



**CITY OF FOREST PARK**  
**PLANNING COMMISSION MEETING**

Thursday, September 15, 2022 at 6:00 PM  
Environmental Courtroom- Planning & Community Development Building

**Website:** [www.forestparkga.gov](http://www.forestparkga.gov)  
**Phone Number:** (404) 608.2301

**PLANNING BUILDING AND ZONING**  
785 Forest Parkway  
Forest Park, GA 30297

## AGENDA

**BOARD MEMBERS:** Andy Porter, Michael Clinkscales, Azfar Haque, Roderick Jackson, Donald Williams

**CALL TO ORDER/WELCOME:**

**ROLL CALL:** Andy Porter, Azfar Haque, Donald Williams, Michael Clinkscales and Roderick Jackson

**APPROVAL OF MINUTES:**

1. Minutes from August 18, 2022 Meeting

**OLD BUSINESS:**

**NEW BUSINESS:**

2. **PC-2022-08 Variance at 1234 Lloyd Drive** The applicant, Jesus Perez, is requesting a variance to reduce the minimum setback requirement between an accessory structure and the main structure from the required ten feet to four feet as part of a pavilion construction project.
3. **PC-2022-09 Variance at 3953 Jonesboro Road** The applicant, Kinh Enterprises Inc, is requesting a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development.
4. Vote on the Chair and Vice Chair for the Planning Commission Board

**ADJOURNMENT:**

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 404-366-1555.



Department of Planning and Community Development  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 366-4720

## Planning Commission Minutes August 18, 2022

- Call to Order:** Michael Clinkscales called the meeting of the City of Forest Park Planning Commission to order at 6:00 p.m. on August 18, 2022.
- Roll Call:** Roderick Jackson, Donald Williams, Azfar Haque and Michael Clinkscales were present. Also present was Caity Chandler, Planner and Director of Department of Planning and Community Development, LaShawn Gardiner.
- Approval of Minutes:** Azfar Haque made a motion to approve minutes from the June 16, 2022, Planning Commission meeting. Michael Clinkscales seconded the motion. The vote was unanimous.
- Old Business:** No Old Business.
- New Business:**
- Item 1:** **Case: PC-2022-05**  
**Variance at O Scott Road**  
**Several variances to reduce the minimum lot area, minimum lot width, and rear yard setbacks as part of a 11-lot subdivision project.**
- Caity Chandler states that the applicant, Divine Dream Homes ATL LLC, is requesting several variances to reduce the minimum lot area, minimum lot width, and rear yard setbacks as part of a 16-lot subdivision project. The 1.6-acre parcel is vacant and wooded and located in a residential zoned district. Based on the information that staff had at the time of this report, staff recommends DENIAL of variances to reduce minimum lot area, minimum lot width, and rear yard setbacks for a proposed 11-lot subdivision. Staff recommendations were based on the following:
1. The proposed preliminary plat does not meet the requirements of Sec. 8-7-12 for a preliminary plat. None of the proposed lots meet the minimum requirements for a single-family residential lot.
  2. The lot areas shown on the proposed preliminary plat is less than the required 8,200 sq. ft except for lot # 7 which is shown on the proposed preliminary plat as 9,404 sq.ft.
  3. The lots shown on the proposed preliminary plat does not meet the minimum lot width of 80 ft.



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4. The proposed building footprints are unclear, and it is difficult to determine if the lots meet the front, rear yard setback, or the minimum required lot coverage.
5. The strict application of the terms of this ordinance should not result in a practical difficulty in the use of the property, because the applicant can reduce the number of lots to conform with the intent of the ordinances.
6. The request for variances is self-imposed and too significant to be approved.

The proxy for the applicant came up to speak on behalf of the applicant Divine Dream Homes ATL LLC, He said he spoke to Mr. Shelby about the variance multiple times and the outcome of the denied variance was expected due to what was turned in to the city.

Frank Claw, citizen from 738 Scott Road, spoke about how he and some of the other neighbors want to keep the area as residential as possible.

Katy Hope Claw states that there are three homes on that street and only one home received the hearing notice. Also, the Public Hearing notice sign was not posted until a week before the meeting.

Caity Chandler responds that we have issues with the sign and as far as the letters they were sent to the surrounding address in a timely manner.

LaShawn Gardiner states that per the zoning requirements, we must send notice no less than 15 days and no more than 45 days. Also, the sign only must be posted 2 weeks before meeting. She also states that the department will make sure to look at the requirements for next meeting to make sure dates are correct.

