



## Planning and Zoning Commission

### AGENDA

Tuesday, August 2, 2022 ♦ 7:00 p.m.

- 
- **Call to Order**
  - **Determination of a Quorum**
  - **Public Comments**

Comments to the Planning and Zoning Commission should be limited to no more than two minutes. Groups wishing to address an issue should select one or two spokesperson(s). The time allowed for all issues shall not exceed a total of fifteen minutes. Issues raised at this time are generally referred to the Director of Planning and Zoning for review. Responses will be provided at a later date.
  - **Approval of the Meeting Agenda**
  - **Public Hearing**
    - **2022077 Primary Variance Black & Loe** - A request to reduce the side yard setback from 15' to 7' feet to allow for an accessory dwelling unit at 281 Malone Street.
    - **2022083 Primary Variance Landmark Christian School**- A request to reduce the front setback along East Broad Street from 35' to 0' and to reduce the front setback along East Campbellton Street from 50' to 20'.
  - **Old Business**
  - **New Business**
  - **Staff Report**
  - **Commissioner Comments**
  - **Adjournment**

CITY OF FAIRBURN



**CITY OF FAIRBURN  
PLANNING & ZONING COMMISSION  
AGENDA ITEM**

Date: August 2, 2022  
To: Planning and Zoning Commission  
From: Richard Edwards, Interim Senior Planner  
Agenda Item: Primary Variance 2022077 – Black and Loe: To reduce the side yard setback 15-feet to 7-feet for an accessory dwelling unit.

---

**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Rhys Black & Shannon Loe  
Property Owner: Rhys Black & Shannon Loe

**PROPERTY INFORMATION**

Address	281 Malone Street
Parcel Number, Land Lot(s) and District:	[parcel ID # 09F180400680422], Land Lot 68, District 9
Size:	+/-0.436 acres
Current Zoning:	R-2 (Single-family Residential)
Overlay District:	N/A
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

**INTENT**

The applicant is requesting a primary variance from Section 80-73(f) R-2 (Single-family Residential) as follows:

- 1) To reduce the side yard setback adjacent to an interior line from 15-feet to 7-feet.

**STANDARDS FOR CONSIDERATION**

Section 80-251 of the City's Zoning Ordinance includes one or more criteria that must be met before a variance can be approved by the Planning and Zoning Commission:

- A. *"Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."*
- B. *"The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."*
- C. *"Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage, and height requirements cannot be read from adjoining public road".*

## **VARIANCE ANALYSIS**

### ***A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."***

The side yard setback requirement for R-2 (Single-family Residential) zoning district is 15-feet for interior lot lines. The applicant is requesting to reduce the side yard setback from 15-feet to 7-feet. According to the Fulton County Tax Assessor's Office, the primary structure was built in 1963 and the applicant states that the accessory structure was built in the 1980s. The zoning regulations at that time were most likely different from the zoning regulations currently enforced.



Map: Surrounding R-2 and R-3 (Single-family Residential) zoning district

### ***B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."***

The strict application of this particular provision of the zoning code would create an unnecessary hardship, as this is an existing structure. Staff does not believe this would cause any detriment to the public.

### ***C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage, and height requirements cannot be read from adjoining public road".***

N/A

## **RECOMMENDATION**

Staff believes reducing the side yard setback 15-feet to 7-feet will not cause a detriment to the neighboring properties. Therefore, staff is recommending **APPROVAL**.



# APPLICATION FOR VARIANCES

Date Received: 6-2-2022

VARIANCE #: 2022077V  
(Office Use Only)

## SECTION I – GENERAL INFORMATION

### APPLICANT INFORMATION

Applicant Name: RHYS BLACK & SHANNON LOE  
Address: 281 MALONE ST SW, FAIRBURN GA 30213  
Phone: 404-808-4105 Cell: 404-808-4086 Fax: \_\_\_\_\_  
Email Address: SHANNONLLOE@GMAIL.COM

### OWNER INFORMATION (If different from Applicant)

Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### PROPERTY INFORMATION

Address: 281 MALONE ST SW, FAIRBURN  
Parcel ID#: 09F-1804-0068-042-2 Land Lot: 68 District: 9TH Acreage: .4683  
Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION III LEGAL DESCRIPTION OF PROPERTY** (Legal description/survey must match submitted site plan.)

