

## ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:30 PM \*Spoke-in-Person Meeting

November 15, 2022



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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).

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### I. Call to Order

Commissioner Michael Armstrong called the meeting to order at 6:37 PM.

### II. Roll Call

Chairman Michael Armstrong (District 4) called the roll. Ms. Kelly Ross (District 1), Ms. Gwendolyn Green (District 2), Mr. Shedrick Harris (District 5) was present. Ms. Sonja Hicks (District 3) was absent. There was a quorum.

The Planning & Zoning Director, Ray White and Planner, Keirston McMillan were present. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

### III. Approval of the Agenda Need: Agenda not approved

### IV. Minutes:

Commissioner Michael Armstrong called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated **August 1, 2022** was called for a motion to approve the Zoning Boards of Appeals Meeting Minutes Summary dated **August 1, 2022**. Gwendolyn Green (District 2) motioned to **APPROVE**. Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED**.

### V. Presentations: Upcoming Cases Presented by Ms. Keirston McMillan, Planner

- **V-22-003** - The property is located at 2418 Panola Road to increase the sign height and sign area.
- **V-22-004** - The property is located at 2799 Evans Mills Road for a stream buffer for the construction of a new gas station and convenience store.
- **V-22-006** - The property is located at 4460 Panola Road to restore the eroded portions of the stream bank and stabilize the embankment.

### VI. Old Business: None

### VII. New Business: Variance of Sign and Stream Buffer

LAND USE PETITION: V-22-003  
PETITIONER: REGINALD MATTISON ON BEHALF OF NIGERIAN  
SEVENTH DAY ADVENTIST  
CHURCH  
LOCATION: 2418 PANOLA ROAD  
CURRENT ZONING: R-100 (RESIDENTIAL MEDIUM LOT)  
PROPOSED DEVELOPMENT: TO INCREASE THE SIGN HEIGHT AND SIGN AREA

*Keirston McMillan* presented V-22-003- "The property is located at 2418 Panola Road height and sign area. The current zoning is R-100, residential medium lot with a parcel size of a little bit more or less of 2.6 acreage. The property owner is Mr. Ray Hartwell and the applicant is Mr. Reginald Madison. The staff recommendation is to approve it with a few conditions. The request here is to increase the sign height from six feet to eight feet nine inches and to increase the sign phase area from 32 square feet to 33.6 square footage. The current usage of this property is a place of worship known as the Nigerian Seventh Day Adventist Church. This two-story brick and frame church building sits on parcel 16.057.03.002. It was built in 1976 in unincorporated DeKalb County. The church is located at the corner of Panola Road and Miller Grove Road. There's a wooden post on the corner that appears to be worn, damaged and it needs a bit of repair. Existing Conditions. The current sign is a wooden post that appears worn and damaged and needs to be repaired. The current sign will be demolished and replaced. The height of the sign is 10 ft. The applicant is proposing to increase the height to 8' 9". The applicant is proposing to increase the sign area from 32 sq ft to 33.6 sq ft."

"In support of this recommendation to approve it, we have a few code requirements that state that all monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height. This is why the applicant is bringing this before the board. The board should be mindful and consider that this new sign is going to be more aesthetically appealing. We want to give the applicant the opportunity to just make some repairs so that it's more appealing to the eyesight for drivers going near the property can have something that's more legible and appealing. Does this grant variance really confer to the applicant? Would there be any significant privileges? No, there won't be any favoritism, meaning everything surrounding local merchants nearby, existing businesses and new businesses will all have to comply to the same code if we meet the adjustment. Everything complies with the code. Staff have considered it to be a benefit to the community and property. We now ask what your next steps is and would you guys support staff recommendation to approve."



### **VARIANCE CONSIDERATIONS**

Following are the specific considerations listed in Sec 21-79 of the Stonecrest Sign Ordinance that must be considered by the Board of Zoning Appeals in order to grant a variance. These considerations include:

- (1) **Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;**

The new sign will be more aesthetically appealing and will be built in alignment with today's standards.