Katy Hope Claw states that she has issues with JB Hunt being behind her house and now she is scared that 11 homes subdivision are being built on her road.

Azfar Haque states that if the houses will be built then the property value of the homes on Scott Road will increase so is she opposed to value going up.

Katy Hope Claw responds that if it was one home, she would not care but 11 homes are too many homes, and she likes her privacy and space.

Representative of 0 Scott Road states that what was submitted was messed up and he would not have submitted that work himself. The plans submitted were not up to code with the requirements of the City of Forest Park. He states that if the plans were submitted and up to code and approval of the City and County then the homes would go there, and neighbors cannot control how many homes can go in a space. If the new development is respectful of the people already on the road, looks nice and follows requirements then neighbors should welcome new developments.

LaShawn Gardiner states that right now the applicant is only requesting variances and later if they resubmit, they will have to get plans approved and meet all requirements.



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*Azfar Haque motion to deny the variance at 0 Scott Road. Michael Clinkscales seconded the motion to deny. Voting was unanimous.*

## Item 2:

**Case: PP-2022-02**

### Preliminary Plat for 437 North Avenue

**To subdivide a 1.62+/- acre parcel to create 16 townhome units.**

Caity Chandler states the subject property is a vacant wooded lot with approximately 1.62 acres. The applicant has met with the Planning & Community Development Department several times over the last two years to discuss this project. The applicant is now in the process of developing the property into a subdivision consisting of 16 townhome units. Adjacent land uses are residential, except for the parcel to the west of the property that is zoned Heavy Industrial. Each of the 16 units will be two stories and have approximately 1694 square feet, including a one car garage per unit. The exterior will feature brick, stone, and architectural shingles. Each garage will be located on the front of each townhome. Staff recommends APPROVAL of the preliminary plat for 437 North Avenue with the following conditions:

1. The applicant will submit protective covenants to regulate land use in the subdivision and otherwise protect the proposed subdivision.
2. The developer will be responsible for all costs associated with design and construction of sanitary sewer and water improvements necessary to serve the proposed plat.
3. Sidewalks shall serve each lot and shall be designed and constructed in accordance with City Standards.

Darion Dunn the property owner and developer asked if the board had any questions for him.

Michael Clinkscales asked if Darion Dunn can meet the conditions for approval.

Darion Dunn stated that the conditions are fair, and some are already in place. The homeowner's association is already in place for the community.

*Azfar Haque motion to approve the Preliminary Plat at 437 North Ave with conditions. Michael Clinkscales seconded the motion to approve. Voting was unanimous.*



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Item 3:

Case: PC-2022-06

Variance at 5566 Pineridge Place

**Variance to increase the building height and reduce the side yard setback requirements.**

The applicant is requesting a variance to increase the building height and decrease the side yard setbacks. The applicant constructed a 20+ foot addition to an existing accessory structure in his backyard at 5566 Pineridge Place. This accessory structure exceeds the 15-foot maximum height requirements for accessory structures. The structure was also placed approximately 2 feet from the side property line. The minimum distance between accessory structures and side property lines is 10 feet. Additionally, the combined area of the existing accessory structure and the two-story addition is, in total, more than 100% of the area of the primary structure. The maximum allowable area for accessory structures is 50% the area of the primary structure. Staff recommends DENIAL of a variance to increase the building height and reduce the side yard setback requirements. The height of the accessory structure exceeds the height of the primary structure, it is 8 feet too close to the property line, and the total area of the accessory structures is more than 100% of the total area of the primary structure. Additionally, the use and value of the area adjacent to the property included in the variance could be affected in an adverse manner due to the height, size, and the proximity to the side property line of the accessory structure.

Azfar Haque asks if there was a permit received for the side structure.

Caity Chandler answered no.

Azfar Haque asked how they were able to build the structure, without the City's knowledge.

Caity Chandler answered yes, Code Enforcement saw the structure then he came into the office to try and get a permit.

The applicant, Ever Bonilla, said that he started to build the storage without a permit but he then he came to the office and tried to get a permit. He is willing to make certain corrections.

Roderick Jackson stated that the variance should be denied because you should pull a permit with building anything and that is not a new law. The applicant should have pulled the permit beforehand not after building.

Michael Clinkscales stated that now that the applicant knows better, they should get everything to do everything the right way.



