

JEFFREY E. TURNER
CHAIRMAN
SONNA SINGLETON-GREGORY
District 1
GAIL B. HAMBRICK
District 2
FELICA FRANKLIN WARNER
District 3
MICHAEL L. EDMONSON
District 4

Clayton County
Planning & Zoning + Sustainability
Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



KIMBERLY SMITH
ZONING ADMINISTRATION

Board of Zoning Appeals
Meeting Minutes of July 20, 2017

The regular meeting of the Clayton County Board of Zoning Appeals was held this date of July 20, 2017 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Vice Chairman William Hill, Board Member Raymond Baggarly, and Board Member Frances Solomon. Present from Community Development Department were Jack Hancock, Lenise Lyons, and Linda Willis.

Members absent was: Chairman Don McMillian, Jr., Board Member DeMont Davis, and Board Member Jon Derek Young. No representation from Legal was present.

The Pledge of Allegiance was said in unison.

The motion to approve the amended agenda by removing case # BZA-17/06-105 that was withdrawn by Staff was made by Vice Chairman William Hill and seconded by Board Member Frances Solomon. The vote was unanimous.

The motion to approve the minutes of May 18, 2017 and June 15, 2017 was made by Board Member Frances Solomon and seconded by Board Member Raymond Baggarly. The vote was unanimous.

Vice Chairman William Hill stated that there were no persons having business with the Board of Zoning Appeals; no report of Officers and Committees and no old business with the Board of Zoning Appeals.

The Procedures for the Clayton County Board of Zoning Appeals' Public Hearings was given by Ms. Linda Willis.

Vice Chairman William Hill called for New Business.

1. Case Number: BZA-17/05-102 (Deferred from June 15, 2017 meeting)

The Applicant, *Doug Dillard/Julie Sellers, Pursley Friese Torgrimson*, on behalf of McCondichie Properties 1 LP and McCondichie Properties 2 LP, is requesting variances from Article 6, Section 6.30 Fence and Wall Standards, to erect an eight (8) foot, chainlink fence with barbed wire in all yards; and Section 6.35 Buffer Yard Standards, to eliminate the 40-foot and 25-foot buffer yard on the eastern portion of the lot. The subject property is

located at 261 Morrow Road, Forest Park, Georgia and otherwise known as parcel number 13116B A004. The subject property is approximately 7.03+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #2– Gail Hambrick

The Staff Report for case BZA-17/05-102 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: During the previous meeting on June 15th the Board decided to defer this case due to the change of our Ordinance where change-link of 8 feet is now allowed within the front yard of commercial properties. Tonight we will be reconsidering the elimination of the buffer yard variance. During the time of deferment Staff has met with the Applicant, and the County Arborist on site to determine if the site plans submitted would suffice to provide a sound buffer between the residential use and the heavy industrial use. The Arborist had no comments. Based on the analysis provided, Planning & Zoning Staff recommends **Denial** of the variance requests for the elimination of the buffer yard on the eastern portion of the site and to allow barbed wire in all yards. However, if the Board decides to approve the variance, Staff recommends the following conditions:

1. The western portion of the site abutting the residential zoning district must remain undeveloped, and utilized only for parking.

Vice Chairman William Hill called for the petitioner to present their case.

The Applicant was represented by Doug Dillard, located 1230 Peachtree Street, NE, Atlanta, GA, on behalf of McCondichie Properties.

Doug Dillard: The increase of the fence height of 8 feet is now allowed and we have agreed not to put barbed wire on it, so that is not a problem. We have given to you tonight a letter, a site plans, and along with it suggested conditions:

1. Approval of variance to allow an increased fence height to eight (8) feet in all yards with the following condition:
 - a. Along Morrow Road, applicant shall maintain natural landscaping to reduce the visual impact of the increase height.
2. Approval of the variance to eliminate the buffer yard requirements on the eastern portion of the property adjacent to the residential zoned parcel with the following conditions:
 - a. The eastern portion of the property shall be developed in substantial compliance with the site plan, including a 10 foot landscape strip and parking authorized in the buffer.
 - b. This variance does not authorize the construction of a building within the Buffer Yard.

Please note on the Staff report it states western portion, but it is the eastern portion. If you would look at the site plan that is highlighted in yellow is residential, all the other areas is heavy industrial and does not need a buffer. We ask that you approve this variance and we have also attached a letter of support to this variance from Mr. James A Phillips, Administration Chair of the Philadelphia Presbyterian Church, located at 351 Morrow Road. Mr. Phillips stated they had no objections to the property being development as a commercial property. If it was close to our building we would object, but we have a sizeable amount of property between the lot that they are asking to develop.

