

2418 Panola Road  
2799 Evans Mill Road  
4460 Panola Road

- Agenda
- January 18, 2022 Meeting Minutes
- August 1, 2022 Meeting Minutes
- Staff Report
- Application
- Supporting Documents



**BOARD OF ZONING & APPEALS MEETING**  
Stonecrest City Hall – *In-Person*\*  
November 15, 2022 6:30 PM

**A G E N D A**

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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**
- II. Oath of Office**
- III. Roll Call**
- IV. Minutes:** The Approval of the Zoning Board Meeting Minutes Summary dated January 18<sup>th</sup> and August 1, 2022
- V. Old Business:**
- VI. 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

LAND USE PETITION: V-22-004  
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.

LAND USE PETITION: V-22-006  
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.

*\*Meeting will be held in-person and virtually via the [www.zoom.com](http://www.zoom.com). Meeting can be viewed on the City of Stonecrest Youtube page. Citizens wishing to make public comment can come to City Hall and make comments on a laptop running the Zoom application at the podium in Council Chambers or submit their questions to Keirston McMillan, Secretary to the Zoning Board of Appeals, via email address [keirston.mcmillan@stonecrestga.gov](mailto:keirston.mcmillan@stonecrestga.gov).*

**Public Hearing(s):**

1.  
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

2.  
LAND USE PETITION: V-22-004  
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.

3.  
LAND USE PETITION: V-22-006  
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.

**VII. Adjournment**

**ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY**  
**Stonecrest City Hall ZOOM-Virtual, 6:00 PM**  
**January 18, 2022**



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**I. Call to Order**

Chairman Erica Williams called the meeting to order at 6:06 PM.

**II. Roll Call**

Chairman 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, Senior Planner Keedra Jackson, and Attorney Carl L. Christie, Esq., Fincher Denmark, LLC, were present.

**III. Approval of the Agenda**

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

**IV. Minutes:**

Chairman Williams called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated December 21, 2021, was **unanimously APPROVED**. Mr. Armstrong motioned to **APPROVE THE ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY DATED DECEMBER 21, 2021**. Ms. Hicks seconded the motion.

**V. Old Business:**

**1. 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.

Mr. Summerbell presented **PETITION V-21-004**. **PETITION V-21-004** was presented the first time at the Zoning Board of Appeals Meeting held on December 21, 2021, and was deferred to give The Allens time to get answers to their questions. The property was visited on December 20, 2021, by Mr. Summerbell, the City Engineer and Senior Planner, and along with the applicant(s) and their neighbors. The Staff recommends **APPROVAL** of **PETITION V-21-004** with conditions.

The Chairman asked for those in **support** to speak.

There was one, Attorney Bernard Knight.

On January 14, 2022, Attorney Bernard Knight sent via email, the Variable Steel V-21-004: PowerPoint with photos taken December 20, 2021, to show storm water drainage patterns at 2813 & 2825 SSML Road properties.

On January 14, 2022, Attorney Bernard Knight sent via email, the Variable Steel V-21-004: PowerPoint with photos of joint storm water detention area serving Variable Steel and Allen Properties, taken after maintenance Jan. 12, 2022.

The Chairman asked for those in **opposition** to speak.

*Spoke-in-Person:* Mr. William and Mrs. Faith Allen spoke in opposition.

Attorney Knight was given an additional 3 minutes to respond the Allen's opposition and spoke on the *Slides 10 and 11* from his previous PowerPoint.

Mr. and Mrs. Allen responded to Attorney Knight's comments.

The Chairman closed the public hearing before going into discussion. Mr. Armstrong motioned to close the public hearing. Ms. Hicks seconded the motion. The vote was unanimously.

The Chairman asked for a motion.

Mr. Armstrong motioned to **APPROVE PETITION V-21-004 WITH STAFF RECOMMENDATIONS AND WITH THE AMENDMENTS SUBMITTED BY ATTORNEY KNIGHT**. Ms. Hicks seconded the motion. The vote was unanimously **APPROVED**.

- VI. New Business:** None
- VII. Public Comments:** The Secretary, Lillian Lowe, did not receive any public general comments to be read.
- VIII. Adjournment**  
The vote was carried unanimously to adjourn the meeting at 6:50 PM. Ms. Hicks motioned to adjourn the meeting. Mr. Armstrong seconded the motion.