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*Roderick Jackson motion to deny the Variance at 5566 Pineridge Place. Donald Williams seconded the motion to deny. Voting was unanimous.*

**Item 4:**

**Case: PC-2022-07**

**Text Amendments**

The Planning & Community Development Department is proposing two text amendments to the Code of Ordinances. PC-2022-07 (TEXT) includes an update to Article P. Exterior Finishing Standards and Requirements – Residential Dwellings. Also included is an update to Article E. Tree Protection Plan.

Caity Chandler states the final decision of the text amendments will be made at the City Council Meeting on September 6, 2022. The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in an adverse manner. The following text amendments have been proposed: An update to Article P. Exterior Finishing Standards and Requirements – Residential Dwellings Ordinance Sec. 8-2-160, Section 8-2-161, and 8-2-162 has been proposed. This update creates a standard for residential design. The previous ordinance was not explicit in its requirements, leaving too much room for interpretation. This update will clarify the requirements. Caity Chandler states that if this amendment is approved the city will have more clear and concise standards for residential development (single and multi-family).

Caity Chandler states an update to the Tree Protection Ordinance. The purpose of the update to this Ordinance is to Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the city. The previous ordinance was not explicit in its standards, leaving too much room for interpretation. This update is more specific with its standards. The Staff recommends approval of the two text amendments.

*Azfar Haque motion to approve the two text amendments. Roderick Jackson seconded the motion to approve. Voting was unanimous.*

**Other Business:**

**Adjournment:**

There being no further business, Azfar Haque motioned to adjourn the meeting. Michael Clinkscales seconded the motion. Voting was unanimous. The meeting adjourned at 6:35pm.



# CITY OF FOREST PARK

Planning & Community Development Department  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 608-2300 Fax: (404) 608-2306

## STAFF REPORT – VARIANCE

Public Hearing Date: September 15, 2022

**Case:** PC-2022-08

**Current Zoning:** RS Single Family Residential

**Proposed Request:** Variance to reduce the minimum setback requirement between an accessory structure and the main structure from the required ten feet to four feet.

**Staff Report Compiled By:** Caity Chandler

**Staff Recommendation:** Approval of Variance

### APPLICANT INFORMATION

**Owner of Record:**

Name: Jose Carmen Perez  
Address: 1234 Lloyd Drive  
City/State: Forest Park, GA 30297

**Applicant:**

Name: Jesus Perez  
Address: 1234 Lloyd Drive  
City/State: Forest Park, GA 30297

### PROPERTY INFORMATION

**Parcel Number:** 13048D C005

**Address:** 1234 Lloyd Drive

**Acreage:** 0.24

**FLU:** Single Family Residential

### SUMMARY

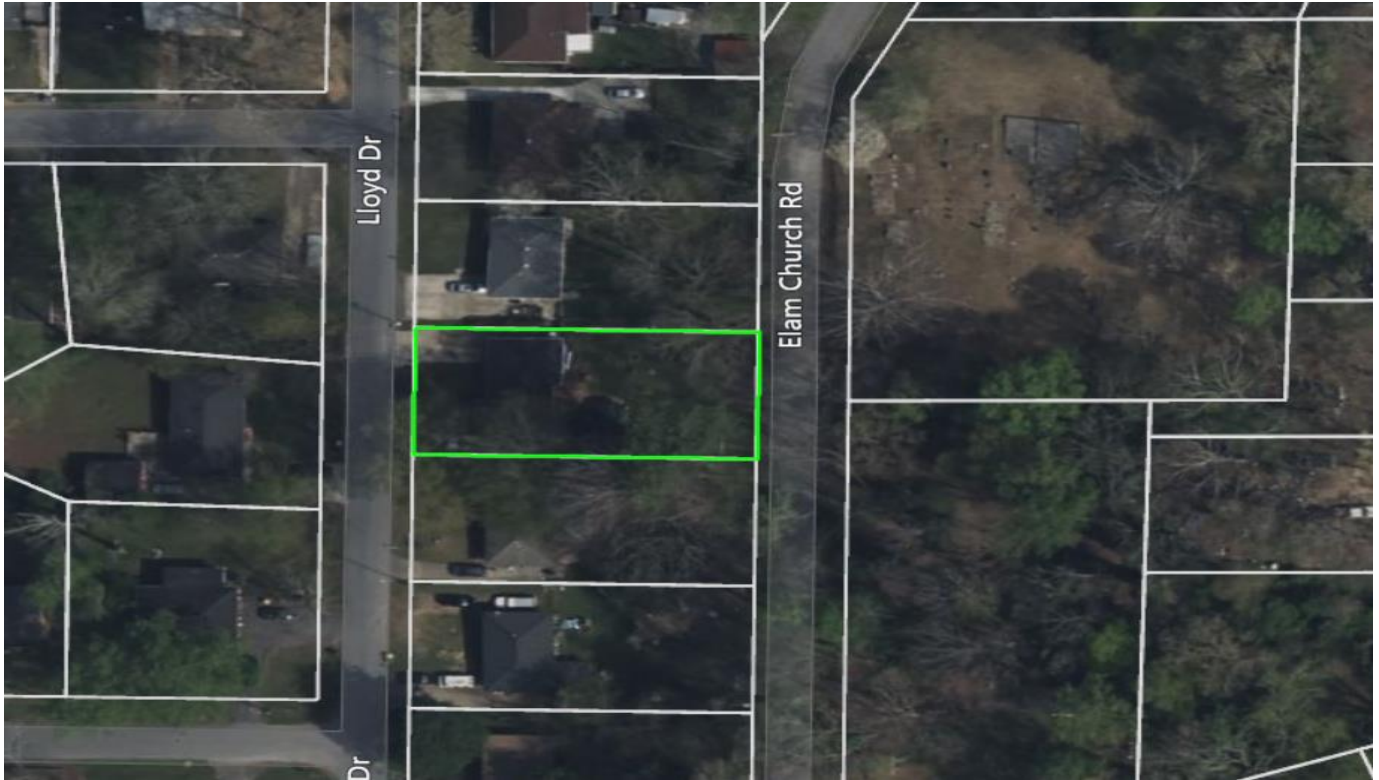
The applicant, Jesus Perez, is requesting a variance to reduce the minimum setback requirement between an accessory structure and the main structure from the required ten feet to four feet as part of a pavilion construction project.

