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



PATRICK EJIKE  
DIRECTOR

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Board of Zoning Appeals Special Call  
Meeting Minutes of March 10, 2016

The Special Call meeting of the Clayton County Board of Zoning Appeals was held this date of March 10, 2016 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Board Member DeMont Davis, Board Member Joe Hamilton Board Member Keith Parker, and Board Member Frances Solomon. Present from Community Development Department were LaShawn Gardiner, and Linda Willis.

Members absent were: Chairman Don McMillian, Jr., and Vice Chairman William Hill. 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 Keith Parker. The vote was unanimous.

The motion to approve the minutes of the January 21, 2016 was made by Board Member Frances Solomon and seconded by Board Member Keith Parker. The vote was unanimous. The vote was rescinded due to no quorum of Board Members present that heard the January 21, 2016 cases.

**Board Member Joe Hamilton** 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.

**Board Member Joe Hamilton** called for New Business.

**1. Case Number: BZA-16/01-81**

The Applicant, *Stephen Lovett*, on behalf of CBF Investments, LLC is requesting a variance from Article X, Conservation Subdivision Development, Section 1002 as approved from the Clayton County Zoning Ordinance adopted October 6, 1987, for a reduction in the front and rear setback requirements. The subject property is located at **9942 Musket Ridge Circle, Jonesboro, GA** and otherwise known as parcel number 05-180A-C003. The subject property contains approximately 0.1761 +/- acres of land, and has a Residential (RS-180C) District zoning classification

**Commissioner District #3 – Shana M. Rooks**

The Staff Report for case BZA-16/01-81 was given by LaShawn Gardiner of Planning and Zoning.

**LaShawn Gardiner:** Just to give you a little history, the County records indicated the subject property was designated or zoned RS-180C on September 12, 2007. According to the RS-180C zoning designation, the setbacks on the approved final plat of the property were 25 feet front; 0-25 feet side; and 30 feet rear. However, in 2008, Clayton County adopted a new zoning ordinance and map, which the property is currently zoned RS-180, and the setback requirements for the RS-180 zoning district are not the same as those required under the RS-180C zoning. Homes built prior to the 2008 zoning change are grandfather under the approved 2007 setbacks. Based on the analysis provided, Planning & Zoning does view the variance request as a legitimate use of a variance to grant a relief from the ordinance due to its shape and size. The Planning & Zoning Staff recommended **approval** of the Variance application request with an increase minimum variance of 5 feet.

**Board Member Joe Hamilton** called for the petitioner to present their case.

The Applicant was represented by Stephen Lovett, located at 2 Ravinia Drive, Suite 850, Atlanta, GA., on behalf of CBD Investments, LLC.

**Stephen Lovett:** CBD Investments originally has 65 lots in the subdivision, which we are selling now to Crown Community Builders. They have built about twenty (20) homes in the last year, and plan to close on the rest of our lots this year and expect to have a built out subdivision by the end of this year, so it has been a success. The request for the 9942 Musket Ridge Circle property is based on the fact it is an odd shape lot. Based on the five (5) floor plans that we are building in the subdivision now, none of them will fit within that lot. We actually extend three (3) feet over on the front and five (5) in the back, the front portion will be a covered porch and the back portion will be a patio uncovered. This request will allow us to build a house that will match one of the five floor plans within the subdivision currently. I will be happy to answer any questions.

**Board Member Joe Hamilton** called for any public concerns/comments. There were none.

**Board Member Joe Hamilton** asked the Board Members if they had any questions/concerns.

**Board Member Keith Parker:** Are there any community use areas in this subdivision? **Stephen Lovett:** It's a conservation subdivision, so there is an open space area and a lot of powerlines, but there is no amenities which was not a requirement of zoning.

**Board Member Keith Parker:** You stated that there were four (4) or five (5) floor plans and none of which would fit that lot size. What is the size of the smallest home? **Stephen Lovett:** That would be a question for the builder, we are not the builders. We are here on behalf the lot owner, but I can pull that up for you. The smallest home we are going to build is roughly 2000 square feet and the smallest house is four (4) bedrooms and 2 ½ baths.

The motion to **approve** BZA-16/01-81 was made by Board Member Frances Solomon and seconded by Board Member Joe Hamilton. The vote was unanimous.

**2. Case Number: BZA-16/01-82**

The Applicant, *Stephen Lovett*, on behalf of CBD Investments, LLC is requesting a variance from Article X, Conservation Subdivision Development, Section 1002 as approved from the Clayton County Zoning Ordinance adopted October 6, 1987, for a reduction in the front setback requirements. The subject property is located at **10056 Musket Ridge Circle, Jonesboro, GA** and

otherwise known as parcel number 05-180A-C001. The subject property contains approximately 0.20434 +/- acres of land, and has a Residential (RS-180C) District zoning classification  
**Commissioner District #3 – Shana M. Rooks**

The Staff Report for case BZA-16/01-82 was given by LaShawn Gardiner of Planning and Zoning.

