

ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

August 1, 2022



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

Commissioner Michael Armstrong called the meeting to order at 6:06 PM.

II. Roll Call

Commissioner Michael Armstrong (District 4) called the roll. Commissioners Ms. Kelly Ross (District 1), Ms. Gwen Green (District 2), Ms. Sonja Hicks (District 3) virtually attended, Mr. Shedrick Harris (District 5) were present. There was a quorum.

Planning & Zoning Director Ray White, Senior Planner Keedra Jackson was present. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

III. Approval of the Agenda

Commissioner Michael Armstrong called for a motion. Mr. Armstrong motioned to **APPROVE**. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

IV. Minutes:

Commissioner Michael Armstrong called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated January 18, 2022 was **DEFERRED TO NEXT MEETING**. Mr. Armstrong motioned to **DEFER THE ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY TO NEXT MEETING**. Ms. Hicks seconded the motion.

V. Oath of Office

Nominees: Mr. Michael Armstrong (Chairman- District 4), Ms. Sonja Hicks (Vice-Chair District 3) and Ms. Gwen Green (Secretary-District 2). The vote was **unanimously APPROVED**.

VI. Old Business: None

VII. New Business:

LAND USE PETITION:	V-22-001
PETITIONER:	Andrea Carkhum, First Impression Pools, LLC
LOCATION:	7346 Moss Stone Drive
CURRENT ZONING:	R-85 (Residential Medium Lot-85)
PROPOSED DEVELOPMENT:	Request to increase the maximum lot coverage percentage from 35% to 41.2%

Keedra Jackson presented V-22-001 - the property is located at 7346 Moss Stone Drive and you have the parcel ID listed on the property zoned R85, which is residential small lot. The acreage is less than 1 acre. The variance requested before us is to increase the maximum lot coverage from 35% percent to 41.2%. The previous action on this case was at the July 19th meeting. This meeting was canceled due to no quorum. The primary structure is 3656 square feet of a two-story residential dwelling. The property is located in an entirely active residential community. The subject property is assessed via an asphalt apron delivery that leads to a garage parking area. The subject property again is a two 2-story, 5 bedroom and 3-bedroom traditional residential dwelling. One of the major issues facing properties along this side of Moss Stone is that the backyard is heavily wooded and has a slope. The lot is relatively small to enjoy recreational entertainment. The applicant is here seeking a variance.

This is the area view of the property and the zoning map of the property.

Aerial and Zoning Map



V-22-001 Aerial Photo



V-22-001 Zoning Map

The Sony map shows the red star where the property is located. The next photo is the backyard of the subject property. The applicant is proposing to build 512 square feet in ground swimming pool. The survey shows the pool encroaching. After speaking with the applicant and his landscape architect/engineer, they are okay with moving the pool over. There would not be an encroachment, however, the code does allow for a five-foot encroachment so you cannot go within or more than 5 feet within the side or rear yard setback.

Proposed Development

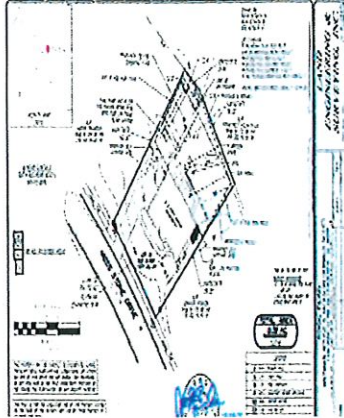
- The applicant is proposing to build a 512 sf ground swimming pool.
- The pool will be located closest to the adjacent neighbor on the western side. The survey is showing the pool encroaching into the side and rear yard setback which does not involve the variance request.



Variance Request

Request

- Increase the maximum lot coverage percentage from the 35% to 41.2%
- City of Stonecrest Zoning Ordinance; Chapter 27 Article 2 District Regulations, Division 2 – Residential Zoning Districts: Dimensional Requirements, Section 2.24.1, Table 2.2 which establishes the lot coverage requirement for R-85, at 35%.