Visit the following link to view the meeting: [1 18 22 Zoning Board of Appeals 6:00pm - YouTube](#)

# ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

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

August 1, 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 6:06 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)
<b>PROPOSED DEVELOPMENT:</b>	Request to increase the maximum lot coverage percentage from 35% to 41.2%

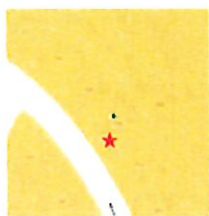
Keedra Jackson presented V-22-001 - the property is located at 7346 Moss Stone Drive and you have the parcel ID listed on the property zoned R85, which is residential small lot. The acreage is less than 1 acre. The variance requested before us is to increase the maximum lot coverage from 35% percent 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

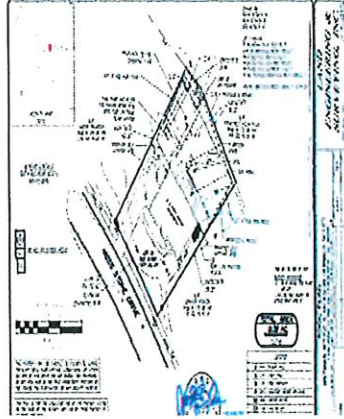
- The applicant is proposing to build a 512 sf in ground swimming pool.
- The pool will be located closest to the adjacent neighbor on the western side. The survey is showing the pool encroaching into the side and rear yard setback which does not involve the variance request.



## 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:**

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Chairman \_\_\_\_\_ Date \_\_\_\_\_

**ATTEST:**

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Secretary \_\_\_\_\_ Date \_\_\_\_\_



# **ZONING BOARD OF APPEALS MEETING**

**August 1, 2022**

**ATTACHMENT I  
V-22-001**

**POWERPOINT PRESENTATION**

by

Senior Planner  
Ms. Keedra Jackson





## ZONING BOARD OF APPEALS STAFF REPORT

### Zoning Board of Appeals Public Hearing November 15, 2022

<b>CASE NUMBER:</b>	V-22-000003
<b>PROPERTY LOCATION:</b>	2418 Panola Road (Parcel 16 057 03 002)
<b>CURRENT ZONING:</b>	R-100 (Residential Medium Lot)
<b>PARCEL SIZE:</b>	2.6 +/- acres
<b>PROPERTY OWNER(S):</b>	Ray Hartwell
<b>APPLICANT:</b>	Reginald Mattison
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>VARIANCE REQUEST:</b>	Increase the sign height from 6 ft to 8'9" and to increase sign face area from 32 sq ft to 33.6 sq ft

#### Current Use

The current use of the subject property is a place of worship known as Nigerian Seventh-day Adventist Church of Atlanta located at 2418 Panola Road in Lithonia, GA 30058-4830. It is a two-story brick and frame church building. The subject property is owned by Ray Hartwell. This property sits on parcel 16 057 03 002 with a zoning code of R-100, which is a residential medium lot. The church was built in 1976 in unincorporated DeKalb County. The church sits on the corner of Panola Road and Miller Grove Road. The sign in discussion is seated in the parking lot next to Panola Road.

#### Zoning and Case History

The subject property and all surrounding properties are zoned R-100 (Residential Medium lot). There are no known conditions of zoning found associated with this property.