- (2) **Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;**

No, the applicant will be shown no favoritism. All applicants are measured across the board using the same vetting process.

- (3) **The exceptional circumstances are not the result of action by the applicant;**

By implementing this variance, the property's aesthetic appeal and the viewability of the text on the sign are enhanced.

- (4) **The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;**

There is no need for any additional variances to make the necessary change.

- (5) **Granting of the variance would not violate more than one standard of this chapter;**

The variance does not violate any standards of this chapter.

**Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.**

The variance would not interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.



*Chairman Armstrong* asked was the applicant present. The applicant was present.

*Chairman Armstrong* asked those in **support** to speak.

**Those in support:**

*Spoke-in-person:* Ms. Kelly Ross (District 1) asked did the Nigerian Seventh-Day Adventist Church have any other long-term beautification projects.

*Spoke-in-person:* Applicant, Reginald Madison came forward and spoke on behalf of the Nigerian Seventh-day Adventist Church stated that the sign was the first step in beautification when trying to create a curb appeal to beautify the community.

*Spoke-in-person:* Gwendolyn Green (District 2) asked Mr. Madison will he be the only person creating the signage.

*Spoke-in-person:* Applicant, Reginald Madison came forward and spoke on behalf of the Nigerian Seventh-day Adventist Church stated that he was not going to build the sign but will install it.

*Spoke-in-person:* Gwendolyn Green (District 2) asked was there anyone from the church body present and what was the anticipated time frame for the sign.

*Spoke-in-person:* A gentleman that stood next to Mr. Madison stated that he anticipates for the sign to be put up as soon as possible.

*Chairman Armstrong* asked those in **opposition** to speak. There were none.

Chairman Michael Armstrong asked for a motion. Mr. Shedrick Harris (District 5) motioned to **APPROVE PETITION V-22-003 WITH STAFF RECOMMENDATIONS**. Ms. Gwendolyn Green (District 2) seconded the motion. The vote was **unanimously APPROVED**.

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LAND USE PETITION:	<b>V-22-004</b>
PETITIONER:	NAUREEN LALANI WITH ATAI CONSTRUCTION
LOCATION:	2799 EVANS MILL ROAD
CURRENT ZONING:	C-1 AND STONECREST OVERLAY DISTRICT TIER 2
PROPOSED DEVELOPMENT:	TO ENCROACH 902 SF (3%) INTO THE STREAM BUFFER FOR THE CONSTRUCTION OF A NEW GAS STATION AND CONVENIENCE STORE.

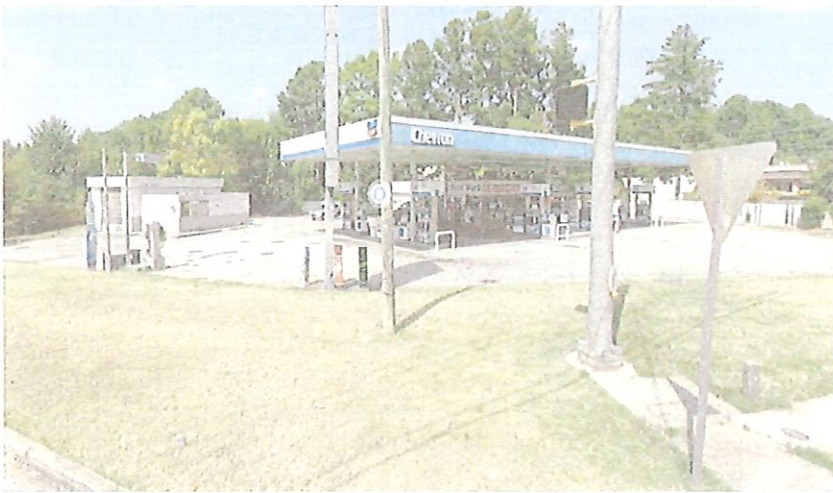
*Keirston McMillan* presented **V-22-004** – “The property is located at 2799 Evans Mill Road. The current zoning for this property is C-1 - Local Commercial and Stonecrest Overlay District Tier 2. We’re looking at about more or less 1.1 acreage. The property owners are by SRN PROPERTIES LLC. The applicant is Ms. Naureen Lalani with Atai Construction. Staff recommends approval to encroach about 902 902 SF (3%) into the stream buffer for the construction of a new gas station and convenience store. As of now, this is a commercial property and a gas station known as Chevron. This property sits in the corner of Hillandale Drive and Evans Mills Road.”