**LaShawn Gardiner:** The County records indicated the subject property was designated or zoned RS-180C on September 12, 2007. According to the RS-180C zoning designation, the setbacks on the approved final plat of the property were 25 feet front; 0-25 feet side; and 30 feet rear. However, in 2008, Clayton County adopted a new zoning ordinance and map, which the property is currently zoned RS-180, and the setback requirements for the RS-180 zoning district are not the same as those required under the RS-180C zoning. Homes built prior to the 2008 zoning change are grandfather under the approved 2007 setbacks. Based on the analysis provided, Planning & Zoning does view the variance request as a legitimate use of a variance to grant a relief from the ordinance due to its shape and size. The Planning & Zoning Staff recommended **approval** of the Variance application request with an increase minimum variance of 5 feet.

**Board Member Joe Hamilton** called for the petitioner to present their case.

The Applicant was represented by Stephen Lovett, located at 2 Ravinia Drive, Suite 850, Atlanta, GA., on behalf of CBD Investments, LLC.

**Stephen Lovett:** Thank you again. This is a corner lot with an odd shape, which the front porch encroaches about a foot and that is the reason for the request.

**Board Member Joe Hamilton** called for any public concerns/comments. There were none.

**Board Member Joe Hamilton** asked the Board Members if they had any questions/concerns. There were none.

The motion to **approve** BZA-16/01-82 was made by Board Member Frances Solomon and seconded by Board Member DeMont Davis. The vote was unanimous.

**3. Case Number: BZA-16/01-83**

The Applicant, *Prologis*, on behalf of AMB Partners II Airport Plaza, LLC is requesting a variance from Article 3, Section 3.32 Heavy Industrial District Standards for a reduction in the side and rear yard setback requirements and to exceed the maximum 70% impervious surface requirement. The subject property is located at **510 Plaza Drive, College Park, GA** and otherwise known as parcel number 13-054A-F002. The subject property contains approximately 6.6 +/- acres of land, and has a Heavy Industrial (HI) District zoning classification.

**Commissioner District #2 – Gail Hambrick**

The Staff Report for case BZA-16/01-83 was given by LaShawn Gardiner of Planning and Zoning.

**LaShawn Gardiner:** County records indicate the subject property was zoned Light Industrial (LI) in 1992. The property was rezoned Regional Mix Use in May 2010, however, later in 2010 the Official Zoning Map reflected it was rezoned to Heavy Industrial (HI), which is the current zoning. It appears that the setback requirements for this property were approved at a lesser distance at 45 feet for the right side setback, 30 feet for the left side setback, and approximately 19.8 feet for the rear yard setback. The current setbacks for the HI zoning district require a 50 foot side setback, and 50 foot rear setback, whereby making the existing structures nonconforming on the proposed Lot 2, outlined on the site plan. The applicant is requesting to subdivide the property. Based on the analysis provided, Planning & Zoning Staff does view the variance

request as a legitimate use of a variance to grant relief from the current Ordinance. The Planning & Zoning Staff recommends **approval** of the Variance application with the setbacks and lot coverage requested.

**Board Member Joe Hamilton** called for the petitioner to present their case.

The Applicant was represented by Jennifer Cooper, located at 3475 Piedmont Road NE, Suite 650, Atlanta, GA., on behalf of AMB Partners II Airport Plaza, LLC.

**Jennifer Cooper:** As stated we are subdividing the property that has an office building that is Heavy Industrial and the request is for side and rear setbacks and impervious surface. I will be glad to answer any questions.

**Board Member Joe Hamilton** for any public concerns/comments. There were none.

**Board Member Joe Hamilton** asked the Board Members if they had any questions/concerns.

**Board Member DeMont Davis:** The lot that Prologis own is it the lot facing the building to the left of the entrance? **Jennifer Cooper:** Facing the office building, it's to the left.

**Board Member DeMont Davis:** Does that happen to have anything do with how the road is curving where they put in the new cut ends? **Jennifer Cooper:** No.

**Board Member Keith Parker:** The property was rezoned Heavy Industrial, but it was originally Light Industrial in 1992, then rezoned Heavy Industrial and now we are doing a combination of Heavy Industrial and Light or Heavy and mixed? **LaShawn Gardiner:** Currently the zoning will not change, it will remain Heavy Industrial. The request is to subdivide the property and to my understanding they want to do away with the office on a piece of the property to make it more marketable to sell the parcel with the office.

**Board Member Keith Parker:** The purpose would then be for mixed use or Light Industrial when potentially this property is sold? **LaShawn Gardiner:** They will still use the two (2) Industrial buildings that currently exist on the property behind the office building as the warehouse is being used now.

**Board Member DeMont Davis:** Let me understand this, you are splitting the property into 2 or 3 lots? **Jennifer Cooper:** Two (2) lots.

The motion to **approve** BZA-16/01-83 was made by Board Member DeMont Davis and seconded by Board Member Frances Solomon. 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 Keith Parker. The vote was unanimously.

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



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



Joe Hamilton., Board Member  
Zoning Board of Appeals  
Clayton County, Georgia