

# ZONING BOARD OF APPEALS (ZBA) MEETING MINUTES

Stonecrest City Hall - 6:30 PM

*In-Person Meeting*

**March 19, 2024**



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## **I. Call to Order**

Chairperson Michael Armstrong called the meeting to order 6: 37 p.m.

## **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. Planning & Zoning Director - Shawanna Qawiy, Senior Planner – Tre'Jon Singletary, Planner - Felleshia Blair, Planning Administrative Technician – Cobi Brown and Zoning Administrative Technician - Abeykoon Abeykoon were present.

## **III. Approval of the Agenda**

Chairperson Michael Armstrong called for a motion for the ZBA Meeting agenda dated March 19, 2024. Ms. Kelly Ross (District 1) made the motion to approve. Ms. Sonja Hicks (District 3) seconded the motion. The motion was unanimously **APPROVED. 4-0-0**

## **IV. Minutes:**

Chairperson Michael Armstrong called for a motion for the ZBA Meeting Minutes dated January 16, 2024. Mr. Shedrick Harris (District 5) made the motion to approve. Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED. 4-0-0**.

**V. Presentations:** The cases were presented by Senior Planner - Tre'Jon Singletary.

## **VI. 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 to withdraw the petition and staff recommend accepting the withdrawal per the request. Chairperson Michael Armstrong (District 4) called for a motion to accept the withdrawal. Mr. Shedrick Harris (District 5) made the motion to accept the withdrawal of case V23-006 and Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED. 4-0-0**

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.

A public hearing meeting discussing this case was on January 16, 2024. The Planning Commission recommended that staff conduct a staff site inspection during inclement weather. Staff reported that the site inspection took place as requested.

Staff recommended DENIAL due to applicant requests did not meet the city ordinance chapter 14, sections 14-543 and 14-544.

Ms. Kelly Ross (District 1) and Ms. Sonja Hicks (District 3) inquired about the site conditions and weather conditions during the staff inspection.

Planner - Blair explained her findings after the site inspection.

Chairperson Armstrong asked about the possibility of conditional approval.

Planner - Blair status that conditions that possibly determined might be contrast with applicants' interest.

Applicant Diva Thomas (3654 Salem Drive) presented her concerns for the variance request and presented a document named, "Reevaluation of Zoning Board of Appeals Meeting Variance Application for Property in DeKalb County – Insights and justifications (03/19/2024)" to the ZOA Board.

Director -Qawiy explained the nature of the variance, legal nonconformity, and accessory structures.

Chairperson Michael Armstrong called for a motion. Mr. Shedrick Harris (District 5) made the motion to follow the staff recommendation and DENIED petition V23-007. Ms. Kelly Ross (District 1) seconded the motion and afterwards withdrew the second. The motion failed.

Ms. Kelly Ross (District 1) made the motion to APPROVE the petition V23-007. There was not a second to the motion and as a result the motion failed.

Director – Qawiy explained the stream buffer procedure and exemptions of steam buffers described in city ordinance chapter 14 and how the applicants request was not within the mentioned exemptions.

Ms. Sonja Hicks (District 3) requested to revisit the motions. Chairperson Armstrong recalled the first motion. Mr. Shedrick Harris (District 5) made the motion to DENY the petition V23-007. Ms. Sonja Hicks (District 3) seconded the motion. The petition V23-007 was **DENIED. 3-1-0.**

- I. Public Comments: Staff did not receive any general public comments to be read.
- II. Adjournment: Ms. Sonja Hicks (District 3) made the motion to adjourn the meeting. Ms. Kelly Ross (District 1) seconded the motion. The vote was **APPROVED** unanimously 4-0-0 to adjourn the meeting at 7:12 p.m.

Visit the following link to view the meeting: [ZBA 6:30 PM 03 19 2024 \(youtube.com\)](https://www.youtube.com/watch?v=ZBA6:30PM03192024)

*Respectfully Submitted by: Abeykoon Abeykoon*

APPROVED:

*S Hicks* \_\_\_\_\_ *2/18/25* \_\_\_\_\_  
Chairperson Date

ATTEST:

*Abeykoon Abeykoon* \_\_\_\_\_ *02/18/2025* \_\_\_\_\_  
Secretary Date