

SUBJECT:

Appeal of Zoning Manager Decision - Barry and Dawn Scott - 11397 Bells Ferry Road - Business License - Dallas North Lawn Sprinklers, Inc. - (BOC District 3).

MEETING DATE:

May 2, 2023

SUBMITTED BY:

Thomas Trawick

SUGGESTED ACTION:

Consider appeal request of a Zoning Manager decision to reject the Zoning Review of a business license application for property located at 11397 Bells Ferry Road.

FACTS AND ISSUES:

On March 15th, 2023 an Application for Commercial Tax Certificate was submitted (LC20230000226) for review for property located at 11397 Bells Ferry Road, for an irrigation business. On March 22nd, 2023, the Zoning Manager, Thomas Trawick, initially approved the Zoning Review of the commercial business license application, however, this approval was reversed to being rejected on April 6th, 2023 upon further review and prior to issuance of a Business License. The Zoning Manager believes that Dallas North Lawn Sprinklers, Inc. is operating as a sprinkler installer and contractor which would align with an alternative business classification whereas the applicant contests that the correct classification was listed on the application and should be approved by the Planning and Zoning Department.

According to Article 15 – Zoning Board of Appeals, Section 15.14 Powers and Duties, Letter A, Appeals from Actions of Zoning Administrator,

“The Board shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations. Notwithstanding the foregoing powers, the Board shall not be entitled to review the interpretation by the Zoning Administrator of the provisions related to permissive uses within the zoning districts established by this Ordinance, which interpretations shall be appealed to the Board of Commissioners.” Such appeal shall be filed no later than thirty (30) days after the date of notification of the decision from the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all documentation constituting the record upon which the action being appealed was taken. The date of the Zoning Review rejection was April 6th, 2023 and the applicant filed an appeal with the Board of Commissioners on April 20th, 2023.

ATTACHMENTS:

[11397 Bells Ferry Road _ Irrigation License _ 20230414 Final.pdf](#)

[Exhibit1 and Exhibit 1A_Applicant.pdf](#)

[Registration10.4_001.pdf](#)

[Application for OTC 10.4_001.pdf](#)