## ZONING BOARD OF APPEALS STAFF REPORT

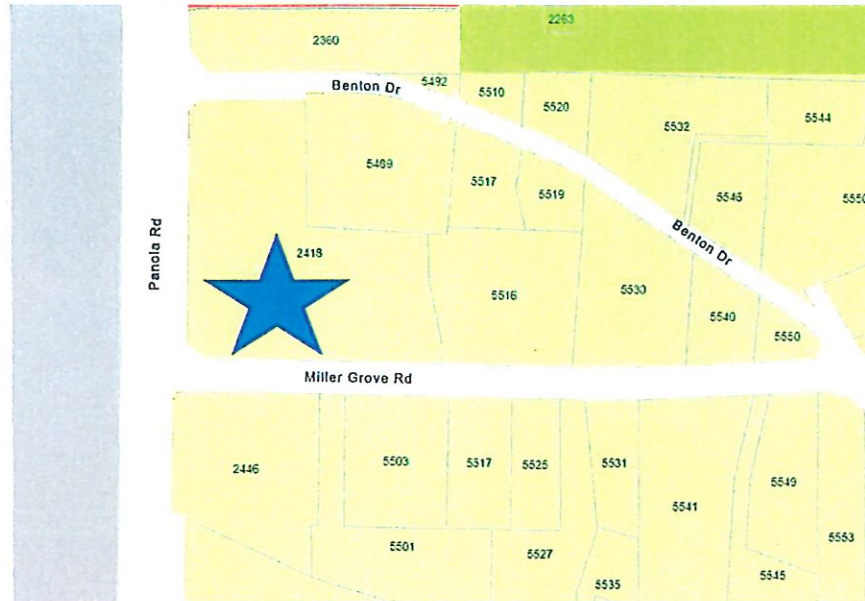


Figure 1: 2418 Panola Road  
Retrieved from CityMap of Stonecrest, GA GIS

### 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.

### Variance Request

The applicant is seeking a variance to increase the sign height from 6 ft to 8' -9" and the sign area from 32 sq ft to 33.6 square feet.



**ZONING BOARD OF APPEALS STAFF REPORT**



Figure 1: Rendering Signage for V-22-000003 at 2418 Panola Road Stonecrest, GA



## ZONING BOARD OF APPEALS STAFF REPORT

### APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 27):

*Article 3 - Regulations and Restrictions*

- a. Division 5 – R-100 (Residential Medium Lot - 100) District

Section 21-65 – Restrictions in Residential Zoning Districts, which established the residential zoning districts.

The following regulations shall pertain to lots located in R-100 zoning district:

(4) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;





## ZONING BOARD OF APPEALS STAFF REPORT

### 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.
- (6) 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.



## ZONING BOARD OF APPEALS STAFF REPORT

### STAFF ANALYSIS

- 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.**

There are no exceptional site conditions. The image showcases the proposed changes and the existing conditions. A variance request has been communicated with staff to bring the proposed sign into compliance.

- B. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provision or requirements of this chapter would not cause undue and unnecessary hardship on the applicant's property site.

- C. The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan text.**

The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan, which has designated this site as Suburban on the Future Development Map. As such the proposed suburban use is consistent with the desired character of the area, the spirit and intent of the R-85 zoning district and would be an asset to the overall economy of the city.



## ZONING BOARD OF APPEALS STAFF REPORT

### RECOMMENDED CONDITIONS

Based on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **Approval of V-22-000003** with the following conditions.

- That the construction of the sign conforms to the rendering.  
Date: August 29, 2022  
Title: Seventh-day Adventist Church Sign Rendering  
Prepared by: Robson Corporation



**ZONING BOARD OF APPEALS STAFF REPORT**

**Zoning Board of Appeals Public Hearing  
November 15, 2022**

<b>CASE NUMBER:</b>	V-22-000004
<b>PROPERTY LOCATION:</b>	2799 Evans Mill Road Stonecrest GA 30058 (Parcel 16 137 04 009)
<b>CURRENT ZONING:</b>	C-1 - Local Commercial and Stonecrest Overlay District Tier 2
<b>PARCEL SIZE:</b>	1.10 +/- acres
<b>PROPERTY OWNER(S):</b>	SRN PROPERTIES LLC
<b>APPLICANT:</b>	Naureen Lalani with Atai Construction
<b>STAFF RECOMMENDATION:</b>	Approval
<b>VARIANCE REQUEST:</b>	To encroach 902 sq ft (3 %) into the stream buffer for the construction of a new gas station and convenience store

**Current Use**

The current use of the subject property is for commercial purposes for use as a convenience store and a gas station. This property is known as Chevron and owned by SRN PROPERTIES LLC located at 2799 Evans Mill Road Stonecrest GA 30058. The property sits at the cross section of Hillendale Drive and Evans Mill Road.

**Zoning and Case History**

The subject property and all surrounding properties are zoned C-1 - Local Commercial and Stonecrest Overlay District Tier 2. There are no known conditions of zoning found associated to this property.



