

**Fulton County Board of Zoning Appeals  
Meeting Minutes  
August 17, 2006**

The regular meeting of the Fulton County Board of Zoning Appeals, chaired by Rose Shane, Vice Chair, was held on Thursday, August 17, 2006 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**

Donne Bland  
Douglas Gray  
Rosemary Lawson-Edge  
Rose McCain Shane, Vice Chair  
Aasia Mustakeem  
David Patton  
Karen Thurman, Chair

**ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT**

Karen Hill, Planner III  
Bettie J. Jones, Administrative Coordinator II  
Marcia Stone, Administrative Assistant II  
Shirley Williams, Zoning Coordinator

**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 JUL 2006 MINUTES**

The motion for approval was made by Ms. Shane and seconded by Ms. Thurman. Ms. Mustakeem, Mr. Bland and Ms. Lawson-Edge abstained, and the motion was carried by majority vote.

**ADJOURNMENT OF MEETING**

The meeting adjourned at 2:35 p.m.

**SUBMITTED BY:**

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Terry L. Todd, Acting Director  
Environment & Community Development

**APPROVED BY:**

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Chairperson

**PREPARED BY:**

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Bettie J. Jones  
Administrative Coordinator II

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**Case # 2006V-081 FCN****316 TAYLOR GLEN**

The appeal of Dave Bielicki 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 rear yard setback from 50 feet to 37 feet (Ref: Article t.1.3, Section D).

Property located at 316 Taylor Glen in Land Lots 590 and 591, of District 2-2 in Fulton County, Georgia.

**Purpose:** To allow the addition of a screened porch to the rear of the existing dwelling.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE** Case #2006V-081 FCN in accordance with Article XXII, Variance Consideration. The motion was seconded by Mr. Bland and unanimously carried.

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

**Attendance:** Dave Bielicki spoke in support; there was no opposition present. Applicant presented letters of support from neighbors.

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**Case # 2006V-083 FNS****4405 COMMERCE DRIVE**

The Appeal of James S. Anderson seeks variances to the Fulton County Zoning Resolution in an M-2 (Heavy Industrial District) zoning classification as follows:

**Requests:**

- (1) To allow a second freestanding sign at the southwest intersection of Fulton Industrial Boulevard and Commerce Drive (Ref: Article 33.5, Section G.2).
- (2) To increase the maximum sign area from 64 square feet to 112 square feet (Ref: Article 33.5, Section G.2).

Property located at 4405 Commerce Drive, in Land Lot 52 of District 14F in Fulton County, Georgia.

**Purpose:** To allow a second ground sign for a second business (Anderson Graphics, Inc.) located on-site utilizing existing sign structure

(Anderson Graphics, Inc.).

After review and discussion by Board Members, Mr. Gray made a motion to **Defer for 30 days** Case 2006V-083 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and unanimously carried.

**Reason:** To allow applicant opportunity to provide a revised sign design that conforms to the design of the area standards within the Cascade Overlay District.

**Attendance:** James Anderson spoke in support. There was no opposition present, and the five signatories on the letter of opposition submitted a letter of support.

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**Case # 2006V-096 FCS**

**3695 ROOSEVELT HIGHWAY**

The appeal of Jonathon Carter seeks a variance to the Fulton County Zoning Resolution in an A (Medium Density Apartment) zoning classification as follows:

**Request:**

To allow a wrought iron fence within the right-of-way of Delano Road for approximately 700 feet (Ref: Article 4.11, Section F).

Property located at 3695 Roosevelt Highway, in Land Lot 129 of District 9F in Fulton County, Georgia.

**Purpose:** To allow the Siloam Baptist Church to maintain the existing wrought iron fence as constructed within the right-of-way of Delano Road.

After review and discussion by Board Members, Mr. Gray made a motion to **Defer Case # 2006V-096 FCS for 30 Days** in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Patton; Ms. Shane abstained and the motion was carried by majority vote.

**Reason:** To allow applicant opportunity to meet with the County Attorney to develop an indemnity agreement.

**Attendance:** Jonathon Carter spoke in support. There was no opposition present.

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**Case #2006V-099 FCS**

**6955 CAMP VALLEY ROAD**

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

**Requests:**

- (1) To reduce the minimum required rear yard setback from 50 feet to 10 feet to allow the reconstruction of a storage shed (Ref: Article 5.1.3, Section D).
  
- (2) To reduce the minimum required side yard setback from 25 feet to 10 feet to allow the reconstruction of a storage shed (Ref: Article 5.1.3, Section C).

