



ZONING BOARD OF APPEALS MEETING SUMMARY

Stonecrest City Hall ZOOM-Virtual, 6:00 PM

December 21, 2021

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).

**Meeting will be held virtually via www.zoom.com. Citizens wishing to make a public comment can submit their questions via email address Lillian.Lowe@stonecrestga.gov. Comments must be received by noon the day of the hearing in order to be read at the hearing.*

I. Call to Order

Chairman Erica Williams called the meeting to order at 6:05 PM.

II. Roll Call

Chairman Williams called the roll. Ms. Sonja Hicks, and Mr. Michael Armstrong were present. Ms. Louise Alexander, and Ms. Gwen Green were absent. There was a quorum.

Planning & Zoning Director Jim Summerbell and Mr. Carl L. Christie, Esq., Fincher Denmark, LLC, were present.

III. Approval of the Agenda

Chairman Williams called for a motion to Approve the Agenda. Mr. Armstrong motioned to **APPROVE**. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

IV. Minutes:

Chairman Williams called for a motion to Approve the Zoning Board of Appeals Meeting Minutes Summary dated September 21, 2021. Mr. Armstrong motioned to **APPROVE**. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

V. Old Business: None

VI. New Business:

1. Approval of the 2022 Zoning Board of Appeals Meeting Schedule

Chairman Williams called for a motion. Mr. Armstrong motioned to **APPROVE** the **2022 Zoning Board of Appeals Meeting Schedule**. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

2. Public Hearing(s):

LAND USE PETITION:	V-21-004
PETITIONER:	Variable Steel Unlimited, LLC
LOCATION:	2813 South Stone Mountain Lithonia Rd, Stonecrest, GA 30038
CURRENT ZONING:	M (Light Industrial)

PROPOSED DEVELOPMENT: Request to encroach into the side-yard setback.

Planning & Zoning Director Jim Summerbell presented **PETITION V-21-004**. On December 20, 2021, Mr. Summerbell, the City Engineer and Senior Planner walked on the site with the applicant and their neighbors. Together, the group came up with the following recommended conditions for the case, if the Board agrees to grant it:

- (1) That the construction of the 294 square feet addition to the principal building conforms to the site plan dated December 20, 2021, for Variance application **V-21-004**, by the Variable Design Group.
- (2) That gutters and downspouts be installed on the new building addition, and that the existing gutters and downspouts on the south side of the building be repaired and improved, to ensure that water runoff from the roof is directed down to the drainage ditch system along South Stone Mountain Lithonia Road, and not directly onto neighboring property.
- (3) That the fence along the south side of the building be replaced and improved, to screen the conveyor system associated with the plasma cutter from view.
- (4) That stormwater runoff from the construction will conform to the requirements of state and local stormwater regulations before issuance of a certificate of occupancy.

The Staff recommended **APPROVAL** of **PETITION V-21-004** to be subject to the above four mentioned conditions.

The applicant's representative, Attorney Bernard Knight, spoke on behalf of Variable Steel Unlimited, LLC and showed a PowerPoint (**ATTACHMENT I**). Attorney Knight introduced Mr. Jesse Tillman and his Team that works at the metal fabrication business. They get in steel beams, and they do things with them, but it is all indoors and none of it involves emissions. There is no requirement for an EPD permit because this business has no emissions, and work is done inside a building. It is classified as Light Industrial. There is a survey. The topographic lines meaning is that you got a steep slope. If it is a relatively flat area, then you see the topographic lines, 5 feet distance from each other.

There are strings of businesses up and down South Stone Mountain Lithonia Road, Randall Road, and the gravel road. Several businesses to the north and south have water and stormwater problems, and stormwater drainage problems. It has nothing to do with any of the businesses there. It is an oversight, a failure of the county. Design an adequate stormwater drainage system for the area to begin with and then maintain it. Whatever ditch system they have out there, and the problem that you get is, you get hit by stormwater drainage from roads.

The staff has been out to the site and inspected it a couple of times, including yesterday (December 20, 2021). See the letter from Mr. Tom Udell, the city engineer addressed the drainage issues. This particular new installation that we are proposing, a plasma cutter, and the dust collector figures, is not going to add to the stormwater problems, and probably make things a little better by improving the gutter system on the existing building.

Attorney Knight continued to speak on the details depicted on that map and the existing main building which has been there forever. Mr. Tillman did not build it, so it is not on him. The problem is the dark slanting line is actually the wall or the building line. The dashed line that you see is actually where the 20-foot line, between the boundary, and that dashed line is the existing building that is already encroaching into the 20-foot setback area, just a couple of inches. But when we talk to

you about encroachment variants, we are asking for a maximum of 19 feet at 8 inches that already has built into it. The additional couple of inches of the existing building, which otherwise is Grandfather.

Attorney Knight stated that at the CSX railroad switchyard area, there is a lot of heavy industry around the switchyards to make a lot of noise. Our installation is not going to add to the noise situation. The property borders Mr. Tillman's property, and right to the north is a Tire Company. The Allen property is to the South at 2825 South Stone Mountain Lithonia Road. There are two separate buildings on that property and a fence is on the boundary line between the two properties. Even if there were going to be problems with aesthetics or problems with noise from the new plasma cutter installation, they are really remarkable devices. They do not use fossil fuels, there are no toxic emissions from them. Electrically charged super-heated gases are fashioned into a torch flame, which in turn actually can cut very intricate patterns and designs into a steel beam. It can do a whole lot of things with great precision. Sometimes the plasma cutter is referred to as a robot, it does it without having a human being there.

