

BOARD OF ZONING APPEALS

Minutes

June 16, 2008

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

Staff Present:

Bob Baroni, City Clerk
Paul Austin, City Engineer
Jeff Smith, Captain, Police Department
Bill Kingsbury, Planner

Chairman Moore called the meeting to order at 6:01 and declared a quorum present.

APPROVAL OF AGENDA

Chairman Moore asked Mr. Kingsbury to read the agenda and then asked if there were any proposed changes for today's agenda. Hearing none, he asked for a motion to approve the agenda. The motion was made and seconded, and passed 4-0.

APPROVAL OF PREVIOUS MINUTES

Chairman Moore asked if there were any changes to the previous minutes. Mr. Moore asked for a motion to approve the previous minutes. Mr. Perkins made the motion; seconded by Mr. Allen; and it passed 4-0.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Appeal of the Denial of an Alcohol Pouring Permit Joseph Castellano, 4867 Dean Lane, Lilburn, GA 30047

Mr. Moore asked the staff to state the City's Position. Mr. Baroni came forth and explained that Mr. Castellano was denied the pouring permit because he had been convicted of two crimes. The City Code, Section 24, 209 prohibits the City from issuing a permit to those convicted of crimes. Mr. Castellano is appealing the denial as is allowed by the City Code.

Mr. Burson asked how Mr. Castellano's record became known. Mr. Baroni explained that the Police Department does a criminal background on all applicants.

There were no further questions of Mr. Baroni. Mr. Moore asked Mr. Castellano to come forth and state his case. Mr. Castellano stated that he knew when he applied that he would be denied and would have to make an appeal. He stated that he was on parole and was now trying to get his life back in order, and a pouring permit would allow him to work at a restaurant.

Mr. Moore asked him how long he had been on parole and how much longer did he have. Mr. Castellano stated he had been on parole for two years, and had eight more years of parole. There were no further questions.

Mr. Doug Etheridge asked to speak on behalf of Mr. Castellano. The Board granted him the opportunity. Mr. Etheridge stated that Mr. Castellano works for him part time and has lived with him. He believes Mr. Castellano is a good person and that the Board should approve his appeal.

There being no other questions or discussions, Mr. Moore asked for a motion. **Mr. Burson made a motion to deny the appeal; it was seconded by Mr. Pentecost. Mr. Moore called for the vote. The motion passed 4-0.**

2. V-08 – 04 Reduction in Parking Requirements
Hughes Investment Properties, LLC
262 East Crogan Street
5-175-097

Request. A Variance From Section 9.5 Parking and Loading Requirements;
Retail Stores – One per each 250 square feet

Mr. John asked the applicant to come forth. Mr. Bryon Acreneaux of Primus Engineering representing Hughes Investment Properties came forth and stated that a variance in the number of parking spaces was being requested.

Mr. Moore then asked for the staff report. Mr. Kingsbury read the report and gave the staff recommendation: Denial. The variance would be excessive. The request is for a 44 per cent reduction in the parking requirements, from 18 spaces to 10; and a hardship not shared with other property in the area was not shown.

Mr. Moore then asked Mr. Acreneaux to state his case. He stated the property owner wanted to use the basement level and the main floor of the proposed building for retail uses. There is enough parking for one floor, but needed the variance to utilize both floors.

Mr. Moore asked about drainage on the site, and if there was adequate space for detention. Mr. Acreneaux explained a system of drainage and stated that the property owner was going to ask the City Council if the parcel can share the detention pond

that serves the neighborhood self-storage facility. He stated that pond had been designed to serve both parcels, since the parcel in question had been a part of the self-storage parcel when the pond was designed.

Mr. Moore asked Mr. Austin about the detention pond. Mr. Austin confirmed Mr. Acreneaux statement.

Mr. Burson asked the applicant about the proposed shared highway access with the self-storage facility. Mr. Acreneaux stated that Georgia Department of Transportation was requiring this, and this has made it more difficult to provide parking for the parcel in question.

Mr. Perkins asked the applicant about sharing parking with the self-storage facility. Mr. Acreneaux stated that Mr. Tommy Hughes, the owner, was willing to enter into an agreement with the neighboring self-store facility to share parking if the variance was approved. Mr. Perkins asked Mr. Kingsbury about this concept.

Mr. Kingsbury replied that while the Board may want to take into consideration any agreement for shared parking, the Zoning Ordinance does not allow for shared parking, by right, outside the downtown, and thus such an agreement does not become a part of a variance, if granted.

Mr. Perkins asked what would happen if one there was an agreement for shared parking and one of the parties wanted to break that agreement. Mr. Kingsbury stated it would be a civil manner, since the City would not recognize the shared parking agreement.

Being no more discussion, Mr. Moore asked for a motion. **Mr. Perkins made a motion to deny the application, Mr. Pentecost seconded the motion, and it passed 4-0.**

Mr. Moore asked if there was any other business to come before the Board. There was none. A motion was made and seconded that the meeting be adjourned, passed 4-0.

The meeting was adjourned at 6:53 PM.

Eron Moore, Chairman

G. William Kingsbury, Planner