### Existing Conditions

According to the engineers of Woodruff Design Associates, in addition to mitigating water quality and landscaping that do not currently exist on the site, the proposed improvements will design for stream bank protection that does not currently exist either and will allow for discharge mitigation that is not in place.

Ms. McMillan stated, "The applicant is going to demolish the existing gas station and rebuild. Staff recommend approving this proposed improvement and believe it's going to benefit the area and improve the site in the surrounding areas. It will not cause excessive or burdensome use of the existing infrastructure."

The pictures listed below show multiple images of what we are looking at to rebuild and make changes to.



“To support staff’s recommendation of approval, I have a few codes that supports what’s already in place with our comprehensive plan.”

**APPLICABLE CODE REQUIREMENTS**

**Land Development (Chapter 14)**

**Article 7 – Stream Buffer**

a. Sec. 14-543. - Minimum stream buffer requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 14-544.
- (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Piping of streams is not allowed in required stream buffers unless a variance is granted

**City of Stonecrest Zoning Ordinance (Chapter 27):**

**Article 2 - District Regulations**

a. Division 24 – Non-Residential Zoning Districts

Dimensional Requirements, Section 2.24.1, Table 2.24 which establishes the overall site requirements and lot coverage dimensions for C-1

- Lot area (min. square feet) 20,000
- Lot width, street frontage (feet) 100
- Lot coverage (maximum percentage) TC/RC: 90  
All other: 80
- Height (maximum without a special land use permit (SLUP))\*\* 2 story/35 feet

b. Division 26 – C-1 (Local Commercial) District:

Section 2.26.4 – Site and Building Design Standards

**Article 3 - Overlay District Regulations**

a. Division 5 – Stonecrest Area Overlay District

“The proposed changes in existing conditions and any other changes have been communicated with the staff. Granting of this variance would not go beyond the minimum necessary requirements for relief and it does not constitute granting special privilege which is inconsistent with the limitations upon other properties and the same zone district. Meaning, what goes on here will also apply to any others based on what they are proposing as well. As the code reads to date, the applicable provisions would cause undue hardship. Meaning, we have realized that the further review that actual proves this variance would help rather than hurt. This proposed project is necessary as it will result in the restoration or enhancement of the water and aquatic quality, which will actually improve those things. At the review on our Stonecrest Comprehensive plan, it is in support of that as well and will also approve it if the board agrees to those conditions.”



*Chairman Armstrong* asked was the applicant present. The applicant was present.

*Spoke-in-person:* Ms. Kathleen Woodruff, a registered engineer, came forward and spoke on behalf of the owner and construction manager stated they are proposing to renovate a non-conforming lot, which is an existing gas station currently with a carwash that is already encroach into the buffers. Ms. Woodruff stated, "We are trying to make it a legal lot so that we can continue with our proposal to improve it. We will landscape per the Overlay District requirements that are currently in place. We will provide water quality, water quantity mitigation, fully renovate the building and canopy. We are not worried about any environmental conditions and do not need to move the storage tanks. We have no need to come into the 25-foot state buffer. We are really trying to bring a non-conforming lot into the legal stance since Stonecrest has incorporated and these ordinances have been put in place as this lot was developed long before that. We are reducing the encroachment within the 50-foot buffer and renovating that building. The way it corners off, creates a small encroachment that is very small but still necessary to get a variance approved.

