

**A RESOLUTION TO DENY A FENCE VARIANCE REQUEST**

**WHEREAS**, Windrose Southlake Properties, LLC requested a variance to allow an existing chain link fence to remain on the property located at 6635-6651 Lake Drive, Morrow, GA 30260; and

**WHEREAS**, The subject property is zoned General Business (BG), which prohibits chain link fences, but allows for masonry, wrought iron, or cast iron aluminum fences in the BG zoning district along with a landscape plan; and

**WHEREAS**, fence variances are considered where special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district; where literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code; and where special conditions and circumstances do not result from the actions of the applicant. A variance may be granted by the Mayor and Council upon application and where certain conditions exist; and

**WHEREAS**, the special conditions and circumstances that prompted the variance are the result of the actions of the applicant and the subject property is out of compliance with the City Code requirements for fencing prohibited by the Code and currently does not have a permit for the recently installed chain link fence; and

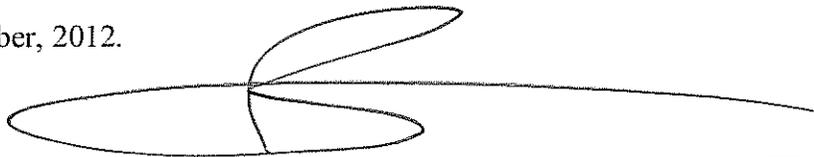
**WHEREAS**, the Planning + Economic Development staff has reviewed and evaluated the request based on the criteria and has recommended denial of the request; and

**WHEREAS**, the Morrow Planning + Zoning Board heard the fence variance on August 21, 2012 where a 2-1 vote to deny the request was made; and

**WHEREAS**, the Mayor and Council of the City of Morrow heard the fence variance request on September 25, 2012 where a unanimous motion and vote to deny the variance request was made.

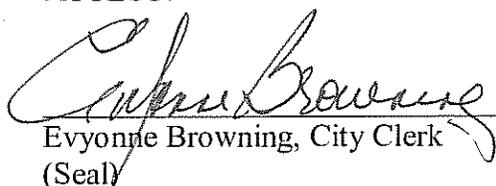
**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Morrow denies the requested fence variance.

Be it Resolved this 9<sup>th</sup> day of October, 2012.



J.B. Burke, Mayor

ATTEST:



Evyonne Browning, City Clerk  
(Seal)