Attorney Knight continued speaking on the aerial view, the Allen's building, the south side and the lime green area, the existing main building, and the proposed addition to the building.

After the 10 minutes allotted, the Secretary called time, and Attorney Knight asked for more minutes to finish the presentation.

Chairman Williams granted an additional minute to Attorney Knight.

Attorney Knight continued speaking about the plasma cutter and stated that it will not harm the Allen property or other nearby businesses or residence. The gas is not toxic emissions. Much lower than any of the surrounding it uses. The noise levels will be consistent with near uses. The appearance will be consistent with existing stormwater; drainage issues are common to the area; the plasma cutter will not cause new water from the roof of the addition; and will be piped to the south. The new fence will be installed on the south side of the of the main building and is the only feasible location.

The Chairman asked for those in support to speak. There were none.

The Chairman asked for those in opposition to speak. There were two:

Spoke-in-person: Mr. William and Mrs. Faith Allen spoke in opposition. Mrs. Allen asked to delay the hearing until next month, in order to have more time to investigate and get answers. The following reasons for a delay are:

- 1) We were only given a notice 13 days ago of this hearing. Jim Summerbell, Keedra Jackson, Mr. Bernie Knight, and Mr. Tillman met us out there yesterday.
- 2) We have more questions than we have answers now, since we met them.
- 3) We are concerned about flooding. In addition, Mr. Tillman added to his building in 2019, and it caused our tenants to leave and cost us a lot of money to repair. They say it is not going to cause any water, but we did have flooding from his last edition, which he has since removed, and we have not had any problems since.
- 4) We need to check on that. Want to get somebody out there that knows what they are doing to look at his plans and give us advice. We would like an outside opinion.
- 5) Additionally, when we were looking at this before and I know Mr. Wheeler is no longer with y'all. It is supposed to be zoned M-2 and we brought that up yesterday.
- 6) We feel like this is a metal fabrication company and Stonecrest Municipal Code even states that metal fabrication is an M-2 zoning instead of a light industrial and heavy industrial.
- 7) There is another thing we would like to get check on is the zoning with somebody else, to see what they think. You know Chris Wheeler is no longer at Stonecrest. We would like to have an opinion on the zoning.

- 8) If it is light industrial and heavy industrial, I mean speak now or forever hold your peace. Is the covered conflict in the plans that they submitted? It shows that concrete is covered. We asked Mr. Knight about it, and he said it was a play on words that it means that it was reinforced. We did some research on that, like he told us to do, and that is not what it means. When the cut concrete was covered, we got flooded. We want to make sure that the new plans are submitted, do not show that concrete covered. Because that is what flooded us.

The Chairman asked if there were anyone else in opposition? Attorney Knight raised his hand.

The Chairman asked where are we on the time? I know that Attorney Knight does not have any time left, but there may be some time left between support and opposition. The Secretary replied, "We have 6:26 minutes left for opposition."

The Chairman turned the floor over to Attorney Knight and/or Mr. Summerbell to address those questions.

Attorney Knight stated that this is an area wide problem. It is not just caused by anything on Variable Steel's property. Variable Steel is doing an addition to a building that will not increase the amount of impervious surface. Whatever runoff is hitting that concrete now, will be the same amount from the future, and that is partly just why we put a condition there about the gutter and the downspouts. Making sure that anything coming off that roof, is going down toward the road. Hopefully, in the coming years, the county and city will improve the ditch system on that road and properly maintain it as we go forward. We think that will be adequate and from the drainage standpoint, this will not exacerbate the problem.

Attorney Knight stated that Mr. Wheeler made a mistake when he initially thought that this sort of business was heavy industrial; he was retained by Mr. Tillman to represent him after the application was withdrawn; and had a long discussion with Mr. Wheeler. The key thing is approval of this variance and what was offered is conditioned on substantial compliance with the site plan.

The Chairman asked if there were any more comments?

With 3:20 minutes remaining, Mrs. Allen requested to speak. The Chairman turned the floor over to Mrs. Allen.

Spoke-in-person: Mrs. Allen stated, "I want to know about the zoning on this property...a metal fabricator is M-2 industrial...is not zoned heavy industrial..."

The Chairman asked for a motion to close the public hearing before going into discussion. Mr. Armstrong motioned to close the public hearing. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

The Chairman asked for a motion.

Ms. Hicks motioned to **DEFER PETITION V-21-004 UNTIL NEXT MONTH (JANUARY 18, 2022) TO GIVE THE OPPOSING PARTY MORE TIME TO GET THE QUESTIONS ANSWERED**. Mr. Armstrong seconded the motion. The vote was 02-01 and **FAILED**. Mr. Armstrong and Ms. Hicks voted **YEA TO THE DEFERRAL**. Chairman Williams voted **NAY TO THE DEFERRAL**. The vote was not unanimous.

Chairman Williams made a motion to reconsider the motion to **APPROVE** the applicant's application. There was no motion by Mr. Armstrong and Ms. Hicks. The motion to reconsider the motion to **APPROVE** the applicant's application **FAILED AND WAS TABLED UNTIL JANUARY 18, 2022**.

