



ZONING BOARD OF APPEALS MEETING MINUTES

Stonecrest City Hall - 6:30 PM

In-Person Meeting

January 16, 2024

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

I. Call to Order

Chairperson Michael Armstrong called the meeting to order 6:51PM. There was a moment of silence for the (District 2) ZBA member Ms. Gwendolyn Green who passed away in October 2023.

II. Roll Call

Chairperson Michael Armstrong (District 4) called the roll. Ms. Kelly Ross (District 1), Ms. Sonja Hicks (District 3) and Mr. Shedrick Harris (District 5) were in attendance, establishing a quorum. Senior Planner – Tre'Jon Singletary, Planner - Felleshia Blair and Zoning Administrative Technician - Abeykoon Abeykoon were present. Attorney Alicia Thompson was in attendance.

III. Approval of the Agenda

Chairperson Michael Armstrong made an amendment to the agenda dated January 16, 2024, and add the election for ZBA members to the agenda. Mr. Shedrick Harris (District 5) motioned to approve and Ms. Kelly Ross (District 1) second the motion. The motion was unanimously **APPROVED. 4-0-0**

- Election for the roll of Chair; Michael Armstrong (District 4) was unanimously appointed as Chair.
- Election for the role of Vice Chair; Ms. Sonja Hicks (District 3) was unanimously appointed as Vice Chair.
- Election for the role of Secretary Ms. Kelly Ross (District 1) was unanimously appointed as Interim Secretary.

IV. Minutes:

Commissioner Michael Armstrong called for a motion for the ZBA Meeting Minutes dated **September 19, 2024**, was called for a motion. Shedrick Harris (District 5) made the motion to approve, Commissioner Sonja Hicks (District 3) seconded the motion. The motion was unanimously **APPROVED. 4-0-0.**

V. Announcement:

Senior Planner - Tre'Jon Singletary announced that the city is in the process of updating the comprehensive plan for the city of Stonecrest. The public is encouraged to attend public meetings and participate. Additional details of the public meeting dates are also listed on the city's website.

Zoning Board of Appeals Secretary Ms. Kelly Ross (District 1) presented the rules of engagement.

VI. Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary

VII. Old Business:

LAND USE PETITION:	V23-006
PETITIONER:	Naureen Lalani of Atai Construction
LOCATION:	2799 Evans Mill Road
OVERLAY DISTRICT:	Stonecrest Tier 2
PROPOSED AMENDMENT:	Applicant is seeking a second variance to encroach into a stream buffer for the construction of a new gas station and convenience store.

The applicant requested a deferral and based on the request; Chairperson Michael Armstrong (District 4) called for a motion to defer the case to the next zoning board appeals meeting. Mr. Shedrick Harris (District 5) made the motion to defer case V23-006 and Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED. 4-0-0**

The public wanted to make comments. Chairperson Michael Armstrong (District 4) called for a motion to open the public hearing. Ms. Kelly Ross (District 1) made the motion to open the public hearing for V23-006. Ms. Sonja Hicks (District 3) seconded the motion. The motion was unanimously **APPROVED.**

Ms. Faye Coffield (3261 Chaparral way) states that she is deeply concerned about this piece of property, getting a gas station. There is no need for a gas station at that location. There are several gas stations such as Chevron, Shell, BP and Texico located nearby. Directly across from this property there is an Auto Zone.

This location does not meet the guidelines needed to be a gas station and that is why the applicant is requesting a variance. He stated that there are plenty of locations where they can locate a gas station.

Conner Johnson (2888 Evans Mill Road) states that his property is across from the subject location and his property is zoned for a gas station by DeKalb County. He mentions the possibility of loss the value of his property if the subject case was denied. The decision on the subject matter will impact on his financial future. Regarding this petition he is speaking in a neutral manner.

Chairperson Michael Armstrong (District 4) called for a motion to close the public hearing. Ms. Kelly Ross (District 1) motioned to open the public hearing and Shedrick Harris (District 5) seconded the motion. The motion was unanimously **APPROVED.**

Senior Planner - Tre'Jon Singletary made a clarified that this gas station (request) is currently existing and not a new construction. The applicant is requesting a variance to encroach into the stream buffer.

VIII. New Business

LAND USE PETITION: V 23-007

PETITIONER: Diva Thomas

LOCATION: 3654 Salem Drive

PROPOSED AMENDMENT: The applicant is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

A review of the applicant requests to seek a variance to encroach into a stream buffer for the construction of an attached garage to an existing home was presented. The proposed two car garage will not exceed 529 sq.ft. The state of Georgia requires 25-foot buffer be maintained between the edge of a stream and any new development. Dekalb County requires an additional 50 feet of buffer for a total of 75 feet.

Staff recommended DENIAL due to the applicant creating an unnecessary hardship, as there is space where the current garage can be constructed or renovate the existing garage area.

