

BOARD OF ZONING APPEALS

Minutes

June 23, 2014

Eron Moore, Chairman	Present
Ronnie Allen	Present
Mark Burson	Absent
John Pentecost	Absent
Bill Perkins	Present

Chairman Moore called the meeting to order at 6:00 pm and declared a quorum present.

Mr. Moore asked for the approval of the prior meeting minutes. A motion was made by Mr. Allen to approve the prior meeting minutes of January 27, 2014. The motion was seconded by Mr. Perkins. The motion carried. 3-0

OLD BUSINESS

None.

NEW BUSINESS

- 1. V-14-01
Gordon Lawrence on behalf of
Rekha Kesavan, Property Owner
766 Walther Road
Lawrenceville, GA 30046
7-009-091**

To Allow:

- 1) Creation of a Minor Subdivision lot that does not abut an existing street as required by Attachment 2 – Subdivision Regulations 1986 of the Development Regulations**
- 2) Reduction of minimum required Parking spaces from 24 to 0**

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave a report and stated that the applicant proposed to subdivide a portion of the parent tract which requires the approval of the two variances requested. Mr. Ferguson stated that the Planning Department performed a parking analysis for the property and even with a proposed 6,000 square foot building, required parking was met. Mr. Ferguson stated the Planning Department recommendation is for approval with the following conditions:

- 1. Applicant will be required to establish a permanent parking easement on the original tract for the required 24 parking spaces that will result from the construction of a 6,000 square foot office building. Easement must be shown on the Minor Subdivision Plat and recorded with the Gwinnett County Clerk of the Superior Court.**
- 2. Applicant will be required to establish a permanent ingress/egress access easement on the original tract in a manner that allows for adequate access and service of the proposed tract. Easement must be shown on the Minor Subdivision Plat and recorded with the Gwinnett County Clerk of the Superior Court.**

Mr. Moore asked if there were any questions of the Planning Director. There were none.

Mr. Moore asked if the applicant was present. Mr. Lawrence gave the presentation on behalf of the property owner. Mr. Lawrence stated that his client wished to subdivide the property so that a 6,000 square foot building could be built and sold under separate ownership but that the property did not have enough frontage to create a legal lot.

Mr. Moore asked if there were any questions of the applicant. There were none. Mr. Moore asked if there was any opposition. There was none. Mr. Moore then called for a motion. Mr. Allen made a motion to approve the variances requested with the Planning Department recommended conditions. Mr. Perkins seconded the motion. The motion carried. 3-0

2. **V-14-02**
 David Gentile on behalf of
 Fresh Start Resale
 141 Buford Drive
 Lawrenceville, GA 30046
 5-146B-095

To Allow:

- 1) Sign setback reduction from 20'**
0'

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave the report and stated that after a review of the staff report with the applicant, Mr. Ferguson wished to change the recommendation to approval with no conditions instead of approval with the condition that the existing sign be removed. Mr. Ferguson stated that when he originally read the survey, it appeared that the frontage of the property was only 70 feet but the applicant pointed out that the frontage is actually 113 feet and that the two signs would be greater than 100 feet apart.

Mr. Moore asked if the applicant was present. Mr. David Gentile gave the presentation and stated that the state right-of-way in front of property along with the slope of the property impedes visibility of the sign. Mr. Gentile stated that the variance approval will give more adequate visibility to the advertising sign.

Mr. Moore asked if there was any opposition. There was none. Mr. Moore then called for a motion. Mr. Perkins made a motion to approve the variance request. The motion was seconded by Mr. Allen. The motion carried. 3-0

3. **V-14-03**
 Lee Merritt
 693 Grayson Highway
 Lawrenceville, GA 30046
 5-140-347

To Allow:

- 1) Sign setback reduction from 20'**
to 3'
2) Increase of maximum square
footage area allowed from 82.56
to 120 square feet

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave the report and stated that the property owner had converted a temporary real estate sign into a permanent freestanding business sign that did not meet requirements of the sign ordinance without obtaining a permit. The property owner wished to solve the problem

by adding to an existing permitted freestanding sign and removing the illegal sign. Mr. Ferguson stated that the Planning Department recommendation is for approval with the following conditions:

1. Prior to the installation of the proposed sign addition the property owner shall remove the existing unpermitted freestanding sign.
2. Because the addition to the existing freestanding sign will result in an area greater than the maximum allowed for the property, the property owner will not be allowed to construct any other freestanding signs on the property.

Mr. Moore asked if the applicant was present. Mrs. Lee Merritt gave the presentation and stated that she is amenable to the staff conditions and requests approval so that the permitted sign can remain at the current location. Mrs. Merritt stated that a previous GDOT right-of-way acquisition resulted in the sign being so close to the property line.

Mr. Moore asked if there was any opposition. There was none. Mr. Moore then called for a motion. Mr. Perkins made a motion to approve the variance with the two (2) staff conditions. Mr. Allen seconded the motion. The motion carried. 3-0

4. **Zeyad Salahat on behalf of** **Appeal of Alcohol License Denial**
Sofra Restaurant and Lounge, LLC
3370 Sugarloaf Parkway, Ste A-1
Lawrenceville, GA 30046

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson stated that he would give the report on behalf of the City Clerk who made the denial decision. Mr. Ferguson read a report of actions that had been prepared by the City Clerk. Mr. Ferguson presented the Board with supporting evidence for the denial and outlined the ordinance sections that had not been complied with.

Mr. Moore asked if the applicant was present. Ms. Judy Abna spoke on behalf of the applicant. Ms. Abna presented a letter from Mr. Salahat's attorney who completed the alcohol license application which stated that he had completed the application in error. Ms. Abna also explained that the arrest of Mr. Salahat, which was one of the reasons for the alcohol license denial, had not been resolved and that she was confident the charges would be dropped.

Mr. Moore then called for a motion. Mr. Allen made a motion to deny the appeal. The motion was seconded by Mr. Perkins. The motion carried. 3-0

5. **Doreen Monger** **Appeal of Alcohol License Denial**
Sky Lounge
100 Hurricane Shoals Road, Ste K
Lawrenceville, GA 30046

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson stated that he would give the report on behalf of the City Clerk who made the denial decision. Mr. Ferguson read a report of actions that had been prepared by the City Clerk. Mr. Ferguson presented the Board with supporting evidence for the denial and outlined the ordinance sections that had not been complied with.

Mr. Moore asked if the applicant was present. Ms. Doreen Monger gave the presentation. Ms. Monger stated that she was in the process of revising her business model which was the reason the business was not open the required number of days. Ms. Monger asked if the Board would consider granting her appeal because alcohol sale is vital to her business.

Mr. Moore then called for a motion. Mr. Allen made a motion to deny the appeal. The motion was seconded by Mr. Perkins. The motion carried. 3-0

Mr. Moore asked if there were any reports from staff or any other comments. Mr. Ferguson stated that he had received an application and the Board of Appeals would be holding a meeting for the July meeting date.

Mr. Moore then called for a motion for adjournment. Mr. Perkins made a motion to adjourn. Mr. Allen seconded the motion. The motion carried 3-0

Eron Moore, Chairman

Joshua M. Ferguson, Director
Planning and Zoning Department