

BOARD OF ZONING APPEALS

Minutes

September 26, 2011

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.

A motion was made by Mr. Allen to approve the agenda. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

A motion was made by Mr. Pentecost to approve the prior meeting minutes of June 27, 2011. The motion was seconded by Mr. Allen. The motion carried. 4-0

OLD BUSINESS

- 1. Teresa Luz Villanueva
177 Ashland Park Court
Lawrenceville, GA 30045**

Appeal of Taxicab Permit Denial

Mr. Moore asked if the applicant was present. Ms. Villanueva spoke requesting that the Board would overturn the denial of her taxicab permit application made by the Police Department. Ms. Villanueva stated that she had made mistakes but had been proactive in getting her license reinstated by passing a defensive driving course.

Mr. Moore asked for the staff report. Mr. Ferguson gave the report from staff and stated that Ms. Villanueva previously had a taxicab permit but that the permit was revoked by the Police Department due to her driver's license being suspended because of points. Mr. Ferguson stated that the Police Department revocation will serve as the staff recommendation. Mr. Ferguson also stated that Ms. Villanueva would be eligible for a taxicab permit 12 months from the date her license was reinstated.

Mr. Moore asked if the Board had any questions for the applicant. Mr. Burson asked if any of Ms. Villanueva's violations included a DUI. Ms. Villanueva stated she had never received a DUI. Some discussion was had. Mr. Moore asked the Board for a motion. Mr. Burson made a motion to Deny. The motion was seconded by Mr. Allen. The motion carried. 4-0

- 2. V-11-03
Marco and Karina Alvarez
95 Simonton Road
5-172-104**

Side yard setback reduction from 10' to 5'

Mr. Moore asked if the applicant was present. Mr. Robert Grizzle spoke on behalf of the applicant. Mr. Grizzle stated that he was a friend of the applicant and could better explain the situation to the Board. Mr. Grizzle said the applicant failed to obtain a building permit and had built a garage 5' over the side yard setback of the property. Mr. Grizzle said that the applicant does not plan to use the garage to store any business equipment but only personal items. He stated that the applicant had not performed any work to the garage once Planning and Zoning had told him to stop work.

Mr. Moore then asked for the recommendation from the Planning Department. Mr. Ferguson explained that the applicant was denied his variance request in July of 2010 but then made an appeal from the Boards decision to the Gwinnett County Superior Court. This appeal was a lengthy process and although the appeal was denied in May of 2011 the signed order from the judge was not received in the Planning Department until recently. The applicant wished to reapply and the ordinance does not restrict this. Mr. Ferguson stated that the Planning Departments position had not changed and therefore recommended Denial.

Mr. Moore asked for a motion from the Board. Mr. Pentecost made a motion to Deny the variance application. The motion was seconded by Mr. Allen. The motion carried. 4-0

Mr. Moore asked if there were any further reports by staff and committees or any other new business. Mr. Ferguson stated that the Planning Department had already received an application for the October meeting and that there would be a meeting on October 24.

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

Eron Moore, Chairman

Joshua M. Ferguson,
Planning and Zoning Department