Chairperson Michael Armstrong (District 4) called for a motion to open the public hearing. Shedrick Harris (District 5) made the motion to open the public hearing for V23-007 and Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED**.

Applicant Diva Thomas (3654 Salem Drive) presented her case for the variance request.

Shedrick Harris (District 5) asked for an explanation from the applicant regarding the proposed development and the location of the body of water. Ms. Thomas explained that the body of water is further back and dips down. The existing porch area goes beyond the stream buffer boundary. Ms. Thomas also mentioned that the porch is not up to code because it was constructed in the 1970s. The proposed development does not go up to 25 feet or 50 feet to the steam buffer. It only encroaches no more than 10 feet.

Ms. Sonja Hicks (District 3); asked the city attorney about the legal nonconforming status that applicant's possibility of grandfathering and Attorney Alicia Thompson requested staff clarification on this matter.

Senior Planner - Tre'Jon Singletary states that grandfathering is not applicable for expansion and renovation outside of the current site footprint of the dwelling. If the applicant proposes an additional structure, it eliminates the grandfathering status. Planner - Felleshia Blair: stated that grandfathering does not allow to intensify or replace a (non-compliant) structure. The existing encroachment is an open deck and proposed structure is a full garage with closed walls.

Applicant Diva Thomas (3654 Salem Drive); question the status of surrounding neighbors who encroached stream buffer and engage with similar structural developments.

Senior Planner - Tre'Jon Singletary states that if neighbors are encroaching into the existing stream buffer without having a proper permit is not appropriate.

Ms. Kelly Ross (District 1) asks for other opportunities that applicant could locate the proposed development and Stream Buffers and encroachments shown on the site plan. Senior Planner - Tre'Jon Singletary showed the site plan on the screen for review.

Chairperson Armstrong asked those in support to speak. There were none.
Chairperson Hubbard asked those in opposition to speak. There were none.
Chairperson Michael Armstrong asked for a motion to close the public hearing. Mr. Shedrick Harris (District 5) made a motion to close the public hearing. Ms. Kelly Ross (District 1) seconded the motion. The vote was unanimously **APPROVED. 4-0-0**

Chairperson Michael Armstrong asked for a discussion.

Ms. Kelly Ross (District 1) and Mr. Shedrick Harris (District 5) referred to the enhanced site plan for clarity with the explanation from Senior Planner - Tre'Jon Singletary. He referred to the location of the existing stream buffer, existing structures on the buffer area and proposed structures encroachments.

Planner - Felleshia Blair stated that the proposed encroachment will be located 5 feet away from 50 feet stream buffer line.

Shedrick Harris (District 5) asked the difference between ditch and a stream.

Senior Planner - Tre'Jon Singletary stated that if a body of water is represented in city GIS map (city water), it may require a 75 feet buffer. The engineering team of the city also reviewed proposed development prior to this meeting.

Chairperson Armstrong asked the condition of the water body during a storm conditions.

Senior Planner - Tre'Jon Singletary stated that staff requires an authorization to enter private property. If this case differs, staff will be able to do further investigations if necessary.

Shedrick Harris (District 5) proposed to staff to conduct a site analysis during a storm condition to understand the status of the water (body) and impact.

Ms. Kelly Ross (District 1) asked the timeline for completion of this project if the petition was approved. She stated that it will be completed within the year (2024).

Chairperson Michael Armstrong asked for a motion. Mr. Shedrick Harris (District 5) made the motion to DEFFER PETITION V23-007 until obtaining further investigation and analysis by staff. Ms. Kelly Ross (District 1) seconded the motion. The petition V23-007 was unanimously **DEFFERED. 4-0-0**

LAND USE PETITION: V 23-008
PETITIONER: Danielle Sheridan of Interplan, LLC
LOCATION: 985 Turner Hill Road OVERLAY DISTRICT: Stonecrest Tier 1
PROPOSED AMENDMENT: Applicant is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-fil-A.

Staff recommend a deferral to this petition due to additional concerns and applicants' requirements.
Chairperson Michael Armstrong asked any questions on this petition. There were none.

Chairperson Michael Armstrong asked for a motion. Ms. Kelly Ross (District 1) made the motion to accept the **DEFFERAL** for petition V23-008. Mr. Shedrick Harris (District 5) seconded the motion. The petition for V 23-008 was unanimously **DEFFERED. 4-0-0**

- I. **Public Comments:** Staff did not receive any public general comments to be read.
- II. **Adjournment:** Ms. Sonja Hicks (District 3) made the motion to adjourn the meeting. Mr. Shedrick Harris (District 5) seconded the motion. The vote was carried **UNANIMOUSLY 4-0-0** to adjourn the meeting at 7.48 PM.

Visit the following link to view the meeting: [ZBA Meeting 01-16-2023](#).

Submitted by: Abeykoon Abeykoon

APPROVED:

Michael D. Armstrong
Chairperson

3/19/24
Date

ATTEST:

Abeykoon R. Abeykoon
Secretary

03/19/24
Date