## ZONING BOARD OF APPEALS STAFF REPORT

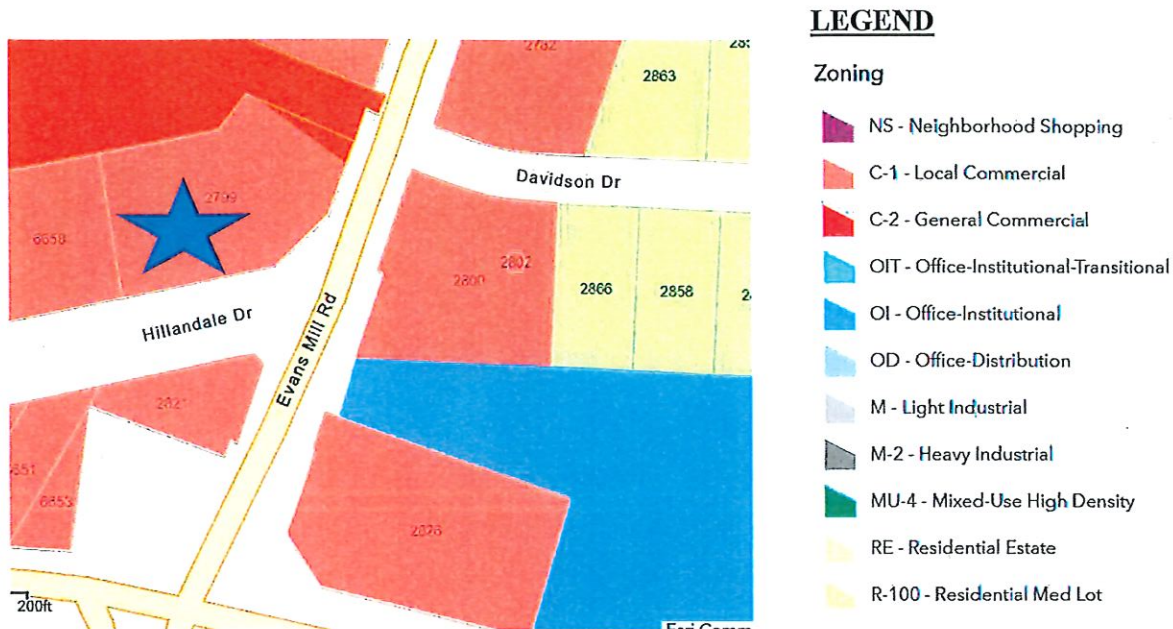


Figure 1: 2799 Evans Mill Road  
Retrieved from CityMap of Stonecrest, GA GIS

### Existing Conditions

According to the engineers of Woodruff Design Associates, in addition to mitigating water quality and landscaping, which 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.

Please note: The applicant is demolishing the existing gas station and rebuilding.

### Variance Request

The applicant is seeking a variance to encroach 902 sq ft (3 %) into the stream buffer for the construction of a new gas station and convenience store. The proposed improvements to the site have the potential to greatly improve the site and its character for the surrounding area. If granted, the proposed variance will not create or cause excessive or burdensome use of existing infrastructure.



**ZONING BOARD OF APPEALS STAFF REPORT**



*Figure 1: V-22-000004 2799 Evans Mill Road*



*Figure 2: V22-000004 2799 Evans Mill Road*



## ZONING BOARD OF APPEALS STAFF REPORT

### 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



## ZONING BOARD OF APPEALS STAFF REPORT

### STAFF ANALYSIS

Following are the specific variance considerations listed in Sec 7.5.3 of the Stonecrest Zoning Ordinance that must be considered by the Board of Zoning Appeals in order to grant a variance. These considerations include:

- 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.**

There are no exceptional site conditions. The survey and plat showcase the proposed changes and the existing conditions. A variance request has been communicated with staff for stream buffer variance.

- 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.**

Granting the variance would not go beyond the minimum necessary to afford relief and does not constitute granting special privilege which is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Due to the site factors and space requirements of the site, the applicant's request is reasonable.

- 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.**

By implementing or approving this variance request, the site and its surrounding area will be significantly improved due to the updates of the mitigating water quality, landscaping, and improved design for the stream bank.

- D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

As the code reads today, the applicable provisions would cause undue hardship. The proposed project is necessary as it will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality

- E. The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan text.**

The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan, which has designated this site as Suburban on the Future Development Map. As such the proposed suburban use is consistent with the desired character of the area, the spirit and intent of the C-1 zoning district and would be an asset to the overall economy of the city.





## ZONING BOARD OF APPEALS STAFF REPORT

### RECOMMENDED CONDITIONS

Based on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **Approval of V22-000004** with the following condition (s):

- The applicant shall not encroach no more than 902 sq ft or 3 percent, whichever is less, into the stream buffer



## ZONING BOARD OF APPEALS STAFF REPORT

### Zoning Board of Appeals Public Hearing November 15, 2022

<b>CASE NUMBER:</b>	V-22-000006
<b>ADDRESS:</b>	4460 Panola Road (Parcel 16 016 03 002)
<b>ZONING:</b>	R-100 (Residential Medium Lot) & Arabian Mountain Overlay
<b>PARCEL SIZE:</b>	80.79 +/- acres
<b>PROPERTY OWNER(S):</b>	City of Stonecrest, GA
<b>APPLICANT:</b>	Yasmin Moreno, Corporate Environment Risk Management
<b>STAFF RECOMMENDATION:</b>	Approval with conditions

