



ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

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

June 20, 2023

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 6.06 pm.

II. Roll Call

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

The Planning & Zoning Director - Ray White, Deputy Director – Matthew Williams and Planner - Abeykoon Abeykoon were present. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

III. Approval of the Agenda Need:

IV. Minutes:

Commissioner Michael Armstrong called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated **November 15, 2022**, was called for a motion to approve the Zoning Boards of Appeals Meeting Minutes Summary dated **November 15, 2022**. Sonja Hicks (District 3) motioned to **APPROVE**. Ms. Kelly Ross (District 1) seconded the motion. The motion was unanimously **APPROVED**.

V. Presentations: Upcoming Cases Presented by Mr. Matthew Williams, Deputy Director

V-23-002

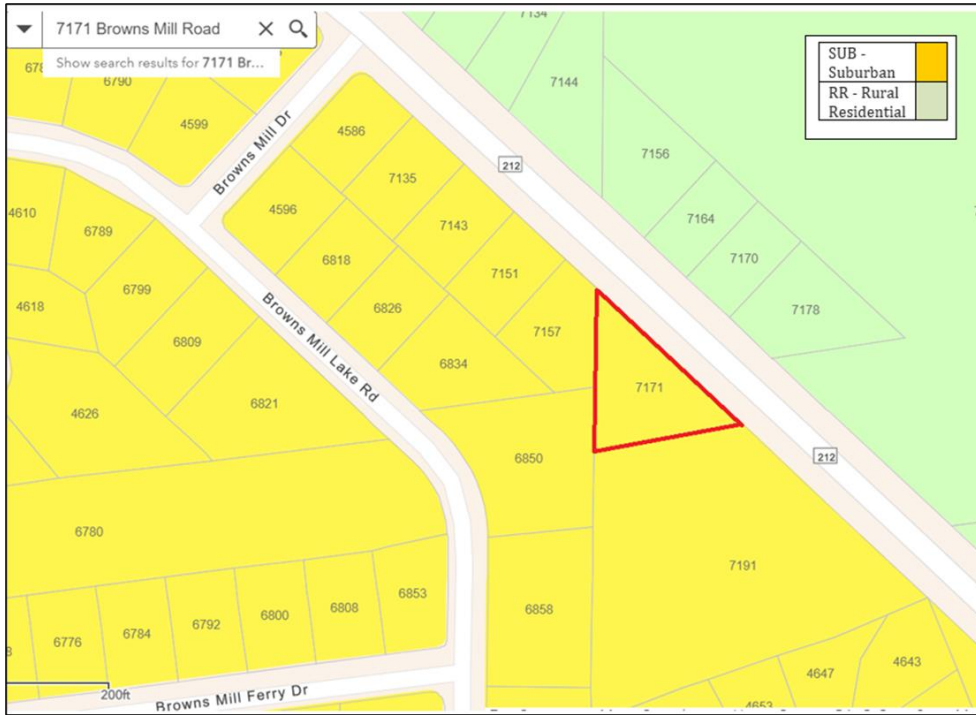
V-23-003

VI. Old Business:

Commissioner Michael Armstrong called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated **January 18, 2020**, was called for a motion to approve the Zoning Boards of Appeals Meeting Minutes Summary dated **January 18, 2020**,. Mr. Shedrick Harris (District 5) was motioned to **APPROVE**. Ms. Sonja Hicks (District 3) seconded the motion. The motion was unanimously **APPROVED**

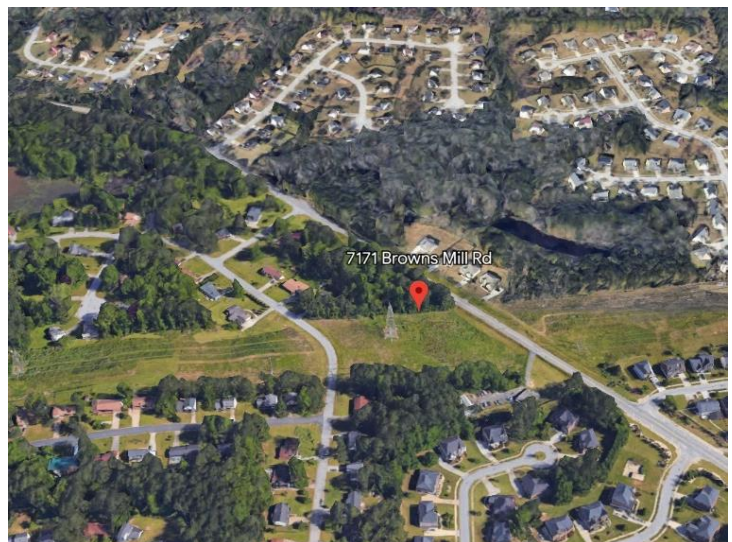
Commissioner Michael Armstrong called for a motion. The Zoning Board of Appeals Meeting Minutes Summary dated **February 21, 2023**, was called for a motion to approve the Zoning Boards of Appeals Meeting Minutes Summary dated **November 15, 2022**. Ms. Kelly Ross (District 1), motioned to **APPROVE**. Ms. Gwendolyn Green (District 2), seconded the motion. The motion was unanimously **APPROVED**

