

# CITY OF STONECREST, GEORGIA

---

## Zoning Board of Appeals Meeting Minutes

### Summary

October 17, 2017, 6:00 P.M.

Stonecrest Library, 3123 Klondike Road, Stonecrest, Georgia 30038, [www.stonecrestga.gov](http://www.stonecrestga.gov)

---

The Board of Zoning Appeals met on Tuesday, October 17, 2017 at 6:16 p.m. in the Stonecrest Library's Auditorium in Stonecrest, Georgia.

I. The meeting was called to order by Community Development Director Mrs. Nicole Dozier.

II. **The Members**

**Present:**

Ms. Erica L. Williams	District 1
Ms. Joyce Walker	District 2
Ms. Sonja Hicks	District 3

**Staff Present:**

Mrs. Nicole Dozier	Community Development Director
Mrs. Macheski-Preston	City Attorney
Mr. Chris Wheeler	City Planner
Mr. Michael Harris	Interim City Manager

**Absent:**

Mr. Swain Watters	District 4
Ms. Louise Ellen Alexander	District 5

A. **Old Business:** There was no old business. This was the First Zoning Board of Appeals (ZBA) meeting and training.

B. **New Business:**

The Honorable Mayor Jason Lary, Sr. was absent and the following agenda items were postponed to the next Zoning Board of Appeals (ZBA) meeting scheduled for Tuesday, November 21, 2017.

1. Administer of Oaths by Mayor
2. Selection of Chairman
3. Selection of Vice Chairman

4. Selection of Secretary
5. Vote to adopt calendar
6. Adoption of Rules and Procedures

The ZBA members to be sworn in were provided a copy of the Oath.

The Community Development Director Mrs. Nicole Dozier welcomed the ZBA members and explained the Agenda's Abridged format. Normally, the Pledged of Allegiance and roll call is the start of the meeting but was omitted for this meeting because this meeting was specifically for training. Per Mrs. Dozier, a script for the Board Chairman to follow will be provided for future meetings.

#### **1. ZBA Training**

Mrs. Dozier explained the appeal process. Mrs. Dozier defined the ZBA members as the decision-makers based on the criteria set by the ordinances. When an applicant disagrees with the decision made by the Community Development Director or City Planner, they can appeal the decision. The applicant and ZBA member have ten (10) minutes each to state and define their case(s). A script will be written and provided to the ZBA members after City Attorney Mrs. Preston modifies the script. The Chairman's job includes introducing staff, ask for silence of cell phones, and call cases.

Ms. Walker asked where the ZBA meetings would be held. Mrs. Dozier replied that the newly constructed courtroom has been built and Stonecrest City Hall is consolidating all meetings to one location. Henceforth, all future meetings will be held once a month at the Stonecrest City Hall, only if there are cases, unless otherwise stated. Saving the City of Stonecrest money and staff travel time to meetings. ZBA Board must agree on the set dates and time.

Mrs. Dozier stated that the ZBA meets on the third Tuesday of each month at 6:00 PM. The next meeting will be held on the 21st of November 2017 at Stonecrest City Hall. Mrs. Dozier instructed the ZBA members to take a good look at the proposed meeting dates and time. ZBA members can recommend other meeting dates and another time to meet. Contact Lillian Lowe with all comments and she will route them to the Community Development Director and the proper parties. Lillian Lowe is the secretary for the ZBA Board and is the main source of contact for ZBA Board needs.

Mrs. Dozier advised the ZBA members that all meetings are open to the public and is subject to the Georgia Open Records Act. Generally, the public can ask and direct questions to the ZBA Board. The space open to the public to address their concerns and questions is in the ordinances.

Mrs. Dozier explained the importance of attending the ZBA trainings to be on the ZBA Board. ZBA members cannot miss more than three-in-a-row meetings, totaling seventy-five (75%). If a ZBA member does not meet the 75% status, member may be subject to dismissal.

Mrs. Dozier announced the upcoming events planned for the City of Stonecrest:

1. November 4, 2017 is the Code Enforcement Community Outreach at Stonecrest Mall from 10 AM – 2 PM. (Keep DeKalb Beautiful, DeKalb Fire Department, and DeKalb Police Department will be there. Learn the duties of Code Enforcement Officers and how citizens can file a complaint.)
2. November 11, 2017 is the Grand Opening of the Stonecrest City Hall.