SUBDIVISION FOSTER PROPERTIES UNIT/PHASE: \_\_\_\_\_ LOT NO(S): 13  
LAND LOT(S): 68 DISTRICT: 9TH TAX ID: 09F180400680422  
PROPERTY ADDRESS 281 MALONE ST SW FAIRBURN GA 30308

**SECTION IV AUTHORITY TO PURSUE VARIANCE**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. OWNER INFORMATION**

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

KATHY BLAKE  
TYPE OR PRINT OWNER'S NAME  
281 MALONE ST SW  
ADDRESS  
FAIRBURN, GA 30213  
CITY, STATE & ZIP CODE  
[Signature]  
OWNER'S SIGNATURE  
(404) 808 4105  
AREA CODE/ PHONE NUMBER  
KATHYBLAKE7@GMAIL.COM  
EMAIL ADDRESS

Sworn to and subscribed before me this 1st day of

June 2022  
Kathy J Doyal  
NOTARY PUBLIC



**Part 2. APPLICANT INFORMATION**

Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

TYPE OR PRINT PETITIONER'S NAME

ADDRESS

CITY & STATE

ZIP CODE

Sworn to and subscribed before me this the

\_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC

**SECTION III LEGAL DESCRIPTION OF PROPERTY** (Legal description/survey must match submitted site plan.)

SUBDIVISION FOSTER PROPERTIES UNIT/PHASE: \_\_\_\_\_ LOT NO(S): 13  
LAND LOT(S): 68 DISTRICT: 9th TAX ID: 09F18040068 042 2  
PROPERTY ADDRESS 281 MALONE ST SW FAIRBURN, GA 30213

**SECTION IV AUTHORITY TO PURSUE VARIANCE**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. OWNER INFORMATION**

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

SHANNON LOE  
TYPE OR PRINT OWNER'S NAME  
281 MALONE ST SW  
ADDRESS  
FAIRBURN, GA 30308  
CITY, STATE & ZIP CODE  
OWNER'S SIGNATURE  
(404) 808 4085  
AREA CODE/ PHONE NUMBER  
SHANNON LLOE@gmail.com  
EMAIL ADDRESS

