



CITY OF SOUTH FULTON
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, MARCH 29, 2018 at 1:00 P.M.

Present: Chair Aaron Johnson, Nicholas Wilson, Geneasa Elias, DeAndre Mathis, Regina Mincey, Calvin Bennett, Sareena Beasley, Brenda Jenkins

Absent: None

Meeting Called to Order: Chair Aaron Johnson called the meeting to order at 1:00pm. Following the roll call by the Interim Director Shayla Reed of the Community Development Services, all members were present. Therefore, there was a quorum.

Chair Aaron Johnson states the rules of the hearing.

III. OLD BUSINESS:

a. Public Hearing V17-012 for 6010 Campbellton Fairburn Road & 6005 Koweta Road

Planner II Dana Gray provides details for the first case, V17-012, at 6010 Campbellton Fairburn Road & 6005 Koweta Road. He states that the original request of applicant Regina Hyde-Nance of South Fulton Pet Care was for a variance to reduce the undisturbed buffer from 50 feet to 10 feet for the purpose of grading and planting after it is disturbed. The applicant has submitted a request for withdrawal and Staff recommends acceptance of the withdrawal.

Chair Aaron Johnson entertains a motion.

Board Member Brenda Jenkins makes a motion to approve the withdrawal of case V17-012 and **Board Member Nicholas Wilson** seconds.

The vote passes unanimously to accept withdrawal.

IV. NEW BUSINESS:

a. Public Hearing V18-001 for Overlook at Camp Creek Subdivision

Planner II Dana Gray provides details for the second case, V18-001, at Overlook at Camp Creek Subdivision. He states that the applicant Hybrass Overlook LLC, represented by Michele Battle of Battle Law. The variance request for V18-001 and V18-002 is to reduce the minimum front yard setback from 35 feet to 20 feet. He proceeds to show the maps and locations of the subject site through a PowerPoint presentation. He states that a retaining wall was built before the owners acquired the properties. Therefore, they have requested a reduction of the front yard setback, so that they can provide more space for the rear yard. He concludes that Staff recommends approval.

Michele Battle (applicant) states that there was an existing subdivision that was built out prior to the real estate crash in 2008. The final plat was recorded with a statement that the front yard setback is 25

feet, however the homes were built with 20-foot front yard setbacks. She further states that they could not find any record of this change. She states that they have met with the community and they have expressed their excitement that their subdivision will be completed.

Chair Aaron Johnson opens for public comment, and asks if there is anyone for or against this petition. No one is present for or against this petition. He asks for questions from the Board.

Board Member Sareena Beasley asks the applicant to provide information about the community meeting.

Michele Battle explains that three people showed up to the community meeting and were curious about what was happening in their subdivision. She states that they actually had more questions about the HOA.

Board Member DeAndre Mathis asks when the company purchased this land.

Michele Battle answers within the last year and a half.

Board Member DeAndre Mathis asks if they paid market or reduced price.

Michele Battle answers that she assumes that the lots were foreclosed on, so they probably paid below market price.

Board Member DeAndre Mathis has a concern about what was written in the applicant's provided Constitutional Obligation. In 2006 the applicant was turned down for the same variance request you are seeking to do today.

Michele Battle answers that attorneys are legally obligated to include a Constitutional Obligation within in variance and rezoning applications otherwise they could lose their license. She states that if she does not include it she cannot Appeal. Regarding the prior owner of this property, she believes that they were foreclosed on and were unable to complete the lots. From her perspective she believes they needed the same variance. She believes they must have obtained it because it makes no sense that the County would allow multiple houses to be developed at less than a 35-foot setback without them having gone through the proper procedures. Michele believes this may be a result of missing paper work. The previous applicant was told to go to Fulton County's BZA. The applicant contacted the former Director of Planning Randy Beck and was not able to locate information regarding that case.

Interim Director Shayla Reed states that the burden is on the applicant to provide the files to us. Neither the City of South Fulton nor Fulton County have record of the files, that's why the applicant is here today.

