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COMMISSIONER FARRIS: I don't think we can have action on that today, but I am saying please give consideration.

COMMISSIONER WILLIAMS: I think we could ask Bob and his staff to come back to us as expeditiously as possible with some recommendations as to how we might change our zoning process to reach the consensus of this Board. Bob, when do you think you might have your people ready to bring back something to us . . . well, I think it is a combination of you and the Planning Department. Sixty days? So we can look forward to hearing something from you by September 25 or October 1?

COUNTY ATTORNEY YOUNG: No problem.

COMMISSIONER ROACH: I want to point out something. I am sure you intended it. I think what the Chairman is saying . . . the Planning Commission isn't going to hold a secret meeting on this thing. It is going to be a public meeting, but it will not be a public hearing. In other words, they are going to meet in public and make a decision. There is a distinction between a public hearing and a public meeting, so they will meet and make a decision but there will be no hearing.

COMMISSIONER FARRIS: Public Meeting and a Public Hearing would mean that we get two political decisions, one by the Planning Board and one by the Commission.

**(5) RESOLUTION - BOARD OF ZONING APPEALS**

Mr. Albert E. Johnson, Clerk, presented the following Resolution changing the membership of the of Zoning Appeals from 5 members to 7 members:

**R E S O L U T I O N**  
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**A RESOLUTION TO AMEND THE PLANNING ENABLING  
RESOLUTION OF FULTON COUNTY ADOPTED THE  
20TH DAY OF MARCH, 1974**

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FULTON COUNTY, and it is hereby resolved that Section 12 of the Planning Enabling Resolution of Fulton County, adopted the 20th day of March, 1974, as amended, be further amended and the same is hereby further amended as follows:

**SECTION 1**

**SECTION 12 - ZONING:**

**FULTON COUNTY BOARD OF ZONING APPEALS.**

By striking the first sentence of the second paragraph of said Section 12, which reads as follows:

**"Fulton County Board of Zoning Appeals shall consist of five members appointed by the Board of Commissioners of Fulton County."**

and substituting in lieu thereof a new first sentence of said paragraph and Section, the same when amended shall read as follows

**"Fulton County Board of Zoning Appeals shall consist of seven (7) members appointed by the Board of Commissioners of Fulton County."**

Commissioner Farris made a motion that resolution increasing the membership of the Fulton County Board of Zoning Appeals from Five to Seven members be approved. Motion seconded by Commissioner Lowe.

Chairman Farris stated if there were no objections, resolution increasing the membership for the Fulton County Zoning Appeals from five to seven members, would be approved.

Hearing no objections, it was so ordered by the Board.

Commissioner Farris nominated Mr. L. Carl Plunkett to the Board of Zoning Appeals, and Commissioner Bruce Bannister nominated Mr. Paul Wilson to this Board.

Chairman Ferris asked that additional nominations to the Board of Zoning Appeals be made at the next meeting of the Board of Commissioners.

(b) RESOLUTION - BOARD OF ZONING APPEALS

Mr. Albert E. Johnson, Clerk, presented the following resolution:

R E S O L U T I O N

A RESOLUTION TO AMEND THE 1955 ZONING RESOLUTION OF  
FULTON COUNTY

WHEREAS, proper notice of this amendment has been published once a week for three weeks in the newspaper in which the Sheriff's advertisements are published, which notice stated the nature of the proposed change and the date, hour and place at which the Board of Commissioners of Fulton County would hold a public hearing on said amendment, said notice having been published on the following dates: \_\_\_\_\_; and

WHEREAS, said proposed amendment was submitted to the Planning Commission and said Planning Commission has held a public hearing thereon and has made its recommendation to the Board of Commissioners of Fulton County;

NOW, THEREFORE, BE IT RESOLVED that the 1955 Zoning Resolution adopted by the Board of Commissioners of Fulton County on March 11, 1955, and recorded in Minute Book W-1, pages 180 continuous of the Minutes of the Board of Commissioners of Fulton County, as heretofore amended, be and the same is hereby further amended as follows:

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By striking the entire Article XXII, Board of Adjustment, as the same was originally adopted and substituting in lieu thereof a new Article XXII, Board of Zoning Appeals, to read as follows:

ARTICLE XXII  
BOARD OF ZONING APPEALS

Fulton County Board of Zoning Appeals (or as hereinafter may be called the Board), shall consist of seven members appointed by the Board of Commissioners of Fulton County. The members shall serve for terms concurrent with the terms of the Fulton County Planning Commission. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Board of Commissioners of Fulton County upon written charges and after public hearing. The members of the Fulton County Board of Zoning Appeals shall be paid \$35 per official meeting. None of the members shall hold any other public office or position in Fulton County, except that one member may be also a member of the Fulton County Planning Commission.

