

Board of Zoning Appeals
Minutes
November 16, 2006

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, November 16, 2006 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

Donne Bland
Douglas Gray
Rosemary Lawson-Edge
Rose McCain Shane, Vice Chair

ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

Karen Hill, Planner III
Bettie J. Jones, Administrative Coordinator II
Shirley Williams, Zoning Coordinator
Randy Beck, Acting Deputy Director
Marcia Stone, Administrative Assistant
Henry Singleton, Signs

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 2006 MINUTES

The motion for approval was made by Mr. Gray and seconded by Ms. Lawson-Edge. The motion was carried by majority vote as Ms. Shane did not vote because she was not present at the October hearing.

ADJOURNMENT OF MEETING

The meeting adjourned at 2:17 p.m.

SUBMITTED BY:

Randy Beck, Acting Deputy Director
Environment & Community Development

APPROVED BY:

Chairperson

PREPARED BY:

Bettie J. Jones
Administrative Coordinator II

The appeal of Mark 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 Jonesboro Road (SR 138) (Ref: Article 12.D.4, Section 1).
- (3) To allow two (2) identification monument signs along Jonesboro Road (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 4).
- (5) To allow three (3) wall signs for retail shop 3 (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, Mr. Gray made a motion to **Withdraw Request #1** and to **Approve Requests 2-6** of Case #2006V-125 FCS, in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and carried unanimously.

Reason: Request #1 was withdrawn at the request of the applicant. Hardship was presented for requests 2-6. Old National Merchants Association and Community Alliance supported the applicant's requests.

Attendance: Mark Forsling spoke in support and Inga Kennedy of the Old National Merchants Association endorsed the requests as presented by the applicant. There was no opposition present.

Case # 2006VS-127 FCN WITHDRAWN OWENS LAKE ROAD
(Held from Oct '06)

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

Request:

Appeal to interpretation letter dated July 10, 2006 regarding Article 34.5.7 in reference to a private street for Six Hills Subdivision (Ref Article 34.5.7).

Property located at Owens Lake Road in Land Lot 1025 of District 2-2 in Fulton County, Georgia.

Purpose: To conclude that Article 34.5.7 regarding a minimum setback for a new street does not apply to a proposed private street extending from Owens Lake Road providing access to a 15-lot planned subdivision expansion (Six Hills Subdivision Phase 4).

After review and discussion by Board Members, Mr. Bland made a motion to **WITHDRAW** Case # 2006V-127 FCN, in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Gray and unanimously carried.

Reason: Withdrawn without prejudice at the request of the applicant.

Attendance: Linda Dunlavy spoke in support. Randy Turner, opposition, did not oppose the applicant's withdrawal.

Case # 2006V-148 FCN APPROVED 10945 STATE BRIDGE RD

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

Request:

To increase the maximum allowed non-residential construction sign area from 16 square feet to 80 square feet (Ref: Article 33.4.12.B.9).

Property located at 10945 State Bridge Road, in Land Lot 167 of District 1-1 in Fulton County, Georgia.

Purpose: To allow a temporary identification sign until a permanent sign is constructed.

Reason: After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE CONDITIONAL** Case #2006V-148 FCN, to allow a temporary sign for the duration of one year from this date (11/16/06) in accordance with Article XXII, Variance Consideration. The motion was seconded by Mr. Gray and carried unanimously.

Attendance: Jessica Vaquera, Retail Planning Corp., spoke in support. There was no opposition present.

Case # 2006V-154 FCS DEFERRED 305 FULTON IND. CIRCLE

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

Request:

To allow a prohibited sign structure to remain for future use (Ref: Article 33.3, Section P).

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

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

After review and discussion by Board Members, Ms. Lawson-Edge made a motion to **DEFER** Case # 2006V-154 FCS for 90 days in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Bland and carried unanimously.

Reason: Deferred at the written request of the applicant to allow opportunity for completion of road work by the Georgia DOT.

Attendance: Neither applicant nor opposition was present.

