

Board of Zoning Appeals
Minutes
September 21, 2006

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, September 21, 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
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

Leighton Berry

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 2006 MINUTES

The motion for approval was made by Ms. Shane with the correction that for Case 2006V-083, the motion was made by Mr. Patton and seconded by Mr. Gray. Mr. Patton seconded the approval motion and the motion was unanimously carried.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:30 p.m.

SUBMITTED BY:

Terry L. Todd, Acting Director
Environment & Community Development

APPROVED BY:

Chairperson

PREPARED BY:

Bettie J. Jones
Administrative Coordinator II

The Appeal of Mark W. Forsling seeks variances to the Fulton County Zoning Resolution in a C-1 (Community Business) zoning classification as follows:

Requests:

- (1) To allow two wall signs per business (Ref: Article 12.D.4, Section 4).
- (2) To increase the surface area of a monument sign from 64 square feet up to 161 square feet of surface area for Sign a along the Old National (SR 138) frontage (Ref: Article 12.D.4, Section 1).
- (3) To allow two (2) identification monument signs along Old National Highway (SR 138) (Ref: Article 12.D.4, Section 1)
- (4) To allow a sign face of 65 square feet for signs B and C and to increase the sign height to 14 feet (Ref: Article 12,D.4, Section 2).
- (5) To allow three wall signs for retail shop 2 (Ref: Article 12.D.4, Section 4).
- (6) To allow a roof sign (Sign 8) (Ref: Article 33.3.i).

Property located at Old National Highway and Jonesboro Road, in Land Lot 197 of District 13 in Fulton County, Georgia.

Purpose: To allow additional signage for visibility.

After review and discussion by Board Members, Ms. Shane made a motion to **DEFER** Case # 2006V-125 FCS, in accordance with Article XXII. This motion was seconded by Mr. Bland and unanimously carried. Neither Mr. Gray nor Mr. Patton was present for the vote.

Reason: **Deferred 30 days** at the request of the applicant to allow him the opportunity to meet with representatives from the Old National alliance.

Attendance: Mark Forsling spoke in support. There was no opposition present.

Case # 2006V-083 FCS

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, Ms. Shane made a motion to **Approve Conditional** Case # 2006V-083 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Thurman. Both Mr. Bland and Ms. Lawson-Edge opposed the vote. Neither Mr. Gray nor Mr. Patton was present for the vote and the motion failed. After further discussion and after the arrival of Messrs. Gray and Patton, Ms. Shane made a second motion to **Approve the case**. The motion was seconded by Ms. Thurman, opposed by Messrs. Gray and Bland, abstained by Mr. Patton, and carried by majority vote, conditioned to: (1) Request #1 approved as stated; (2) Request #2 conditioned to a maximum of 92 square feet, exclusively to AGI Graphics.

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

Attendance: Mr. James Anderson spoke in support and presented additional sign elevations. There was no opposition present.

Case # 2006V-096 FCS

3695 ROOSEVELT HIGHWAY

The appeal of Jonathan 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 **Approve** Case # 2006V-096 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and unanimously carried.

Reason: Approved pursuant to indemnity agreement applicant submitted, in keeping with Article 22.3.1 of the Zoning Resolution.

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

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 cut from approximately 67 acres.

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

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

Attendance: Randy Matheny spoke in support and had the approval of the Chattahoochee Hill Country Design Review Board. There was no opposition present.

Case # 2006V-115 FCS FLAT SHOALS/MALLORY ROAD

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, Mr. Patton made a motion to **Deny** Case 2006V-115 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Gray, abstained by Ms. Lawson-Edge, and carried by majority vote.

Reason: Applicant failed to present a hardship in keeping with Article 22.3.1 of the Zoning Resolution.

Attendance: Michael Hightower and Brad Redding spoke in support. Michael Venable, representing the Old National Alliance, spoke in opposition.

Case # 2006V-116 FCS

8150 EQUINOX LANE

The appeal of Braden S. Buck seeks a variance to the Fulton County Zoning Resolution in an AG-I (Agricultural) zoning classification as follows:

Request:

To reduce the minimum required front yard setback from 60 feet to 22 feet along the Equinox Lane frontage (Ref: Article 5.1.3, Section B).

Property located at 8150 Equinox Lane, in Land Lot 85 of District 7 in Fulton County, Georgia.

Purpose: To allow the construction of a single-family dwelling on Lot 5 of Ashwood Estates.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case #2006V-116 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Shane and unanimously carried.

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

Attendance: Braden Buck and Sean Doughtie spoke in support, and submitted additional drawings for building setback. There was no opposition present.

Case # 2006V-117 FCN

10180 JONES BRIDGE RD

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

Requests:

- (1) To delete the 10-foot landscape strip along the south interior property line (Ref: Article 4.23.1).
- (2) To delete the 10-foot landscape strip along the south interior property line (Ref: Article 12.E.4.A.5).

Property located at 10180 Jones Bridge Road, in Land Lot 59 of District 1-1 in Fulton County, Georgia.

Purpose: To allow an access easement for the existing drive.

After review and discussion by Board Members, Ms. Shane made a motion to **Approve** Case # 2006V-117 FCN, in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Patton and unanimously carried.

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

Attendance: Hirsch Minkowicz and Danny Silvers spoke in support and submitted an additional letter of support. There was no opposition present.

Case # 2006V-123 FCS

KIMBERLY ROAD

The appeal of Willie Frank Griggs seeks a variance to the Fulton County Zoning Resolution in an R-3 (Single Family) zoning classification as follows:

Request:

To reduce the front yard setback from 50 feet to 30 feet (Ref: Article 6.4.3.B).

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

Attendance: Maurice Ukadike, Janice and Anthony Dudley spoke in support. There was no opposition present.