



**ACTION REPORT**  
**Board of Zoning Appeals**  
**March 17, 2009**  
**7:00pm**

| VARIANCES  |   |
|--|---|
| Agenda item/Location/<br>Applicant                     | Request(s)  |
| 1. Call to order and pledge                            |   |
| 2. Introduction of Board members                       |   |
| 3. Approval of February meeting minutes                | <ul style="list-style-type: none"> <li>▪ Approved, 5-0*</li> </ul>  |
| 4. V08-031<br>16355 Birmingham Highway<br>Curtis Mills | <ul style="list-style-type: none"> <li>• To eliminate the minimum 50' spacing for a new public street from a property line adjoining AG-1 and residential property (City Code Chapter 14, Article 34.5.7)</li> <li>▪ Approved, 5-0</li> </ul> |
| 10. Other business                                     | <ul style="list-style-type: none"> <li>▪ None.</li> </ul>   |
| 11. Adjournment  |   |

\*Walter Rekuc and Marcia Parsons were absent.

  
CHAIR SIGNATURE & DATE

  
STAFF SIGNATURE & DATE



**ACTION REPORT**  
**Board of Zoning Appeals**  
**April 21, 2009**  
**7:00pm**

1. Call to order and pledge
2. Introduction of Board members
3. Approval of March meeting minutes
  - Approved, 4-0\*,\*\*
4. V09-005, 15800 Birmingham Hwy, The MarketPlace at Birmingham Village, Jem Bayindirli  
Request: To allow a reduction in the number of required parking spaces (Article 18.2.1)
  - Approved, 6-0\*
    - Approved for a 3,000 square foot restaurant in Building 600
5. V09-006, 400 North Fields Pass, Andy Jensen, Buford Finance, North Fields  
Request(s): To allow encroachment into the 50' undisturbed stream bank buffer,  
To allow encroachment into the 25' impervious setback (Subdivision Regulations, Article 6.5.a.i), To allow encroachment into the 40' side corner minimum yard (Article 6.1.3.c)
  - Deferred for 30 days, 6-0\*
    - The Board has requested that a petition to allow the septic system to encroach into the 50' stream buffer and the 75' impervious setback be added to the variance request, to be heard at the next meeting.
6. Other business
  - None
7. Adjournment

\*Sandy Jones was absent

\*\*Walter Rekuc and Marcia Parsons abstained because they were absent from the March meeting

  
\_\_\_\_\_  
CHAIR SIGNATURE & DATE

  
\_\_\_\_\_  
STAFF SIGNATURE & DATE



**ACTION REPORT**  
**Board of Zoning Appeals**  
**EXECUTIVE CONFERENCE ROOM, SUITE 107G**  
**May 19, 2009**  
**7:00pm**

1. Call to order and pledge
2. Introduction of Board members
  - *The Board selected Walter Rekuc to preside of the meeting, as both the Chair and the Vice Chair were absent.*
3. Approval of April meeting minutes
  - **Result: Approved, 4-0\***
4. V09-006, 400 North Fields Pass, Andy Jensen  
Request: 1. To allow encroachment into the 50' undisturbed stream bank buffer  
2. To allow encroachment into the 25' impervious setback (Subdivision Regulations, Article 6, Section 5.a.i, ii)  
3. To allow encroachment into the 40' side corner minimum yard (Article 6, Section 1.3.c)  
4. To allow a septic tank and septic tank drain fields to encroach into the 50' Undisturbed stream bank buffer and 25' impervious setback (Subdivision Regulations, Article 6, Section 5.a.iii)
  - **Result: Deferred until June meeting, 4-0**
5. **V09-007**, 15950 Freemanville Road, Phillip Ott  
Request: *To allow a nonconforming structure to be enlarged (Article 4, Section 3.1.D.1)*
  - **Result: Deferred until June meeting, 4-0.**
6. **V09-008**, 5304 Windward Parkway, Panera Bread, Danny Lankford  
Request: *To allow a place of business to exceed the maximum number of allowed wall signs (Article 33, Section 26. 1.H)*
  - **Result: Approved, 3-1**
7. Other business
  - a. Changes to Variance consideration  
  
Suggested changes: Section 11.D should read: "Relief to the Sign Ordinance may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting maximum letter size, square footage and height requirements cannot be read from an adjoining public road."
    - **Result: Approved, 4-0**
8. Adjournment



**City of Milton**

Deerfield Professional Centre 13000 Deerfield Parkway Building 100, Milton, GA 30004

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*\*Scott Kilgore, Sandy Jones, Todd Chernick were absent*