### BACKGROUND

The subject property is zoned RS Single-Family Residential. In this district, accessory structures must be placed no less than 10 feet from the main structure. The applicant constructed a pavilion in the rear yard of his property without a permit. The unpermitted structure was built four feet from the main structure; ten feet is required. The applicant is requesting a variance to reduce the minimum setback requirement of ten (10) feet to four feet to accommodate for this pavilion.



**AERIAL MAP**



**ZONING MAP**





# Property Single Family Residential (RS)

## ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	RS Single Family Residential Residential Use	East	RS Single Family Residential Residential Use
South	RS Single Family Residential Residential Use	West	RS Single Family Residential Residential Use

### SITE PHOTOS

8/23/2022



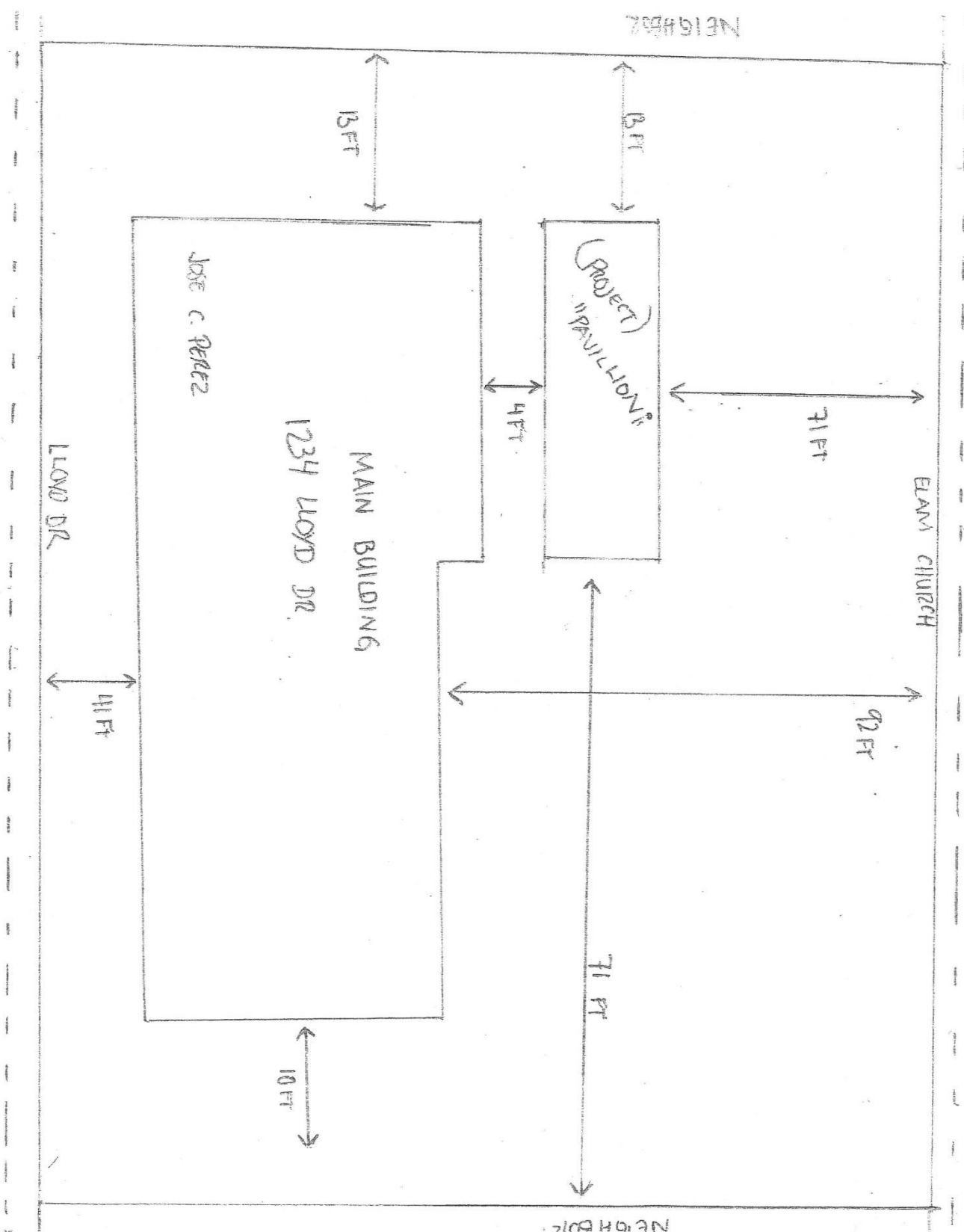


6/13/2022





SITE PLAN



## VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this ordinance were permitted under this Ordinance, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

### **Applicant Response**

*"I Jesus Perez inform you that I started on a construction of a pavilion, in the property of my father Jose Carmen Perez, because he was visiting in Mexico, and we will give a surprise upon his return to USA, this address 1234 Lloyd Dr Forest Park GA 30297, I thought that no permit was needed for the construction inside of the property, for that I apologize for starting this project without authorization from the city of Forest Park, I hope you will allow me to continue the construction of the gift for my dad since we are very lithe to finish. I appreciate your understanding, and accept my sincere apologies.*

*Thank you.*

*Jesus Perez*

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a variance to reduce the setback requirement between the accessory structure and the main structure from ten feet to four feet to accommodate for this pavilion. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner with the following condition: If the Planning Commission approves the Variance, the applicant must apply for and receive a building permit to construct and complete the pavilion.

### Attachments Included

- Application
- Justification Letter



# CITY OF FOREST PARK

Planning & Community Development Department  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 608-2300 Fax: (404) 608-2306

