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Clayton County
Community Development Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



PATRICK EJIKE
DIRECTOR

Board of Zoning Appeals
Meeting Minutes of August 20, 2015

The regular monthly meeting of the Clayton County Board of Zoning Appeals was held this date of August 20, 2015 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Don McMillian, Jr., Board Member DeMont Davis, and Board Member Frances Solomon. Present from Community Development Department were Kimberly Smith, and Linda Willis.

Members absent were: Vice Chairman William Hill, Board Member Joe Hamilton, and Board Member Keith Parker. No representation from Legal was present.

The Pledge of Allegiance was said in unison.

The motion to approve the agenda was made by Board Member Frances Solomon and seconded by Board Member DeMont Davis. The vote was unanimous.

The motion to approve the minutes of May 14, 2015, June 18, 2015 and to the minutes of July 16, 2015 was made by Board Member DeMont Davis and seconded by Board Member Frances Solomon. 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-15/03-68

The Applicant, Cindy Williams, on behalf of The Brickman Group is requesting a variance from Article 6. Development Standards, Sec. 6.30.A.1 Fence and Wall Standards (FW) to exceed maximum fence height; Sec. 6.30.D.1 to allow electric fencing to be installed around the property located at **279 Pumpco Court, Forest Park, GA** and otherwise known as parcel number 13-076C-A004. The subject property is approximately 1.90 +/- acres of industrial land and is currently zoned Heavy Industrial (HI) District.

Commissioner District #2 – Gail Hambrick

Mrs. Kimberly Smith presented the Staff Report for the above case.

Mrs. Kimberly Smith: The Planning and Zoning Staff did not make a recommendation. The decision will be at the pleasure of the Board.

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

The Applicant was represented by Ms. Cindy Williams, located at 121 Executive Center Drive, Suite 230, Columbia, SC 29210 on behalf of The Brickman Group.

Ms. Cindy Williams: Thank you for approving our default on last month. There were some misunderstanding on when we were going to be heard. I will be happy to explain anything about the working of the fence or answer any questions. The variance is just for height. The industry standard for these electric security fences is 2 (two) feet. The reason for that is we need to be 3 feet above the non-electrified perimeter fence. There is always a non-electrified in this case it is a chain-link fence that is part of the electrified fence, so that any innocent passer-byers does not come into full contact with the fence. They only way you come into full contact with the fence, especially in this fairly secluded heavy industrial area is if you are trespassing. The distance between the 2 fences is 3 to 12 inches. If the 2 fences were the same height, one would easily throw a ladder upon the non-electrical part of the fence, or just climb it and jump over. We find particular a fence in an industrial setting is either a 6 foot chain-link with about 2 feet of barbed-wire making it close to 8 or sometime an 8 foot allowable fence in an industrial area, so the industry standard is 10 feet. We are here requesting that the height be allowed to be 8 feet so that the fence will be affective and protect this business. I will be happy to answer any questions as to the effectiveness, the safety, and the working of the fence.

Mrs. Kimberly Smith: I just wanted to make one correction, I misspoke in the pre-meeting. As stated in the Staffs' presentation it is actually a variance from Section 6.30.D.1 to allow for a fence around the property is actually a provision in the Fence Standards of the Clayton County Zoning Ordinance, which basically states that barb-wire, razor wire, or electrical fences, except where, for the purpose of ensuring public safety. Those type of fences are prohibited within Clayton County. The Board may grant approval for installation. So that is part of the application as stated in the presentation.

Ms. Cindy Williams: So we are asking for both. Either way it is a very affective and much more effective than armed guards, dos, which can get out into the community, it is just the entire parameter is secured. It is a monitor burglar alarm, it is much like Bricks Home Security or ADT Home Security, it is monitored 24-7, there is a key pad that you enter codes to turn on and off, just like you would at your house. If someone breech the perimeter an audible alarm goes off and a phone call is made to a security monitoring company which in turn calls the business to let them know someone is trying to break into their property. It has been used effectively at this business and other locations. They just recently moved into this location and now requesting the same effective security system that they already had used.