The Fulton County Board of Zoning Appeals shall elect one of its members chairperson, who shall serve for one year or until he/she is re-elected or his/her successor is elected. The Fulton County Zoning Administrator shall be the Secretary of the Fulton County Board of Zoning Appeals. The Fulton County Board of Zoning Appeals shall adopt rules in accordance with the provisions of this resolution. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or, in his/her absence, the acting chairperson, may administer oaths. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of Fulton County affected by and decision of the Director of Inspections and Permits. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Director of Inspections and Permits and with the Secretary of the Board of Zoning Appeals a notice of appeal specifying the ground thereof. The Director of Inspections and Permits shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director of Inspections and Permits certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall be stayed excepted by a restraining order which may be granted by the Fulton County Board of Zoning Appeals or

by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Fulton County Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give no less than two weeks' notice by posting in a conspicuous place on the property a sign of not less than six (6) square feet which shall contain information of the pending appeal. The Board shall also give similar notice by regular mail to all property owners within 300 feet of the subject property. Said notice shall be mailed to property owners as ownership and addresses appear on the current tax records of Fulton County. The Board shall take action on matters before it within a period of 60 days. Upon the hearing any party may appear in person or by agent or by attorney.

The Fulton County Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Inspections and Permits in the enforcement of any resolution effective pursuant to this Resolution.
  2. To hear and decide special exceptions to the terms of the Zoning Resolution and maps upon which such board is required to pass under Zoning Resolution and maps, said special exception which shall include the following:
    - (a) To permit the extension of a zoning district boundary line not to exceed fifty (50) feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this Resolution, provided, however, that such extension is not along a street line.
    - (b) To interpret the provisions of this Resolution in such a way as to carry out the intent and purpose of the zoning districts as shown upon the maps fixing the several districts, accompanying and made a part of this Resolution, where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.
    - (c) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
    - (d) To waive or reduce the parking and loading requirements in any of the districts whenever the character or use of a building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
    - (e) To permit land within three hundred (300) feet of a multiple dwelling and within the same district to be improved for parking space required in connection with a multiple dwelling.
    - (f) To permit a lot for required parking space for a church, temple, business, commercial and industrial use within three (300) feet of the primary use and within the same district in which use is located.
  3. To authorize upon appeal in specific cases such variance from the terms of the Zoning Resolution and maps as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Zoning Resolution and maps will, in an individual case, result in unnecessary hardship, so that the spirit of the resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding or findings by the Fulton County Board of Zoning Appeals that:
    - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and/or
    - (b) The application of the resolution to this particular piece of property would create an unnecessary hardship; and/or
    - (c) Such conditions are peculiar to the particular piece of property involved; and/or
    - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the resolution.
- Said variances shall include the following:
- (a) To permit a variation in the yard requirements of any district where there are unusual and practical difficulties or hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.
  - (b) To authorize, whenever a property owner can show that a strict application of the terms of this Resolution relating to the use, construction or

alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Resolution.

In exercising the above powers, the Fulton County Board of Zoning Appeals may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit, provided, however, that no variance or special exception may be granted for a use of land or building or structure that is prohibited by the Zoning Resolution and maps or made a conditional development pursuant to Article XXVIII, Section 6, of this Resolution.

In considering all appeals seeking an exception or variation to this Resolution the Board shall, before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Fulton County.

A variance or special exception shall be valid only for a period of six months from the date same is granted and all rights therewith shall lapse automatically unless the same are exercised within said period. Should any appeal be taken from order granting said variance, the six months period shall begin on the date the order becomes final. A petition or application for variance which has been denied by the Board of Appeals shall not be resubmitted for a period of six months from the date of the Public Hearing. Where additional information is furnished which warrants another hearing before the six month period has expired, the Board may instruct the Secretary to accept an application for a rehearing notwithstanding this regulation.

A fee of twenty-five dollars (\$25) shall be paid to the enforcement officer at the time the notice of appeal is filed, who shall forthwith pay the same over to the Treasurer of Fulton County.