Steve McCondichie stated they have been property owners in Clayton County since the 1960s and owed the subject property since 2005 it's a family partnership that they were looking to develop. He stated this property would be strictly for trailer parking only. The purpose of this is because the Farmers Market is right down the street and they need parking in that area.

Vice Chairman William Hill called for any public concerns/comments. There were none.

Vice Chairman William Hill asked the Board Members if they had any questions/concerns.

Board Member Raymond Baggarly: Will this impact anyone else you mentioned. Mr. McCondichie stated not that he was aware of.

Lenise Lyons stated that the variance condition of no construction of a building should apply only to this development as a tractor trailer parking, and there will be no buffer yard if eliminated. If in the future this property changes hands then this variance would no longer apply.

Board Member Raymond Baggarly asked if we were clear whether it was the eastern or western portion of the property. Lenise Lyons stated it was the eastern portion.

Vice Chairman William Hill asked about the site visit which the Arborist did not provide any comments. It was one of the concerns at the last meeting. **Lenise Lyons** stated because there were some natural things going on out there the Arborist did not have an opinion whether or not this would be enough buffer yard.

The motion to **approve** case number BZA-17/05-102 **with condition that the property be used for its intended purpose only**, , was made by Vice Chairman William Hill and seconded by Board Member Frances Solomon. The vote was unanimous. **This condition was made with the applicant consent.**

2. Case Number: BZA-17/06/104

The Applicant, *Lighting Maintenance, Inc.*, on behalf of Asif Khan, is requesting variances from Article 8, Section 8.11- Signs Permitted within the OI, UV, and GB Zoning Districts for Individual Uses, to increase the height of a ground sign and to exceed the maximum sign face area. The subject property is located at 742 Mount Zion Road, Morrow, Georgia and otherwise known as parcel number 13146A B010. The subject property is approximately 0.84+/- acres of land and has a General Business (GB) zoning classification.

Commissioner District #4- Michael Edmondson

The Staff Report for case BZA-17/06-104 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: This property went through a site plan development process (Technical Review Committee) in September 2016 and was previously used as a car wash, but it is being redeveloped to erect a one-story convenience store and gas station. The applicant is requesting a to erect a 20 foot sign with 85 square foot base, which is quite a departure from what is allowed under code, which is a maximum of 10 feet with a 32 square foot base. Based on the analysis provided, Planning & Zoning Staff recommends **Denial** of both variances:

1. To increase the square footage of a new ground sign from 32 square feet to 85 square feet per sign face and
2. To increase the height of a new ground sign from ten (10) feet to 20 feet.

We just recently updated our Zoning Ordinance to increase the requirements based upon signs within the County to make it more visually appealing along our corridors.

Vice Chairman William Hill called for the petitioner to present their case.

The Applicant was represented by Russell Goodwin, located 295 Racetrack Road, McDonough, GA, on behalf of Askif Khan/BP Gas.

Russell Goodwin: The reason we are asking for this variance is west on Mount Zion because of the way the landscape and the neighboring business that has a brick wall and a raw iron fence, if we put the sign where it is allowed you wouldn't be able to see it at all. The BP Station sell their gas by price and the sign must be visible. We are asking for the standard BP signs, which you have a copy of, anything smaller it would not be seen.

Board Member Raymond Baggarly asked what was blocking his sign from being seen. **Russell Goodwin** passed out a picture to the Board members that showed the brick entrance wall of the other business that would block his sign if he went smaller.

Vice Chairman William Hill called for any public concerns/comments:

1. LaQuanda Bailey, located at 701 Mount Zion Road, Jonesboro, GA: Ms. Bailey stated she was there representing the business across from where the BP was being built due to a language bearer. The store owners does not want the BP there because it will take away from his business and because of the undesirable people it will bring that he is trying to get rid of. Also, because there are three other gas stations in the general area.
2. Lucia Cruz, located at 716 Mount Zion Road, Jonesboro, GA:
Ms. Cruz had an interpreter and her main concern was not understanding the letter that was sent out and whether not it had anything to do with her business and signage. She was informed this had nothing to with her business nor her sign. She also had concerns about people loitering, but problem with the gas station. **Board Member Raymond Baggarly** suggested they contact their local police department.

Vice Chairman William Hill asked the Board Members if they had any questions/concerns.

Board Member Raymond Baggarly asked if we approve the larger sign it would be out of character for this corridor. **Lenise Lyons** stated the sign standard regulations effect the entire County. The intent is to improve the aesthetics and to scale down the taller and dilapidated signs.