Ms. Williams asked Mrs. Dozier to confirmed schedules. Mrs. Dozier stated that the ZBA board makes the final decision (yes or no) as the decision makers. Per Mrs. Preston, the applicant's appeal does not go before the City Council. A set of criteria must be used to make decisions. There is a list of criteria that applicants must meet all conditions.

Ms. Walker asked when the ZBA committee meets. Mrs. Dozier stated that the meeting schedule in hand is set for once a month if there are cases. If there are no cases, there will be no meeting.

Mrs. Dozier continued and stated that there are cases you will hear on variances (i.e. 24" setback, hardship, signs, etc.). For an example, "If the Community Development Director Mrs. Dozier hears or reviews the evidence and decides not to approve, and the applicant(s) do not agree with the results, the applicant(s) can appeal to the ZBA."

Table 4.1 presentation of the Zoning Map classifications depicts primary residential (homes, townhomes, condos, duplexes, etc.); accessory/auxiliary units (garages, patio, shed etc.), and commercial, and industrial zoning ordinance of the City of Stonecrest is part of your bible. The map classification codes are broken down into categories, districts, and zoning. If there are any questions, please contact Stonecrest City Planner Mr. Chris Wheeler or Mrs. Nicole Dozier.

The zoning map and zoning classifications means something is different. The zoning map and classifications were adopted directly from DeKalb County, GA. Future modification is planned for the Zoning Ordinances as needed.

Ms. Williams asked if there is something in Brookhaven City we like for Stonecrest to adopt, can we share suggestions. Mrs. Preston answered and told the ZBA Board to pay close attention to the Ethics ordinance and that any discussion with the public must be as an individual citizen. Keep it legal.

Ms. Sonja Hicks stated that Dunwoody City adopted a different plan and that Stonecrest ordinance is out-of-date. Mrs. Preston stated we are aware that there are somethings to be changed.

Mr. Michael Harris, stated that the Code Enforcement regulations, based on the 2016 version, are in place and the goal is to adopt now and go back and identify systematically things to be changed after staff is in place. Mrs. Dozier added that the

City of Stonecrest plan to update the ordinances and a copy will be provided to the ZBA members.

Per Mrs. Preston stated, the ordinance came from DeKalb County's website. There is no index and for now, flip pages to the individual sections.

Ms. Williams asked how does this collaborate to HOAs and building a storage shed, is a permit needed? Mrs. Dozier replied that Stonecrest do not enforced covenant but, enforce codes set in the zoning ordinances.

Mrs. Nicole Dozier concluded the discussion related to the ZBA members' roles and turned the meeting over to Attorney Mrs. Preston to speak on legal matters and conditions that are deemed acceptable or unacceptable conditions.

Mrs. Preston stated that:

1. Stonecrest training is very important.
2. The ZBA Board acts as the judge on behalf of the City of Stonecrest.
3. ZBA Board is responsible to weigh evidence with standards set by the ordinances. Look at the second tab, standards. Requires the decorum of three members in agreement or the appeal will be denied. Every voter must agree.
4. Members should not communicate outside
5. The ZBA Board is treated a little different from the City Council in that the ZBA is subject to open records act. Therefore, the following holds true for each ZBA member:
  - A. ZBA members should not communicate on the case(s) outside the meeting(s). They were told that to not text and all emails received and sent must be forwarded to all members of the ZBA Board. If the City of Stonecrest were to get sued, the records (emails) will be available for backup and court proceedings.
  - B. ZBA members should not meet with applicants or attorney outside of scheduled meetings.

City Planner Chris Wheeler recommends there be a Stonecrest email setup for everyone.

- C. Emails are subject to Open Records. Use the City's email address being setup for ZBA members. Per Mrs. Dozier, Lillian Lowe will monitor the emails and she will forward emails to all members.

Ms. Walker asked, "How does the public know who we are?" Mrs. Dozier responded that they go to the website and seek you out. Keep everything transparent.

Mrs. Dozier added that the staff will be provided a Staff Report. The Staff Report will state that conditions were or were not met. The ZBA Board will make decision based on the Staff Report.

Ms. Hicks asked, "What does the staff report suggest?"

Mrs. Preston stated that there are rules and procedures to follow. If clarification is needed ask her or Mrs. Dozier. There will be a script.

Mrs. Dozier informed the ZBA members that they were currently being recorded during the meeting. All meetings will be recorded. The ZBA Board members commented, "That's a lot of work!"

