

**Fulton County Board of Zoning Appeals  
Meeting Minutes  
November 17, 2005**

The regular meeting of the Fulton County Board of Zoning Appeals was held on Thursday, October 20, 2005 beginning at 1:24 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**

M. Rose Shane, Vice Chairperson (Presiding)  
Donne Bland  
Douglas Gray  
Rosemary Lawson-Edge  
David N. Patton

**ENVIRONMENT AND COMMUNITY DEVELOPMENT DEPARTMENT**

Madolyn Spann, Planner  
Shirley Williams, Zoning Coordinator  
Bettie Jones, Administrative Coordinator II  
Marcia Stone, Administrative Assistant II

**LEGAL DEPARTMENT**

Mark 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 2005 MINUTES**

The motion for approval was made by Ms. Shane and seconded by Mr. Patton. The motion was carried by majority vote. Mr. Bland and Mr. Gray abstained from voting as they were not present for the last meeting.

**ADJOURNMENT OF MEETING**

The meeting adjourned at 4:17 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. Jones  
Administrative Coordinator II

**Case # 2005V-194 FCS**  
(Held from Oct '05)

**7790 ELLA LANE**

The appeal of Gurjit S. Jalli seeks variances to the Fulton County Zoning Resolution in a C-2 (Commercial District) zoning classification as follows:

**Requests:**

- (1) To allow a non-street facing wall sign on the north wall (Ref: Article 33.5, Section G.5).
- (2) To allow a non-street facing wall sign on the east wall (Ref: Article 33.5, Section G.5).
- (3) To allow a non-street facing wall sign on the south wall (Ref: Article 33.5, Section G.5).

Property located at 7790 Ella Lane, in Land Lot 32 of District 9F, in Fulton County, Georgia.

**Purpose:** To allow the Hampton Inn to add three additional wall signs along rear and side walls for increased visibility to the I-85 and Oakley Industrial Boulevard area.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2005V-194 FCS, in accordance with Article XXII. This motion was seconded by Ms. Shane and unanimously carried. Mr. Patton was not present for the vote.

**Reason:** Applicant presented a hardship in keeping with Article 22.3.1 of the zoning resolution.

**Attendance:** Paul Garcia and Gurjit Jalli spoke in support; there was no opposition present.

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**Case # 2005V-213 FCS**

**OAKLEY INDUSTRIAL BLVD**

The appeal of Neil Koelbl seeks variances to the Fulton County Zoning Resolution in a MIX (Mixed Use District) zoning classification as follows:



**Purpose:** To allow renovations and improvements to the existing dwelling.

After review and discussion by Board Members, Ms. Shane made a motion to **Approve** Case # 2005V-214 FCN, in accordance with Article XXII. This motion was seconded by Mr. Patton and unanimously carried.

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

**Attendance:** Mario Ravry spoke in support; there was no opposition present.

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**Case # 2005V-215 FCN**

**6140 MOUNTAIN BROOK LN**

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

**Request:**

To reduce the minimum required side yard setback from 15 feet to 8 feet along the southeast property line (Ref: Article 6.3.3, Section C).

Property located at 6140 Mountain Brook Lane in Land Lot 167 of District 17, in Fulton County, Georgia.

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

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case # 2005V-215, in accordance with Article XXII. The motion was seconded by Mr. Gray and carried by majority vote. Ms. Lawson-Edge abstained.

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

**Attendance:** James McLendon spoke in support; Thomas Umstead and Mark Moyer were also present in support. Mr. McLendon presented a petition with 18 signatures in support of the project. Additional photographs and drawings were submitted in support of the project, Eileen Thomas, Riverside Homeowners Association, also presented a letter of opposition from the HOA and an affidavit from her real estate agent, regarding the negative impact the detached garage would have on the neighborhood.

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**Case # 2005V-217 FCN      16020 HENDERSON HEIGHTS DR**

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

**Request:**

To reduce the minimum required rear yard setback from 50 feet to 13 feet (Ref: Article 5.1.3, Section D).

Property located at 16020 Henderson Heights Drive in Land Lot 334 of District 2-2, in Fulton County, Georgia.