*Chairman Armstrong* asked the ZBA Board did they have any questions for the applicant.

*Ms. Kelly Ross* (District 1) asked the time frame for the proposed development.

*Spoke-in-person:* Ms. Kathleen Woodruff stated they are ready to go and the contract is already in place. She also stated that she has been working with Deputy Director Keedra Jackson and staff regarding site plan and construction document submittals.

*Mr. Shedrick Harris* (District 5) asked did they plan to remove the carwash. Ms. Kathleen Woodruff replied, "right."

*Ms. Gwendolyn Green* (District 2) asked will the gas station remain at the location and will the company still be operated by the Chevron company.

*Spoke-in-person:* Ms. Kathleen Woodruff stated it will still be a gas station with a convenience store but they will be removing the car wash so they can extend the convenience store portion.

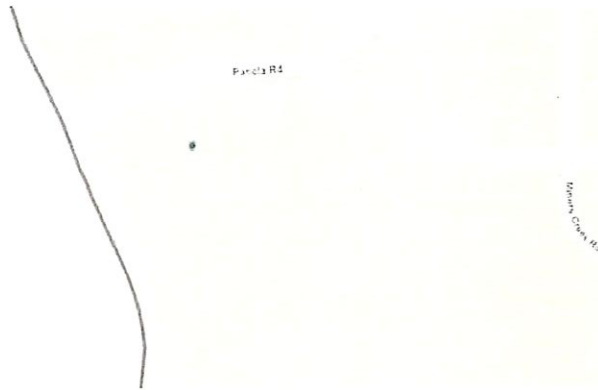
*Chairman Armstrong* asked those in **opposition** to speak. There were none.

Chairman Michael Armstrong asked for a motion. Ms. Kelly Ross (District 1) motioned to **APPROVE PETITION V-22-004 WITH STAFF RECOMMENDATIONS**. Mr. Shedrick Harris (District 5) seconded the motion. The vote was **unanimously APPROVED**.



LAND USE PETITION:	<b>V-22-006</b>
PETITIONER:	CORPORATE ENVIRONMENT RISK MANAGEMENT
LOCATION:	4460 PANOLA ROAD
CURRENT ZONING:	R-100 AND ARABIAN MOUNTAIN OVERLAY
PROPOSED DEVELOPMENT:	TO RESTORE THE ERODED PORTIONS OF THE STREAM BANK AND STABILIZE THE EMBANKMENT.

*Keirston McMillan* presented V-22-006 – “The property is located at 4460 Panola Road. This particular zone is R-100 residential medium lot. The Arabian Mountain Overlay. The parcel size is about 80.79 acreage and the property owner is the City of Stonecrest Georgia. We will be partnering with the applicant, CERN, which is a corporate environmental risk management team. Staff recommends approving this petition with a few conditions because the applicant is seeking to restore the eroded portions of the stream bank and to stabilize the embankment by encroaching 25 to 50 inches onto the stream bank. The site is served on the south river stream bank at Panola Shoals trailhead. It is located near the southeast corner of the north intersection of Panola Road and SnapFinger Road in DeKalb County. “



“Sections of the screen embankment have eroded over time and they continue to do so with each major rainfall. Staff believe that it is important and very critical that we get a hold on this now as it continues to erode because there is a park nearby, which may cause further complications if we do not approve or move further with this project.”





### APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 14 – Land Development):

*Article 4 – Floodplain Management*

a. *Division 2 – Definitions*

Section 14-409 – Methods of reducing flood losses:

(a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or flood heights or velocities.

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

### VARIANCE CONSIDERATIONS

Following are the specific considerations listed in Sec 14-441: Nature of Variance of the Stonecrest Variance Procedure regarding land development and floodplain management. These considerations include:

(a) The variance criteria set forth in this division are based on the general principle of law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the owner or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(b) It is the duty of the Mayor and City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of ensuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 2018-06-03, § 14-441, 6-3-2018)

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*Chairman Armstrong* asked the applicant to come forward.