Case # 2006V-156 FCN DEFERRED 4614 FOUNTAIN BLEAU CT

The appeal of Christian Papaik seeks a variance to the Fulton County Zoning Resolution in a TR (Townhouse) zoning classification as follows:

Request:

To reduce the minimum side yard setback from 30 feet to 24.3 feet on Lot 204 (Ref: Article 7.2, Section 3.H).

Property located at 4614 Fountain Bleau Court, in Land Lot 164 of District 1-1 in Fulton County, Georgia.

Purpose: To allow encroachment of porch overhang for a single family residence in The Fountains at Kimball Bridge Subdivision.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2006V-156 FCN. There was no second on the motion, thus the motion failed. After further discussion, Mr. Gray made a motion to **DEFER** this case for 60 days in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and carried by majority vote. Mr. Bland abstained from voting.

Reason: Deferred for 60 days to allow applicant opportunity to present his case and to address opposition from the community.

Attendance: Neither applicant nor opposition was present. However, several letters of opposition are on file.

Case # 2006V-157 FCN DEFERRED 4617 FOUNTAIN BLEAU CT

The appeal of Christian Papaik seeks a variance to the Fulton County Zoning Resolution in a TR (Townhouse) zoning classification as follows:

Request:

To reduce the minimum required side yard setback from 30 feet to 23.6 feet on Lot 404 (Ref: Article 7.2, Section 3.H).

Property located at 4617 Fountain Bleu Court, in Land Lot 164 of District 1-1 in Fulton County, Georgia.

Purpose: To allow encroachment of porch overhang for a single family residence in The Fountains at Kimball Bridge Subdivision.

After review and discussion by Board Members, Mr. Bland made a motion to **APPROVE** Case # 2006V-157 FCN. There was no second on the motion, thus the motion failed. After further discussion, Mr. Gray made a motion to **DEFER** this case for 60 days in accordance with Article XXII, Variance Consideration. This motion was seconded by Ms. Lawson-Edge and carried by majority vote. Mr. Bland abstained from voting.

Reason: Deferred for 60 days to allow applicant opportunity to present his case and to address opposition from the community.

Attendance: Neither applicant nor opposition was present. However, several letters of opposition are on file.

Case # 2006V-158 FCN WITHDRAWN 13055 HIGHWAY 9

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

Request:

To increase the maximum allowed sign area from 100 square feet to 554.2 square feet on wall one (front wall) and 144 square feet on wall two (side wall) (Ref: Article 12.G.5.K).

Property located at 13055 Highway 9 in Land Lots 975, 1042 and 1047 of District 2-2 in Fulton County, Georgia.

Purpose: To increase visibility of signage for Target Store.

After review and discussion by Board Members, Mr. Gray made a motion to **WITHDRAW** Case # 2006V-158 FCN in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Bland and carried unanimously.

Reason: Withdrawn at the request of the applicant to allow him the opportunity to make changes in the elevation and the site plan.

Attendance: Brian Snelling spoke in support of withdrawal request. Several letters of opposition are on file, including a letter presented at the hearing by Julie Zahner Bailey of the Hopewell Community Alliance.

Case # 2006V-159 FCN DENIED 980 BIRMINGHAM ROAD

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

Request:

To exceed 3% of the wall area for wall sign (Ref: Article 12.H(2).7, Section B.5).

Property located at 980 Birmingham Road, in Land Lot 380 of District 2-2 in Fulton County, Georgia.

Purpose: To increase visibility of wall sign.

After review and discussion by Board Members, Ms. Shane made a motion to **DENY** Case # 2006V-159 FCN in accordance with Article XXII, Variance Consideration. This motion was seconded by Mr. Gray and carried by majority vote. Mr. Bland abstained from voting.

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

Attendance: Mr. Hadad spoke in support. Paul Moore, representing Birmingham Crossroads, Kim Horne and Leon Cole, representing the Birmingham Hopewell Alliance, spoke in opposition. Julie Zahner Bailey, representing the City Council of Milton, presented a letter of opposition.

