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Clayton County
Planning & Zoning + Sustainability
Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



KIMBERLY SMITH
ZONING ADMINISTRATION

Board of Zoning Appeals
Meeting Minutes of August 17, 2017

The regular meeting of the Clayton County Board of Zoning Appeals was held this date of August 17, 2017 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Don McMillian, Jr., Vice Chairman William Hill, and Board Member Frances Solomon. Present from Community Development Department were Kimberly Smith, Lenise Lyons, and Linda Willis.

Members absent was: Board Member DeMont Davis, Board Member Raymond Baggarly, and Board Member Jon Derek Young. No representation from Legal was present.

The Pledge of Allegiance was said in unison.

The motion to approve the amended agenda by deferring case # BZA-17/06-111 to September 21, 2017 was made by Chairman Don McMillian, Jr. and seconded by Vice Chairman William Hill. 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-17/06/104 (Deferred at the 7/20/17 BZA meeting)

The Applicant, *Lighting Maintenance, Inc.*, on behalf of Asif Khan, is requesting variances from Article 8, Section 8.11- Signs Permitted within the OI, UV, and GB Zoning Districts for Individual Uses, to increase the height of a ground sign and to exceed the maximum sign face area. The subject property is located at 742 Mount Zion Road, Morrow, Georgia and otherwise known as parcel number 13146A B010. The subject property is approximately 0.84+/- acres of land and has a General Business (GB) zoning classification.

Commissioner District #4- Michael Edmondson

The Staff Report for case BZA-17/06-104 was given by Kimberly Smith of Planning and Zoning Sustainability.

Kimberly Smith: The subject property was previously used as a car wash. In August 2017 the site plan was submitted to redevelop property as a gas station, which is currently under construction. Based on the analysis provided, Planning & Zoning Staff recommends **Denial** of both variances:

1. To increase the square footage of a new ground sign from 32 square feet to 85 square feet per sign face and
2. To increase the height of a new ground sign from ten (10) feet to 20 feet.

Chairman Don McMillian, Jr. called for the petitioner to present their case. There was no representation.

The motion to **deny** case number BZA-17/06-104 was made by Vice Chairman William Hill and seconded by Board Member Frances Solomon. The vote was unanimous.

Chairman Don McMillian, Jr. stated that both case BZA-17/06-108 and BZA-17/06-109 can be presented simultaneously.

2. Case Number: BZA-17/06/108 (Deferred at the 7/20/17 BZA meeting)

The Applicant, *3131 Properties, LLC*, on behalf of Gulf Coast Pre-Stressed Partners, LLC, is requesting a variance from Article 6, Section 6.35 Buffer Yard Standards to eliminate the buffer yard on the northern portion of the lot. The subject property is located at 1412 Battle Creek Road, Jonesboro, Georgia and otherwise known as parcel number 12080D C001. The subject property is approximately 20+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #4– Michael Edmondson

3. Case Number: BZA-17/06/109 (Deferred at the 7/20/17 BZA meeting)

The Applicant, *3131 Properties, LLC*, on behalf of Gulf Coast Pre-Stressed Partners, LLC, is requesting a variance from Article 6, Section 6.35 Buffer Yard Standards to eliminate the buffer yard on the northern portion of the lot. The subject property is located at 0 Southlake Parkway, Morrow, Georgia and otherwise known as parcel number 12079A B001. The subject property is approximately 1.93+/- acres of land and has a Heavy Industrial (HI) zoning classification.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/06-108 and BZA-17/06-109 was given by Lenise Lyons of Planning and Zoning.

Lenise Lyons: Last month the Applicant came before the Board for the elimination of the buffer yards and the Board voted to defer to allow the Applicant more time to speak with the community of the Arbor Place Subdivision. The subject property has been zoned Heavy Industrial since 1987. The larger parcel has historically been used for industrial purposes and developed with a concrete plant. The other parcel is undeveloped. The Applicant met with the community on August 10th, and at the time you all received your report the meeting had not occurred, so we were not able to include any details, also, Staff did not attend this meeting. Last month Staff did introduce a recommendation of denial, but included some conditions that the Board may want to include if you decide to approve. This month after further analysis the recommendation from Staff is denial. We do have the record of the Staff Report of the previous month in case you would like to review them.

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

The Applicant was represented by Jim Eyre, located 3131 Piedmont Road, Atlanta, GA, on behalf of Gulf Coast Pre-Stressed Partners, LLC.