Property located at 6955 Camp Valley Road, in Land Lot 165 of District 13 in Fulton County, Georgia.

**Purpose:** To allow the rebuilding of a storage shed in the rear corner of the property setback 10 feet from side and rear property lines northeast corner).

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2006V-099 FCS in accordance with Article XXII, Variance Consideration, conditional to construction material being in conformance with primary dwelling and rest of neighborhood. This motion was seconded by Mr. Bland and carried by unanimous vote.

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

**Attendance:** Debbie Jackson spoke in support; there was no opposition present.

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**Case # 2006VS-100 FCS**

**CAPPS FERRY ROAD**

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

**Request:**

To delete the requirement for sidewalk, curb and gutter along 290 feet of Capps Ferry Road frontage (Ref: Article 34.5.7).

Property located at Capps Ferry Road, in Land Lots 129 and 148 of District 8 in Fulton County, Georgia.

**Purpose:** To allow the development of a one-acre lot subdivided from an approximately 67acre tract.

After review and discussion by Board Members, Mr. Patton made a motion to **Defer** Case # 2006VS-100 FCS in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and carried unanimously.

**Reason:** Failure of applicant to present case.

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

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**Case # 2006V-101 FCN**

**745 GOLF VISTA COURT**

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

**Request:**

To delete the requirement for a self-closing gate around the perimeter of a swimming pool (Ref: Article 19.3.12, Section B).

Property located at 745 Golf Vista Court, in Land Lot 598 of District 2-2 of Fulton County, Georgia.

**Purpose:** To allow an automatic safety cover in lieu of gate/fence.

After review and discussion by Board Members, Ms. Shane made a motion to **Withdraw** Case # 2006V-101 FCN in accordance with Article XXII. This motion was seconded by Ms. Thurman and unanimously carried.

**Reason:** Request withdrawn at the request of the applicant.

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

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**Case # 2006V-103 FCN**

**12900 FREEMANVILLE ROAD**

The appeal of Susie Aga seeks variances to the Fulton County zoning Resolution in an AG-1 (Agricultural) zoning classification as follows:

**Requests:**

- (1) To reduce the minimum required side yard setback from 100 feet to 50 feet along the north property line for the primary building and boarding facility (Ref: Article 5.1.2, Section A.5).
- (2) To reduce the minimum required side yard setback from 100 feet to 90 feet along the south property line for the primary building and boarding facility (Ref: Article 5.1.2, Section A.5).
- (3) To reduce the minimum required side yard setback for open pens/runs from 200 feet to 115 feet along the north property line (Ref: Article 5.1.2, Section A-5).

- (4) To reduce the minimum required rear yard setback for open pens/runs from 200 feet to 35 feet along the west property line (Ref: Article 5.1.2, Section A.5).
- (5) To reduce the minimum required side yard setback for pen/runs from 200 feet to 0 feet along the south property line (Ref: Article 5.1.2, Section A.5).

Property located at 12900 Freemanville Road, in Land Lots 1061 and 1100 of District 2-2 in Fulton County, Georgia.

**Purpose:** To allow the development of a doggie day care and boarding facility.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE** Requests 1, 2, and 5 of Case # 2006V-103 FCN, conditional to existing business exclusively, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Thurman and carried unanimously. Requests 3 and 4 were not considered at this time due to clerical error in filing for the appropriate reduction in setbacks.

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

**Attendance:** Susie Aga spoke in support and presented a letter of support from neighbors; there was no opposition present.

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**Case # 2006V-115 FCS** **FLAT SHOALS/MALLORY RD**

The appeal of Steve Redding seeks a variance to the Fulton County Zoning Resolution in a MIX (Mixed Use) zoning classification as follows:

**Request:**

To reduce the minimum required setback from a gas easement from 40 feet to 2 feet for four townhouse units Ref: Article 34.5.10).

Property located at Flat Shoals Road in Land Lots 83 and 84 of District 14F in Fulton County, Georgia.

**Purpose:** To allow the development of an approximate 30-acre tract for a total of 194 town home units (Mallory Park).

After review and discussion by Board Members, Ms. Thurman made a motion to **Defer** Case # 2006V-115 FCS in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Shane; Ms. Lawson-Edge abstained; Ms. Mustakeem and Mr. Patton opposed the vote. The motion carried by majority vote.

**Reason:** **Deferred 30 days** to allow applicant opportunity to provide a revised site plan.

**Attendance:** Michael Hightower, Elizabeth McClendon and Steve Redding spoke in support. There was no opposition present. Applicant submitted a letter of support from Southern Natural Gas Company.