Board Member Raymond Baggarly asked if there was another location to put the sign so it could be seen. **Lenise Lyons** stated the property has a 125 feet of frontage on Mt Zion Road and they can put it anywhere within that 125 feet. They can also put up wall and awning signage to alert people a gas station is there. They have more than just one option to let people know they are there.

Board Member Francis Solomon: So there are another places they could place the sign to indicate their prices. **Lenise Lyon** stated, yes.

Vice Chairman William Hill stated he has seen the standard BP signs in Clayton County and asked whether anything less than 85 square feet would be able to suffice. **Russell Goodwin:** We would have to have it taller enough to see. We could go 15 x 60 instead of 20 x 85, but the County's standard of 32' would not be seen. Mr. Goodwin stated there are all kinds of tall signs in that area, including a billboard.

The motion to **defer** case number BZA-17/06-104 **until August 21, 2017 for the Applicant to revise their request**, was made by Vice Chairman William Hill and seconded by Board Member Raymond Baggarly. The vote was unanimous.

3. Case Number: BZA-17/06/105 Withdrawn by Staff – Removed from the Agenda

The Applicant, *Lighting Maintenance, Inc.*, on behalf of Royal 7 Investment, Inc., is requesting variances from Article 8, Section 8.11, Signs Permitted within the OI, UV, and GB Zoning Districts for Individual Uses, to maintain the height of an existing non-conforming ground sign and exceed

the maximum face area. The subject property is located at 7530 Highway 85, Riverdale, Georgia and otherwise known as parcel number 13202B A002. The subject property is approximately 0.83+/- acres of land and has a General Business (GB) zoning classification and is in the Tara Boulevard Overlay District.

Commissioner District #3– Felicia Franklin Warner

4. Case Number: BZA-17/06/106

The Applicant, *Evelyn V. Cuthbert*, on behalf of Evelyn V. Cuthbert, is requesting a variance from Article 3, Section 3.6 RS-180 Residential District Standards to decrease the front yard setback. The subject property is located at 7162 Blackjack Court, Riverdale, Georgia and otherwise known as parcel number 13168D F017. The subject property is approximately 0.64+/- acres of land and has a Single Family Residential (RS-180) zoning classification.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/06-106 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: This property is currently developed, consisting of an 840 square feet two story residential dwelling unit with a basement and a garage. According to county records the home was built in 1980. The Applicant is requesting to encroach in the front yard setback in order to increase the size of their home by adding an extra room above the existing garage. Currently the home encroaches in the front yard setback, she does not intend to increase the nonconformance, and she will build within the existing footprint of the building. The Planning and Zoning Staff recommends Approval of the variance request to decrease the front yard setback from 50 feet to 48.2 feet.

The Applicant was represented by Evelyn V. Cuthbert, located 7162 Blackjack Court, Riverdale, GA.

Evelyn V. Cuthbert: I would like to make my home more comfortable for me by expanding my master bedroom out over the garage so I can have more space. I have had some difficulties and I would like to seek the Board approval.

Vice Chairman William Hill called for any public concerns/comments:

1. Gladys Wilson, located at 7173 Blackjack Court, Riverdale, GA
Ms. Wilson stated she was speaking on behalf of the residents of Shangala on the Lakes in Riverdale, GA and respectfully ask the Board to grant the requested variance.
2. Herman Robinson, located at 2913 Lloyd Road, Decatur, GA
Mr. Robinson stated he was a license contractor in the State of Georgia and his responsible was to ensure Ms. Cuthbert was done correctly and to her specification.

Vice Chairman William Hill asked the Board Members if they had any questions/concerns.

The motion to **approve** case number BZA-17/06-106 to decrease the front yard setback, was made by Board Member Raymond Baggary and seconded by Board Member Frances Solomon. The vote was unanimous

5. Case Number: BZA-17/06/107

The Applicant, *Eric D. Moon*, on behalf of Fern A. McCoy, is requesting a variance from Article 3, Section 3.8 RS-110 Residential District Standards to decrease the north side yard setback. The subject property is located at 4158 Conley Drive, Conley, Georgia and otherwise known as parcel number 12241D A017. The subject property is approximately 0.30+/- acres of land and has a Single Family Residential (RS-110) zoning classification.

