



City of Tucker, GA

ZONING BOARD OF APPEALS

August 15, 2017

ZONING BOARD OF APPEALS

7:00 PM

MINUTES

City Hall Annex

4228 1st Ave, Suite 2-4

Tucker GA, 30084

CALL TO ORDER

Chairman Keith Easterling called the meeting to order at 7:03 PM.

The following were in attendance:

Attendee Name	Title	Status	Arrived
Neal Stubblefield	Vice Chairman	Present	
Keith Easterling	Chairman	Present	
Charles Abbott	Board Member	Late	7:08 PM
Chris Hartley		Present	
Pat Soltys		Present	

PLEDGE OF ALLEGIANCE

MINUTES APPROVAL

Zoning Board of Appeals - Regular Meeting - Jul 18, 2017 7:00 PM

Approved with the addition of Keith Easterling's failed motion to deny V-17-005. Charles Abbott was not present for the vote.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Neal Stubblefield, Vice Chairman
SECONDER:	Keith Easterling, Chairman
AYES:	Neal Stubblefield, Keith Easterling, Chris Hartley, Pat Soltys
ABSENT:	Charles Abbott

OLD BUSINESS

VARIANCE: V-17-005

PETITIONER: First United Methodist Church of Tucker c/o Douglas Burger

LOCATION: 5095 Lavista Road

CURRENT ZONING: R-75 (Residential Medium Lot – 75)

PROPOSED ZONING: R-75 (Residential Medium Lot – 75)

VARIANCE REQUEST: Variance to signage requirements of the Downtown Tucker Compatible Use Overlay District.

Public hearing procedures were read into the record by Chair Keith Easterling.

Courtney Lankford, Deputy Director of Community and Economic Development, gave a presentation of the proposed project as well as a brief overview of the additional conditions proffered as this item was continued from the meeting on July 18th, 2017. These additional conditions include that each individual message shall be displayed for a minimum of forty seconds, the electronic sign shall only display static messages, changeable copy is not permitted between the hours of 11:00 PM and 5:30 AM, and that the electronic sign shall be photo-sensitive and can adjust brightness in accordance with changing external light conditions. Courtney also explained that schools, including Tucker High School, are exempt from the sign requirements, as they are still under DeKalb.

Applicant for the variance, Douglas Burger, gave a brief overview of the previous meeting, and elaborated on the technical features of the sign: full color range, high resolution, mixed color messages, timing and brightness fixed by manufacturer, and photo cell control. Zoning Board of Appeals members comments included, but were not limited to, questions about internal illumination of the sign, and if churches have any exemptions in terms of sign regulations.

Chair Keith Easterling opened the floor to public comment.

Dane Majhrzak, 4324 Tucker North Court, stated that the sign manufacturer wants to work with the City of Tucker to make the sign according to their regulations, and he is in favor of the variance. He stressed that this is an opportunity for church, new city, and board to work together and set standards for future structures.

and Pat Soltys asked the applicant what hardship it poses to the church if they do not get the sign. Douglas Burger explained that they are currently having to change the sign outside multiple times a week, and it is becoming difficult to get message out in a timely manner as a result, as well as issues with finding volunteers to do the sign changes so frequently.

Mark Slawson, 2242 Winding Way, spoke in opposition to the variance, stating that the point of ordinances is for standardization, and that there is no point of having zoning if we don't enforce it. Staff recommended denial, and we already have two bright LED signs. Approval will set precedent, and he supports the staff recommendation for denial as there is no reason for special privilege. There is no

extreme hardship. This is a big church - staff and volunteers can change the signs.
Public comment closed.

Chris Hartley motioned to approve the variance with staff and applicant conditions, which Neal Stubblefield seconded. Staff asked for point of clarification to remove the incorrect staff condition, which was supported.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Chris Hartley, Board Member
SECONDER:	Neal Stubblefield, Vice Chairman
AYES:	Neal Stubblefield, Charles Abbott, Chris Hartley
NAYS:	Keith Easterling
ABSTAIN:	Pat Soltys

NEW BUSINESS

VARIANCE APPLICATION: V-17-006

PETITIONER: James Todd Burchett c/o House to Home Builders, LLC.