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.: I have two questions for the record: 1. What is the safety of touching the fence; and 2. How many other installation in the state? **Ms. Cindy Williams:** I can't answer how many in the State, I can tell you that it is a lot. Our company has about over 3000 fences in 47 states across the country. In Georgia I can tell you off the top of my head, in the Atlanta area we have been approved in College Park, East Point, DeKalb, and Atlanta that is just in the surrounding perimeter. There are several North of Atlanta that comes to my mine right now. The safety of the fence is pulse, it is battery powered. It

does not plug into your grid, the battery is charged by a solar panel so it does not pull any main power. It is a 12 volt battery which is solar panel charged. It is still effective even if you have a bad rain storm and the power goes out the business is still protected. It is safe, it is pulsed electricity, its 1/10 thousand of a second in duration of a shock, then releases you. Every 1.3 seconds is how often it goes off, that's what makes it so safe. It will not cause ventricular fibrillation, even if you have a pacemaker it won't hurt you if you are a child and happen upon it, which you shouldn't have children in an industrial area. Children take a lesser of a shock than a larger person because they have a smaller path, and electricity looks for a path. But it is very safe, it has been tested, approved, and certified by Nationally Recognized Testing Laboratories (NRTL).

Chairman Don McMillian, Jr.: Things like this is used for agricultural purposes? **Ms. Cindy Williams:** This is similar to the use of agricultural purposes. We have a lot of safety aspects that a cattle fence does not have. We have signs every 30 excuse me every 60 feet that warns you of an electric fence is there. If this fence fails, the failure mode is no pulse, it stops. It is pattern after the type shock you would get from an agricultural fence.

Board Member DeMont Davis: You said you will have signs every 30 feet? **Ms. Cindy Williams:** Every 60 feet. A section of chain-link is 30 feet, so it's usually every 2 sections of chain-link.

Board Member DeMont Davis: According to our Zoning Ordinance, you said that electric fences are....?
Mrs. Kimberly Smith: Prohibited.

Ms. Cindy Williams: A comment about that is, it does give this Board the authority to approve based on case by case basis. Typically when we find prohibition against agricultural fences we find that when you write zoning laws/codes you typically don't think about this type of application, not a lot of companies are in this business.

Board Member DeMont Davis: This is an 8 foot fence with another 2 feet electrical on top of that, or not connected, but separate? **Ms. Cindy Williams:** No sir, it's a 10 foot fence. You have an 8 foot fence in front of it and we are completely separate stand along fence, we do not attach to that fence.

Board Member DeMont Davis: You have 8 foot in front and 10 foot in back 10 foot in the back? **Ms. Cindy Williams:** Yes, with 6 inches behind. It amounts to 3 strings of electrical wire above the 8 feet, because they are 8 inches apart at the top, and 4 inches apart at the bottom.

Board Member DeMont Davis: That entire 10 feet is all electrical? **Ms. Cindy Williams:** Yes sir, it has to be in order for it to be effective, otherwise someone would cut the chain-link, which has happen.

Board Member DeMont Davis: What is the maximum height of the chain-link fences in Clayton County
Mrs. Kimberly Smith: The maximum height in the front yard is 4 feet in all districts.

Board Member DeMont Davis: This fence is located? **Ms. Cindy Williams:** The issue with that is, it's a perimeter fence. I think staff's recommendation is that they leave their 6 foot fence in the front yard. The standards for the electrical fence also states that your non-perimeter fence needs to be a minimum height of 6 feet. Once again it is for the protection of the innocent passer-byers from touching.

Chairman Don McMillian, Jr. asked the property representative to come up to speak.

Mr. Billy Scoggins, located at 279 Pumpeco Court, Forest Park, GA

We run a landscape company out of there. A lot of the equipment that we use does not take much to steal, you can just pick it up and walk off with it. Because of the amount of trucks and equipment that we have there we sometimes are easy targets. Anything that we can do to prohibit people from coming in is what we

are trying to do. Even with a 10 foot fence with barb-wire they can cut it and come in, which they have done on several accession at our other location. Each time we were hit for about \$8000 to \$10,000 dollars a pop. With that we are looking at all options. We want to be stewards of the community while we are here, and safe for everybody as well as our employees. The solution we came up with Electric Guard Dog we feel is suited for that, and will cover all those aspects. Is safe, it is not fully charged all the time. When employees or people are around during business hours it is not charged, mainly when we leave it is set. Where we are located there is an asphalt company to our left, power line right-of-way to the right, behind us is flood plains, and I75 is on the other side. So it is not a traffic area that you will have peoples strolling along that may come in contact with it. If you are coming there it is for a purpose, because it is that much off of the beaten path.