The applicant is seeking a variance to restore the eroded portions of the stream bank and stabilize the embankment by encroaching 25'-50' on the streambank (see civil site plan)

#### Current Use

The current use of the site serves as the South River Stream Bank at the Panola Shoals Trailhead of the South River Trail. The site is located at 4460 Panola Road in Stonecrest, GA 30038. The project site is located near the southeast corner of the north intersection of Panola Road and Snapfinger Road in DeKalb County, Georgia. Panola Road intersects Snapfinger Road again over a quarter of a mile to the south. At the trail head, the South River crosses under Snapfinger Road and runs approximately parallel to Panola RD.

#### Zoning and Case History

The subject property and all surrounding properties are zoned R-100 (Residential Medium lot) and Arabia Mountain Overlay District. There are no known conditions of zoning found associated with this property.



## ZONING BOARD OF APPEALS STAFF REPORT

### Legend

#### Zoning

-  NS - Neighborhood Shopping
-  C-1 - Local Commercial
-  C-2 - General Commercial
-  OIT - Office-Institutional-Transitional
-  OI - Office-Institutional
-  OD - Office-Distribution
-  M - Light Industrial
-  M-2 - Heavy Industrial
-  MU-4 - Mixed-Use High Density
-  RE - Residential Estate
-  R-100 - Residential Med Lot
-  R-85 - Residential Med Lot
-  R-75 - Residential Med Lot
-  R-60 - Residential Small Lot
-  RSM - Small Lot Residential Mix
-  MR-1 - Med Density Residential
-  MR-2 - Med Density Residential



*Figure 1: 4406 Panola Road  
Retrieved from CityMap of Stonecrest, GA GIS*

### Existing Conditions

Sections of the stream embankment have eroded over time and continue to erode with every major rainfall event. According to the latest FEMA flood map, this area is overwhelmed during a 100-year storm.



## ZONING BOARD OF APPEALS STAFF REPORT

### Variance Request

The applicant is seeking a variance to restore the eroded portions of the stream bank and stabilize the embankment by encroaching 25'-50' on the streambank (see civil site plan) and implementing the appropriate corrective measures that will curtail the ongoing erosion and be aesthetically pleasing and environmentally sensitive.



*Figure 2: Aerial View for V-22-000006 at 4406 Panola Road Stonecrest, GA*



## ZONING BOARD OF APPEALS STAFF REPORT



*Figure 3: V-22-000006 at 4406 Panola Road Stonecrest, GA*

### 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;



## ZONING BOARD OF APPEALS STAFF REPORT

### 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)



## ZONING BOARD OF APPEALS STAFF REPORT

### STAFF ANALYSIS

- 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.**

The site plan showcases the proposed changes and the existing conditions. A variance request has been communicated with staff to improve the condition of the South River Stream Bank at the Panola Shoals Trailhead of the South River Trail. If appropriate corrective measures are not implemented, the erosion will be a threat to an adjacent walking trail and public parking lot.

- B. **The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

If the variance is not implemented, there will be undue and unnecessary hardship on this site and surrounding area. If approved, the streambank at the Panola Shoals Trailhead will curtail the ongoing erosion and be environmentally sensitive.

- C. **The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan text.**

The City of Stonecrest considers the potential vulnerability of the community's natural resources to land development and other human activities. There is a growing need and effort by the local municipality, business merchants, and citizens alike to put conservation measures in place. According to the 2038 City of Stonecrest, GA Comprehensive Plan and Natural Resources Element, "Erosion destroys stream banks and damages property and public facilities ... [and] in the future, DeKalb County, along with other local governments, as well as industrial companies will need to develop programs to control both water quality and quantity of runoff" (pg. 54-55). By approving this variance, the purpose of this chapter will be promoted.

### RECOMMENDED CONDITIONS

Based on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **Approval of V-22-000006** with the following conditions.