Variance Considerations

(Zoning Ordinance Sec 7.5.3.A.)

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district
- B. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
- C. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
- D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
- E. The requested variance would be consistent with the spirit and purpose of this chapter and the City of Stonecrest Comprehensive Plan text.

Staff Recommendations:

Based on the findings and conclusions, it appears the applicant meets all the criteria for granting the variance. Therefore, staff recommends **APPROVAL** of V-22-001 and be subject to the following conditions:

1. The proposed lot coverage shall not exceed 41.2%.
2. The proposed pool cannot encroach into the side or rear yard without ZBA approval

Commissioner Michael Armstrong asked those in **support** to speak.

Spoke-in-Person: Mr. Antwan House - applicant stated “I wanted to install an in-ground pool in the backyard of our home. It is up against a wood line. We just wanted to increase the coverage from 35% to 41.2%. We currently have a fence and did all the homework to make sure we are in proper guidelines for putting the pool in the backyard. We have gone to the other neighbors on either side that cannot wait to enjoy the pool as well.”

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

Commissioner Michael Armstrong closed the public comment before going into discussion.

Commissioner Michael Armstrong asked were there any kickbacks on any recommendations.

Ms. Keedra Jackson stated “There are no kickbacks on the recommendations. We had a discussion with the applicant just to ensure that he is not as close to the property line as the survey shows. The applicant has spoken with his engineer and they are going to move the pool over so it would not be close. However, the applicant has informed me that the adjacent neighbor is aware of the location of the pool and either way he is okay with that.”

Commissioner Sonja Hicks asked, “How do we check to see if the applicant stays within the guidelines and doesn't go over the 40% to 42.1% coverage for the pool.”

Ms. Keedra Jackson stated “If this petition is approved, he will apply for a land disturbance and a building permit. We have inspectors that will go out periodically to inspect the progress of the pool. They will be informed of the conditions of this variance. If he goes outside of that, he will need to come into compliance.”

Commissioner Gwen Green asked was there a wooded area behind the property.

Spoke-in-Person: Mr. Antwan House-applicant stated, “Yes, it's totally woods with no other houses in the back.”

Commissioner Gwen Green asked was there any construction in that area.

Spoke-in-Person: Mr. Antwan House stated, “No, there is a stream that runs back there.”

Commissioner Shedrick Harris asked who owns the wooded area behind the applicant's house and can someone build on there in the future.

Spoke-in-Person: Mr. Antwan House stated, “I don't think they can build on there because it's a flood zone further back with a stream. I do not know who owns it.”

Ms. Keedra Jackson stated “We do not have in our possession who owns it. If there is a stream in the back, there is a buffer they will have to meet. You cannot encroach into that buffer. It can be a 75-foot buffer. So therefore, I do not know how deep the wooded area goes but they will have to come to the city to get clearance if they were to construct back there.”

Planning & Zoning Director Ray White stated “In any creek where there is a state buffer on either side of the creek, is a buffer requirement. It is not only behind his house but on the center line of the creek (buffer). There is a requirement of setbacks. You can't get within that buffer without violating state law and cannot build anything in the stream buffer. It is on the creek and the creek must be protected.”

Commissioner Michael Armstrong asked for a motion. Commissioner Shedrick Harris motioned to **APPROVE PETITION V-22-001 WITH STAFF RECOMMENDATIONS**. Ross seconded the motion. The vote was **unanimously APPROVED**.

VIII. Public Comments: The Secretary, Keedra Jackson did not receive any public general comments to be read.

IX. Adjournment

The vote was carried unanimously to adjourn the meeting at 6:47 PM. Ms. Hicks motioned to adjourn the meeting. Mr. Armstrong seconded the motion.

Visit the following link to view the meeting: [8 1 22 Zoning Board of Appeals 6:00pm - Youtube](#)

APPROVED:

Michael Armstrong 11/15/22
Chairman Date

ATTEST:

Keedra Jackson 11/15/22
Secretary Date