

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 16, 2004 – MEETING MINUTES**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, September 16, 2004 beginning at 1:15 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, Vice Chairperson
Donne Bland
Rosemary Lawson-Edge
Douglas M. Gray
Aasia Mustakeem

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Alice Wakefield, Deputy Director
Madolyn Spann, Planner
Shirley King, Zoning Coordinator
Bettie Lawson, Administrative Coordinator II
Ibrahim K. Maslamani

LEGAL DEPARTMENT

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 AUGUST 2004 MINUTES

The Board of Zoning Appeals voted to approve the August 2004 Minutes as amended with the following corrections:

Case # 2004V-111, page 5, Windward Parkway. The motion was made by Ms. McCain to **DENY** request #1 and to **APPROVE** request #2.

Case # 2004VS-127, page 7, Highland Lake Parkway. Mr. Gray made a motion to **DEFER** this case for 30 days, and Mr. Bland seconded. Reason: To allow applicant time to complete plan review and work out an agreement.

Case # 2003V-218, page 11, Mount Vernon Road. Mr. Gray and Ms. Lawson-Edge opposed the motion to **APPROVE** this case.

ADJOURNMENT OF MEETING

The meeting adjourned at 4:08 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

Purpose: To allow the construction of a swimming pool in the rear yard.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2004V-155 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray and carried by unanimous vote.

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.

Case # 2004V-157 APPROVED/DENIED 3165 ROOSEVELT HWY

The appeals of MDM Services, seek variances to the Fulton County Zoning Resolution in a C-1 (Community Business District) zoning classification as follows:

Request:

- (1) To increase the maximum required sign area from 64 square feet to 96.65 square feet (Ref: Article XXXIII.5, Section F.2).
- (2) To increase the maximum required sign height from 20 feet to 24 feet (Ref: Article XXXIII.5, Section F-4).

Property located at 3165 Roosevelt Highway, in Land Lot 63 of District 13, Fulton County, Georgia.

Purpose: To allow the re-facing of the existing Amoco signage with signage for BP Gas.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE Request #1 conditioned to a maximum of 88 square feet; and to DENY Request #2 for height increase**, Case # 2004V-157 FCN, in accordance with Article XXII. This motion was seconded by Mr. Gray and carried by majority vote. Ms. Mustakeem abstained from voting.

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

Attendance: Paul Doss spoke in support. There was no opposition present.

Case # 2004V-158 APPROVED 12872 Highway 9

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

Request:

- (6) To allow a sign mural on a retaining wall at the Hammond Drive entrance exceeding the 5% maximum area (Ref: Article XXXIII.5, Section F.5).
- (7) To allow a sign mural on the building wall of the Kroger store oriented towards Sandy Springs Drive and Hammond Drive (Ref: Article XXXIII.5, Section 5).
- (8) To increase the sign area from 32 sq. feet to 37 sq. feet for a new sign located at the Sandy Springs Drive entrance to Kroger (Ref: Article XXII.B.6.A, Section a).
- (9) To increase the sign height from 6 feet to 16 feet for a new sign located at the Sandy Springs Drive entrance to Kroger (Ref: Article XII.B.6.A., Section a).
- (10) To allow an increase in wall sign area (mural) for Building Three Hundred with wall sign facing Hammond Drive (South Elevation) from 5% to 26% (Ref: Article XXXIII.5, Section F.5).
- (11) To allow an increase in wall sign area (mural) for Building Three Hundred and Twenty-Five with wall sign facing Hammond Drive (South Elevation) from 5% to 8% (Ref: Article XXXIII.5, Section F.5).
- (12) To allow an increase in wall sign area (mural) for Building Five Hundred with wall sign facing Sandy Springs Place (North Elevation) from 5% to 13% (Ref: Article XXXIII.5, Section F).
- (13) To increase the height of a new freestanding sign at the Hammond Drive West entrance from 10 feet to 16 feet (Ref: Article XII.B.6.A, Section a).

Property located at 227 Sandy Springs Place, in Land Lot 89 of District 17, Fulton County, Georgia.

Purpose: To allow new signage at all entrances to the City Walk Kroger and to allow wall sign murals on building walls.

After review and discussion by Board Members, Ms. Thurman made a motion to **APPROVE CONDITIONAL** Case # 2004V-160 FCN, **to no tenant names being placed on murals, only the center's name; also the mural designs being subject to the approval of the Director of Environment and Community Development as recommended by the Sandy Springs Design Review Board, in accordance with Article XXII.** This motion was seconded by Mr. Bland and carried unanimously.

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

Attendance: Tim Curl and Gary Wert spoke in support. There was no opposition present.

Case # 2004V-161

DENIED

DANFORTH ROAD

The appeals of Sherise Bunbury, seek variances to the Fulton County Zoning Resolution in an R-3 (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required setback for recreational court from 100 feet to 60 feet from Danforth Road (Court 1 – Tennis Court) (Ref: Article XIX.3.8, Section B.3.b).
- (2) To reduce the minimum required setback for recreational court from 100 feet to 10 feet along the east property line (Court 1) (Ref: Article XIX.3.8, Section B.3.6).
- (3) To reduce the minimum required setback for recreational court from 100 feet to 50 feet from the west property line (Court 2 – Basketball Court) (Ref: Article XIX.3.8, Section B.3.6).
- (4) To reduce the minimum required front yard landscape area along internal subdivision street from 40 feet to 20 feet on Court 2 (Ref: Article IV.2.3.1).
- (5) To increase the maximum street grade (slope) for a new subdivision street from a 12% maximum grade to an approximate 16.6% grade (Ref: Article VII.2.8, Section B. Subdivision Regulations).
- (6) To delete the required parking for Courts 1 and 2 (Ref: Article XVIII.2.1).

