**Board of Zoning Appeals**

**Minutes**

**August 21, 2018**

**Call to Order:** Chairman Andy Porter called the meeting of the Zoning Board of Appeals to order at 6:02 p.m.

**Roll Call:** Those present were Chairman Andy Porter, Vice-Chairman Eric Stallings, Naeem Thobhani, Pastor Michael Clinkscales and secretary Kierra Smith.

Also present was Fredalyn Frasier, Interim Director of Planning, Building and Zoning and Mike Tuttle.

**Approval of Minutes:** Eric Stallings motion to approved minutes of previous meeting and Pastor Michael Clinkscales second the motion. Voting was unanimous.

**New Business:**

**Item 1: Variance request for a proposed church at 4140 Jonesboro Road Suite D-6,**

 The applicant, Greg Bonner and members from the congregation were present at the meeting. The applicant petitions the board to conduct ministries and church services at the above address, although it does not meet the distance requirement for Places of Assembly type businesses. Greg Bonner explains how the dilemma of needing the variance came about, Hope Fellowship Ministries previously moved into a facility in downtown Atlanta, under another church. He comments the building was then sold without their knowledge. The congregation then began to search for a new church home within the city limits of Forest Park. At the time,they met the property owner at 4140 Jonesboro road and spoke with him about renting a suite for the church. Greg Bonner says they went through all of the procedures they were aware of (at the time) to occupy the space; but they did not know a business license was required until approached by the city’s fire marshal.

 Barbara Bell commented that she is a property owner near the location and she has no problem with the petition, she says the proposed ministries will not be bothering her and the members of the church seem like pleasant people.

 Eric Stallings posed a question, In reference to the 500 ft. rule for places of assembly type businesses, is there any verification of the nature of the business that occupies the neighboring suite? Greg Bonner replied, they were inform the business occupying suite D-9 conduct classes in the evening. Fredalyn Frasier commented the business is a church as well.

Pastor Clinkscales asked the applicant if the property owner provided any information concerning the other ministry and the 500 foot distance requirement? Greg Bonner replied no, not at all. Pastor Clinkscales also asked, has he made steps to try and acquire their money back from the property owner. The pastor of the church answered, that the members of the church have already invested into the new location and although they have expressed concerns to the property owner about the unfavorable situation, he decided to make an effort to obtain the variance first.

 Andy Porter posed the question, in the case of an unfavorable ruling, would they be able to get out of their lease with the property owner. The applicant answered that they haven’t spoken with the owner about that option as of yet but ultimately if not approved for the variance they will have to do what is necessary.

 Andy Porter commented, that this is an interesting and hard situation. He empathized with the applicant, yet in the staff report he notes, page (9) paragraph (D), “If such variance is granted in this case numerous previous cases in which the exception is not allowed in, future cases will be called into question and nullify the intent of the ordinance.” He also comments on page (10), the staff recommends the variance be denied.

 Pastor Michael Clinkscales comments that he is sympathic and understands the hardship the applicant is facing yet the board hands are tied.

 Eric Stallings makes a motion to close public discussion and enter into a motion for decision.

 Eric Stallings motion to deny the variance request. Pastor Michael Clinkscales second the motion. Voting was unanimous.

**Other Business:** None.

**Adjournment:** Naeem Thobhani made a motion to adjourn the meeting. Pastor Michael Clinkscales second the motion. Voting was unanimous.