*Spoke-in-person:* Applicant, Ishmael Lee, project engineer, came forward on behalf of the Sr. Engineer, Yasmin Moreno. Mr. Lee stated, "We are trying to store the integrity of the stream that have had some erosion over the years. This is an erosion control project putting in retaining walls, ready rock and stone. The buffer variance is a temporary variance during the intermediate stages of construction and the variance will be completely restored at completion of the construction. This is actually portions of the erosion control, the retaining wall parts of our ready rock retaining wall and the stone that is going to be encroaching there."

*Chairman Armstrong* asked the ZBA Board did they have any questions for the applicant.

*Ms. Gwendolyn Green* (District 2) asked will the encroachment be temporary and environmentally sound.

*Spoke-in-person:* Applicant, Ishmael Lee stated that the temporary encroachment was really for the mobility of the contractor to construct the retaining wall and it will be environmentally sound.

*Mr. Shedrick Harris* (District 5) asked was the erosion caused by the state park, which is adjacent to the other side of the river or was it caused by the rain.

*Spoke-in-person:* Applicant, Ishmael Lee stated, "It would be caused by the river itself. As the river swells over time, it just washes away the bank, depending on what kind of soil is there. Sometimes you can have like partial or a complete collapse of the bank and that's what kind of happens over time."

*Mr. Shedrick Harris* (District 5) stated, "Is it the state's responsibility to take care of the erosion because most of the erosion is coming from the rainwater as well as running down off of the State Park."

*Spoke-in-person:* Applicant, Ishmael Lee stated, "I can't speak to whose responsibility it is but I know from our research it's mostly the stream going through there causing the erosion."

*Ms. Kelly Ross* (District 1) asked the time frame for the erosion solution to become successful.

*Spoke-in-person:* Applicant, Ishmael Lee stated "It is a long-term solution but I can't give you an exact number on the life cycle. It will be immediately effective when the construction is complete."

*Ms. Kelly Ross* (District 1) stated, "Is there any projection around how often it needs to have maintenance or anything."

*Spoke-in-person:* Applicant, Ishmael Lee stated, "I cannot give you an exact number. It would not need maintenance but mostly cutting the grass. It's a retaining wall and in some places there are multiple levels just keeping the grass and weeds maintained."

*Ms. Gwendolyn Green* (District 2) asked how would the flood plain impact the potential flooding.



*Spoke-in-person:* Applicant, Ishmael Lee stated, "The erosion is caused as the stream swells and it pulls sediment away from the bank. We're basically putting a wall there, which will act as a dam to protect the bank on the sediment."

Mr. *Shedrick Harris* (District 5) wanted to know does Pole Creek run through that particular river. Mr. Lee replied, "I'm not sure."

Chairman *Armstrong* opened motion for public hearing.

Chairman *Armstrong* asked those in **support** to speak. There were none.

Chairman *Armstrong* asked those in **opposition** to speak. There were none.

Chairman *Armstrong* closed the public hearing before going into discussion.

Commissioner Michael Armstrong asked for a motion. Ms. Gwendolyn Green (District 2) motioned to **APPROVE PETITION V-22-006 WITH STAFF RECOMMENDATIONS**. Ross seconded the motion. The vote was **unanimously APPROVED**.

I. **Public Comments:** The Secretary Keirston McMillan did not receive any public general comments to be read.

II. **Adjournment**

The vote was carried unanimously to adjourn the meeting at 7:17 PM. Ms. Gwendolyn Green (District 2) motioned to adjourn the meeting. Mr. Shedrick Harris (District 5) seconded the motion.

Visit the following link to view the meeting: [ZBA Meeting 11-15-2022](#)

APPROVED

Chairman

*Michael Armstrong* 2/21/23  
Date

ATTEST

Secretary

*Keirston McMillan* 2/22/23  
Date

