

**FULTON COUNTY BOARD OF ZONING APPEALS  
MEETING MINUTES  
JUNE 16, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, June 16, 2005 beginning at 1:04 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  
Rosemary Lawson-Edge  
Aasia Mustakeem  
David N. Patton

**ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT**

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

**LEGAL DEPARTMENT**

Valerie Ross

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 2005 MINUTES**

The Board of Zoning Appeals approved the May 2005 Minutes. The motion for approval was made by Mrs. McCain-Shane and seconded by Ms. Thurman. Mr. Patton abstained from voting as he was not present for the May hearing. The motion was carried by majority vote.

**ADJOURNMENT OF MEETING**

The meeting adjourned at 3:15 p.m.

**SUBMITTED BY:**

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Steven R. Cover, AICP, Director  
Environment & Community Development  
Executive Secretary to the Board of  
Zoning Appeals

**APPROVED BY:**

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**Chairperson**

**PREPARED BY:**

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Bettie J. Lawson  
Administrative Coordinator I

**Case # 2005V-050 FCS  
(Held from April '05)**

**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, Ms. Lawson-Edge made a motion to **APPROVE** Case # 2005V-050 in accordance with Article XXII. This motion was seconded by Dr. Bland and unanimously carried.

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

**Attendance:** John Roegge, John Tennant, Michael Venable and James Dowd spoke in support. There was no opposition present.

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**Case # 2005VS-007 FCN  
(Held from May '05)**

**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(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, Mr. Bland made a motion to **Approve** Case # 2005VS-007 FCN, in accordance with Article XXII. This motion was seconded by Mr. Patton. Ms. Thurman **abstained** and the motion carried by majority vote.

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

**Attendance:** Linda Dunlavy, Attorney for applicant, and Kim Addington spoke in support. Tracy White spoke in opposition and filed a summary of opposition at the hearing. This summary is part of the file.

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**Case # 2005V-062 FCN**  
**(Held from May '05)**

**2925 & 2935 WEBB ROAD**

The appeal of Donald Rolader seeks variances to the Fulton County Zoning 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, Ms. McCain made a motion to **DEFER** request #1 for 30 days, and to **WITHDRAW** request #2 at the request of the applicant, Case # 2005V-062 FCN, in accordance with Article XXII. This motion was seconded by Ms. Thurman and carried unanimously.

**Reason:** Applicant requested deferral to allow time to continue meeting with Arborist, and withdrawal of request #2.

**Attendance:** Merryl Mandus, Attorney for applicant, spoke in support. There was no opposition present.

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**Case # 2005V-077 FCS**

**5495 OLD NATIONAL HIGHWAY**

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

**Request:**

To allow steel security gates to remain in windows of the Blockbuster Video Store (Ref: Article XII.D.3, Section D.12)

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

**Purpose:**

To grant relief from the Old National Overlay District standards prohibiting steel gates or burglar bars.

After review and discussion by Board Members, Mr. Patton made a motion to **Deny** Case # 2005V-077 FCS in accordance with Article XXII. This motion was seconded by Ms. McCain and unanimously carried.

**Reason:**

Denied to negative impact on surrounding properties and being incongruent with requirements of the Old National Overlay District. Applicant has 90-day grace period to remove gates. It was suggested as a matter of discussion that Blockbuster view the video on alternative security systems presented to other merchants by the Old National Merchants Association.

**Attendance:**

John Dennis and Theresa Herren spoke in support; Michael Venable and James Dowd spoke in opposition. A letter of opposition is part of the file.

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**Case # 2005V-078 FCN**

**310 HAMMOND DRIVE**

The appeal of Janel Marks and Romi Alavi seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

**Request:**

To allow property under 40,000 square feet to maintain the existing free-standing sign along Hammond Drive (Ref: Article XII.B.2.6, Section A.1).

Property located at 310 Hammond Drive, in Land Lot 89 of District 17, Fulton County, Georgia.

**Purpose:**

To allow an existing 32 square foot sign to remain for the Psychic Readings business.

After review and discussion by Board Members, Ms. Thurman made a motion to **Defer** for 30 days, Case # 2005V-078 FCN, in accordance with Article XXII. Mr. Bland seconded this motion and it was unanimously carried.

