

**Fulton County Board of Zoning Appeals
Meeting Minutes
June 15, 2006**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, May 15, 2006 beginning at 1:19 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

Donne Bland
Douglas Gray
Rose McCain Shane, Vice Chair
Asia Mustakeem

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Madolyn Spann, Planner
Bettie J. Jones, Administrative Coordinator II
Marcia Stone, Administrative Assistant II
Randolph Beck, Planning Analysis Manager
Michael Charlson, Planner

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 MAY 2006 MINUTES

The motion for approval was made by Ms. Shane and seconded by Ms. Mustakeem The motion was carried by unanimous vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:47 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 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 (Sign D) from 6 feet to 12 feet located at the entrance from State Route 9 (Ref: Article 12.G.5, Section D). **Withdrawn**
- (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). **Withdrawn**
- (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). **(Proposed 24.5 square feet Sign B/No sign at C elevation)**
- (5) To increase the wall sign area (Sign A above store entrance) from 100 square feet to 199 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 (Sign E) along the Webb Road frontage (Ref: Article 12 .C.5, Section A)
- (7) To allow a **sign monument at 4 feet in height** along the Webb Road frontage (Ref: Article 33.4.12, Section A.1.a).
- (8) 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). **Withdrawn**
- (9) To allow the sign face to be less than the sign base for monument sign along the Webb Road frontage (Ref: Article 12.G.5, Section A).
- (10) To allow **three 5 x 8 flags** (No logo flag permitted) (Ref: Article 33.4.12, Section 12 feet (Ref: Article 12.G.5, Section D).

- (11) To allow delivery information on the Webb Road sign monument (Ref: Article 33.4.12, Section B.1.).

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, Ms. Mustakeem made a motion to **APPROVE CONDITIONAL** Case # 2006V-055 FCN as presented by the opposition. This motion was seconded by Mr. Bland and carried by unanimous vote in accordance with Article XXII, Variance Consideration, with the following conditions:

1. Requests 1, 2, & 8 **Withdrawn**
2. Requests 3, 6, 9 **Approved**
3. Request 4 **Approved Conditional** to 24.5 square feet on wall sign elevation B/no sign at elevation C
4. Request 5 **Approved Conditional** to 199 maximum square feet on south wall elevation
5. Request 7 **Approved Conditional** at maximum four feet in height
6. Request 10 **Approved Conditional** to three flags to include two U.S. and one Georgia State Flag
7. Request 11 **Approved Conditional** to address being placed on monument sign

Reason: Applicant presented hardship in accordance with Article 22.3.1, Zoning Resolution.

Attendance: Bryan Boone spoke in support; Heidi Sowder, BARA, spoke in opposition.

Case # 2006V-059 FCN

13792 STATE ROUTE 9

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

Request:

To allow a solid rear building wall without windows (Ref: Article 12.G.4, Section 5).

Property located at 13792 State Highway 9, in Land Lot 898 of District 2-2 in Fulton County, Georgia.

To reduce the minimum required front yard setback from 35 feet to 25 feet for Lot 48 in Phase II of the Walton Hill Subdivision (Ref: Article 6.6.3.B).

Property located at 3135 White Tail Lane, in Land Lot 191 of District 13 in Fulton County, Georgia.

Purpose: To allow the construction of a single family lot.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2006V-065 FCS, in accordance with Article XXII, Variance Consideration. 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: Dawn Nunley spoke in support; there was no opposition present.

Case # 2006V-071 FCN

10630 WATERS ROAD

The appeal of Hamid Alaei seeks a variance to the Fulton County Zoning Resolution in an R4-A (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the required 150-foot buffer to 75 feet along the south property line for approximately 600 feet along the Long Indian Creek bank (Ref: Article VII, Section 26-429.b.1 Fulton County Stream Buffer Ordinance).

Property located at 10630 Waters Road in Land Lot 10 of District 11 in Fulton County, Georgia.

Purpose: To allow the development of six (6) single family lots from 3.26 acres.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case #2006V-071 FCN. This motion was seconded by Ms. Shane. Ms. Mustakeem and Mr. Gray voted to **Deny** the motion, thus the motion failed for lack of majority vote. After further discussion, Ms. Shane made a motion to **Defer** the case. The motion was seconded by Mr. Bland and unanimously carried.

Reason: Deferred for 30 days to allow applicant opportunity to meet with opposing homeowners.

Attendance: Pete Hendrix, Lovick Evans and Hamid Alaei spoke in support; there was no opposition present, however, a letter of opposition is in the file.

Case # 2006VS-072 FCN 13995 FREEMANVILLE ROAD

The appeal of Alex Paulson 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 approximately 408 feet of frontage along Freemanville Road (Ref: Article 34.5.3).

Property located at 13995 Freemanville Road, in Land Lots 83 and 84 of District 2-2 in Fulton County, Georgia.

Purpose: Sidewalk required along frontage of a two-lot subdivision.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2006VS-072 FCN, in accordance with Article XXII, Variance Consideration. The motion was seconded by Ms. Mustakeem and unanimously carried.

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

Attendance: Alex Paulson spoke in support; there was no opposition present.

Case # 2006V-073 FCS 6149 OLD NATIONAL HWY

The appeal of John Tennant seeks variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification of the Old National Overlay District as follows:

Requests:

- (1) To increase the accent wall material from 40% to 60% along the vertical wall elevation (Ref: Article 12.D.3. D.4).
- (2) To allow a wall sign on retaining wall along the north side of the shopping center's southern most entry drive of the new Old National Town Center (Ref: Article 12.D.4.1).
- (3) To allow a non-street facing wall along the north and south building wall of Building 400 located at the southern most entrance (Ref: Article 12.D.4, Section 4).

- (4) To allow a non-street facing wall along the north and south building wall of Building 300 located at the southern most entrance (Ref: Article 12.D.4, Section 4).
- (5) To allow manual closing screening gates around dumpster areas instead of self-closing gates (Ref: Article 12.D.3.B, Section 1).

Property located at 6149 Old National Highway, in Land Lot 125 of District 13 in Fulton County, Georgia.

Purpose: To allow additional glass and accent to building walls and to allow placement of wall signs for improved visibility for shops in the Old National Town Center (New Old National Wal-Mart Shopping Center).

After review and discussion by Board Members, Mr. Gray made a motion to **Approved** Case # 2006V-073 FCS, in accordance with Article XXII, Variance Consideration. The 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: John Tennant, Alex Munoz and Tennyson Williams spoke in support; there was no opposition present.

Case # 2006VS-074 FCS

455 WYNNS WAY

The appeal of Michael Wimbish seeks a variance to the Fulton County Zoning Resolution in an R-3 (Single Family District) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 30 feet to 20 feet (previous variance granted 50 feet to 30 feet) for Lot 21 of the Wynns Way Subdivision (Ref: Article 6.9.3, Section B).

Property located at 455 Wynns Way, in Land Lot 62 of District 14FF in Fulton County, Georgia.

Purpose: To allow the construction of a single family dwelling.

After Review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2006V-074 FCS, in accordance with Article XXII, Variance Consideration. The motion was seconded by Ms. Mustakeem and unanimously carried.

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

Attendance: Michael Wimbish spoke in support; there was no opposition present.