Sworn to and subscribed before me this 15<sup>th</sup> day of

June 2022  
Kathy J Doyal  
NOTARY PUBLIC



**Part 2. APPLICANT INFORMATION**

Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

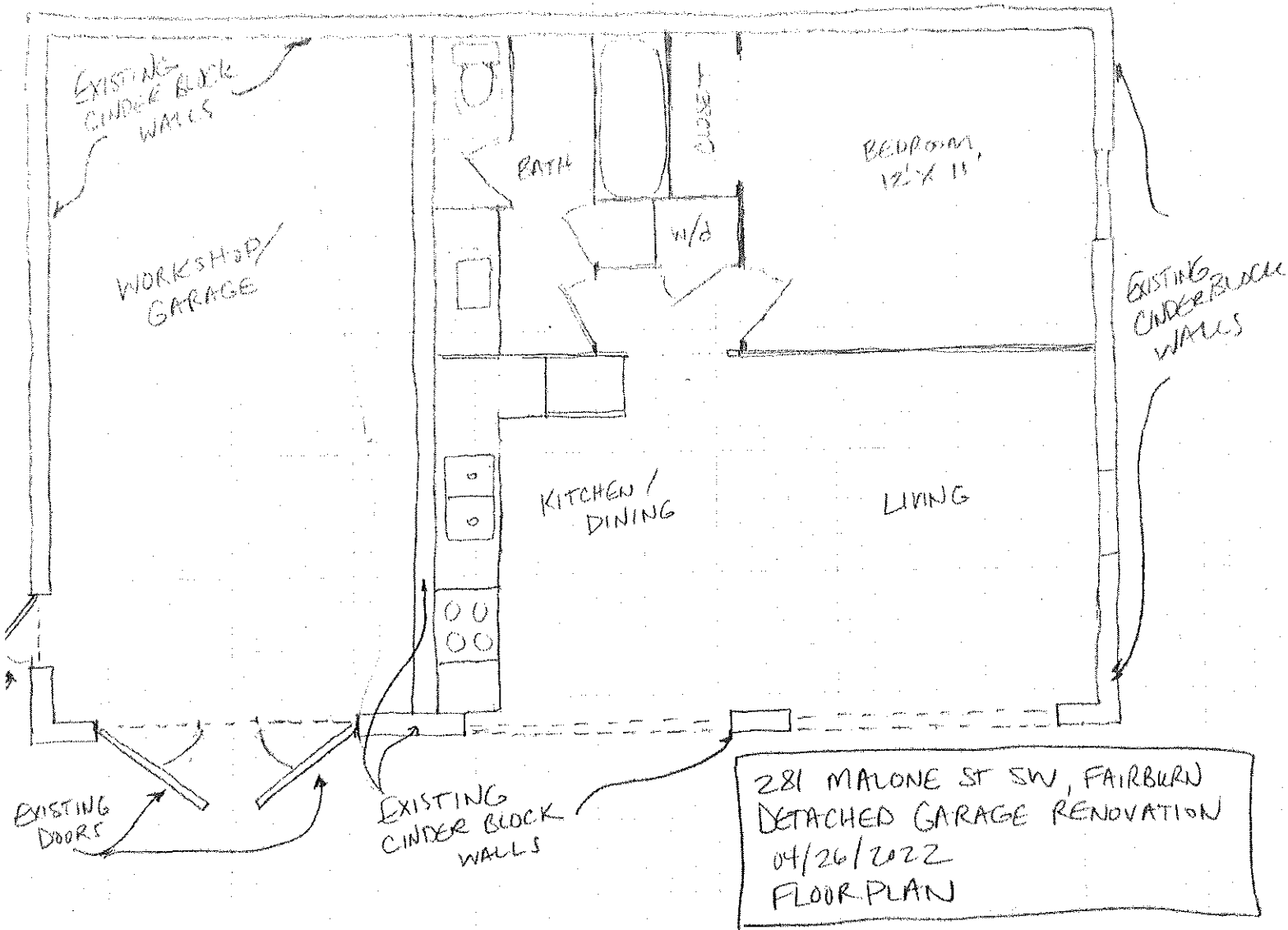
TYPE OR PRINT PETITIONER'S NAME  
ADDRESS  
CITY & STATE ZIP CODE

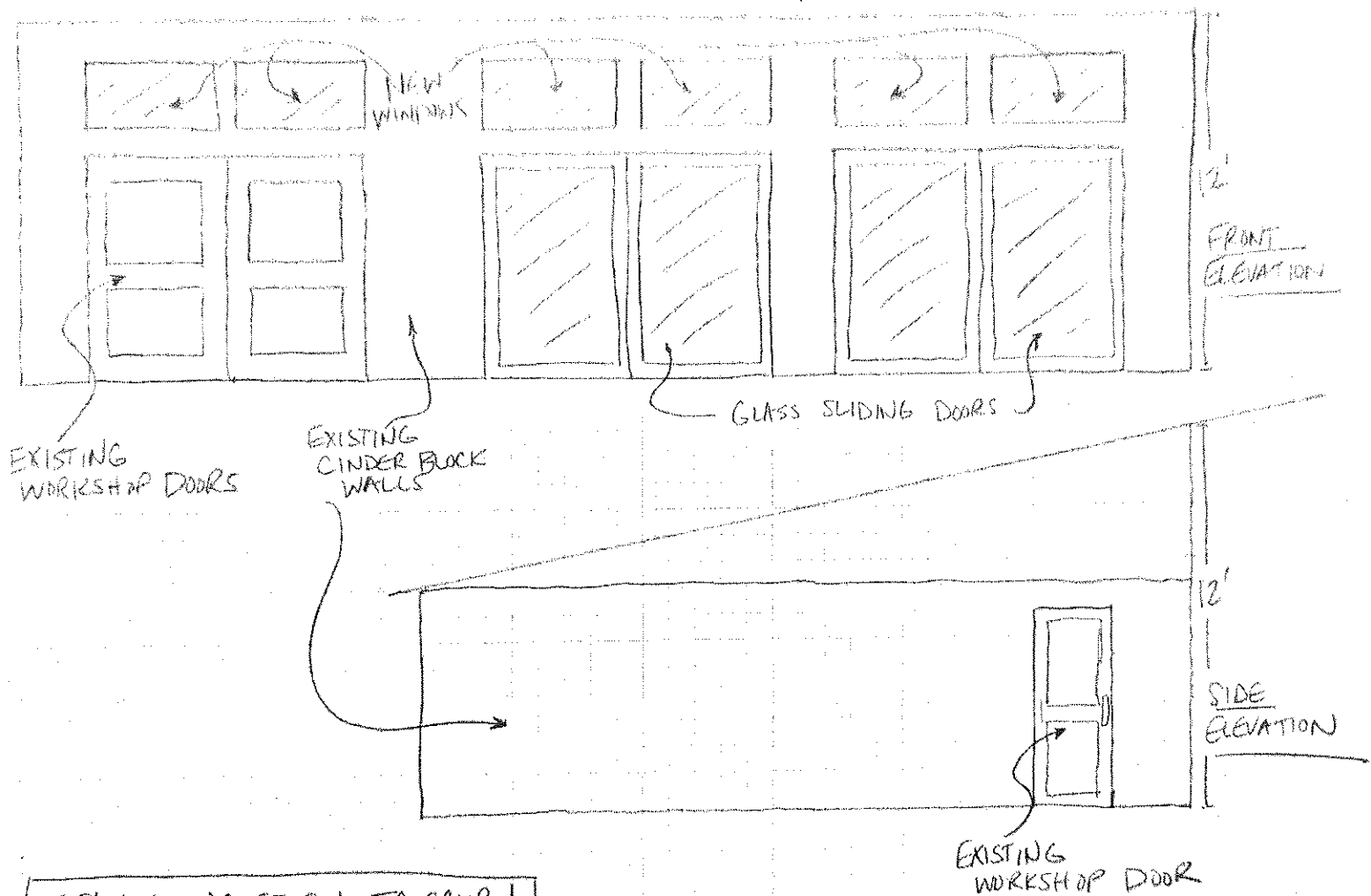
Sworn to and subscribed before me this the

\_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC







281 MALONE ST SW, FAIRBURN  
DETACHED GARAGE RENOVATION  
04/26/2022  
FRONT & SIDE ELEVATIONS



**Macon E. Gooch III  
Building Consultants, Inc.**

1383 Duncan Lane  
Auburn, GA 30011  
678-442-1198  
Fax: 678-975-7485

April 6, 2022

Shannon Loe  
281 Malone St Sw  
Fairburn, GA 30213

ATTN: Shannon Loe

RE: Residence at 281 Malone St. SW  
City Of Fairburn

Dear Shannon Loe:

This letter is to certify that Nathan Gooch, a technician under the supervision of the undersigned, inspected the above referenced property on April 1, 2022, to assess the existing structure for the purpose of providing the appropriate specifications for the proposed renovations.