Any person or persons who may have a substantial interest in any decision of the Board of Zoning Appeals, or any officer, board or bureau of the said Fulton County, may appeal from any decision of the said Board to the Superior Court of Fulton County by filing with the Clerk of said Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board of Zoning Appeals is rendered.

Upon the filing of such an appeal, the Clerk of the Superior Court shall give immediate notice thereof to the Secretary of the Board of Zoning Appeals and within thirty (30) days from the time of such notice the Board shall cause to be filed with the said Clerk a duly certified copy of the proceedings had before the said Board, including a transcript of the evidence heard before it, if any, and the decision of the said Board.

Thereafter at the next term of the Superior Court, or in vacation upon ten (10) days notice to the parties, the judge of such court shall proceed to hear and pass upon the said appeal. The findings of fact by the said Board of Zoning Appeals shall be final and conclusive on such appeal. In determining the questions presented by the appeal the court shall determine only whether the decision of the Board is correct as a matter of law.

Any party at interest who is aggrieved by the judgment rendered by the Superior Court upon such appeal may have the same reviewed by appeal in the same manner as now provided by law for fast bills of exceptions to other judgments, orders and decrees of the Superior Courts.

The filing of an appeal in the Superior Court from any decision of the said Board of Zoning Appeals shall not ipso facto act as a supersedeas, but a supersedeas may be granted by the Court upon such terms and conditions as may seem reasonable and proper.

In the event that the decision of the Board of Zoning Appeals should be reversed by the Superior Court or any higher tribunal, the said Board shall be cast with the costs and the same shall be paid by Fulton County

## II.

All resolutions and parts of same in conflict herewith are hereby repealed.

County Attorney Robert Young explained that this Resolution corrected wording errors and incorporated changes in the membership of the Board of Zoning Appeals.

Chairman Farris stated if there were no objections, this Resolution would be adopted and advertised.

Hearing no objections, it was so ordered by the Board.

(7) ENERGY COMMISSION

Mr. Albert E. Johnson, Clerk, stated that on July 11, 1979, the Board of Commissioners had created an Energy Commission, and to date no appointments have been made.

Commissioner Farris stated if there were no objections, this matter would be held until a later date.

Hearing no objections, it was so ordered by the Board.

(8) PROCLAMATION - ATLANTA CHAPTER OF THE WELFARE RIGHTS ORGANIZATION

Mr. Albert E. Johnson, Clerk, presented the following Proclamation. This Proclamation was presented on July 13, 1979 to the recipient.

PROCLAMATION  
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WHEREAS, THE ATLANTA CHAPTER OF THE WELFARE RIGHTS ORGANIZATION was founded in 1967 and since that time has been a leader in the struggle for equal rights for all; and

WHEREAS, under the guidance of MS. ETHEL MAE MATHEWS, members of this organization have selflessly given of their time and talents to further the cause of the indigent; and

WHEREAS, THE ATLANTA WELFARE RIGHTS ORGANIZATION has devoted itself to the well being of recipients of welfare, Social Security, Supplemental Security Income, and food stamps; and

WHEREAS, this chapter has led the fight against governmental moves detrimental to the underprivileged in recent years; and

WHEREAS, THE ATLANTA CHAPTER OF THE WELFARE RIGHTS ORGANIZATION is dedicated to the premise that all American citizens are entitled to a decent way of life; and

WHEREAS, this organization is celebrating the twelfth anniversary of its existence:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fulton County that Friday, July 13, 1979, is hereby declared to be WELFARE RIGHTS ORGANIZATION DAY IN FULTON COUNTY, GEORGIA.

BOARD OF COMMISSIONERS OF FULTON COUNTY

/s/ A. Reginald Eaves  
A. Reginald Eaves, Vice Chairman

/s/ Michael L. Lomax  
Michael L. Lomax, Commissioner

ATTEST:

/s/ Albert E. Johnson  
Albert E. Johnson, Clerk

(9) FULTON COUNTY AIRPORT-BROWN FIELD

Mr. Albert E. Johnson, Clerk, stated he had been advised by the Airport Administrator that the proper designation for the Fulton County Airport should be: Fulton County Airport-Brown Field. At the Special Meeting of June 6, 1979 A.M., Item #3, the Charlie Brown Airport had been renamed Fulton County-Brown Field.