

Fulton County Board of Zoning Appeals
Meeting Minutes
September 15, 2005

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, September 15, 2005 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

Karen Thurman, Chair
M. Rose Shane, Vice Chairperson
Donne Bland
Douglas M. Gray

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Alice Wakefield, Deputy Director
Madolyn Spann, Planner
Shirley Williams, Zoning Coordinator
Bettie Jones, Administrative Coordinator II
Marcia Stone, Administrative Assistant II
Wayne Wright, Code Enforcement

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 2005 MINUTES

The Board of Zoning Appeals approved the August 2005 Minutes with the following correction: For Case # 2005V-114 the motion was seconded by Ms. Shane and carried by unanimous vote. The motion for approval was made by Ms. Shane and seconded by Mr. Bland. The motion was carried by unanimous vote.

ADJOURNMENT OF MEETING

The meeting adjourned at 3:16 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. Jones
Administrative Coordinator II

The appeal of Lawrence Roberts seeks variances to the Fulton County Zoning Resolution in an M-1 (Light Industrial District) zoning classification as follows:

Requests:

- (1) To increase the height of a billboard sign from 100 feet to 200 feet (Ref: Article XXXIII.5, Section G.1.c).
- (2) To reduce the minimum required setback from 100 feet to 0 feet from the GA 400 right-of-way along the east property line (Ref: Article XXXIII.5, Section G.1.c).
- (3) To reduce the minimum required setback from 100 feet to 45 feet from the Roberts Drive right-of-way along the south property line (Ref: Article XXIII.5, Section G.1.c).
- (4) To reduce the minimum required setback from 100 feet to 60 feet from the Colonel Drive right-of-way along the west property line (Ref: Article XXXIII.5, Section G.1.c).
- (5) To reduce the minimum required setback from residential zoning (Apartments across Colonel Drive) from 500 feet to 110 feet (Ref) Article XXXIII.5, Section G.1.b).
- (6) To reduce the minimum required setback from residential zoning (adjacent R-2 property along north property line) from 500 feet to 0 feet (Ref: Article XXXIII.5, Section 1.b).

Property located at Roberts Drive and Colonel Drive, in Land Lot 364 of District 6 in Fulton County, Georgia.

Purpose: To allow placement of a billboard on a 0.359-acre remnant parcel located at the northeast corner of Roberts and Colonel Drives, in Land Lot 89 of District 17 in Fulton County, Georgia.

After review and discussion by Board Members, Mr. Bland made a motion to **DENY** Case # 2005V-184 FCN in accordance with Article XXII. This motion was seconded by Mr. Gray and carried by majority vote. Ms. Thurman excused herself from the case.

Reason: Lack of hardship proven by applicant and the lack of harmony with surrounding properties.

Attendance: Scott Peters, representing the applicant; Robert Stein, Mason Creek; Robert Laser, Carroll Manor Homeowners Association; Eva Galantos,

Tasmil Blair, Oz Hill, and Kent Iguheart spoke in opposition.
Voluminous opposition is part of the file.

Case # 2005V-149 FCS

305 FULTON IND. CIRCLE

The appeal of Firoz and Nazline Charania seeks a variance to the Fulton County Zoning Resolution in an M-2 (Heavy Industrial district) zoning classification as follows:

Request:

To allow a prohibited sign structure to remain for future use (Ref: Article XXXIII.3, Section P).

Property located at 305 Fulton Industrial Circle, in Land Lot 52 of District 14 of Fulton County, Georgia.

Purpose: To allow the Executive Inn to keep an existing blank billboard sign structure along the I-20 right-of-way.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve Conditional** Case # 2005V-149 FCN, to allow applicant opportunity to sell property. The subject variance was granted for a 12-month period from the date of this BZA decision. If property is not sold at the end of the 12-month period, the applicant shall either remove the sign structure; upgrade and maintain signage in compliance, or reapply to the BZA for a variance, in accordance with Article XXII. The 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: Shirin Esmail, Esq., representing the Charanias, spoke and submitted pictures in support. There was no opposition present.

Case # 2005V-154 FCN

212 LONDBERRY ROAD

The appeal of John Palmer seeks a 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 setback from 10 feet to 4 feet (Ref: Article XIX.3.12, Section B.1).

Property located at 212 Londonberry Road, in Land Lot 121 of District 17 in Fulton County, Georgia.

Purpose: To allow pool equipment to remain 4.08 feet from east side property line.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-154 FCN in accordance with Article XXII of the Zoning Resolution. This motion was seconded by Ms. Shane and unanimously carried.