**Purpose:** To allow the construction of a two-story, two bay, detached garage (28' X 32') at the end of existing driveway.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2005V-217 FCN, in accordance with Article XXII. The motion was seconded by Mr. Bland and unanimously carried.

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

**Attendance:** Justin Phillips spoke in support; there was no opposition present.

**Case # 2005V-225 FCN**

**236 JOHNSON FERRY ROAD**

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

**Request:**

To allow property less than 40,000 square feet to construct an identification monument sign along Johnson Ferry Road (Ref: Article 12.B.A., Section 1).

Property located at 236 Johnson Ferry Road, in Land Lot89 of District 17, in Fulton County, Georgia.

**Purpose:** To allow a new bakery business (Flavor Café Bakery) to locate a ground sign at its entrance from Johnson Ferry Road.

After review and discussion by Board members, Mr. Bland made a motion to **Withdraw**, case # 2005V-225 FCN, in accordance with Article XXII. The motion was seconded by Mr. Gray and unanimously carried.

**Reason:** Appeal withdrawn at the request of the applicant, in keeping with Article 22.3.1 of the Zoning Resolution.

**Attendance:** Neither applicant nor opposition was present.

**Case # 2005V-226 FCN**

**440 OVERVIEW DRIVE**

The appeal of Lana C. Krebs seeks a variance to the Fulton county Zoning Resolution in an R-2A (Single Family Dwelling) zoning classification as follows:

**Request:**

To reduce the minimum required rear yard setback from 40 feet to 15 feet (Ref: Article 6.3.3, Section D).

Property located at 440 Overview Drive, in Land Lot 174 of District 17, in Fulton County, Georgia.



After review and discussion by Board Members, Mr. Patton made a motion to **Approve** Case # 2005V-228 FCN, in accordance with Article XXII. The motion was seconded by Mr. Bland 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.

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**Case # 2005V-229 FCS** **780 BRANCHVIEW DRIVE**

The appeal of Marvin G. Webb seeks a variance to the Fulton County Zoning Resolution in an AG-1 (Agricultural District) zoning classification as follows:

Request:

To reduce the minimum required rear yard setback from 50 feet to 43 feet (Ref: Article 5.1.3, Section D).

Property located at 780 Branchview Drive, in Land Lot 120 of District 14F, in Fulton County, Georgia.

**Purpose:** To allow the construction of a one-story (23x30) garage/storage building to the rear of lot.

After review and discussion by Board Members, Mr. Patton made a motion to **Defer** Case # 2005V-229 FCS, in accordance with Article XXII. The motion was seconded by Mr. Gray and unanimously carried.

**Reason:** **Deferred for 60 days** to allow applicant opportunity to address side yard setback concerns.

**Attendance:** Marvin Webb spoke in support; there was no opposition present.

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**Case # 2005V-230 FCN** **200 SANDY SPRINGS PLACE**

The appeal of Michael Reiner seeks variances to the Fulton County

Zoning Resolution in an O-I (Office and Institutional) zoning classification as follows:

**Requests:**

- (1) To allow an identification monument sign on property less than 40,000 square feet (Ref: Article 12A.6, Section A.1).
- (2) To reduce the minimum required setback from right-of-way from 10 feet to 0 feet (Ref: Article 33).

Property located at 200 Sandy Springs Place in Land Lot 89 of District 17, in Fulton County, Georgia.

**Purpose:** To allow placement of a sign at the entrance to The Capital Companies from Sandy Springs Place.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve Conditional** Case # 2005V-030 FCN, in accordance with Article XXII. The motion was seconded by Mr. Patton and carried by majority vote. Ms. Lawson-Edge abstained from voting.

**Reason:** **Approved Conditional** to compliance with the recommendations of the Sandy Springs Resign Review Board as stipulated in their letter dated October 25, 2005 to (1) install sign at a maximum height of 3'8" and a width of 7'8" total square footage not to exceed 29 feet-64" and (2) sign shall be located 7 ½ feet from the edge of right-of-way.