6. The ZBA Board were advised that witnesses can cross-examine the ZBA Board. Just like being in court. The rules require applicants to submit evidence in advance of the meetings.
7. Mrs. Preston asked the ZBA members to turn to Page 3, terms of ZBA members. Says to serve 2 years.
8. The Cheat Sheet is easy reference and will walk ZBA members through the processes. This is what you do:
  - A. Variances define as an exception to the rule and not granted all the time. ZBA Board will make the decision to approve, disapproval, or deny an appeal. The applicant can withdraw the appeal.
  - B. Burden of proof by the applicant, see page 4, they need 1, 2, 3, or 5. This is filled this out on applicant's application. ZBA members will hear comments from the applicant and audience. You are acting as a Judge but, you have deciding factors (i.e. applicant may need to install a fence, wall, shrubs, etc.).
9. Ms. Walker asked if this have been done at Stonecrest City Hall. No replied Mrs. Dozier and Mrs. Preston, this is the first meeting with the ZBA members.
10. Somethings the ZBA cannot do:
  - A. Not allow contact for home occupation
  - B. Not increase lot size

Mrs. Dozier instructed the ZBA Board to read over and become familiar with the handouts and ask questions. Also, it is okay to ask Mrs. Preston questions. Mrs. Preston will be at every meeting if not, an attorney will be present at all ZBA meetings.

Ms. Williams stated that the Sport Center is coming to the City of Stonecrest, will they come before the ZBA Board. Mrs. Dozier answered that they might come before the ZBA Board, Stonecrest have not seen plans or drawings. Per the City Planner, if there is a setback they will need to present to the ZBA. Per Mrs., keep in mind the Stonecrest overlay. Mrs. Dozier stated that some locations do not allow overlay.

11. Mrs. Preston presented an overview of the following Articles that will help the ZBA Board as the City of Stonecrest moves forward:

- A. Article 2 and 4 Tells you what to do; have supplemental
- B. Article 5 Site Development (houses)
- C. Article 6 Parking (commercial)
- D. Article 7 Administrative (were reviewed tonight)
- E. Article 8 Grandfather
- F. Article 9 Definitions

12. Mrs. Preston instructed the ZBA members that the ability to post conditions correctly by reading a script– be very careful to make it part of your motion.

13. The secretary must repeat the motion (verbatim) back to the ZBA Board.

Ms. Williams asked, “Does the ZBA Board vote with show of hand? Mrs. Preston replied, “No.” Paper vote.

Mrs. Preston stated that:

- A. The criteria for sign ordinance (Chapter 21) states that one cannot change the size or height of a banner.
- B. Fair housing act requires to see the variances according to their disability.
- C. The appeal procedure must show error or erroneous (i.e. pawn shop) information. Beware that a lot of valuable time can be spent on arguing over interpretation.

Ms. Walker stated that the time for meetings could be a factor, can be lengthy at time.

Mrs. Preston stated that the number of applicants is limited to ten (10) applicants per meeting. Information will be provided to the ZBA Board before the upcoming meeting, one (1) week in advance to review. Email staff with questions. Stonecrest will receive the questions from the applicant(s) and the information will be sent to every ZBA members. The response from the ZBA Board will be sent to every ZBA member.

Mr. Wheeler advised the ZBA Board to discuss before and prior to the next meeting.

Mrs. Dozier advised the ZBA members that they are qualified to vote but, the absent members must be trained before they can vote. They cannot make any decision. ZBA Board members Ms. Hicks, Ms. Williams, and Ms. Walker are ahead with their training and are on the same page. The absent ZBA Board members were sent the same information and invite to attend trainings and meetings. We cannot back training because we do not have the time. We will try to go over what we can. We will reach out to them. More training is scheduled for next year.

Ms. Williams asked if the absent members do not show up, will they be replaced? Mrs. Dozier stated that all things will work out.

The ZBA Board was invited by Dozier to attend the City Council meetings. Lillian Lowe will send out the City Council meeting schedule. Mrs. Preston told the ZBA Board to look at the Rules and

Procedures and that they can meet and discuss the rules two at a time. If more than two members meets, it becomes a public meeting and a legal notice would need to be posted.

**ADJOURMENT:**

It was moved by Mrs. Dozier and seconded by Mrs. Preston to adjourn. The motion was carried unanimously to adjourn the meeting at 7:16 PM.

Approved: Erica Williams  
Chairman  
March 20, 2018  
Date