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

Attendance: Larry Diegel, Esq., spoke in support. There was no opposition present. Four letters of opposition are in the file.

Case # 2005V-169 FCN

1000 EDGEWATER DRIVE

The appeal of George Wray seeks variances to the Fulton County Zoning Resolution in an R-2A (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required side yard setback from 5 feet to 0 feet along the east property line for garage addition (Ref: Article VI.3.3, Section C).
- (2) To allow an accessory structure (outdoor fireplace) within one foot of the east side property line (Ref: Article VI.3.3, Section I).

Property located at 1000 Edgewater Drive, in Land Lot 171 of District 17 of Fulton County, Georgia.

Purpose: To bring into compliance the existing garage addition and above patio with an outdoor fireplace.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE** Case # 2005V-169 FCN. Ms. Thurman made a friendly amendment to **APPROVE CONDITIONAL** to protecting the hemlock tree that is located close to the proposed fireplace and replanting of a hedge row of evergreen holly trees along the subject property line, should they become damaged by applicant's use, in accordance with Article XXII. The amendment was accepted and the motion was seconded by Mr. Bland and carried unanimously.

Reason: Applicant demonstrated hardship.

Attendance: Will Wray and Jessica Hill spoke in support. Ms. Hill submitted pictures to be part of the file. There was no opposition present.

Case # 2005V-172 FCN

875 JOHNSON FERRY ROAD

The appeal of Mike Mason seeks a variance to the Fulton County Zoning Resolution in an O-I (Office and Institutional District) zoning classification as follows:

Request:

To increase the maximum wall sign area from 180 square feet to 360 square feet (Ref: Article XXXIII.5, Section D.3).

Property located at 875 Johnson Ferry Road, in Land Lot 38 of District 17 in Fulton County, Georgia.

Purpose:

To allow the placement of Emory Vision, a second 180 square foot wall sign along the Emory Clinic Building utilizing the building wall oriented along the GA 400 frontage.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL** to limiting signage to an additional 90 square feet, combined with or contiguous to existing sign which can be moved as related to the building wall along the GA 400 frontage only, Case # 2005V-169 FCN, in accordance with Article XXII. The motion was seconded by Ms. Thurman and carried unanimously.

Reason:

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

Attendance:

John Barrow and Mike Mason spoke in support. There was no opposition present.

Case # 2005V-174 FCN

10905 JONES BRIDGE ROAD

The appeal of Stephanie Schleicher 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 greater than the sign base (Ref: Article XII.E.6, Section A).
- (2) To allow the monument type sign to be internally illuminated (Ref: Article XII.E .6, Section D).

Property located at 10905 Jones Bridge Road, in Land Lot 168 of District 1-1 of Fulton County, Georgia.

Purpose:

To allow the sign conversion of a South Trust Bank to a Wachovia Bank, replacing the existing pole sign with a monument sign at five feet in height and 25 square feet in area.

After review and discussion by Board Members, Mr. Gray made a motion to **DEFER** for n30 days Case # 2005V-174 FCN, in accordance with Article XXII. This motion was seconded by Mr. Bland and carried unanimously.

Reason: Applicant requested a 30-day deferral to allow for filing of a height variance.

Attendance: Stephanie Schleicher spoke in support. There was no opposition present.

Case # 2005V-179 FCN

2995 HAYNES TRAIL

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

Request:

To allow a swimming pool in the legal front yard of Lot 24 of the Haynes Manor Subdivision (adjoining Haynes Bridge Road) (Ref: Article XIX.3.11).

Property located at 2995 Haynes Trail, in Land Lot 866 of District 1-2 in Fulton County Georgia.

Purpose: The subject lot has two frontages; the dwelling faces Haynes Trail with the rear adjoining Haynes Bridge Road.

After review and discussion with Board Members, Ms. Shane made a motion to **APPROVE** Case # 2005V-179 FCN in accordance with Article XXII. This motion was seconded by Mr. Gray and unanimously carried.

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

Attendance: Barbara Shirley spoke in support. There was no opposition present.

Case # 2005V-180 FCN

4935 NORTHWAY DRIVE

The appeal of Michael Skop 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 along the south property line (Ref: Article VI.4.3, Section C).

Property located at 4935 Northway Drive, in Land Lot 40 of District 17 in Fulton County, Georgia.

Purpose: To allow the construction of a two-car garage over an existing parking pad.