The subject structure is a detached garage on the property of an existing single-family home. The garage incorporates a CMU block perimeter wall system with an elevated slab foundation and both conventional and prefabricated roof framing systems. The garage is currently being prepared for a remodeling project, which is to include converting the interior to finished living space. Upon inspection, the structural elements relevant to the proposed project were analyzed, resulting in the following recommendations:


1. The foundation appears viable for reuse under the proposed plan with the possible exception of the right side and/or rear right corner. In this area, some cracking in the wall and slab indicates a small amount of settlement has occurred in the past, but it was not clear whether the movement which led to that cracking had ceased, self-stabilized or by any other means become static. It is recommended in lieu of an expensive and lengthy structural study, to retrofit one remedial pier pad underneath this area which would fully stabilize the area and allow the project to move forward regardless of the exact nature of that which caused the cracking initially. A retrofit hand-excavated pier would need to be 24" x 24" x 36" deep and be positioned so that its centerline aligns with the plane of the exterior face of the wall above. The pier must be inspected prior to concrete placement to verify adequate depth and reinforcing. Reinforce the pier with two #4 rebar dowels which are at least 32" long and epoxied at least 4" into the existing foundation (the dowels may go into any element of the existing foundation).
2. The truss system over the main part of the building may be either reused or replaced. In its place could be a truss system manufactured to personal preferences such as trays, vaulted ceiling, etc., or the new roof may be conventionally framed. If conventional and having a vaulted ceiling, the ridge beam required would be a 2-ply 14" 2.1E LVL beam. If constructing a "flat" roof, it may be most efficient to look at wooden I-joists so that the space can be spanned with a uniform series of members, rather than having to install an LVL beam in the center with conventional joists off either side
3. The shed roof to the left of the main roof is currently too low, but could be reused if a small pony wall was framed and connected around the perimeter and the existing roof reinstalled on top.

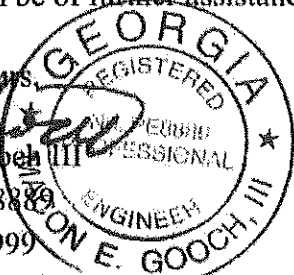
Shannon Loe  
RE: Residence at 281 Malone St. SW  
City Of Fairburn  
(Page 2) April 6, 2022

4. Regardless of which option of the above items is chosen, the new roof frame will require anchorage to the block walls. The block walls were found to be viable, so to incorporate them into the restraint system, fill a cell every 6'-0" (as discussed, backer paper may be used to reduce the cell being filled to 3 to 4 courses tall) and within 12" of each corner or splice in the framing member. Then, use 1/2" anchors with bolts and washers and either epoxy the bolts or wet-set them into the cell a minimum of 7".

After review of available technical reports and field data, it is my professional opinion that upon proper completion and verification of the above recommendations, the subject elements will be structurally stable, capable of supporting all expected design loads and able to perform as intended.

Should you have any questions regarding this inspection or report, or if I can be of further assistance, please call me at your convenience.

Very truly yours,  
  
Macon E. Gooch III  
Ga. P.E. No. 8889  
ICC PEF002999  
Residential Combination Inspector



June 1, 2022

LETTER OF INTENT

Variance Application for 281 Malone St SW, Fairburn GA 30213

To Whom It May Concern,

We are applying for a primary variance because we want to convert an existing structure (a detached garage) into a residential dwelling. This original structure, likely built in the early 1980's, does not meet the minimum setback requirements according to current zoning laws.

We will use the existing cinder block walls, not alter the original footprint, and the approximate square footage of the living space will be 500 square feet. We will live in the structure once it has been renovated and our elderly parents will move into our current residential home.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Rhys' followed by a long horizontal flourish.

Rhys Black & Shannon Loe, Owners

Rhys 404-808-4105

Shannon 404-808-4086

**FLOOD NOTE**

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS INDICATED BY F.I.R.M. OFFICIAL PLANS.

THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FOLLOWING SOURCE:

AFTER REVIEW OF MAPS WHICH ONLY LOCATE THE APPLICABLE FLOOD HAZARD AREA, THE FOLLOWING INFORMATION IS APPLICABLE FLOOD HAZARD AREA IS IN THE FOLLOWING LOCATION:

THE FOLLOWING INFORMATION CONTACT THE DEPARTMENT, CORPS OF ENGINEERS, A

1. WARRANTY DEED IN FAVOR OF RUSSELL BLACK AND SHANNON LEE DEED BOOK 63109 PAGE 266 FULTON COUNTY, GEORGIA RECORDS

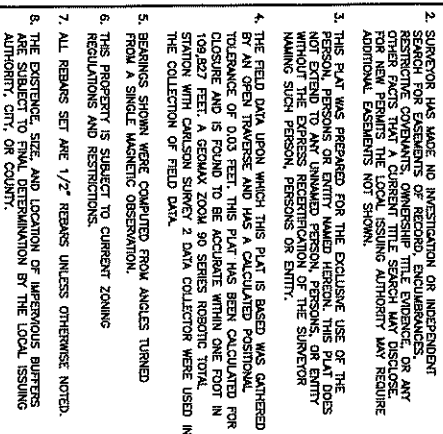
THIS PROPERTY IS NOT  
AS INDICATED BY FLIR  
THE FLOOD INFORMATION  
AFTER REVIEW OF MAPS  
LOCATION OF THE APPRAISAL  
MORE ACCURATE INFO  
APPLICABLE FLOOD HAS  
FURTHER INFORMATION  
DEPARTMENT, CORPS OF  
OR APPRAISER.

Georgia RLS No. 2545

Michael R. Noyes Georgia RLS No. 2545 4-19-22

[illegible]

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAINTED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.

[illegible]

Medding Surveying Services, Inc.  
4833 South Cobb Drive Suite 200  
Smyrna, Georgia 30080 (770) 434-3383  
[www.meddingsurveying.com](http://www.meddingsurveying.com) Certificate of Authorization #LS000075

281 MALONE STREET  
FAIRBURN, GEORGIA  
TOTAL AREA= 0.436± ACRES  
OR 19,002± SQ. FT.

SCALE IN FEET

LAND LOT 66  
9TH DISTRICT  
FULTON COUNTY, GEORGIA  
PLAT PREPARED: 4-19-22  
FIELD: 4-18-22 SCALE: 1"=20'  
JOB#258368

23	24
----	----



**CITY OF FAIRBURN  
PLANNING & ZONING COMMISSION  
AGENDA ITEM**

Date: August 2, 2022  
To: Planning and Zoning Commission  
From: Richard Edwards, Interim Senior Planner  
Agenda Item: Primary Variance 2022083 – Landmark Christian School request to reduce the front setback along East Broad Street from 35-feet to 0-feet and to reduce the front setback along East Campbellton Street from 50-feet to 20-feet.

---

**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Landmark Christian School  
Property Owner: Landmark Christian School

**PROPERTY INFORMATION**

Address	50 East Broad Street
Parcel Number, Land Lot(s) and District:	[parcel ID # 09F100800520408], Land Lot 52, District 9-F
Size:	+/-12.387 acres
Current Zoning:	O&I (Office Institutional)
Overlay District:	N/A
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

**INTENT**

The applicant is requesting two primary variances from Section 80-80(f) O&I (Office Institutional) as follows:

- 1) To reduce the front yard setback from 50-feet to 20-feet along East Campbellton Street to allow construction of a 15,000 square foot structure.
- 2) To reduce the front yard setback from 35-feet to 0-feet along East Broad Street to allow for the construction of a 15,000 square foot structure.

**STANDARDS FOR CONSIDERATION**

Section 80-251 of the City's Zoning Ordinance includes one or more criteria that must be met before a variance can be approved by the Planning and Zoning Commission:

- A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."*
- B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."*
- C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage, and height requirements cannot be read from adjoining public road".*

## **VARIANCE ANALYSIS**

### ***A. “Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter.”***

The setback requirement for O&I (Office Institutional) is 50-feet along East Campbellton Street and 35-feet along East Broad Street pursuant to Sec. 80-80(f). The applicant is requesting to reduce the setback along East Campbellton from 50-feet to 20-feet and along East Broad Street from 35-feet to 0-feet. This is in harmony with the existing development on the lot, as the gymnasium has a similar setback along East Broad.



