

**FULTON COUNTY BOAD OF ZONING APPEALS
MEETING MINUTES
JULY 21, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, July 21, 2005 beginning at 1:03 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 M. Gray
Rosemary Lawson-Edge
Aasia Mustakeem
David N. Patton

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Alice Wakefield
Madolyn Spann, Planner
Shirley King, Zoning Coordinator
Bettie Lawson, Administrative Coordinator II
Marcia Strong, Administrative Assistant

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 JUNE 2005 MINUTES

The Board of Zoning Appeals approved the June 2005 Minutes. The motion for approval was made by Ms. Mustakeem and seconded by Mr. Bland. Mr. Patton was not present for the vote. The motion was carried by majority vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:45 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-062 FCN
(Held from Jun '05)**

2925 & 2935 WEBB ROAD

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 long 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- (2) To reduce the minimum required 20-foot landscape strip along State Route 9 to 10 feet (Ref: Article XII.G.4.A.1) (Withdrawn).

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. Mustakeem made a motion to **WITHDRAW** at the request of the applicant, Case # 2005V-062 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray and carried unanimously.

Reason: Applicant requested withdrawal to allow opportunity to resolve a spring head issue with the State.

Attendance: Donald Rolader spoke in support. There was no opposition present.

**Case # 2005V-078 FCN
(Held from Jun '05)**

310 HAMMOND DRIVE

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, Mr. Gray made a motion to **DEFER** for 30 days, Case # 2005V-078 FCN, in accordance with XXII. This motion was seconded by Ms. Thurman and carried unanimously.

Reason: Applicant requested deferral to allow opportunity to get full recommendations of the Sandy Springs Design Review Board.

Attendance: Scott Peters spoke in support; there was no opposition present.

Case # 2005V-098 FCN **365 GLENCOURTNEY DRIVE**

Appeal of Mark R. Desmond 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 7 feet along the east property line (Ref: Article VI.4.3, Section C).

Property located at 365 Glencourtney Drive, in Land Lot 75 of District 17, Fulton County, Georgia.

Purpose: To allow the construction of a 24'X24' detached garage at the end of the existing driveway.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2005V-098 FCN 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: Mark R. Desmond spoke in support. There was no opposition present.

Case # 2005VS-101, 102 FCN **5701 ROSWELL RD/398 S MAIN ST**

Appeal of Steve A. Galberaith seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request: To appeal the decision of the Director of Environment and Community Development declaring billboard sign as a non-permitted use or sign type in a C-1 Commercial District (Ref: Article XXXIII.5.G, allow billboards in Industrial Districts only).

Property located at 5701 Roswell Road, in Land Lot 91 of District 17 and Land Lot 648 Of District 1-2 in Fulton County, Georgia.

Purpose: To allow the location of a billboard on the Chevron site oriented toward Roswell Road, and on property located on the NE corner of Brady Place and S. Main Street.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **DENY** Cases # 2005VS-101 and 102 FCN in accordance with Article XXII and to uphold the Director's decision declaring billboards as a non-permitted use in the C-1 zoning district per the Fulton County Zoning Resolution. This motion was seconded by Mr. Bland and unanimously carried.

Reason: Applicant failed to present a hardship.

Attendance: Steve Galberaith spoke in support and submitted a copy of the Zoning Resolution of Fulton County in support of his cases. There was no opposition present.

Case # 2005V-104 FCN **MEDLOCK BRIDGE ROAD**

Appeal of Jeri Dugan seeks variances to the Fulton County Zoning Resolution in an O-I (Office and Institutional District) zoning classification as follows:

Requests:

- (1) To allow an off-site identification monument sign along the Medlock Bridge Road frontage of the Publix/Medlock Corner Shopping Center (Ref: Article XXXIII.4.9).
- (2) To allow four tenant panels on Office-Institutional zoned parcel (Ref: Article XII.E.6.)
- (3) To increase the height of the sign from eight feet to twelve feet (Ref: Article XII.E.6).

