



ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

Stonecrest City Hall's ZOOM-Virtual, 6:00 PM

September 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).

I. Call to Order

Chairman Erica Williams called the meeting to order at 6:04 PM.

II. Roll Call

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

Planning & Zoning Director Jim Summerbell was present.

III. Minutes

The Zoning Board of Appeals Meeting Minutes Summary dated May 18, 2021, was **unanimously APPROVED**. Mr. Michael Armstrong motioned to **APPROVE**. Ms. Sonja Hicks seconded the motion.

IV. Old Business: None

V. New Business:

A. Public Hearing(s):

LAND USE PETITION:	V-21-003
PETITIONER:	ACE Homes LLC (Representative, Prime Engineering, Inc.)
LOCATION:	2261 Stone Mountain Lithonia Rd, Stonecrest, GA 30038
CURRENT ZONING:	MR-1
PROPOSED DEVELOPMENT:	Request to encroach into the 75 feet stream buffer

Mr. Summerbell presented **PETITION V-21-003**. The zoning case to be held at the October 5th Planning Commission Meeting. There are some lake areas. The applicant is proposing to develop PHASE 1, 131 townhouses, new asphalt road, clubhouse, pool, walking trail, and pavilion. Stonecrest Zoning Ordinance, Chapter 14, Article VII – Stream Buffer, Section 14-543 was discussed. The encroachment into the 75’ buffer will be in 7 locations:
Exhibit 1- 1st, 2nd, and 3rd areas of encroachment, see STAFF REPORT, V-21-003, page 4.
Exhibit 2- 4th, 5th, 6th, and 7th areas of encroachment, see STAFF REPORT, V-21-003, page 5.
The Staff recommends **APPROVAL** of **PETITION V-21-003** and be subject to the following conditions:

1. Encroachment into the 75’ and 50’ no impervious buffer shall be limited to the square footage/linear footage shown in exhibit 1 and 2 of the site plan.
2. Shall provide a planting mitigation plan to Stonecrest City Staff to review before issuance of a Land Disturbance Permit.

The applicant, Mr. Robert McPherson, VP, Prime Engineering, Inc. spoke on the stream cut across the property to the buffer, staying away from the creek, and wetland. Mr. McPherson stated that the DeKalb water sewer is a different issue. The basin was approved and there is no potential overflow on site. Working aggressively to replace. The sewer line is in bad condition.

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

The Chairman asked for those in opposition to speak (**ATTACHMENT I**). There were one:
1. *Spoke-in-person*: Mr. Al Jackson of 6437 Phillips Place is opposed.

The Chairman closed the public hearing before the Commissioners went into discussion.

The Chairman asked for a motion.

The Chairman motioned to **APPROVE PETITION V-21-003 with Staff's recommended conditions**. Ms. Hicks seconded the motion. The vote was unanimous.

VI. Adjournment:

The vote was carried **unanimously** to adjourn the meeting at 6:55 PM. Mr. Armstrong motioned to **adjourn the meeting**. Ms. Hicks seconded the motion.

APPROVED:
Craig Williams
Chairman
12-21-2021
Date

ATTEST:
Lillian Lowe
Secretary
12-21-2021
Date



BOARD OF ZONING APPEALS STAFF REPORT
September 21, 2021

ATTACHMENT I

EMAILED COMMENTS IN OPPOSITION

Mr. Al Jackson

Lillian Lowe

From: Al Jackson <noblealjackson@gmail.com>
Sent: Tuesday, August 17, 2021 6:05 PM
To: Lillian Lowe
Subject: v-21-003

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I apologize, however, I did not see a code to be able to enter the zoom meeting. My name is Al Jackson. I am a homeowner that lives at 6437 Phillips Place. From what I understand, if this encroachment is allowed for this development. It will have a direct impact on my property. This stream flows through the rear of my property and would result in drainage issues. Mainly due to the lack of vegetation and natural structures around the property in question. Modifying it will cause many issues to mine and my neighbors properties. I remind you that the county is under a Federal consent decree that includes cleaning up the streams and I have yet to see this done in my neighborhood yet. Can this be addressed during this meeting? Thank you!