Commissioner District #1– Sonna Singleton Gregory

The Staff Report for case BZA-17/06-107 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: The subject property is currently zoned RS-110 within the Conley Hills Subdivision, and has been zoned RS-100 since 2008. The property consists of 1250 sq. ft. one story residential dwelling unit. According to county records the home was built in 1964. The Applicant is requesting to encroach in the north side yard setback in order to add an attached deck behind the existing home on a legal non-conforming lot and structure. The Planning and Zoning Staff recommends Approval of the variance request to decrease the side yard setback from 10 feet on the left side of the property to 6.9 feet.

The Applicant was represented by Eric D. Moon, located at 4158 Conley Drive, Conley, GA on behalf of Fern A. McCoy.

Eric D. Moon: We basically wanted to make a sunroom out of the existing canopy with a slab. After attempting to get a permit it was brought to our attention because of the northern side property line we would require a variance. Mrs. McCoy also stated there is a shed that needs improvement.

Vice Chairman William Hill called for any public concerns/comments:

1. William Oliver, located at 4164 Conley Drive, Conley, GA
Mr. Oliver stated Mr. Moon has a lot of animosity toward him and his family. There has been a lot of code violations (debris, building a wall of 10 feet, and chickens/roosters) that he and Mr. Moon had to work out with code enforcement. Mr. Oliver stated he was not totally opposing this request but the county needs to monitor this request to ensure Mr. Moon will be in compliance.
2. Jessie Bourroughs, neighbor across the street.
Mr. Bourroughs stated he agrees with Mr. Bourroughs and this may not have anything to do with this variance, but he has also seen very obnoxious things Mr. Moon has done, but will not object to what he wants to build.

Vice Chairman William Hill stated the comments made by Mr. Oliver were code violations and should be directed to code enforcement, because it was totally out of the preview of the Board and what they are charged to do.

Vice Chairman William Hill asked the Board Members if they had any questions/concerns.

Board Member Raymond Baggary asked Mr. Moon if it was possible what he was proposing would improve his property and make his neighbors happy. Mr. Moon stated, very much so.

The motion to **approve** case number BZA-17/06-107 to decrease the side yard setback, was made by Board Member Raymond Baggary and seconded by Board Member Frances Solomon. The vote was unanimous.

The Board made the decision to hear both cases BZA-17/06-108 and BZA-17/06-109 at the same time.

6. Case Number: BZA-17/06-108

The Applicant, *3131 Properties, LLC*, on behalf of Gulf Coast Pre-Stressed Partners, LLC, is requesting a variance from Article 6, Section 6.35 Buffer Yard Standards to eliminate the buffer yard on the northern portion of the lot. The subject property is located at 1412 Battle Creek Road, Jonesboro, Georgia and otherwise known as parcel number 12080D C001. The subject property is approximately 20+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #4— Michael Edmondson

7. **Case Number: BZA-17/06-109**

The Applicant, *3131 Properties, LLC*, on behalf of Gulf Coast Pre-Stressed Partners, LLC, is requesting a variance from Article 6, Section 6.35 Buffer Yard Standards to eliminate the buffer yard on the northern portion of the lot. The subject property is located at 0 Southlake Parkway, Morrow, Georgia and otherwise known as parcel number 12079A B001. The subject property is approximately 1.93+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/06-108 and BZA-06-109 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: These are two neighboring properties with one Applicant that is looking to redevelop both lots. County records indicate that the subject properties have been zoned Heavy Industrial since 1987. The larger parcel has historically been used for industrial purposes and developed with a concrete plant, and the other parcel is undeveloped. The Applicant is requesting to eliminate the buffer yard on both properties on the northern portion of the lot. The northern portion of the lots are adjoined by the Arbor Place residential subdivision. The Applicant submitted some conditions that would oppose on their property should the variance is granted. The Planning and Zoning Staff recommends **Denial** of the variance requests for the elimination of the buffer yard on the northern portion of the site. However, if the Board decides to approve the variance, Staff recommends the following conditions:

1. The northern portion of the site abutting the residential zoning district must remain undeveloped, and maintained with heavy tree cover.
2. Provide and enhanced landscaping plan during the site development process, which must be approved by Zoning Administrator.

The Applicant was represented by Jim Eyre, and C.J. Young located 3131 Piedmont Road, Atlanta, GA, on behalf of Gulf Coast Pre-Stressed Partners, LLC.

