BOARD OF ZONING APPEALS

City Council Chambers, City Hall
Tuesday February 18, 2024, at 6:00 PM

ACTION REPORT

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTION OF MEMBERS

Present: Hodge Patel, Zac Stafford, Billy Carman, Lauren Holmes

Absent: Nick Horton, Adam D'Anella, Zach Middlebrooks

A. Elect Chair for the Board of Zoning Appeals

Motion to nominate Hodge Patel as the Chair of the Board of Zoning Appeals: Billy Carman

Second: Lauren Holmes

Vote: 4-0 (Approved)

B. Elect Vice Chair for the Board of Zoning Appeals

Motion to nominate Adam D'Anella as the Vice Chair of the Board of Zoning Appeals: Hodge Patel

Second: Billy Carman

Vote: 4-0 (Approved)

4. APPROVAL / AMENDMENT OF AGENDA

Motion to Approve: Hodge Patel

Second: Zac Stafford

Vote: 4-0- Approved

5. APPROVAL OF PAST MEETING MINUTES

A. Approval of December 17, 2024, Meeting Minutes

Motion to Approve with one change to item 5 of the December 17, 2024 Meeting Minutes, in terms of approval of past meeting minutes, the vote states 3-3 (Approved), and it should state 3-0 (Approved) with 3 votes to abstain : Hodge Patel

Second: Billy Carman

Vote: 4-0 Approved

6. CONSIDERATION OF PRIMARY VARIANCES

A. V25-01, 15055 Birmingham Highway - Parcel 22 392005590844, Parcel 22 392005590851, Parcel 22 392005590869

Applicant: Marlon Lang
Request(s):

- **Sec. 8.8.6.2 - Unified Development Code.** To reduce the existing barn housing animals distance requirement from 100 feet to 16.82 feet adjacent to the west property line.
- **Sec. 8.8.6.2 - Unified Development Code.** To reduce the existing barn housing animals distance requirement from 150 feet to 100.95 feet from an occupied structure located on another property adjacent to the west property line**.**
- **Sec. 8.8.6.2 - Unified Development Code.** To reduce the existing barn housing animals distance requirement from 100 feet to 95.58 feet adjacent to the west property line.
- **Sec. 8.8.6.2 - Unified Development Code.** to reduce the existing barn housing animals distance requirement from 150 feet to 148.13 feet from an occupied structure located on another property adjacent to the west property line.

Motion to Approve 4- part variance: Hodge Patel

Second: Zac Stafford

Vote: 4-0 (Approved) with the following conditions:

- Per the variance site plan from Bechtler Greenfield Surveying, LLC received on January 10, 2025, by the Community Development Department

- A minor plat substantially similar to the variance site plan showing the proposed lot line changes from Bechtler Greenfield Surveying, LLC received on January 10, 2025, by the Community Development Department. shall be approved by the Community Development

Department and recorded with Fulton County prior to issuance of any Community Development Department approved permits.

B. V25-02, 13165 Freemanville Road

Applicant: Brett Samuels
Request(s):

- **Sec.4.2.4.B - Unified Development Code.** To reduce the 15-foot minimum side yard to 7.1feet adjacent to the south property line for an existing shed accessory structure.
- **Sec. 4.2.4, Accessory Structure Setbacks - Unified Development Code.** To allow an existing shed accessory structure, and existing pergola accessory structure to remain in front of the existing single-family home.
- **Sec. 11.5.7.A.2 - Unified Development Code**. To allow an existing walking trail and fire pit to remain inside the 75-foot impervious setback.

Motion to Approve 3-part variance: Billy Carman

Second: Lauren Holmes

Vote: 4-0 (Approved) with the following condition:

- Per the Variance site plan from DGM Land Planning Consultants, Inc. received on January 16, 2025 by the Community Development Department.

C. V25-03, 15060 Freemanville Road -Deferred to the 3/18/25 meeting

Applicant: Daniel Harper
Request:

- **Sec. 3.1.4, Accessory Structure Setbacks - Unified Development Code.** To allow a proposed detached garage accessory structure to be located in front of the existing single-family home.

Motion to defer V25-03, 15060 Freemanville Road to the March 18, 2025 meeting: Hodge Patel

Second: Zac Stafford

Vote: 4-0 (Approved)

D. V25-04, 1235 Hopewell Crest

Applicant: Praveen Muthyala
Request(s):

- **Sec. 3.1.4.D – Unified Development Code.** To reduce the 50-foot minimum rear yard to 19.2 feet adjacent to the rear property line for an existing gazebo accessory structure.

- **Sec. 6.3.3.D.1.b – Unified Development Code.** To increase the 20 percent maximum lot coverage to 30.24 percent for a proposed pool and pool decking for an AG-1 zoned property that fronts a public street.

Motion to approve the 2-part variance as presented: Hodge Patel

Second: Zac Stafford

Vote: 4-0 (Approved) with the following conditions:

- Per the Variance Site Plan from Survey Systems Atlanta received on January 17, 2025, by the Community Development Department.

- Water quality treatment to be provided for all new impervious surfaces as determined by the City Development Engineer through the permitting process.

E. V25-05, 3196 Balley Forrest Drive, 3236 Balley Forrest Drive

Applicant: Chase Wujcik
Request(s):

- **Sec. 3.1.4.D – Unified Development Code.** To reduce the 50-foot minimum rear yard to 38.8 feet adjacent to the north property line for an existing playground accessory structure.

- **Sec. 8.4.2.E.2.a – Unified Development Code.** To reduce the 50-foot minimum rear yard to 2.4 feet adjacent to the north property line for an existing private recreational basketball court.

Motion to approve the 2-part variance as presented: Hodge Patel

Second: Billy Carman

Vote: 4-0 (Approved) with the following 4 conditions:

- Per the variance site plan from Gaddy Surveying & Design, inc received on January 21, 2025, by the Community Development Department.

- A minor plot substantially similar to the variance site plan showing the proposed lot line changes from Gaddy Surveying & Design, inc received on January 21, 2025, by the Community Development Department, shall be approved by the Community Development Department and recorded with Fulton County prior to issuance of any Community Development Department approved permits.

- The playground accessory structure and private recreational basketball court shall receive Community Development Department approved permits.

- Per the landscape plan received on February 15, 2025 by the Community Development Department as approved by the City Arborist.

7. CONSIDERATION OF APPEALS / SECONDARY VARIANCES

- None

8. OLD BUSINESS

- None

9. NEW BUSINESS

- Electronic Voting System coming in 2025
    - Training date TBD

10. ADJOURNMENT (7:10 pm)

Motion to Adjourn: Billy Carman

Second: Lauren Holmes

Vote: 4-0 (Approved)

Persons needing special accommodations in order to participate in any City meeting should call 678.242.2500.