

BOARD OF ZONING APPEALS

Minutes

January 27, 2014

Eron Moore, Chairman	Present
Ronnie Allen	Present
Mark Burson	Present
John Pentecost	Present
Bill Perkins	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 prior meeting minutes. A motion was made by Mr. Allen to approve the prior meeting minutes of November 25, 2013. The motion was seconded by Mr. Perkins. The motion carried. 4-0

OLD BUSINESS

None.

NEW BUSINESS

- | | |
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| 1. Randy Powell on behalf of
Bulls-Eye Indoor Range and Gun Shop
219 West Crogan Street
Lawrenceville, GA 30046
5-146D-095 | Appeal of an Administrative
Decision – Required removal of an
unpermitted structure that does not
meet architectural requirements of
Article VIII Section 8.7 of the
Zoning Ordinance |
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Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave a report and stated that the structure can be best described as a commercial trailer that has the under carriage removed and is placed on the ground. Mr. Ferguson stated that the Planning Department searched permitting records and found no indication that a permit had been issued for the structure and that language in the Zoning Ordinance dating back to 1970 confirms that a permit would be required. Mr. Ferguson also explained that it is questionable as to whether or not the structure is located on Mr. Powell's property. Mr. Ferguson stated that the applicant has requested an appeal of an administrative decision and not an appeal of the architectural requirements which would go directly to the City Council. Mr. Ferguson stated that the Planning Department recommendation was for denial of the appeal.

Mr. Moore asked if the Board Members had any questions for Mr. Ferguson. There were none.

Mr. Moore asked if the applicant was present. Mr. Randy Powell gave a presentation. Mr. Powell stated that the structure has been in place the 1990's and that this was the first time the City had contacted him about a violation. He believed that the structure should

be allowed because it has been there for so long. Mr. Powell also stated that he did not believe that a permit would have been required.

Mr. Moore asked if the Board Members had any questions of the applicant. There were none. Mr. Moore then called for a motion. Mr. Burson made a motion to discuss the appeal request in executive session with City Attorney Lee Thompson who was in attendance because the item could be considered discussion of potential litigation. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

After reconvening from executive session discussion, Mr. Moore asked if there were any other questions of the applicant. Mr. Pentecost stated that he was uncomfortable granting the appeal without current survey information because he was unsure that the structure was located on Mr. Powell's property. Mr. Pentecost asked Mr. Powell if he could provide a current survey. Mr. Powell responded that he felt it was unnecessary to produce a current survey that could potentially cost a couple thousand dollars.

Mr. Moore then asked if there was any opposition. Mr. Larry Gilbert spoke and stated that he has a similar situation at his business North American Mailing Technologies and was in favor of granting the variance.

Mr. Moore then called for a motion. Mr. Pentecost made a motion to table the item until the February meeting of the Board of Appeals and that the applicant should provide a current as-built survey of the property prior to the next meeting. Mr. Allen seconded the motion. The motion carried. 4-0

1. 2014 Meeting Schedule

Mr. Moore asked for a report from the Planning Department. Mr. Ferguson presented the proposed meeting schedule of the Board of Appeals for 2014.

Mr. Moore then called for a motion. Mr. Allen made a motion to approve the schedule with a change in dates for the December meeting from the 22nd to the 15th. The motion was seconded by Mr. Perkins. The motion carried. 4-0

Mr. Moore asked if there were any other reports from staff or Board members. Mr. Ferguson stated that the Board needed to elect officers for the 2014 calendar year and passed out secret ballots. Once collected, Mr. Ferguson read the results. Mr. Moore was elected Chairman by a unanimous vote and Mr. Allen was elected Vice Chairman by a vote of 3-2.

Mr. Moore asked if there were any other reports from staff. Mr. Ferguson stated that he was trying to schedule training for the Board of Appeals and Planning Commission Members. Mr. Ferguson stated that the Planning Commission agreed that March 24th after the Board of Appeals meeting would be a good time to hold the training session. All Board Members agreed to the proposed date.

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

Eron Moore, Chairman

Joshua M. Ferguson, Director
Planning and Zoning Department