Chairman Don McMillian, Jr.: Is that a dead end road? **Mr. Billy Scoggins:** Yes sir.

Mr. Billy Scoggins: We ask for your favor in helping us to secure this. We hire from the community and when we have equipment stolen that money has to come from somewhere. That could be raises we now cannot give to our employees or new hire, because that money is gone. We don't budget for theft. That's how it affect us from the bottom level and all the way up.

Board Member DeMont Davis: How long have this business been in existence? **Ms. Cindy Williams:** This fence was patented by the man that started our business in 1991.

Mrs. Kimberly Smith: If it is the pleasure to approve the variance requests, Staff recommends the following conditions:

1. The existing 6 foot high fence remain in place as a buffer, screening and first line of security for the facility.
2. "WARNING" signage and/or placards to be placed along the fence in an aesthetically pleasing manner.

The motion to **approve** BZA-15/03-68 with the following conditions was made by Board Member DeMont Davis and seconded by Board Member Francis Solomon. The vote was unanimous.

1. The existing 6 foot high fence remain in place as a buffer, screening and first line of security for the facility.
2. "WARNING" signage and/or placards to be placed along the fence in an aesthetically pleasing manner.

2. **Case Number: BZA-15/04-61**

The Applicant, Henry Incorporated, on behalf of Azar & Company is requesting a variance from Article 8.14.A to increase the allowable area of a ground sign from 32 square feet area per side to 48.5 square feet area per side. The subject property is located on **Clark Howell Highway, Atlanta, GA 30349** and otherwise identified as parcel number 13-043C-A008. The subject property is approximately 3.64 +/- acres of land and is currently zoned Heavy Industrial (HI) District.

Commissioner District #2 – Gail Hambrick

Mrs. Kimberly Smith presented the Staff Report for the above case.

Mrs. Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff does not view this variance request as having a negative effect on the public health, safety, morals and general welfare of community and recommends *Approval* of the variance request to allow 48.5 square feet total signage area per side to accommodate the company's desire for their customers (Truck Drivers) the ability to quickly identify their business from the road.

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

The Applicant was represented by Mr. Danny Lankford, located at 2285 Park Central Boulevard, DeKalb, GA, 30035 on behalf of Azar & Company (Quick Fuel).

Mr. Danny Lankford: I am with Henry Incorporated, we will be the company installing and permitting the sign. Quick Fuel would like to replace their existing non-conforming pole sign with a monument sign. The area of the face when measured is over what is allowed, hence the request. The Quick Fuel logo is only 13 square foot, and their 2 price changes on each side is 8 square feet each. If a big truck pulls in there, they wouldn't know how much they would be paying for the gas. They want to give them that information before they pull in there, also to be able to have the visibility so the trucks can identify where they are located before they pass and would have turn around and come back. It is not that easy for a big truck like that.

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.: I think one of your challenges is you do not have a building facade? **Mr. Danny Lankford:** Yes that's correct. There is a fuel canopy that has a small logo, but you can't see it from the road until you pulling into there.

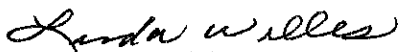
Chairman Don McMillian, Jr.: Typically a building façade would allow a furnished sign up to 10% (ten percent) of the square footage. **Mr. Danny Lankford:** Yes that's correct, 10% (ten percent).

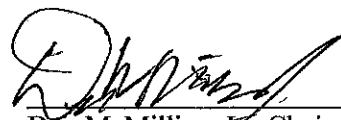
Board Member DeMont Davis: For those type of signs, even though there are multiples they cannot exceed the allowed percentage? **Mrs. Kimberly Smith:** For that type of sign, yes.

The motion to **approve** BZA-15/04-61 was made by Board Member Francis Solomon and seconded by Board Member DeMont Davis and seconded. The vote was unanimous.

There being no further business the motion to adjourn was made by Board Member DeMont Davis and seconded by Board Member Francis Solomon. The vote was unanimously.

The meeting was adjourned at 7:40p.m.


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


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