## STAFF REPORT – VARIANCE

Public Hearing Date: September 15, 2022

**Case:** PC-2022-09

**Current Zoning:** GC General Commercial

**Proposed Request:** Variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development.

**Staff Report Compiled By:** Caity Chandler

**Staff Recommendation:** Approval of Variance

### APPLICANT INFORMATION

**Owner of Record:**

**Name:** Kinh Enterprises Inc  
**Address:** 3953 Jonesboro Road  
**City/State:** Forest Park, GA 30297

**Applicant:**

**Name:** Kinh Enterprises Inc  
**Address:** 3953 Jonesboro Road  
**City/State:** Forest Park, GA 30297

### PROPERTY INFORMATION

**Parcel Number:** 13015A A001

**Address:** 3953 Jonesboro Road

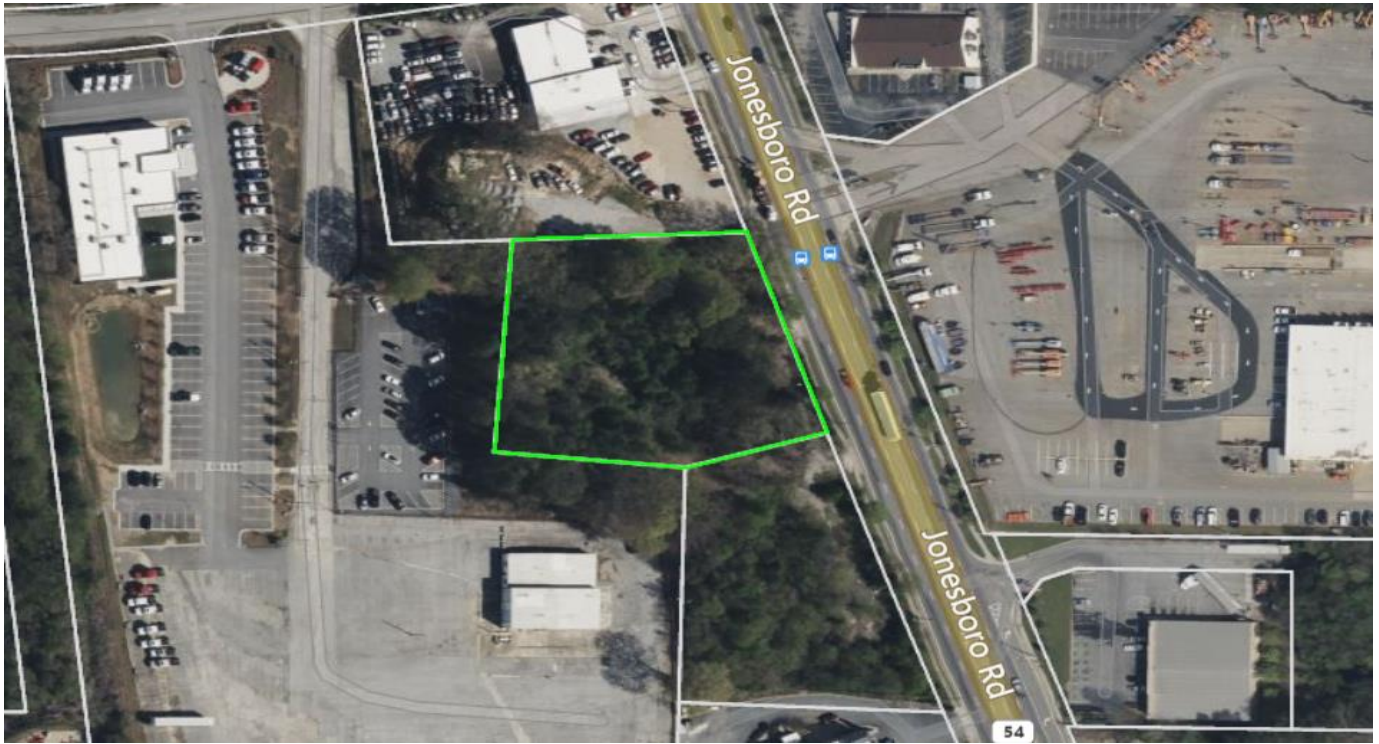
**Acreage:** 1.33

**FLU:** Commercial

### SUMMARY & BACKGROUND

The applicant, Kinh Enterprises Inc, is requesting a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. The applicant plans to build a gas station upon 1.33 acres on the northern end of Jonesboro Road. The applicant stated that due to the shape of the property, parking will need to be placed around the whole building. With this design, they are requesting a reduction in the number of required parking spaces for the development.

