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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 September 21, 2017

The regular meeting of the Clayton County Board of Zoning Appeals was held this date of September 21, 2017 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Don McMillian, Jr., Vice Chairman William Hill, Board Member Raymond Baggaly, and Board Member Frances Solomon. Present from Community Development Department were Kimberly Smith, Lenise Lyons, and Linda Willis.

Members absent was: 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 number BZA-17/08-117 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 July 20, 2017 and August 17, 2017 by was made by Vice Chairman William Hill and seconded by Board Member Raymond Baggaly. The vote was unanimous.

Chairman Don McMillian, Jr., 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.

Chairman Don McMillian, Jr. called for New Business.

1. Case Number: BZA-17/06-111 (Deferred from August 17, 2017)

The Applicant, *Jason R. Houston*, on behalf of Fresh Express, is requesting a variance from Article 6, Section 6.30 Fence and Wall Standards, to erect an eight (8) foot, chain link fence in front yards. The subject property is located at 1361 Southern Road, parcel number 12081D D001 and 0 Southern Road, parcel number 12081C B006 Morrow, Georgia. The

subject properties are approximately 31.762+/- acres of land and have a Heavy Industrial (HI) zoning classification.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/06-111 was given by Kimberly Smith of Planning and Zoning Sustainability.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends Approval with Condition of the variance to allow an increased fence height to eight (8) feet in the front yard, with the following condition:

1. Along Southern Road, existing tree cover must be maintained to screen fence from the public right-of-way.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Jason Houston, located 1424 Veterans Drive, Conyers, GA, on behalf of Fresh Express.

Jason Houston stated he was representing Fresh Express expansion of their current facility and along with the expansion of the fence for security purposes because they are a food processing facility. The existing tree cover will be maintained and the existing fence cannot be seen from the road.

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns. There were none.

The motion to **approve** case number BZA-17/06-111 **with the condition that along Southern Road, existing tree cover must be maintained to screen fence from the public right-of-way** was made by Vice Chairman William Hill and seconded by Board Member Frances Solomon. The vote was unanimous.

2. **Case Number: BZA-17/07/114** The Applicant, *Jorge A Gallegos*, is requesting a variance from Article 3, Section 3.8 RS-110 Residential District Standards to decrease the west side yard setback on a corner lot. The subject property is located at 162 W. Windmere Way, Jonesboro, Georgia, and otherwise known as parcel number 13212D A037. The subject property is approximately 0.397+/- acres of land and have a Single Family Residential (RS-110) zoning classification.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/06-114 was given by Kimberly Smith of Planning and Zoning Sustainability.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends Approval of the variance to decrease the side yard setback for the addition of an attached garage.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Edith Garcia and Jorge Gallegos, located 162 W.Windemere Way, Jonesboro, GA.

Edith Garcia stated the addition of the garage would encroach about 4 feet into the setback area. **Chairman Don McMillian, Jr.** called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns.

Board Member Raymond Baggarly stated he assumed the garage would be built within the line and fully enclosed. **Ms. Garcia** stated, yes.

The motion to **approved** case number BZA-17/07-114 was made by Board Member Raymond Baggarly and seconded by Board Member Frances Solomon. The vote was unanimous.

3. Case Number: BZA-17/08/118

The Applicant, *Electric Guard Dog, LLC*, on behalf of Sunstate Equipment, is requesting a variance from Article 6, Section 6.30 Fence and Wall Standards, to erect a ten (10) foot, electrified wire fence in all yards. The subject property is located at 4460 Highway 42, Conley, Georgia and otherwise known as parcel number 12237D A002. The subject property is approximately 9.0+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #2– Sonna Singleton Gregory

The Staff Report for case BZA-17/08-118 was given by Kimberly Smith of Planning and Zoning Sustainability.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends **Approval with Conditions** of the variance to allow an increased fence height to ten (10) feet in all yards, and for an electrified fence, with the following conditions:

1. Prior to the issuance of building permits, the barbed wire shall be removed along the property line fronting Highway 42.
2. Chain link fence along Highway 42 shall be covered with fence screen.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Jack Kirkland, located 4460 Moreland Avenue, Conley, GA, on behalf of Sunstate Equipment.

Jack Kirkland stated he was an agent and formerly employed for Sunstate Equipment. He stated Sunstate has some concerns that none of the other properties on Highway 42 is screened. Once Sunstate is open it will be the shining star on this road. If any emergency services need to come out they would not be able to see in until they open up the gate because of the screening. The barbed wire has been removed and the fence replaced.

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns.

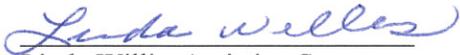
Chairman Don McMillian, Jr. asked Mr. Kirkland what was Sunstate. **Jack Kirkland** stated the company has been in business since 1976 out of Phoenix, AZ and they rent construction equipment.

Board Member Raymond Baggaly asked if this was retail open to the general public; industrial only for commercial; or was it a storage unit. **Jack Kirkland** stated they will rent to individuals and most likely delivery.

The motion to **approve** case number BZA-17/08-118 was made by Chairman Don McMillian, Jr. and seconded by Board Member Frances Solomon. The vote was unanimous.

There being no further business the motion to adjourn was made by Chairman Don McMillian, Jr. and seconded by Vice Chairman William Hill. The vote was unanimously.

The meeting was adjourned at 7:20 p.m.


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


Don McMillian, Jr., Chairman
Zoning Board of Appeals
Clayton County, Georgia