*Sandy Jones*

CHAIR SIGNATURE & DATE

*Angela Miller-Farneau 9/15/09*

STAFF SIGNATURE & DATE



**ACTION REPORT**  
**Board of Zoning Appeals**  
**JUNE 16, 2009**  
**7:00pm**

1. Call to order and pledge
2. Introduction of Board members
3. Approval of May meeting minutes (if available)
  - a. *Deferred until July, 7-0*
4. **V09-006**, 400 North Fields Pass, Andy Jensen
 

Request: 1. To allow encroachment into the 50' undisturbed stream bank buffer

  2. To allow encroachment into the 25' impervious setback (Subdivision Regulations, Article 6, Section 5.a.i, ii)
  3. To allow encroachment into the 40' side corner minimum yard (Article 6, Section 1.3.c)
  4. To allow a septic tank and septic tank drain fields to encroach into the 50' Undisturbed stream bank buffer and 25' impervious setback (Subdivision Regulations, Article 6, Section 5.a.iii)
  - a. *Denied, 6-1*
5. **V09-007**, 15950 Freemanville Road, Phillip Ott
 

Request: To allow a nonconforming structure to be enlarged (Article 4, Section 3.1.D.1)

  - a. *Approved with conditions, 7-0*
    - i. *Applicant is allowed a wood frame, 12'x18' addition*
    - ii. *Applicant shall obtain all required permits*
    - iii. *Addition shall match existing structure (color, materials, etc.)*
6. Other business
7. Adjournment

  
CHAIR SIGNATURE & DATE

  
STAFF SIGNATURE & DATE



**ACTION REPORT**  
**Board of Zoning Appeals**  
**AUGUST 18, 2009**  
**7:00pm**

**I. Call to order and pledge**

**II. Introduction of Board members**

**III. Public Hearing**

**A. V09-009**, 14250 Creek Club Drive, Crooked Creek entrance wall, Jim Compton

- Request(s): To allow column heights to exceed 11 feet (Article 4.11.E)
- Staff requested deferral until September meeting.
  - (1) Motion to **defer until next meeting**, Sandy Jones
  - (2) 2<sup>nd</sup>, Todd Chernick
  - (3) APPROVED, 7-0

**B. V09-010**, 5200 Windward Parkway, Wal Mart, Chris Sullivan, PB2 Architect of Record

- Request(s):
  1. To increase the maximum number of wall signs from 2 to 4 (Article 33.26.1.H)
  2. To increase the maximum allowed square footage of signage from 200 square feet total to 460.28 square feet total (Article 33.26.1.J)
- Motion(s):
  - a) Motion#1:
    - (1) Motion to **defer until next meeting**, Scott Kilgore
    - (2) 2<sup>nd</sup>, Sandy Jones
    - (3) FAILED, 0-7
  - b) Motion #2:
    - (1) Motion to **deny**, John McRae
    - (2) 2<sup>nd</sup>, Sandy Jones
    - (3) FAILED, 1-6
  - c) Motion#3:
    - (1) Motion to **approve with conditions**, Todd Chernick
      - (a) *Maximum 4 signs, 340 sq feet of signage allowed;*
      - (b) *Allowed one sign at 298 sq feet max;*



(c) *Remainder of sq footage to be allocated among other 3 signs; If main sign does not use the entire 298 sq feet, the remainder may be allocated among the other three signs.*

- (2) 2<sup>nd</sup>, Sandy Jones
- (3) FAILED, 3-4

d) Motion #4:

- (1) Motion to defer until September meeting, Sandy Jones
- (2) 2<sup>nd</sup>, Todd Chernick
- (3) FAILED, 3-4

e) Motion#5:

- (1) Motion to **approve with conditions**, Walter Rekuc
- (a) *No trees to be removed or trimmed except for health reasons;*
- (b) *If a tree dies or is damaged, a new 2" caliper tree shall be planted;*
- (c) *Existing trees shall be fertilized annually as directed by an Arborist.*
- (2) 2<sup>nd</sup>, Sandy Jones
- (3) FAILED, 3-4

f) Motion #6:

- (1) Motion to **approve**, Gary Willis
- (2) 2<sup>nd</sup>, Marcia Parsons
- (3) FAILED, 3-4

g) Motion #7:

- (1) Motion to **defer until September meeting**, Sandy Jones
- (2) 2<sup>nd</sup>, Todd Chernick
- (3) APPROVED, 5-2

**IV. Adjournment**

  
 CHAIR SIGNATURE & DATE

  
 STAFF SIGNATURE & DATE