**AERIAL MAP**



**ZONING MAP**





## Property General Commercial (GC) ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use		Direction	Zoning & Use
North	GC General Commercial Auto Repair Shop		East	GC General Commercial Retail Use
South	GC General Commercial Vacant Lot		West	LI Light Industrial Warehouse

### SITE PHOTOS















**Photos Taken 8/31/2022**



**SITE PLAN**

**SITE ADDRESS:**  
 3953 JONESBORO ROAD  
 FOREST PARK, GA. 30297  
 DB 11219 PG 403  
 PARCEL NO. 13015A A001

**OWNER/DEVELOPER:**  
 KINH ENTERPRISES INC.  
 4441 JONESBORO ROAD  
 FOREST PARK, GA. 30297  
 CONTACT: ZEESHAN THOBHANI  
 678-525-4705



**GENERAL NOTES:**

1. TRACT AREA = 1313 ACRES (52066 S.F.)
2. PROPERTY ZONING: GC
3. SETBACKS REQUIRED:
  - 3.1. FRONT - 25'
  - 3.2. SIDE - 10'
  - 3.3. REAR - 30'
4. PROPOSED USE: COMMERCIAL
5. PARKING REQUIRED: SEE PARKING CALCULATIONS.
6. VARIANCE REQUEST:
  - TO REDUCE PARKING REQUIREMENTS FROM THE MINIMUM & MAXIMUM SHOWN TO A TOTAL OF 44 SPACES (42 STANDARD & TWO HANDICAP AS SHOWN).
7. PROPERTY SERVED BY CLAYTON COUNTY WATER & SEWER.
8. AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 1960000R F DATED 6-7-17, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARD ZONE "X".
9. THIS PROPERTY DOES NOT HAVE A CEMETERY, WETLANDS, HISTORIC OR ARCHITECTURAL FEATURES LOCATED ON THE PROPERTY.