Property located at Medlock Bridge Road, in Land Lots 299, 300 and 330 of District 1-1 in Fulton County, Georgia.

Purpose: To provide tenant identification along Medlock Bridge Road for the Medlock Corners Shopping Center.

After review and discussion by Board Members, Mr. Bland made a motion to **DENY** Case # 2005V-104 in accordance with Article XXII. This motion was seconded by Mr. Gray and carried unanimously.

Reason: Applicant failed to present a hardship.

Attendance: Jeri Dugan spoke in support and requested withdrawal of request #3 in compliance with the recommendations of the Johns Creek Community

Association. Gary Tipps, representing the St. Ives Community, spoke in opposition. Letters and petitions of opposition are on file.

Case # 2005V-110 FCN

4586 NORTHSIDE DRIVE

Appeal of Susie Habib seeks a variance to the Fulton County Zoning Resolution in an R-1 (Single Family Dwelling) zoning classification as follows:

Request:

To reduce the minimum required side yard setback from 25 feet to 15 feet along the south property line (Ref: Article VI.1.3, Section C).

Property located at 4586 Northside Drive, in Land Lots 162 and 177, Fulton County, Georgia.

Purpose: To allow expansion of the existing garage creating a third bay.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-110 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: Henry Schwab and Morris Habib spoke in support. There was no opposition present.

Case # 2005V-112 FCN

3505 BETHANY BEND ROAD

Appeal of Pegah Firoozi seeks a variance to the Fulton County Zoning Resolution in an O-I (Office and Institutional District) zoning classification as follows:

Request:

To allow a light yellow-green color on the exterior of the frame residential-like structure that is not a permitted color under the State Route 9 Overlay District Standards (Ref: Article XII.G-4, Section 17).

Property located at 3505 Bethany Bend Road in Land Lot 973 of District 2-1 in Fulton County, Georgia.

Purpose: To allow the existing color to remain as the primary building color for the Red Apple Academy Day Care.

After review and discussion by Board Members, Ms. Thurman made a motion to **DENY** Case # 2005V-112 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray. Ms. Mustakeem opposed the vote and Ms. Lawson-Edge abstained. The motion was carried by majority vote.

Reason: Applicant failed to present a hardship. The Board granted applicant six months to bring building into compliance, and was advised to get with staff for a copy of colors allowed in overlay districts.

Attendance: Pegah Firoozi spoke in support and Heidi Sowder spoke in opposition. One letter of opposition is on file.

Case # 2005VS-114 FCS

FULTON INDUSTRIAL BLVD

Appeal of Gerald Davis seeks variances to the Fulton County Zoning Resolution in an M-2 (Heavy Industrial District) zoning classification as follows:

Requests:

- (1) To delete the requirement for sidewalk along the Fulton Industrial Boulevard frontage (Ref: Article XXXIV.5.3).
- (2) To delete the requirement for sidewalk along the Camp Creek Parkway frontage (Ref: Article XXXIV.5.3).

Property located at 5887 Fulton Industrial Boulevard, in Land Lots 115, 134, and 135 of District 14F in Fulton County, Georgia.

Purpose: To appeal Environment and Community Development's decision to provide sidewalks.

After review and discussion by Board Members, Mr. Gray made a motion to **DEFER** Case # 2005VS-114 FCN for 30 days, in accordance with Article XXII. This motion was seconded by Ms. Mustakeem and unanimously carried.

Reason: To allow report from Environment and Community Development Plan Review staff.

Attendance: Gerald Daws and Paul Flippo spoke in support. There was no opposition present.

Case # 2005V-117 FCS

6149 OLD NATIONAL HWY

Appeal of Alex Munoz seeks a variance to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:

Request:

To seek relief from the Old National Overlay Building and Architectural Standards allowing EIFS (exterior insulation finished system/synthetic stucco finish) in lieu of the required cementitious stucco (Ref: Article XII.D.3, Section D.2).

