 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
Donne Bland
Douglas Gray
Rosemary Lawson-Edge
Rose McCain Shane
Aasia Mustakeem

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Madolyn Spann, Planner
Shirley Williams, Zoning Coordinator
Bettie J. Jones, Administrative Coordinator II
Marcia Stone, Administrative Assistant II
Randolph Beck, Planning Analysis Manager
Nick Ammons, Public Works

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. Case 05V-271 was heard out of sequence.

APPROVAL OF APRIL 2006 MINUTES

The motion for approval was made by Ms. Shane and seconded by Mr. Bland. The motion was carried by majority vote as Ms. Mustakeem abstained.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:54 p.m.

SUBMITTED BY:

Terry L. Todd, Acting Director
Environment & Community Development

APPROVED BY:

Chairperson

PREPARED BY:

Bettie J. Jones
Administrative Coordinator II

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

Requests:

- (1) To reduce the minimum required new street setback from 50 feet to 0 feet along the south property line of Lot 48 of Six Hills Subdivision/Phase 2 (Ref: Article 34.5.7).

- (2) To reduce the minimum required new street setback from 50 feet to 0 feet along the north property line of Lot 49 of Six Hills Subdivision/Phase 2 (Ref: Article 34,5,7).

Property located at Owens Lake Road, in Land Lot 1025 of District 2-2 in Fulton County, Georgia.

Purpose: To allow a new subdivision street extending from Owens Lake Road providing access to a 15-lot planned subdivision expansion (Six Hills Subdivision Phase 4).

After review and discussion by Board Members, Ms. Mustakeem made a motion to **DENY** Case # 2006VS-056 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray and carried by majority vote. Mr. Bland and Ms. Shane opposed the vote.

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

Attendance: David Farnham, Attorney for applicant, and Ray Wilkie, Engineer and Consultant, Keystone Capital, presented an affidavit and spoke in support of the appeal. Randy Turner and David Cooper spoke in opposition. Mr. Cooper presented a 21-tab binder of support documents, dated May 17, 2006. The Board indicated that they could not fully consider the material given it was too voluminous to review during the hearing. He made recognition of residents of Six Hills who were present in opposition. Mr. Steven Longfellow, homeowner, also spoke in opposition in response to direct questions by the Board.

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 west property line to provide a 25-foot wide landscape strip planted to buffer standards (Ref: Article 4.23).
- (2) To delete the required 25-foot buffer along the east property line to provide a 10-foot wide landscape strip internal to the access drive along the east property line (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 84 spaces to 50 spaces (Ref: Article 18.3.1, Section F).

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

Purpose: To allow the development of a 16,800 square foot retail/office center, Magnolia Plaza, within the State Route 9 Overlay District.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Request #1 and **Deny** requests 2, 3, 4, 5. This motion was seconded by Mr. Gray and carried by majority vote. Ms. Lawson-Edge abstained.

Reason: Applicant submitted letters from two adjoining property owners. Requests 2, 3, 4 and 5 were **Denied** due to failure of applicant to present a hardship.

Attendance: Haji Pourreza spoke in support; Heidi Bethany Area Residents' Association, spoke in opposition.

Case # 2006V-055 FCN

3065 WEBB ROAD

The appeal of Richard Singer seeks variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification and the State Route 9 Overlay District as follows:

Requests:

- (1) To increase the height of a monument sign from 6 feet to 12 feet located at the entrance from State Route 9 (Ref: Article 12.G.5, Section D).

- (2) To increase the sign area from 32 square feet to 63 square feet located at the entrance from State Route 9 (Ref: Article 12.G.g, Section D).
- (3) To allow the sign face to be less than the sign base for monument sign located at the State Route 9 entrance (Ref: Article 12.G.5, Section K).
- (4) To increase the wall sign area (Signs B & C) from 100 square feet to 450 square feet along the West wall elevation facing State Route 9 (Ref: Article 12.G.5, Section K).
- (5) To increase the wall sign area (Sign A) above entrance, from 100 square feet to 275 square feet along the South wall elevation facing internal parking area (Ref: Article 12.G.5, Section K).
- (6) To allow a second monument sign along the Webb Road frontage (Ref: Article 12 .C.5, Section A).
- (7) To increase the height of the sign monument from 6 feet to 12 feet along the Webb Road frontage (Ref: Article 12.G.5, Section D).
- (8) To allow the sign face to be less than the sign base or monument sign along the Webb Road frontage (Ref: Article 12.G.5, Section A).
- (9) To increase the sign area from 32 square feet to 63 square feet for monument sign along the Webb Road frontage (Ref: Article 12.G.5, Section D).
- (10) To allow area of flags not to exceed 96 square feet (Ref: Article 33.4.12, Section B.1).
- (11) To allow delivery information on the monument sign along the Webb Road frontage (Ref: Article 33.4.12, Section A.1.a).

Property located at 3065 Webb Road, in Land Lots 1047, 1948 and 1183 of District 2-2 in Fulton County, Georgia.

Purpose: To allow the development of a 150,000 square foot Fry's Electronic Store.

After review and discussion by Board Members, Mr. Bland made a motion to **DEFER** Case # 2006V-055 FCN. This motion was seconded by Mr. Gray and carried by unanimous vote.

Reason: DEFERRED 30 DAYS to allow applicant the opportunity to view other signs in the area and to meet with the Bethany Area Residents' Association (BARA).

Attendance: Don Sturr and Bryan Boone spoke in support; Heidi Sowder, BARA, spoke in opposition

Case # 2006V-057 FCS

5495 OLD NATIONAL HWY

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

Requests:

- (1) To allow one pole sign measuring 72 square feet at a height of 23 feet along Old National Highway (Ref: Article 12.D.4, Section 3).
- (2) To allow one wall sign measuring 62 square feet on the front wall of the building/non-street facing wall (Ref: Article 12.D.4, Section 4).

Property located at 5495 Old National Highway, in Land Lot 93 of District 13 in Fulton County, Georgia.

Purpose: To allow Kool Smiles Dentists to replace previous Blockbuster signage.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Request #2 and to **DENY** Request #1 in accordance with Article XXII. This motion was seconded by Ms. Lawson-Edge and unanimously carried.

Reason: **Approved** request #2 in keeping with Article 22.3.1 of the Zoning Resolution; **Denied** request #1 as pole signs do not meet the standards of the Old National Overlay District requirements

Attendance: David Flynn and Chris Inabinst spoke in support; there was no opposition present

Case # 2006VS-058 FCS

4240 JAILETTE ROAD

The appeal of Ed Etefia seeks a variance to the Fulton County Zoning Resolution in a SUB-C (Single Family District) zoning classification as follows:

Request:

To delete the requirement for sidewalk, curb and gutter along the Jailette Road frontage (Ref: Article 34.5.3).

Property located at 4240 Jailette Road, in Land Lot 158 of District 9F in Fulton County, Georgia.

Purpose: To allow the development of a single family residence at 4240 Jailette Road.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2006VS-058 FCS, in accordance with Article XXII. This 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: Scott and Cassandra Williams spoke in support; there was no opposition present.