**PARKING CALCULATIONS:**

**STORE OR GAS STATION:**  
 4310 24 S.F. / 1 SPACE PER 100 S.F. = 43 SPACES REQUIRED

**RETAIL SPACE:**  
 TWO SITES WITH 231320 S.F. / 1 SPACE PER 500 S.F. = 463 SPACES (TOTAL) REQUIRED

**RESTAURANT SPACE:**  
 TWO SITES WITH 231320 S.F. MINUS TWO 1000 S.F. (KITCHENS/TOWAERS) / 1 SPACE PER 100 S.F. FOR PATRON AREA = 23 SPACES REQUIRED

OR

TWO 25' TABLE RESTAURANTS / 1 SPACE PER 45 S.F. = 50 SPACES REQUIRED.

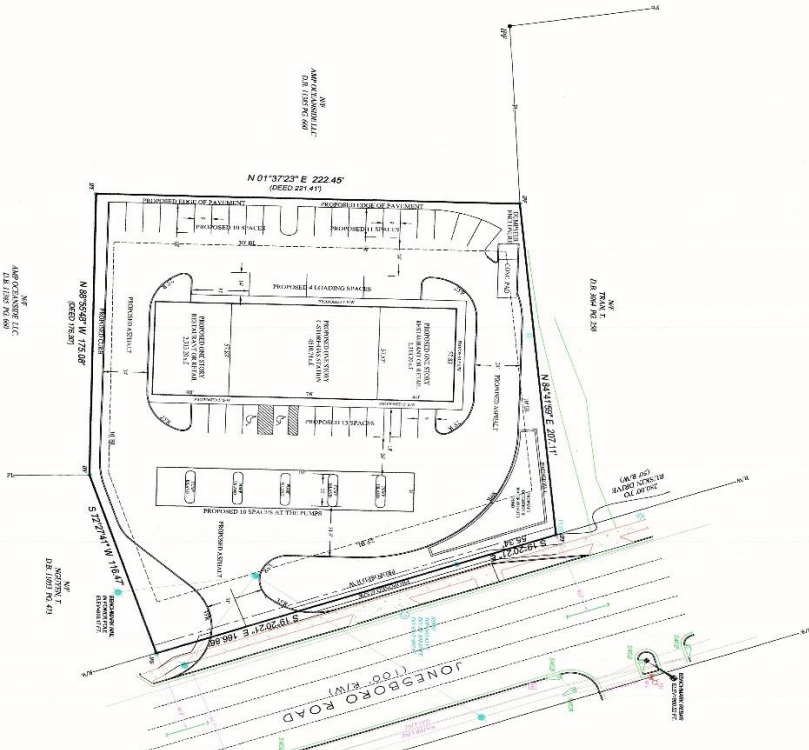
MINIMUM PARKING REQUIRED WITH STORE & RETAIL SPACE: 45 / 10 = 55 SPACES REQUIRED

MAXIMUM PARKING REQUIRED WITH STORE & RESTAURANTS: 43 / 50 = 95 SPACES REQUIRED

ZONING CODE REQUIRES 1 LOADING SPACE; 4 PROVIDED AS SHOWN.