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

Purpose: To allow the new Super Wal-Mart Center to use building material accents made of synthetic stucco.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-117 FCS, in accordance with Article XXII. This motion was seconded by Mr. Bland. Ms. Lawson-Edge abstained from voting, and the motion was carried by majority vote.

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

Attendance: Alex Munoz and Richard Carson spoke in support. Applicant submitted a letter of support from the Old National Merchants Association. There was no opposition present.

Case # 2005V-118 FCN

11005 JONES BRIDGE ROAD

Appeal of Kandice Williams seeks variances to the Fulton County Zoning resolution in a C-1 (Community Business District) zoning classification as follows:

Requests:

- (1) To allow the sign face to be smaller than the sign base (Ref: Article XII.E.6.A).
- (2) To increase the size of the monument sign from 32 square feet to 78 square feet (Ref: Article XII.E.6).
- (3) To allow 12 tenant panels on the monument sign (Ref: Article XII.E.6).

Property located at 11005 Jones Bridge Road, in Land Lot 167 of District 1-1 in Fulton County, Georgia.

Purpose: To allow development of a shopping center.

After review and discussion by Board Members, Mr. Patton made a motion to **DEFER** Case # 2005V-118 FCN for 30 days. This motion was seconded by Ms. Mustakeem and unanimously carried.

Reason: To allow applicant opportunity to meet with Johns Creek Community Association.

Attendance: Kandice Williams spoke in support; there was no opposition present. One letter of opposition is on file.

Case # 2005V-120 FCN

4583 STELLA DRIVE

Appeal of Tara Henley seeks a variance to the Fulton County Zoning Resolution in an R-3 (Single Family Dwelling) zoning classification as follows:

Request:

To reduce the minimum required side yard setback from 10 feet to 7 feet along the north property line (Ref: Article VI.4.3, Section C).

Property located at 4583 Stella Drive, in Land Lot 119, of District 17 in Fulton County, Georgia.

Purpose: To allow the front corner of the house to encroach the side yard setback by three feet.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL** to site plan submitted, Case # 2005V-120 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray 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: Craig Shelton spoke in support; there was no opposition present.

Case # 2005V-121 FCN

CRABAPPLE ROAD

Appeal of Paul Hass seeks variances to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:

Requests:

- (1) To allow two identification monument signs along Crabapple Road at each project entrance (Ref: Article XIII(1).8.A.2.C).
- (2) To allow second wall signs per business (opposite faces of businesses) on non-street facing walls Ref: Article XIII(1).8.B.5).
- (3) To allow wall signs to be constructed of wood letters set on a hardi plank freeze (Ref: Article XIII (1).8.B.4).

Property located at Crabapple Road, in Land Lots 1135 and 1170 of District 2-2 in Fulton County, Georgia.

Purpose: To allow development of the Crabapple Station, a mixed residential (65 units) and commercial (19,000 square feet) development.

After review and discussion by Board Members, Mr. Bland made a motion to **DEFER** for 30 days Case # 2005V-121 FCN, in accordance with Article XXII. This motion was seconded by Ms. Mustakeem and unanimously carried

Reason: Applicant requested deferral.

Attendance: Paul Hass spoke in support and Buck Dahl, Crabapple Coalition, spoke in opposition. Two letters of opposition are on file.

Case # 2005V-122 FCN

335 CREEK POINT

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 15 feet along the west property line of Lot 7 (Ref: Article V.1.3, Section C).

Property located at 335 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 7 of the Creek Crossing Subdivision.

After review and discussion by Board Members, Ms. Mustakeem made a motion to **APPROVE** Case # 2005V-122 FCN, in accordance with Article XXII. The motion was seconded by Mr. Gray. Mr. Patton was not present for the vote.

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

Attendance: Mrs. Oskoei spoke in support; there was no opposition present.