- The applicant will comply with the site plan.  
Date: JUNE 29, 2022  
Title: South River Stream Bank Restoration  
Created by: Senior Project Manager, Yasmin Moreno, with CERM



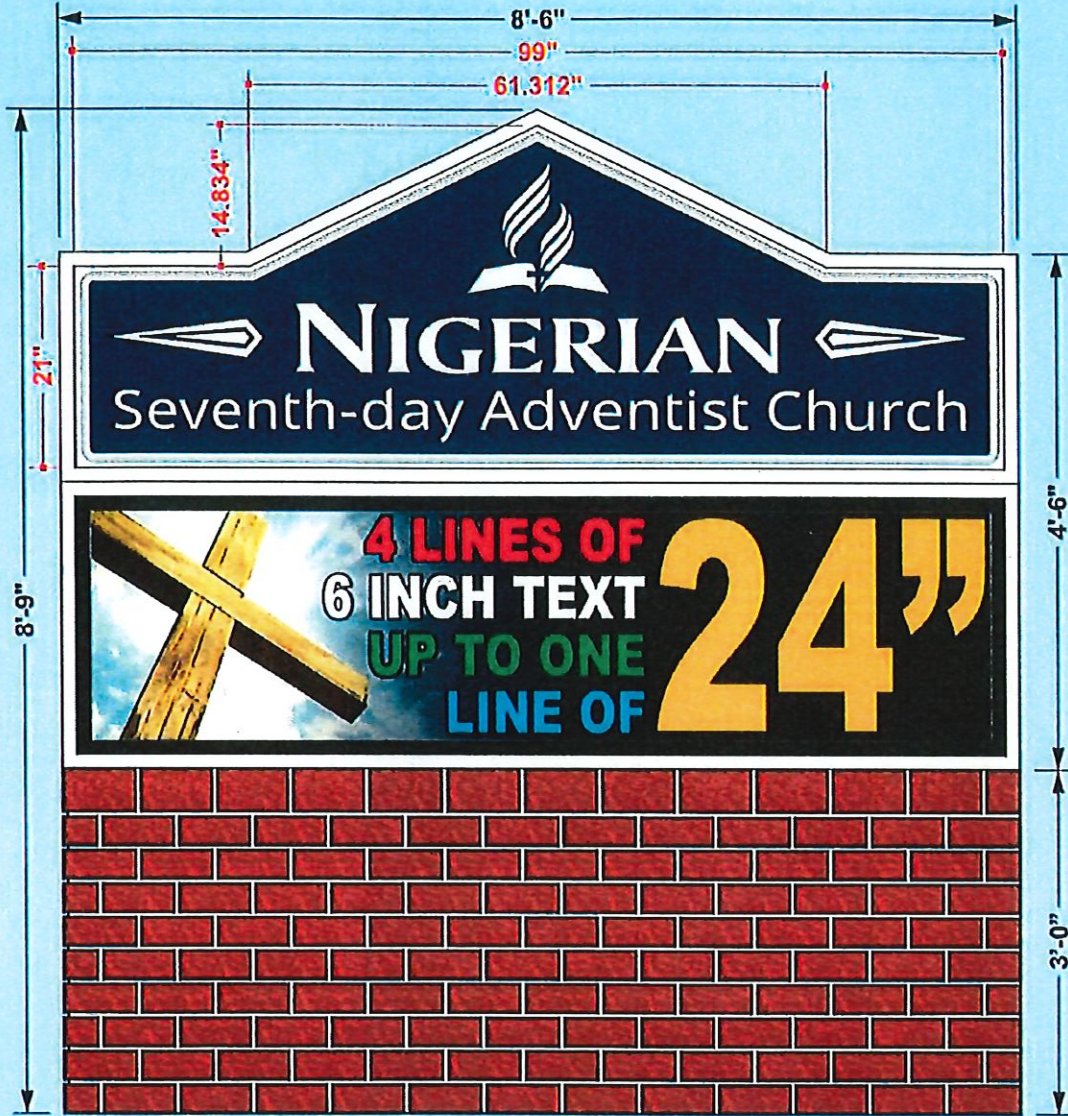
## **ZONING BOARD OF APPEALS STAFF REPORT**

### Reference

City of Stonecrest Community Development Department. (2019, July 8). City of Stonecrest 2038 Comprehensive Plan. Stonecrest, GA.



VINYL COLORS: NAVY, BLACK (COWLING)  
POWDERCOAT: WHITE



FACE = 17.6 sq ft  
DISPLAY = 16 sq ft  
TOTAL = 33.6 sq ft

**Robson Corporation**

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SKETCH: #183386\_FINAL\_V6 DATE: 8/29/22 DESIGN: 4.5x8.5-32-2L12-64x256-FCV SCALE: 1"=16" ARTIST: SMB SALES PERSON: GCV