**LEGEND**

1	APPROXIMATE	APPROXIMATE
2	EXISTING	EXISTING
3	PROPOSED	PROPOSED
4	EXISTING	EXISTING
5	PROPOSED	PROPOSED
6	EXISTING	EXISTING
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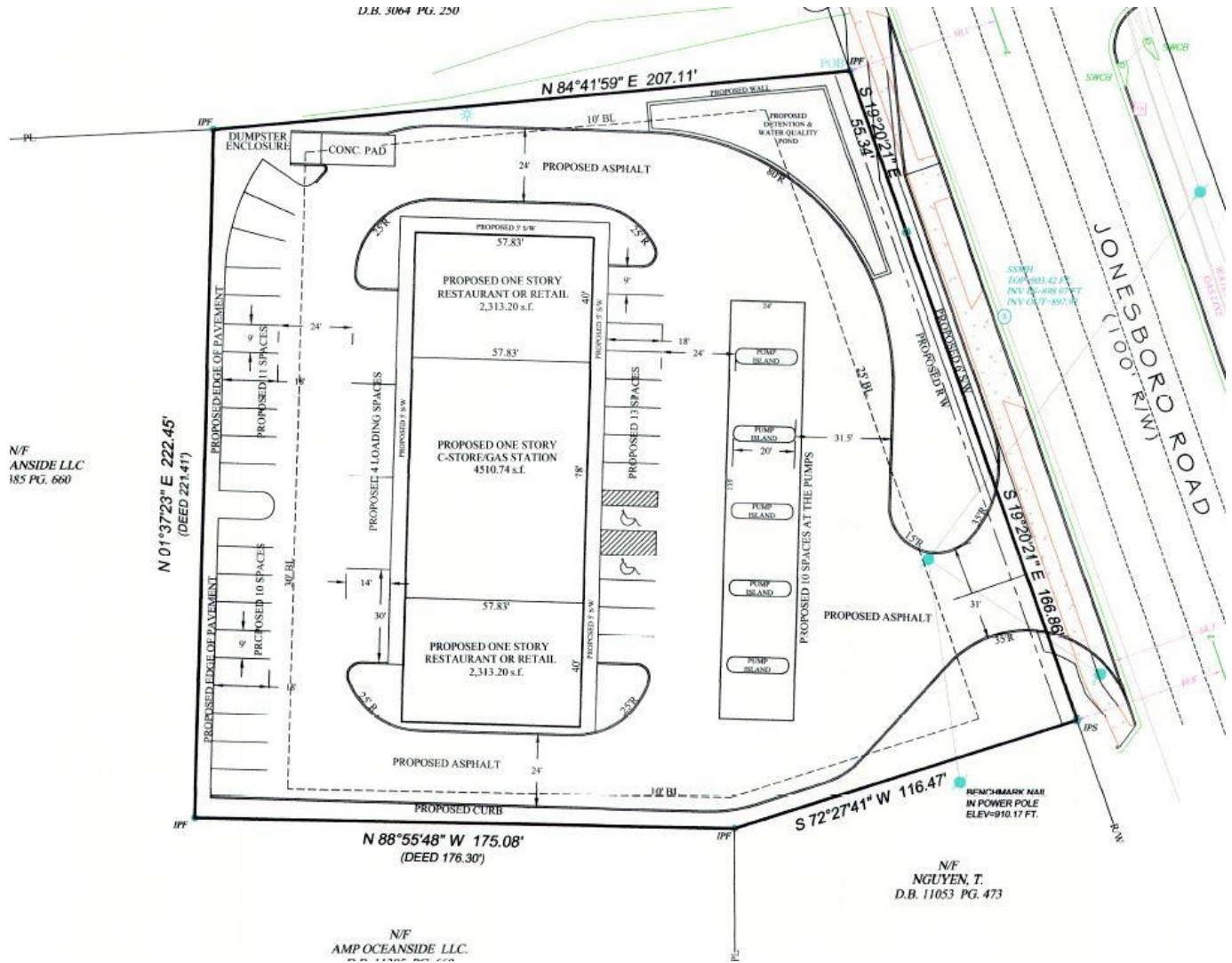
ALL BOUNDARY & TOPOGRAHY DATA  
 PREPARED BY LANDPRO SURVEYING AND  
 INC. PREPARED FOR THOBHANI & KINH ENTERPRISES  
 INC. DATED 1-30-19 PROJECT NO. 20091008



VARIANCE PLAN FOR  
**KINH ENTERPRISES, INC.**

DATE: 1-30-19	PROJECT NO: 20091008
SCALE: AS SHOWN	DATE: 1-30-19
PROJECT: 3953 JONESBORO ROAD VARIANCE	CLIENT: KINH ENTERPRISES, INC.
DESIGNER: MARK LEE	CHECKER: MARK LEE
DRAWN BY: MARK LEE	APPROVED BY: MARK LEE

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.  
 PLANNING - ENGINEERING - LAND SURVEYING  
 44 DAREY'S CROSSING DRIVE, HIRAM, GEORGIA 30143  
 PH. (770) 435-0870  
 EMAIL: mark.lee@pleen.com



**VARIANCE JUSTIFICATION**

The Planning Commission may grant a variance from the development standards of this ordinance were permitted under this Ordinance, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

**Applicant Response**

See attached justification letter



**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

**Attachments Included**

- Application
- Justification Letter