Map: Surrounding O-I (Office Institutional) to the south and R-2 and R-4 (Single-family Residential) zoning district to the north and east.

### ***B. “The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.”***

The strict application of this particular provision of the zoning code would not create an unnecessary hardship due to the size, shape, nor topography of the particular property.

### ***C. “Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage, and height requirements cannot be read from adjoining public road”.***

N/A

## **RECOMMENDATION**

Staff believes reducing the side yard setback from 50-feet to 20-feet along East Campbellton and 35-feet to 0-feet along East Broad Street would cause any detriment to the public. Therefore, staff is recommending **APPROVAL** with the following conditions:

1. Building will be required to have a sprinkler system and fire alarm system.
2. A fire hydrant will be required in the area of the new building.



June 16, 2022

Tarika Peeks, Senior City Planner  
City of Fairburn  
56 Malone Street  
Fairburn, GA 30213

RE: Letter of Intent

Dear Ms. Peeks:

The purpose of this letter is to request a variance to the City of Fairburn, Land Development Regulations, Article II, Division 2, Sec. 80-80(f) to reduce the front setbacks to allow construction of a new building on the ±12.193-acre property located at 50 S.E. Broad Street, being Tax Parcel 083 009, in the City of Fairburn, Georgia.

The proposed building will be sixty (60) feet by two hundred-fifty (250) feet and be located in the northwest corner of the property where there is an existing asphalt parking lot. A portion of the existing parking lot is in the right of way of Broad Street. There is approximately seventy (70) feet of available buildable area from the property line to the top of a slope to construct the building. The top of slope on the eastern side of the buildable area is sixteen (16) feet above the adjacent track and football field.

Article II, Division 2, Sec. 80-80(f) of the City of Fairburn Code of Ordinances requires a minimum front yard setbacks of thirty-five (35) feet along Broad Street and fifty (50) feet along Campbellton Street. The variance requests are to reduce the minimum front yard setbacks along Broad Street to zero (0) feet and along Campbellton Street to twenty (20) feet.

In accordance with the City of Fairburn code of Ordinance the following items have been considered,

- 1) The requested relief, if granted, would be in harmony with the purpose and intent of this chapter due to the fact that the setback reductions will allow for the proposed building to be constructed in line with the existing gymnasium located approximately two hundred (200) feet south. The proposed materials and architecture of the new building will also match the character of the existing gymnasium and other buildings on the main campus.
- 2) The application of this particular provision of this chapter to this property, due to the existing shape and topography of the existing football stadium and slopes will create an unnecessary hardship for the owner while causing no detriment to the public. Construction of the building to meet the required setbacks will push the foundation of the building over the top of the slope and require extraordinary measures be taken to reinforce the slope and foundation of the building.