**Reason:** To get full recommendations of the Sandy Springs Design Review Board.

**Attendance:** Neither applicant nor opposition was present.

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**Case # 2005V-079 FNC**

**720 OLD KNOLL VIEW**

The appeal of Andrew and Carol Bohlmann seeks a variance to the Fulton County Zoning Resolution in a CUP (Community Unit Plan District) zoning classification as follows:

**Request:**

To reduce the minimum required pool deck setback from 10 feet to 0 feet (Ref: Article XIX.3.12, Section B.1)

Property is located at 720 Old Knoll View, in Land Lot 839 of District 1-2 of Fulton County, Georgia.

**Purpose:** To allow a swimming pool and deck to be located 0 feet from the rear of the property line.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **Approve** Case # 2005V-079 FCN, in accordance with Article XXII. This motion was seconded by Ms. McCain and carried unanimously.

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

**Attendance:** Andrew Bohlmann spoke in support; there was no opposition present. Four letters of support are part of the file, with one withdrawal of support by an adjoining property owner.

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**Case # 2005V-082 FCN**

**8040 ROSWELL ROAD**

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

**Request:**

To allow an identification monument sign within the right-of-way of Roswell Road (Ref: Article XXXIII.4.9).

Property located at 8040 Roswell Road, in Land Lot 24 of District 17 in Fulton County, Georgia.

**Purpose:** The Great American Floors business located at the corner of Brantley and Roswell Roads proposes to place a 32-square foot monument sign at its entrance from Roswell Road.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case # 2005V-082 FCN, in accordance with Article XXII. This 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:** Stephanie Seltzer spoke in support. There was no opposition present; however, one letter of opposition is part of the file.

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**Case # 2005V-084 FCN**

**5067 GREEN PINE DRIVE**

The appeal of Gregory and Allison Broms seeks variances to the Fulton County Zoning Resolution in an R-2 (Single Family Dwelling District) zoning classification as follows:

**Requests:**

- (1) To reduce the minimum required side yard setback from 15 feet to 4.70 feet along the south property line (Ref: Article VI.2.3, Section C).
- (2) To reduce the minimum required front yard setback from 60 feet to 40 feet to bring the existing garage setback into compliance (03V-099) (Ref: Article VI.2.3, Section A).

Property located at 5067 Green Pine Drive, in Land Lot 40 of District 17 in Fulton County, Georgia.

**Purpose:** To allow a storage addition onto the side of the existing garage with a 50-foot front yard setback and an approximate 5-foot side yard setback.

After review and discussion by Board Members, Ms. McCain made a motion to **Approve Conditional** Case # 2005V-084FNC as follows: Request #1 as requested, and Request #2 to site plan submitted in order to bring existing garage into compliance, 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 Zoning Resolution.

**Attendance:** Greg Broms spoke in support; there was no opposition present.

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**Case # 2005V-086 FCN**

**240 EMBASSY COURT**

The appeal of Daniel Franke seeks a variance to the Fulton County Zoning Resolution in a CUP (Community Unit Plan) zoning classification as follows:

**Request:**

To allow a swimming pool in the front yard along Mitchell Road of Lot 26 in the Grosvenor Subdivision (Ref: Article XIX.3.12, Section B).

Property located at 240 Embassy Court, in Land Lot 123 of District 17 in Fulton County, Georgia.

**Purpose:** The subject lot has frontages on Embassy Court and Mitchell Road, and no rear yard by definition.

After review and discussion by Board Members, Ms. McCain made a motion to **Approve Conditional** to site plan submitted, Case # 2005V-084 FCN, 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 Zoning Resolution.

**Attendance:** Daniel Franke spoke in support; there was no opposition present.

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**Case # 2005V-087 FCN**

**400 CREEK POINT**

The appeal of Javad Oskoei 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 side yard setback from 25 feet to 10 feet along the southerly property line of Lot 14 (Ref: Article V.1.3, Section C).
- (2) To reduce the minimum required front yard setback from 60 feet to 40 feet on Lot 14 of the Creek Crossing Subdivision (Ref: Article V.1.3, Section B).

Property located at 400 Creek Point, in Land Lot 917 of District 2-2 in Fulton County, Georgia.

**Purpose:** To allow the construction of a single family dwelling on Lot 14 of the Creek Crossing Subdivision.

After review and discussion by Board Members, Ms. McCain made a motion to **Approve Conditional** Case # 2005V-087 FCN as follows: Request #1 approved as requested; Request #2 front yard setback reduced from 60 feet to 50 feet, 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 Zoning Resolution.

