

## **BOARD OF ZONING APPEALS**

### **Minutes**

**April 22, 2013**

|                      |         |
|----------------------|---------|
| Eron Moore, Chairman | Present |
| Ronnie Allen         | Present |
| Mark Burson          | Present |
| John Pentecost       | Present |
| 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 March 25, 2013. The motion was seconded by Mr. Perkins. The motion carried. 4-0

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

- 1. V-13-03  
Darius Frant  
300 & 302 Bedford Bay Lane  
Lawrenceville, GA 30046  
5-116-271**

#### **To allow the following:**

- 1. Reduction of minimum lot size requirement from 16,000 square feet to 13,500 square feet**
- 2. Reduction of minimum side yard setback requirement from 25' to 19'**
- 3. Reduction of minimum size requirement of heated space from 1000 square feet to 990 square feet.**

Mr. Moore asked if the applicant was present. The applicant was not present. Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson asked the Board to Table the item until the next month meeting since the applicant was not present.

Mr. Moore entertained a motion. Mr. Pentecost made a motion to table the item until the next meeting of the Board of Appeals. The motion was seconded by Mr. Allen. The motion carried. 4-0

- 2. V-13-05  
Gracie King and Marshel Abney  
198 & 178 Carver Circle  
Lawrenceville, GA 30046  
5-147-038 & 5-147-036**

#### **To allow the following:**

- 1. Reduction of minimum front yard setback requirement from 25' to 12.5' on proposed lot one**
- 2. Reduction of minimum rear yard setback requirement from 20' to**

### **10' on proposed lot one**

Mr. Moore recused himself and asked the Vice Chairman, Mr. Allen, to conduct the meeting due to his relationship to the applicant.

Mr. Allen asked for a report from the Planning Department. Mr. Ferguson gave the report and stated that the applicant wished to demolish the current home and rebuild a home that would meet her future needs. Mr. Ferguson said that the property is zoned RM-12 but that all the uses in this neighborhood were single family detached. Mr. Ferguson stated that the property constraints restrict the applicant's ability to construct a home that will meet her needs and therefore the Planning Department recommendation was for approval.

Mr. Allen asked if the applicant was present. Mrs. Gracie King and Mr. Marshal Abney gave the presentation. Mrs. King explained that the property has been in her and her cousin's family for quite a long time and that when the property was originally subdivided, there were probably not setback requirements that would restrict the development of the property. Mrs. King stated that after further research by her surveyor and contractor, it was determined that a home footprint could not be found that would meet the requested front yard setback reduction to 12.5' and therefore she would like the Board of Appeals to entertain a reduction to 10'.

Mr. Allen asked if the Board Members had any questions of the applicant. There were none. Mr. Allen asked if there was any opposition. There was none. Mr. Allen then entertained a motion. Mr. Pentecost made a motion to approve the variance as requested in the application with one change, which is to reduce the minimum front yard setback from 25' to 10'. The motion was seconded by Mr. Burson. The motion carried. 3-0

Mr. Allen then turned the meeting back over to Mr. Moore. Mr. Ferguson then stated that he noticed the applicant for case number V-13-03 was now in the attendance and asked the Board if they would like to hear the variance. Mr. Allen made a motion to hear case number V-13-03 at the current meeting instead of the next month meeting. The motion was seconded by Mr. Burson. The motion carried. 4-0

Mr. Moore asked for a report from the Planning Department. Mr. Ferguson gave the report and stated that the property is part of a duplex development that was constructed to the appropriate standards when originally built. When the applicant purchased the property, the structure was in disrepair so the applicant demolished the building. The applicant proposes to reconstruct a duplex but cannot find a house footprint plan that will meet the setback requirements and minimum size requirements. Mr. Ferguson stated that the Planning Department recommends approval of the variances as requested.

Mr. Moore called on the applicant to give a presentation. Mr. Darius Frant spoke and confirmed the report from the Planning Department. Mr. Moore asked if there were any questions of the applicant from the Board Members. There were none. Mr. Moore asked if there was any opposition. There was none. Mr. Moore then entertained a motion. Mr. Allen made a motion to approve the variance as requested. Mr. Perkins seconded the motion. The motion carried. 4-0

Mr. Moore asked if there were any other reports from staff or Board members. There were none.

Mr. Moore then called for a motion for adjournment. Mr. Allen made a motion to adjourn. Mr. Burson seconded the motion. The motion carried 4-0

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Eron Moore, Chairman

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Joshua M. Ferguson, Director  
Planning and Zoning Department