

BOARD OF ZONING APPEALS

Minutes

July 23, 2012

Eron Moore, Chairman	Present
Ronnie Allen	Present
Mark Burson	Present
John Pentecost	Present
Sandra Futch	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 agenda. A motion was made by Mr. Allen to approve the agenda. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

Mr. Moore asked for the approval of the prior meeting minutes. A motion was made by Mrs. Futch to approve the prior meeting minutes of June 25, 2012. The motion was seconded by Mr. Allen. The motion carried. 4-0

OLD BUSINESS

1. **V-12-03
QuikTrip Corporation
200 & 511 S. Clayton St.
Lawrenceville, GA 30046
5-147-197 & 5-147-122**

To allow the following:

- 1) Off-premise sign**
- 2) Three (3) freestanding signs on a single property (One pole and two monument)**
- 3) Maximum area of 276.95 sq. ft. increased to 411.64 sq. ft.**
- 4) Increase in the maximum sign height from fifteen (15) feet to twenty-four and two tenths (24.2) feet on pole sign along S. Clayton St.**
- 5) Reduction of minimum setback requirement from ten (10) feet to seven (7) feet along Scenic Highway.**

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson stated that the applicant had requested the item be tabled until the August meeting of the Board of Appeals. Mr. Moore then asked for a motion from the Board. Mrs. Futch made a motion to Table the item until the August meeting. Mr. Allen seconded the motion. The motion carried. 4-0

2. **Tanner Advertising Group
Represented by G. Franklin Lemond, Jr.**

**Appeal of an administrative
decision -Denial of five (5)**

Webb, Klase and Lemond, LLC
1900 The Exchange, SE
Ste. 480
Atlanta, GA 30339

**off-premise billboard
applications**

Mr. Moore asked the Planning Department for the staff report. Mr. Ferguson gave the report stating that the applications did not meet the requirements of the June 7, 2011 amendment to the sign ordinance or the May 7, 2012 amendment to the sign ordinance and therefore recommended denial of the appeal.

Mr. Moore asked if the applicant was present. Mr. Lemond gave the presentation on behalf of the applicant. Mr. Lemond stated that the City of Lawrenceville sign ordinance does not comply with the State of Georgia zoning law violates his applicants 1st Amendment rights regarding due process and equal protection and the fees associated with the billboard permits are an impermissible tax in violation of the 1st Amendment.

Mr. Lemond then asked testimony of his client, Mr. Chordegian, in regards to the application processes he took concerning the billboard applications. Mr. Chordegian described the steps he took in making application for the billboards, the denial of his applications and the method he used in determining the City of Lawrenceville Zoning Ordinance was not in compliance with State of Georgia zoning law.

Mr. Moore asked if the Board Members had any questions of the applicant. There were none. Mr. Moore asked if the Board Members had any questions of the city attorney, Mr. Lee Thompson. There were none. Mr. Thompson stated that there were no objections by the applicant or Mr. Ferguson to the exhibits that were entered into the record.

Mr. Ferguson stated that the applicant's claim that the City of Lawrenceville Zoning Ordinance did not meet the State of Georgia zoning law was just made on July 20, 2012. In order to give staff ample time to research the validity of the claim, staff requests the Board of Appeals to Table the item until the August meeting.

Mr. Moore entertained a motion. Mrs. Futch made a motion to Table the appeal until the August meeting. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

NEW BUSINESS

None

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

Eron Moore, Chairman

Joshua M. Ferguson, Department Head
Planning and Zoning Department