**Attendance:** Mitchell Reiner spoke in support; there was no opposition present.

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**Case # 2005V-231 FCN**

**4724 EAST CONWAY**

The appeal of Jeffrey Tacca seeks variances to the Fulton County Zoning Resolution in an R-3 (Single Family Dwelling) zoning classification as follows:

**Requests:**

- (1) To reduce the minimum lot width from 100 feet to 70 feet (Ref: Article 6.4.3, Section F).

- (2) To reduce the minimum required front yard setback from 50 feet to 35 feet (Ref: Article 6.4.3, Section B).
- (3) To reduce the minimum required side yard setback from 10 feet to 7 feet along the north property line (Ref: Article 6.4.2, Section C).
- (4) To reduce the minimum required side yard setback from 10 feet to 7 feet along the south property line (Ref: Article 6.4.3, Section C).

Property located at 4724 East Conway in Land Lot 137 of District 17, in Fulton County, Georgia.

**Purpose:** To allow the construction of a single family dwelling.

After review and discussion by Board Members, Mr. Bland made a motion to **Approve** Case # 2005V-231 FCN, in accordance with Article XXII. The motion was seconded by Mr. Gray. A friendly amendment was made by Mr. Patton for applicant to provide site plan of an artist's rendering of the proposed house, showing the garage on the south side of dwelling, and the retention of two large trees. After further discussion, Mr. Bland and Mr. Gray withdrew their motions and Mr. Patton withdrew his amendment. Mr. Bland made a second motion to **Approve Conditional to** (1) the house elevation submitted at the hearing with the exception of the garage being located on the opposite side of the dwelling (south side); (2) to the site plan submitted preserving the two specimen trees as shown on the site plan. This motion was again seconded by Mr. Gray and carried my majority vote. Both Ms. Lawson-Edge and Mr. Patton opposed the vote.

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

**Attendance:** Jeffrey Tacca spoke in support; Carolyn Malcolm spoke in opposition and submitted a letter of opposition for the file.

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**Case # 2005V-232 FCN**

**2090 DUNWOODY CLUB DRIVE**

The appeal of Michael Alterman, RREEF Management, seeks a variance to the Fulton County Zoning Resolution in a C-1 (Community Business) zoning classification as follows:

**Request:**

To reduce the minimum required setback for a sign from 10 feet to five feet for existing sign (Ref: Article 33, Section 4.9).

Property located at 2090 Dunwoody Club Drive in Land Lot 339 of District 6, in Fulton County, Georgia.

**Purpose:** To bring into compliance and to allow the addition of new sign panels on the existing Orchard Park Shopping Center sign.

After review and discussion by Board Members, Mr. Gray made a motion to **Approve** Case # 2005V-232 FCN, in accordance with Article XXII. The motion was seconded by Ms. Lawson-Edge and carried unanimously.

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

**Attendance:** Danny Lankford spoke in support; there was no opposition present.

**Case # 2005V-233 FCN**

**WILKERSON MILL ROAD**

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

**Requests:**

- (1) To reduce the minimum required new street setback from 50 feet to 5 feet along a portion of the east property line for approximately 500 feet beginning at the Cascade-Palmetto Road (Ref: Article 34.5.7).
- (2) To reduce the minimum required new street setback from 50 feet to 0 feet along a portion of the west property line





motion was seconded by Ms. Shane. Mr. Gray raised a question concerning staff recommended conditions as recommended by the speakers. Ms. Spann responded that there were no staff recommendations attached to the variance, but that the BZA needed to rule only on the variance requests as stated. Both Mr. Bland and Ms. Shane rescinded their motions with conditions, and Mr. Bland made a second motion to **Approve**. This motion was seconded by Ms. Shane and carried by majority vote. Both Ms. Lawson-Edge and Mr. Patton voted to deny.

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

**Attendance:** Jo Rabaut Elliott supported the proposal of R-3 zoning designation and shared driveway access for all three lots. Further, she expressed a desire to review the proposal prior to final approval. Adam Milligan, Karen Meinzen McEnermy, representing the Chastain Park Civic Association, also supported and approved the R-3 zoning designation and driveway access. She recommended two curb cuts along Lake Forest as it is a very busy intersection, and suggested that the building line for lots be pushed back so as to align with houses. Jason Geyer also spoke in support. There was no opposition present.

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