Jim Eyre: We are here to request a variance to remove the additional forth (40') buffer that is required between heavy industrial and residential properties. These two adjoining properties are owned by the same property owner. We have it under contract to construct a 360,00sf Class A office/warehouse building. (From the handout given to the Board members Mr. Eyre indicated Arbor Place subdivision at the north of property with a heavy landscape buffer currently existing that will remain between Arbor Place subdivision and the building). He stated all of the loading and noise from the building will be located on the south side facing Battle Creek Drive which will provide not only a fifty (50') buffer, but also a 300 foot buffer building that is concrete. As a condition of approval of this variance request, we will commit to the following conditions:

1. Maintain the 50' setback and the heavy tree cover in the current undeveloped condition;
2. Enhance the existing trees with a double row of evergreen screening material where the existing trees are sparse or do not exist;
3. Provide the landscaping required per Section 6.35 of the Code in the 50' setback area;
4. Maintain an 8' high wood privacy fence at the south boundary of Arbor Place Subdivision for the full length of the common property line;
5. Allow no truck traffic/loading areas on the Arbor Place subdivision side of proposed building (except as required for Clayton Fire Department access; and
6. Provide "cut-off" lighting at the side of the building facing Arbor Place subdivision to minimize light impact in Arbor Place.

There is a concrete retaining wall that is fifty (50') off the property line and a wood fence on the property line that will remain vegetated. To the south the property it is clear with a concrete and gravel parking lot, which at one time was used as a storage yard. Everything from that concrete wall to Battle Creek is a

concrete and gravel parking lot, so an additional forty (40') feet of buffer really does not provide no screening or protection for the subdivision if another heavy industrial business goes in there like truck/trailer storage, or recycling. We think the Class A office/warehouse is conduces and will fit in the area and we respectfully ask that you approve our two variance requests.

Vice Chairman William Hill called for any public concerns/comments:

1. Cathy Lovett, located at 1443 Persimmon Trace, Morrow, GA
Ms. Lovett stated she and her husband have lived in Arbor Place subdivision which is surrounded by woods for eight years and in Clayton County her entire life. It is a reason to separate heavy industrial from residential and if you tear down any portion of the buffer my property value, my quality of life as well as everyone else will change. We understand we cannot keep a business from building on the property. We ask that you be a good neighbor and build on the available land as it is, and leave the natural buffer and setback. We ask respectfully that you deny both variances.
2. Judy Taylor, located at 6910 Doncaster Road, Jonesboro, GA
Ms. Taylor stated she live three miles from that area, but her daughter and son in law lives the Arbor Place subdivision. She asked the Board to deny the request for variances on Battle Creek and Southlake Parkway. If approved it would have a devastating impact on the residents in the area. The closer the industrial area is allowed to the subdivision the likely the existing trees and over growth will be removed and become more noticeable in the winter time. Trucks loading and unloading will be seen and heard on a regular basis. Property value will be decreased and difficult to sell or rent. The Type 3 Buffer Yard code was put into effect for reason to prevent the greatest degree of conflict between the two zoning districts these variances should be denied and the buffers remain as they are.
3. Vickie Freeman, located at 1548 Arbor Place Drive, Morrow, GA.
Ms. Freeman stated she was in total agreement with the previous two speakers. The previous construction was very tedious and very difficult resting at night. She stated she has lived Arbor Place since 2008 and is considering selling her home. If you would respectfully consider the buffer already in place and whatever needs to be done for them to comply with the current buffer. My request is denial.

C.J. Young: The end user we are talking to are tractor trailer storage, and diesel truck repair. They are widen Battle Creek all the way to I75, traffic will not go down Southlake anymore. My biggest point this is not heavy industrial its light industrial. You will end up with a 90 foot open air buffer with trucks and diesel repair or a 50 foot with a 30 foot concrete wall and the noise 350 foot away. I know it sounds like a buffer reduction and more difficult for the neighbors, but I believe this is the best choice.

Vice Chairman William Hill asked the Board Members if they had any questions/concerns.

Vice Chairman William Hill asked if there have been any discussion with the homeowners prior to this meeting. **Jim Eyre:** We sent out the certified letters and I received three calls, two of which did not want the buffer reduced, and one after looking at the site plan said that was great.

The motion to **defer** case number BZA-17/06-108 and BZA-17/06-109 to allow further discussion between the Applicants and Arbor Place homeowners, was made by Board Member Frances Solomon and seconded by Vice Chairman William Hill. The vote was unanimous

There being no further business the motion to adjourn was made by Vice Chairman William Hill, and seconded by Board Member Raymond Baggarly. The vote was unanimously.

The meeting was adjourned at 9:15 p.m.

Linda Willis

Linda Willis, Assisting Secretary
Zoning Board of Appeals
Clayton County, Georgia

William Hill

William Hill, Vice Chairman
Zoning Board of Appeals
Clayton County, Georgia