

BOARD OF ZONING APPEALS

Minutes

January 28, 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 introduced Mr. Bill Perkins as a newly appointed member of the Board of Appeals.

Mr. Moore turned the meeting over to the Secretary, Mr. Ferguson for the election of the 2013 officers. Mr. Ferguson stated that ballots had been given to each of the Board Members and once completed, he would read the results. Mr. Ferguson collected the ballots and stated that Mr. Moore had been elected Chairman, Mr. Allen had been elected Vice Chairman and Mr. Ferguson had been elected Secretary. Mr. Ferguson then turned the meeting over to Mr. Moore.

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 December 17, 2012. The motion was seconded by Mr. Perkins. The motion carried. 4-0

OLD BUSINESS

None.

NEW BUSINESS

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| 1. V-12-06 | To allow reduction of minimum sign |
| Arthur Kleve of Nobody's | setback requirement from twenty (20) |
| 202 Scenic Highway | feet to one (1) foot |
| Lawrenceville, GA 30044 | |
| 5-142-048B | |

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave the report and stated that the applicant currently has a sign on the property that has limited visibility because of a neighboring sign and elevation challenges. Mr. Ferguson also stated that because of previous expansion of Scenic Highway, and the fact that the business is existing; the available area for a sign location is limited. Mr. Ferguson said that due to these reasons the Planning Department recommendation is for approval as requested.

Mr. Moore asked if the applicant was present. Mr. Andrew Ltbengood and Mrs. Jill Kleve spoke on behalf of the applicant. Mr. Ltbengood stated that the proposed sign will

be an upgrade to the property and was designed to mimic elements of the City of Lawrenceville signage project.

Mr. Moore asked if there was any opposition to the variance request. There was none.

Mr. Moore then entertained a motion. Mr. Allen made a motion to approve the variance as requested. Mr. Pentecost seconded the motion. The motion carried. 4-0

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| 2. V-13-01
Jon Stewart of Elite Sports
905 Grayson Highway
Lawrenceville, GA 30046
5-139-043 | To allow reduction of rear yard setback requirement from forty (40) feet to twenty-five (25) feet |
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Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave the report and stated that the Planning Department requested that the applicant make application for a variance. There is an existing building that was constructed twenty-five feet from the property line. The applicant wishes to construct an additional building to be used for storage. Mr. Ferguson stated that the variance would allow for better parking alignment and would create a more uniform aesthetic look. Mr. Ferguson recommended approval as requested.

Mr. Moore asked if the applicant was present. Mr. Stewart gave the presentation. Mr. Stewart stated that he owns a retail sporting goods store a mile north of the subject property and the proposed building will serve as storage only for sporting goods equipment. Mr. Stewart also stated that the existing building is used for a sports instruction facility.

Mr. Moore asked if there was any opposition. Mr. Tom Kiss, of 968 Chestnut Oak, asked what effect the granting of the variance would have on his property which is directly behind the subject property. Mr. Ferguson responded and told Mr. Kiss that the proposal was that there would be an additional building located the same distance away from his property line as the existing building.

Mr. Moore entertained a motion. Mr. Burson made a motion to approve the variance request as presented. Mr. Allen seconded the motion. The motion carried. 4-0

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| 2. Mohammad Abbasi
31 Paper Mill Road
Lawrenceville, GA 30046 | Appeal of Alcohol License Denial |
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Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson asked Mr. Steve North, Assistant City Manager, to give the presentation on behalf of the City. Mr. North told the Board members that the Alcohol License was denied this year because of a conviction that took place in 2003. Mr. North stated that the City has continued to grant a license to the applicant for nine years. If the Board of Appeals denied the appeal then Mr. Abbasi would only have another eleven months before he was eligible for an

Alcohol License. Mr. North stated that the staff recommendation was for approval of the appeal.

Mr. Burson asked Mr. North to explain why the City continued to grant an Alcohol License to the applicant for nine years if he was ineligible. Mr. North stated that the persons responsible for issuing Alcohol Licenses were no longer with the City and so he could not answer that with certainty.

Mr. Moore asked if the applicant was present. Mr. Amir Abassi spoke on behalf of the applicant and explained that he and his father had owned the business for 12 years with only the one incident which occurred in 2003. Mr. Abassi stated that the sale of packaged beer and wine spurs a majority of their business and they wished to remain in business.

Mr. Moore asked if any of the Board members had questions of the applicant. There were none. Mr. Moore asked if there was any opposition. There was none.

Mr. Moore then entertained a motion. Mr. Pentecost made a motion to approve the appeal as requested. The motion was seconded by Mr. Allen. Mr. Moore asked if there was any further discussion. Mr. Burson asked if the Board of Appeals would entertain refunding the appeal application fee as Mr. Abassi asked in his appeal letter. Mr. Moore stated that since he had a motion and a second he would like to call for a vote but would entertain another motion afterwards. The motion carried. 4-0

Mr. Moore entertained another motion. Mr. Burson made a motion to refund the appeal application fee. The motion was seconded by Mr. Perkins. 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

Eron Moore, Chairman

Joshua M. Ferguson, Director
Planning and Zoning Department