**Attendance:** Javad Oskoei spoke in support; there was no opposition present, however, two letters of opposition are on file.

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**Case # 2005V-088 FCN**

**395 CREEK POINT**

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

**Request:**

To reduce the minimum required side yard setback from 25 feet to 10 feet along the southerly property line of Lot 13 (Ref: Article V.1.3, Section C).

Property located at 395 Creek Point, in Land Lot 917 of District 2-2 in Fulton County, Georgia.

**Purpose:** To allow the construction of a single family dwelling on Lot 13 of the Creek Crossing Subdivision.

After review and discussion by Board Members, Ms. McCain made a motion to **Approve** Case # 2005V-088, 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 Zoning Resolution.

**Attendance:** Javad Oskoei spoke in support; there was no opposition present, however, two letters of opposition are on file.

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**Case # 2005V-090 FCN**

**775 TRAMORE PLACE**

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

**Request:**

To reduce the minimum required front yard setback from 60 feet to 52 feet (Ref: Article V.1.3, Section B).

Property located at 775 Tramore Place, in Land Lot 883 of District 2-2 in Fulton County, Georgia.

**Purpose:** To bring the newly constructed dwelling into compliance with required 60-foot front yard setback for Lot 15 in the Tramore Subdivision.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **Approve** Case # 2005V-090 FCN, 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:** Jim Bonem spoke in support; there was no opposition present.

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**Case # 2005V-094 FCN**

**2080 N. BETHANY CREEK DRIVE**

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

**Requests:**

- (1) To allow a swimming pool within the legal front yard along Spring Brook Drive (Ref: Article XIX.3.12, Section B-1).
- (2) To reduce the minimum required pool deck setback from the front property line from 10 feet to 5 feet (westerly property line adjoining Spring Brook Park) (Ref: Article XIX.3.12, Section B.1).
- (3) To reduce the minimum required pool deck setback from the side property line from 10 feet to 3 feet (northerly property line) (Ref: Article XIX.3.12, Section B.1).

Property located at 2080 North Bethany Creek Drive, in Land Lot 899 of District 2-2 in Fulton County, Georgia.

**Purpose:** To allow the construction of a swimming pool in the legal front yard adjoining Spring Brook Drive.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case # 2005V-094 FCN, 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 Zoning Resolution.

**Attendance:** Roger Hunter and Odis Miller spoke in support; Zhifeng Zhang and Mei Liu spoke in opposition and submitted a letter of opposition at the hearing.

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**Case # 2005V-095 FCN**

**4711 DUDLEY LANE**

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

**Request:**

To reduce the minimum required side yard setback from 10 feet to 5 feet (Ref: Article VI.4.3, Section C).

Property located at 4711 Dudley Lane, in Land Lot 119 of District 17 in Fulton County, Georgia.

**Purpose:** To allow the addition of a garage and living area additions to the existing dwelling of approximately 3,000 square feet. The garage will have a five-foot setback. Other additions will be at seven feet.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve Conditional** to reduction of side yard to 5 feet and 7 feet for other additions as shown on site plan, Case # 2005V-095 FCN, in accordance with Article XXII. This 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:** John Enwright spoke in support; there was no opposition present.

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**Case # 2005V-096 FCS**

**4565 FREDERICK DRIVE**

The appeal of M. Hakim Hilliard seeks a variance to the Fulton County Zoning Resolution in an M-2 (Heavy Industrial District) zoning classification as follows:

**Request:**

To reduce the minimum required front yard setback from 40 feet to 19 feet (Ref: Article X.3.3, Section B).

Property located at 4565 Frederick Drive, in Land Lot 56 of District 14F in Fulton County, Georgia.

**Purpose:** To bring existing warehouse building into compliance with required zoning setback from Frederick Drive.

After review and discussion by Board Members, Mr. Patton made a motion to **Approve** Case # 2005V-096 FCS, in accordance with Article XXII. This 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:** Lawter Jordan and Dan Baskerville spoke in support; there was no opposition present.

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**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, Ms. McCain made a motion to **Deny Request for Reconsideration** Case # 2005V-072 in accordance with Article XXII. This motion was seconded by Ms. Thurman and unanimously carried.

**Reason:** Denied for Reconsideration due to inconsistency with surrounding area.

**Attendance:** .Neither applicant nor opposition was present

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