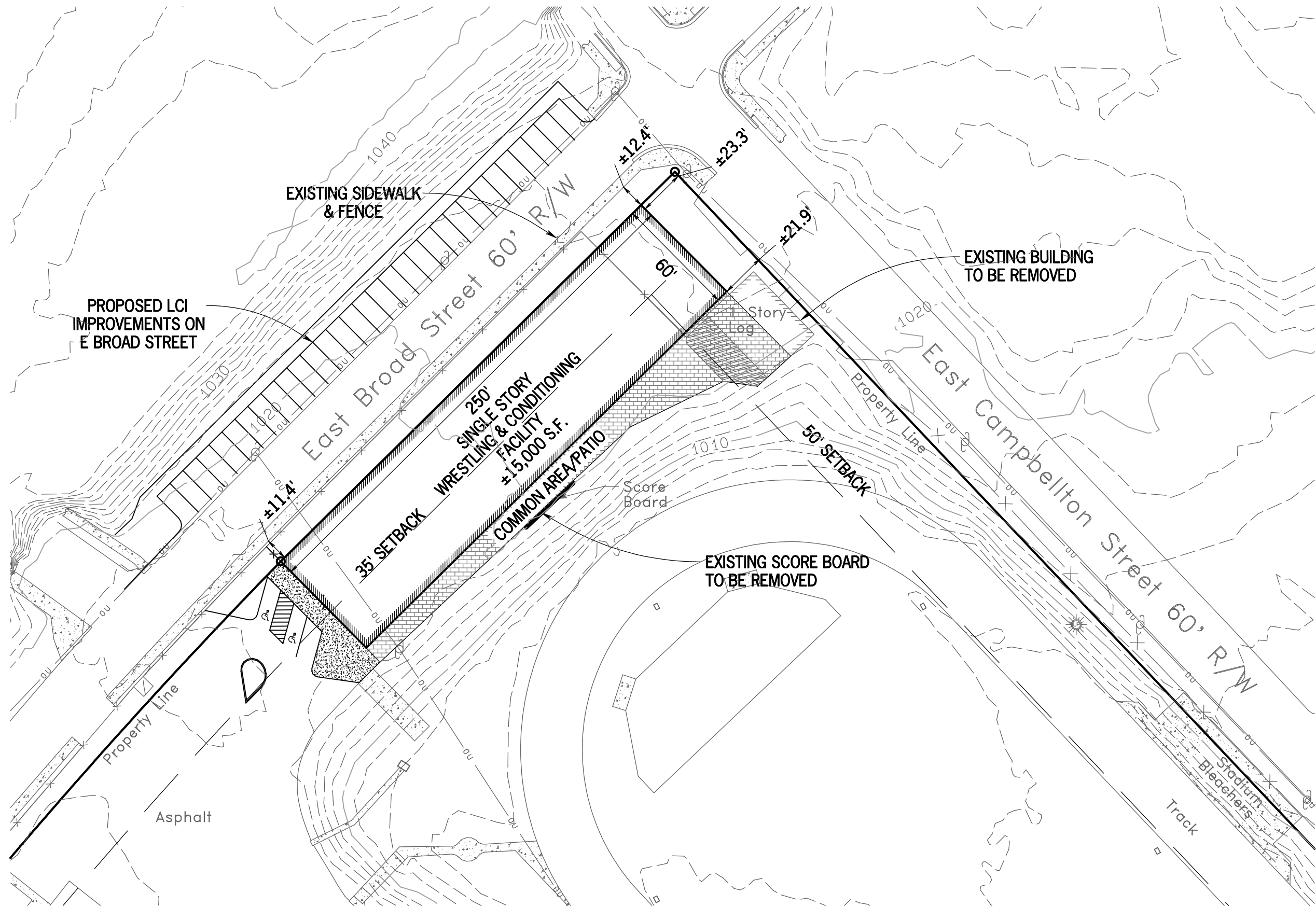
The application for variance is attached for your review, along with a copy of the site plan, a legal description of the property, a quit claim deed of the property, and a copy of the property survey.

Thank you for consideration of this variance request and please do not hesitate to contact our office at (678)432-5720, if you require additional information or have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent H. Moye".

**Brent H. Moye, P.E.**  
**President**  
**Land Engineering And Development**



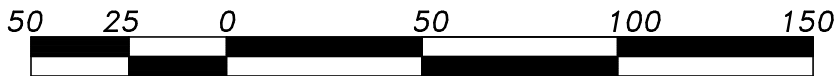
Concept Plan Prepared For:

# LCS WRESTLING FACILITY

**Land Engineering And Development**

116 Bethel Road, Suite 208  
Fayetteville, GA 30214

p. 678-432-5720  
f. 678-432-5463



GRAPHIC SCALE IN FEET  
Scale: 1"=50'

DATE:	RELEASE DESCRIPTION
04-17-22	CONCEPT 1
04-19-22	CONCEPT 2
04-27-22	CONCEPT 3
05-16-22	CONCEPT 4
05-17-22	CONCEPT 5
06-17-22	PER CITY COMMENT CONCEPT 6