After review and discussion by Board Members, Ms. Shane made a motion to **APPROVE CONDITIONAL** to site plan presented, Case # 2005V-180 FCN, in

accordance with Article XXII. This motion was seconded by Mr. Bland and carried unanimously.

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

Attendance: Michael Skop spoke in support. There was no opposition present.

Case # 2005V-181& 182 FCN

345 & 355 CREEK POINT

The appeals of Javad Oskoei seek 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 for Lot 8 along the west property line Article V.1.3, Section C).
- (2) To reduce the minimum required side yard setback from 25 feet to 15 feet for Lot 9 along the west property line (Ref: Article V.1.3, Section C).

Property located at 345 and 355 Creek Point, in Land Lot 917 of District 2-2 in Fulton County, Georgia.

Purpose: To allow construction of a single family dwelling on Lots 8 and 9 allowing a side entry garage in the Creek Point Subdivision.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Cases 2005V-181 and 2005V-182 FCN in accordance with Article XXII. The motion was seconded by Mr. Gray and unanimously carried.

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

Attendance: Javad Oskoei spoke in support. There was no opposition present.

Case # 2005V-183 FCN

455 OLD HOMESTEAD TRAIL

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

Request:

To allow an accessory structure within the front yard of an existing 3.37-acre tract (Ref: Article XI.2.4, Section L).

Property located at 455 Old Homestead Trail, in Land Lots 432, 437, and 438 of District 1-1 in Fulton County, Georgia.

Purpose: To allow the construction of a seven-bay parking garage detached from the existing dwelling on-site. The proposed building will be set back approximately 300 feet from Old Homestead Trail.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-183 FCN in keeping with Article 22.3.1 of the Zoning Resolution. This motion was seconded by Ms. Shane and carried by unanimous vote.

Reason: Applicant presented hardship in accordance with Article XXII.

Attendance: Serge Watson spoke in support; there was no opposition present.

Case # 2005V-185 FCN

227 SANDY SPRINGS PLACE

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

Requests:

- (1) To allow a wall sign that project vertically from a building wall (Ref: Article XXXIII.3, Section r).
- (2) To allow Building 300 to have a sign on a non-street facing wall (east wall) (Ref: Article XXXIII.5, Section F.5).
- (3) To allow Building 325 to have a sign on a non-street facing wall (north wall) (Ref: Article XXXIII.5, Section F.5).
- (4) To allow Building 350 to have a sign on a non-street facing wall (south wall) (Ref: Article XXXIII.5, Section F.5).
- (5) To allow Building 350 to have a sign on a non-street facing wall (east wall) (Ref: Article XXXIII.5, Section F.5).
- (6) To allow Building 400 to have a sign on a non-streetfacing wall (south wall) (Ref. Article XXXIII.5, Section F.5).
- (7) To allow Building 500 to have a sign on a non-street facing wall (west wall) (Ref Article XXXIII.5, Section F.5).
- (8) To allow Building 500 to have a sign on a non-street facing wall (east wall) (Ref. Article XXXIII.5, Section F-5).

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

Purpose: To allow the Kroger-City Walk shopping center to place projected signs on internal building walls for increased visibility.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2005V-185 FCN in accordance with Article XXII. This motion was seconded by Ms. Thurman and Ms. Shane made a friendly amendment to **APPROVE CONDITIONAL** to requirements of the Sandy Springs Design Review Board as outlined in their letter dated 9-13-05, which states “Tenants in Building D, which have entrances to Sandy Springs Place, shall install and retain wall signs facing Sandy Springs Place.” This motion was seconded by Ms. Thurman and unanimously carried.

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

Attendance: Tim Curl spoke and submitted pictures in support. There was no opposition present.

Case # 2005V-192 FCN **1025 MOUNTAIN CREEK TRAIL**

The appeal of Jim Winer seeks a variance to the Fulton County Zoning Resolution in an R-2A (Single Family Dwelling District) zoning classification as follows:

Request:
To reduce the minimum required side yard setback from 15 feet to 8 feet (Ref: Article VI.3.3, Section C).

Property located at 1025 Mountain Creek Trail, in Land Lots 171 and 172 of District 17 in Fulton County, Georgia.

Purpose: To bring existing side yard setback into compliance and to allow room additions onto the front of the dwelling.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Case # 2005V-192 FCN, in accordance with Article XXII. The motion was seconded by Mr. Bland and carried by majority vote. Ms. Thurman excused herself from the case and abstained from voting.

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

Attendance: Ward O. Winer spoke in support. There was no opposition present.