Board Member DeAndre Mathis wants to make sure that the City is not treating a property differently based on whose hands hold the title to that property.

Michele Battle replies that part of the issue with this subdivision is parts of the land have a significant drop off in the rear yards along with the retaining wall. So, if the developer pushes the houses back to the current setback, these home owners would have no rear yards.

City Attorney Emilia Walker states that it is a legitimate concern that the City doesn't treat one applicant different than another. Any decision that was made in 2006 prior to the city's incorporation will be attributed completely to Fulton County.

Board Member Calvin Bennett asks the applicant if they only had one community meeting and if only three people showed up.

Michele Battle answers that that is correct.

Board Member Calvin Bennett asks there was any attempt to have any additional meetings and if information was sent out about the meeting.

Michele Battle answers yes.

Senior Planner Brianna Rindge states that you can find that information in the staff report.

Board Member Regina Mincey asks about the setbacks from the road and wonders if there will be a downside of the houses being closer to the road, and if noise would be an issue.

Michele Battle replies that one thing it will do is provide more consistency in the look. She states that she does not see any downside to moving the house up other than shorter front yards. The benefits outweigh any downsides because the home owner will have ample rear yard space.

Chair Aaron Johnson entertains a motion.

Board Member Nicholas Wilson makes a motion to approve petition V18-001 per staff recommendation and **Board Member Regina Mincey** seconds.

The vote passes for approval with six yays and one nay.

b. Public Hearing V18-002 for Overlook at Camp Creek Subdivision

Planner II Dana Gray provides details for the second case, V18-001, at Overlook at Camp Creek Subdivision. He states that the applicant Hybrass Overlook LLC, represented by Michele Battle of Battle Law. The variance request for V18-001 and V18-002 is to reduce the minimum front yard setback from 35 feet to 20 feet. He proceeds to show the maps and locations of the subject site through a PowerPoint presentation. He states that a retaining wall was built before the owners acquired the properties. Therefore, they have requested a reduction of the front yard setback, so that they can provide more space for the rear yard. He concludes that Staff recommends approval.

Michele Battle (applicant) dittos Dana Gray.

Chair Aaron Johnson asks is there a motion to open for public comment.

Board Member Regina Mincey makes a motion to open public comment and Board Member Regina Mincey seconds.

The vote passes unanimously to open public comment.

Chair Aaron Johnson asks if there is anyone present for or against the petition.

No one is present for public comment.

Chair Aaron Johnson asks is there a motion to close for public comment.

Board Member Nicholas Wilson makes a motion to close public comment and Board Member Sareena Beasley seconds.

The vote passes unanimously to close public comment.

Chair Aaron Johnson asks is there a motion for this item.

Board Member Sareena Beasley asks the applicant if this is for the second phase, and if they anticipate any other phases.

Michele Battle answers yes, that this is for the second phase and they do not anticipate any other phases.

Board Member Brenda Jenkins makes a motion to approve petition V18-002 for Phase 1a and **Board Member Calvin Bennett** seconds.

The vote passes for approval with six yays and one nay.

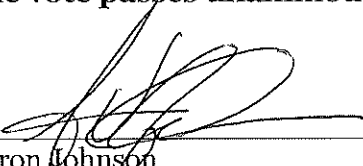
V. OTHER BUSINESS

None.

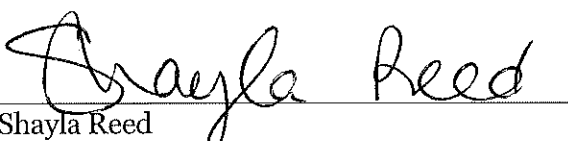
VI. AJOURNMENT

Board Member Calvin Bennett makes a motion to adjourn and **Board Member DeAndre Mathis** seconds.

The vote passes unanimously to adjourn.



Aaron Johnson
Chair, City of South Fulton Zoning Board of Appeals



Shayla Reed
Interim Director, City of South Fulton Community Development Services