

**FULTON COUNTY BOARD OF ZONING APPEALS  
NOVEMBER 18, 2004 – MEETING MINUTES**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, November 18, 2004 beginning at 1:11 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**

Madolyn Spann, Planner  
Shirley King, Zoning Coordinator  
Bettie Lawson, Administrative Coordinator II  
Michael Charlson, Plan Review

**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 OCTOBER 2004 MINUTES**

The Board of Zoning Appeals voted to approve the October 2004 Minutes as submitted on a motion by Ms. McCain that was seconded by Ms. Thurman and carried by majority vote. Mr. Bland did not vote as he was not present for the October hearing.

**ADJOURNMENT OF MEETING**

The meeting adjourned at 3:37 p.m.

**SUBMITTED BY:**

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Steven R. Cover, AICP, Director  
Environment & Community Development  
Executive Secretary to the Board of  
Zoning Appeals

**APPROVED BY:**

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**Chairperson**

**PREPARED BY:**

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**Bettie J. Lawson**  
Administrative Coordinator II

**Case # 2004VS-124 APPROVED CONDITIONAL 5180 HIGHLAND LAKE DR**

Appeals of Shauntiel Williams and Ritner Nesbitt, seek variances to the Fulton County Zoning Resolution in a SUB-C (Single Family Dwelling District) zoning classification as follows:

Request:

- (1) To reduce the minimum required front yard setback from 50 feet to 43 feet for Lot 33 of the Highland Lake Subdivision (Ref: Article 3.2, Section A)
- (2) To reduce the minimum required front yard setback from 50 feet to 47 feet for Lot 32 of the Highland Lake Subdivision (Ref: Article 3.2, Section A).

Property located at 5180 and 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 setbacks.

After review and discussion by Board Members, Mr. Gray made a motion to **APPROVE** Lot 33 and to **DENY** Lot 32 of Case # 2004VS 124 and 2004V-171 FCS in accordance with Article XXII. Ms. Thurman seconded this motion and offered a friendly amendment that approval be conditioned to allow a 3-foot variance on both lots 32 and 33 (**50 feet to 47 feet for both**), and that the garage of the unfinished house be reworked to fit into the approved setback of 47 feet. Following a discussion, Mr. Gray approved the friendly amendment and the motion was carried by majority vote. Ms. McCain and Ms. Lawson-Edge opposed the vote.

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

Attendance: Michael Hightower spoke in support; George Gilbert and Lance Williams spoke in opposition.

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**Case # 2004V-115 DENY 7695 BALL MILL ROAD**

The appeal of J. Patrick Senn and Mark Susca seeks a variance to the Fulton County Zoning Resolution in an R-2 (Single Family Dwelling District) zoning classification as follows:

Request: To allow eight five-foot tall brick columns within the right-of-way of Ball Mill Road (Ref: Article IV.3.5, Section L).

Property located at 7695 Ball Mill Road in Land Lot 352 of District 6, Fulton County, Georgia.

Purpose: To bring into compliance eight brick columns located along the curb of Ball Mill Road.

After review and discussion by Board Members, Ms. McCain made a motion to **DENY** Case # 2004V-115 FCN in accordance with Article XXII and consideration of the columns being outside of the surveyed portion of their property; there is a safety concern; a massive amount of opposition submitted for this case; and the objection of the Home Owners' Association. This motion was seconded by Ms. Thurman.

Mr. Gray made a friendly amendment that applicant was issued a permit by mistake and should not be totally responsible for it and the County should offer reimbursements. Ms. McCain rejected the amendment; Mr. Gray, Ms. Lawson-Edge and Ms. Mustakeem opposed the vote and the motion failed.

Mr. Gray made a second motion to **DEFER** the case for 60 days. Ms. Lawson-Edge seconded this motion and Ms. Mustakeem agreed. Mr. Bland, Ms. Thurman and Ms. McCain opposed the motion and it failed.

Mr. Bland made a third motion to **DENY** and Ms. Thurman seconded. Mr. Gray and Ms. McCain supported the motion to deny. Ms. Lawson-Edge and Ms. Mustakeem opposed. The motion for **DENIAL** was carried.

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

Attendance: Patrick and Mimi Senn spoke in support; Robert Pashaian spoke in opposition. Petition of opposition submitted to file.

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**Case # 2004V-131 APPROVED CONDITIONAL CRABAPPLE ROAD**

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

Request:

To reduce the 100-foot buffer and 150-foot impervious setback, both measured from top of bank of lake/stream to 25-foot buffers (Ref: Ordinance Establishing Standards for Protection of Public Water Supply Watersheds within unincorporated Fulton County, Section 5B.A&B).

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

Purpose: To allow the development of approximately 12 acres for mixed single family (35 units) and town home (14 units) dwellings.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL** Case # 2004V-131 FCN, in accordance with Article XXII, predicated on receipt of a written letter of support from the City of Alpharetta stating they do not object to the variance. The motion was seconded by Ms. Mustakeem and carried by majority vote. Ms. Lawson-Edge and Mr. Gray opposed the vote.

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

Attendance: Pete Hendricks and Tad Braswell spoke in support. No opposition was present.

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**Case # 2004V-183                      APPROVED                      5557/5558 OLD BILL COOK ROAD**

The appeals of Matt McConnell seek variances to the Fulton County Zoning resolution in an R-4 (Single Family Dwelling District) zoning classification as follows:

Requests:

- (1) To reduce the minimum required setback for a sign monument from 10 feet to 9.5 feet along Old Bill Cook Road (southeast side of Jerome Road) (Ref: Article XXXIII.4.9).
- (2) To reduce the minimum required setback for a sign monument from 10 feet to 7.2 feet along Jerome Road (southeast side) (Ref: Article XXXIIIU.4.9).
- (3) To reduce the minimum required setback for a sign monument from 10 feet to 9.5 feet along Jerome Road (northeast side) (Ref: Article XXXIII.4.9).

Property located at 5557/5558 Old Bill Cook Road in Land Lot 94 of District 94, Fulton County, Georgia.

**Purpose:** To bring into compliance a brick monument sign located at the entrance to the Stonewyck Subdivision from Old Bill Cook Road.

After review and discussion by Board Members, Ms. Lawson-Edge made a motion to **APPROVE** Case # 2004V-183 FCS, in accordance with Article XXII. The 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: Matt McConnell spoke in support. There was no opposition present.

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**Case # 2004V-191                      DEFERRED                      WEST STUBBS ROAD**









After review and discussion by Board Members, Ms. McCain made a motion to **APPROVE** Case # 2004V-200 and Case # 2004V-201 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: Pam Pellon spoke in support and a letter of support was submitted from Cindy Hollingsworth of the Bethany Area Residents' Association of the Route 9 Overlay District. There was no opposition.

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