PRESENT ZONING: R-85 (Residential Medium Lot - 85)

PROPOSED ZONING: R-85 (Residential Medium Lot - 85)

LOCATION: 4238 Fontana Court

VARIANCE REQUEST: Setback averaging variance.

Tim Lampkin, Planner II, gave an overview of the proposed variance.

Comments from the Zoning Board of Appeals included, among other things, the type of trees suggested by staff in the conditions, questions about the flood plain, topography, and drainage issues.

Applicant, Todd Burchett, presented on the setback averaging variance that he is requesting, and discussed the craftsmen style home that will be constructed, which will blend in with the house types that already exist in the area. He also went over the price point, stated that they will make every effort to make sure it doesn't impact neighbors or streams negatively, and that the house will benefit the subdivision.

Chair Keith Easterling opened the floor to public comment. No one spoke in support. Joel McKinzey, 4230 Fontana Ct, lives next door to this property. He expressed several concerns about current water drainage issues on Fontana Ct and how this development will likely make that worse. Joel McKinzey also stated his concern about tree loss, flooding, and the size of the proposed house, noting that it will be almost twice the size of the existing homes in the neighborhood.

Zoning Board of Appeals discussed putting swells and catch basins in, emphasizing that a combination of solutions will be needed to deal with the drainage issues. They also discussed revising condition 3 to remove "if applicable" and correcting spelling in condition 2.

RESULT:	ADOPTED AS AMENDED [4 TO 1]
MOVER:	Keith Easterling, Chairman
SECONDER:	Chris Hartley, Board Member
AYES:	Neal Stubblefield, Keith Easterling, Charles Abbott, Chris Hartley
NAYS:	Pat Soltys

VARIANCE APPLICATION: V-17-007

PETITIONER: Ann Rosenthal c/o Newk's Eatery

PRESENT ZONING: OI (Office Institutional)

PROPOSED ZONING: OI (Office Institutional)

LOCATION: 4280 Lavista Road

VARIANCE REQUEST: Variance to signage requirements of the Northlake Overlay District for wall mounted signs.

Tim Lampkin, Planner II, presented and gave an overview of the proposed sign variance and discussed the Northlake Overlay letter height requirements.

The applicant, Anne Rosenthal, representative for Newk's, presented on the requested variance, explaining that the signage could be an issue due to the location and visibility from Lavista. The variance requested is to install 42-inch letters, of which only the "N" and "K" will be 42 inches and all other letters will be 22 inches.

Chair Keith Easterling opened the floor to public comment. Mark Slawson, 2242 Winding Way, spoke in favor, stating that other business in the same area have large lettering, so this is not an issue. No one spoke in opposition. Public comment closed. Board comments included, but were not limited to, if the frontage is even visible from Lavista, different sized signs for the front and back of store, and that the sign on Northlake must meet code.

Zoning Board of Appeals member Pat Soltys motioned for approval of one wall sign with 42" tall letters to be placed on the façade that faces the parking lot. The design for the sign on the façade that fronts the parking lot shall be subject to the drawings received by the city of Tucker on July 12th, 2017. The second wall sign shall have letter height of no more 24". The motion failed.

RESULT: DENIED [3 TO 2]
MOVER: Pat Soltys, Board Member
SECONDER: Chris Hartley, Board Member
AYES: Keith Easterling, Chris Hartley, Pat Soltys
NAYS: Neal Stubblefield, Charles Abbott

CITY BUSINESS ITEMS

(None)

COMMENTS BY STAFF AND ZONING BOARD OF APPEALS MEMBERS

No meeting in September.

ADJOURNMENT – 9:08 PM

Approved,

Attest:

Keith Easterling

Olivia Wilson
Olivia Wilson, Administrative Assistant

(Seal)

APPROVED

11/21/17