The property is located at Danforth Road in Land Lot 28 of District 14F, Fulton County, Georgia.

Purpose: To allow the development of six (6) acres into eight (8) single family lots with two recreational courts (Tennis/Basketball).

After review and discussion by Board Members, Mr. Gray made a motion to **DENY** Case # 2004V-161 FCS in accordance with Article XXII. This motion was seconded by Ms. Mustakeem and unanimously carried.

Reason: Failure of applicant to present hardship.

Attendance: Sherise Bunbury, Oswald Bunbury, and Greg Dyson spoke in support. Joel Williams and Michael Tyler spoke in opposition and submitted a letter of opposition as well.

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

Request:

To reduce the minimum required front yard setback from 50 feet to 47 feet for Lot 32 of the Highland Lake Subdivision (Ref: Article XXXII.2, Section A).

Property located at 5180 Highland Lake Drive in Land Lot 175 of District 9F, Fulton County, Georgia.

Purpose: To bring existing single family residence into compliance with front yard setbacks.

After review and discussion by Board Members, Mr. Gray made a motion to **DEFER FOR 30 DAYS** Case # 2004VS-124 FCS, in accordance with Article XXII. This motion was seconded by Ms. Thurman and unanimously carried.

Reason: To allow applicant the opportunity to work out an agreement with adjoining property owners.

Attendance: Mr. Michael Hightower spoke in support. Ms. Gail Williams, Mr. Jamie Wilson and Mr. Derek Edwards spoke in opposition.

The appeal of Ritner Nesbitt seeks a variance too the Fulton County Zoning resolution in a SUB-C (Single Family Dwelling District) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 50 feet to 43 feet for Lot 33 of the Highland Lake Subdivision (Ref: Article XXXII.2, Section A).

Property located at 5190 Highland Lake Drive in Land Lot 175 of District 9F, Fulton County, Georgia.

Purpose: To bring existing single family residences into compliance with front yard setback.

Property located at Haynes Bridge Road in Land Lot 865 of District 1-2, Fulton County, Georgia.

Purpose: To allow the development of six single family lots with shared access from one curb cut from Haynes Bridge Road (Willow Royal Subdivision).

After review and discussion by Board Members, Ms. Thurman made a motion to **DEFER Case # 2004V-127 FCN for 30 days**, in accordance with Article 22.3.1 of the Zoning Resolution. This motion was seconded by Ms. McCain and carried by unanimous vote.

Reason: To allow applicant time to complete plan review and work out an agreement.

Attendance: There was no one present.

Case # 2004VS-165 DEFERRED CAMPBELLTON FAIRBURN RD

The appeals of Timothy P. Mullen, seek variances to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:

Requests:

- (1) To delete the requirement for sidewalks along the entire Campbellton-Fairburn Road property frontage except in the areas where deceleration lanes are being provided (Ref: Article XXXIV.5.3).
- (2) To delete the required 20-foot wide landscape strip along the north and west boundaries of Detention Area A, allowing the required 50-foot wide berm in its place (Ref: Article VIII.5.3 Subdivision Regulations, Section B.2).
- (3) To delete the required 20-foot wide landscape strip along the Southwest boundary of Detention Area B, allowing the 50-foot wide landscape strip in its place (Ref: Article VIII.5.3 Subdivision Regulations, Section B.2).
- (4) To delete the required 20-foot wide landscape strip along the west and southwest boundaries of Detention Area C, allowing the required 50-foot wide berm in its place (Ref: Article VIII.5.3 Subdivision Regulations, Section B.2).
- (5) To allow the required 20-foot wide landscape strip around detention areas within the lot area of the adjoining single family lots of Detention Areas A through L (Ref: Article VIII.5.3 Subdivision Regulations, Section A.2)
- (6) To delete the fencing requirements around Detention Areas B, D and K (Ref: Article VIII.5.3 Subdivision Regulations, Section B.4).

Property located at Campbellton-Fairburn Roads in Land Lots 12, 13, 14, 142, 143, 165, 166, 167, and 168 of Districts 9-C and 9F, Fulton County, Georgia.

Purpose: To allow for the development of approximately 479 acres consisting of 80,000 square feet of commercial and 806 single family lots known as the Hampton Oaks Development located at the northeast corner of Butner and Campbellton-Fairburn Roads.

After review and discussion by Board Members, and clarification by Mr. Maslamani, Deputy Director, Environment and Community Development, Ms. Thurman made a motion to **DEFER FOR 30 DAYS** Case # 2004V-165 FCS, in accordance with Article XXII. This motion was seconded by Mr. Gray and unanimously carried.

Reason: To allow applicant the opportunity to resolve administrative issues related to this appeal and to secure a letter of support from the County Arborist.

Attendance: Todd Hager spoke in support. There was no opposition present.