Jim Eyre: We are here asking for a reduction from forty (40) feet to zero (0) feet for the additional buffer that is required between residential and heavy industrial. The two properties is roughly 23 acres and was brought in 1967 for a pre-stressed concrete plant. The small tract at the end is used partially for the detention pond and driveways. We will maintain the fifty (50) setback between Arbor Place Subdivision to the north and the subject property, enhance that with the buffer planting requirements that is required in the forty (40) buffer; and maintain the integrity of the property. We will build a warehouse building with all the loading and parking on the front facing Battle Creek so that the adjacent neighbors will have not just a fifty (50) buffer, but also a 300 feet of building between them with any activity and noise. Employee parking is on the side, and all vehicle access will be off of Battle Creek. There is a very high market for this type of product in this area for the two truck repair facilities with a lot of tractor trailer parking. On August 10, 2017 we met with the neighbors and discussed in length the location of the building and the alternatives that could be built on this property, and what I heard from the meeting is they prefer seeing this building even though it mean a reduction in setback than the alternative use that can happen out there, such as recycling or other heavy industrial uses.

Chairman Don McMillian, Jr. asked whether Sherwin Williams was a potential tenant. **Jim Eyre** stated he was not affiliated with them and that the location was going to be a warehouse.

Chairman Don McMillian, Jr. called for any public concerns/comments.

1. Judy Taylor, located at 6910 Doncaster Road, Jonesboro, GA

Ms. Taylor said she was speaking on behalf of her daughter that lives in the Arbor Place Subdivision. Ms. Taylor then read for public record her letter written to the Board and Planning and Zoning withdrawing their request for the Board to deny the variances which would eliminate the buffers from the industrial property on Battle Creek Road and Southlake Parkway. Ms. Taylor asked for the conditions Staff had recommended during the last meeting be repeated.

Chairman Don McMillian, Jr. asked Staff if this was approved, would they be held to the building being in that position. **Kimberly Smith** stated no, this variance is strictly for buffer reduction. **Chairman Don McMillian, Jr.** asked if this could be a condition. **Jim Eyre:** We agreed to six (6) additional conditions:

1. Maintain the 50' setback and the heavy tree cover in the current undeveloped condition;
2. Enhance the existing trees with a double row of evergreen screening material where the existing trees are sparse or do not exist;
3. Provide the landscaping required per Section 6.35 of the code in the 50' setback area;
4. Maintain an 8' high wood privacy fence at the south boundary of Arbor Place Subdivision for the full length of the common property line;
5. Allow no truck traffic/loading areas on the Arbor Place Subdivision side of the proposed building (except as required for Clayton County Fire Dept. access);
6. Provide "cut-off lighting at the side of the building facing Arbor Place Subdivision to minimize light impact in Arbor Place.

Chairman Don McMillian, Jr. asked if no parking can be added to item #5. **Jim Eyre** said that would be no problem.

Ms. Judy Taylor wanted to ensure the plan with the proposed building be part of the conditioning, but because this has not gone through the site plan process it will be consider as a conceptual site plan.

Chairman Don McMillian, Jr. stated the following verbage will be added to the above conditions: item #1 and # 2 **approved by the County**; item #5 add **parking**; and the **conceptual drawing will be used as the basis of approval.**

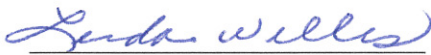
The motion to **approve** case number BZA-17/06-108 and BZA-17/06-109 **with conditions** was made by **Chairman Don McMillian, Jr.** and seconded by Vice Chairman William Hill. The vote was unanimous.

Approved with the following conditions:

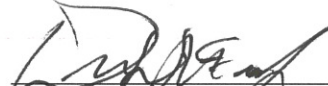
1. Maintain the 50' setback and the heavy tree cover in the current undeveloped condition approved by the County;
2. Enhance the existing trees with a double row of evergreen screening material where the existing trees are sparse or do not exist approved by the County;
3. Provide the landscaping required per Section 6.35 of the code in the 50' setback area;
4. Maintain an 8' high wood privacy fence at the south boundary of Arbor Place Subdivision for the full length of the common property line;
5. Allow no truck traffic/loading areas/parking on the Arbor Place Subdivision side of the proposed building (except as required for Clayton County Fire Dept. access);
6. Provide "cut-off lighting at the side of the building facing Arbor Place Subdivision to minimize light impact in Arbor Place.

There being no further business the motion to adjourn was made by Vice Chairman William Hill and seconded by Board Member Frances Solomon. The vote was unanimously.

The meeting was adjourned at 7:30 p.m.



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



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