Future Land use of the area



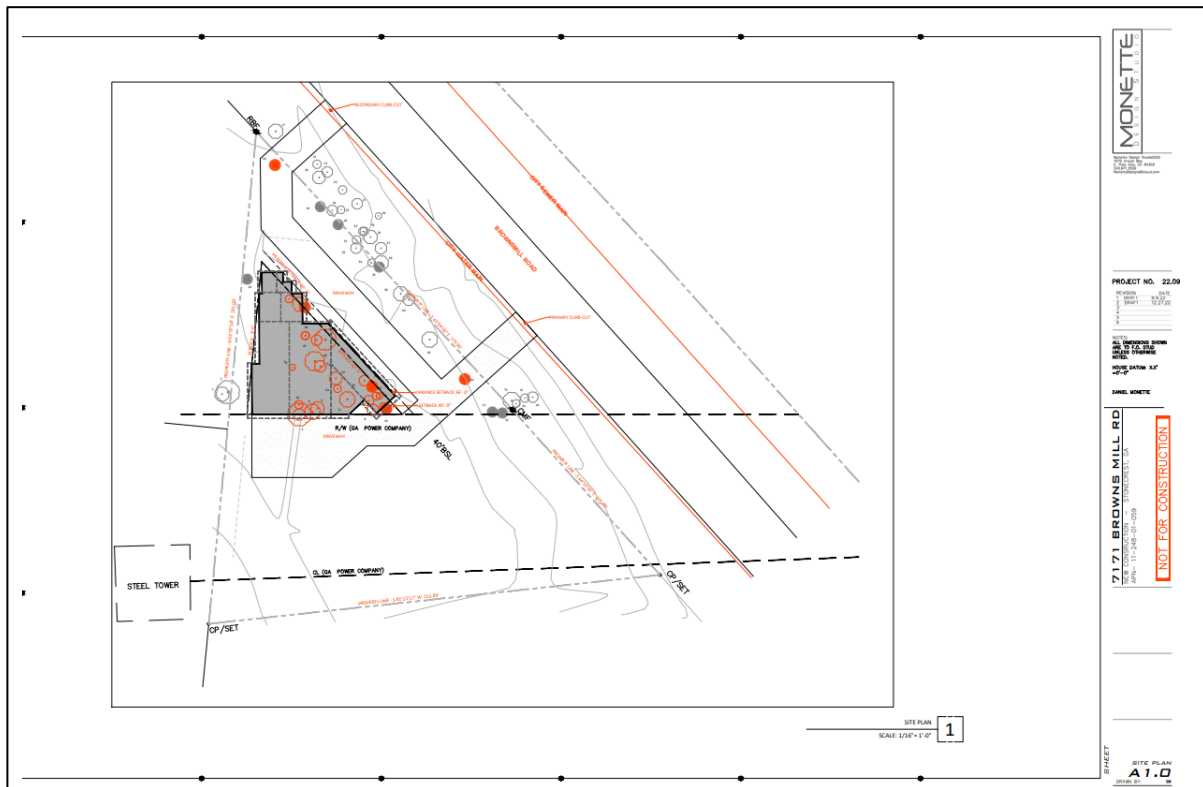
“The subject property is triangular in shape. Areal map and the Aerial image shows the characteristics of the area.”

Areal map and the aerial image of the area



“Site plan shows that property has a circular drive way and property developed towards the rear. The applicant had provided more details of the development.”

Site plan of the property



“The proposed changes are; Petitioner’s Stated Hardship, it is the Unusual shape of property. Property is triangular in shape. There is also an easement on the southern portion of the property which has existing power lines. The Zoning Ordinance that applicant seek the release is Sec. 3.4.9 Development Standards. According to the standards the front Yard Setback: 20 feet. Petitioner’s Request to reduce front setback from 40 feet to minimum of 4 feet or maximum of 10 feet.

Zoning Ordinance (Chapter 27)

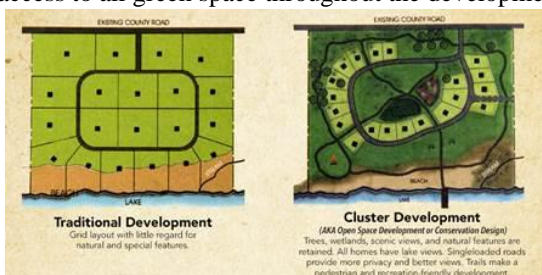
Article 2 – OVERLAY DISTRICT REGULATIONS

DIVISION 4. - ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

Sec. 3.4.9. - Development standards.

Sec. 3.4.9. - Development standards.

There shall be no impervious surfaces within the 75 foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.



A. Conservation Communities (residential/subdivisions).

Maximum density: Eight dwelling units to the acre of total land area excluding undevelopable areas listed below:

- 1.Streams and stream buffers.
- 2.Wetlands.
- 3.Rock outcroppings.
- 4.Slopes steeper than 1:2 slope.
- 5.Sites of archaeological significance.
- 6.Floodplains.
- 7.Areas intended to be dedication for right of way.

Minimum lot width: 70 feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of 35 feet.

Minimum lot area: 7,500 square feet, except that each lot on the periphery of the development is at least 10,000 square feet.

Minimum side-yard setback: Ten feet.

Maximum single-family dwelling lot coverage: 50 percent

Greenspace: 30 percent of the total land area must be designated greenspace. 65 percent of the greenspace should be in a contiguous tract.

Green space may consist of:

- 1.Natural undisturbed areas.
- 2.Passive recreational areas.
- 3.Trails and Green ways.
- 4.Bikeways and paths.
- 5.Mature wooded areas.

Greenspaces shall be preserve and maintained by one of the following:

- 1.Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
- 2.Dedication of legally described and platted "greenspace" to a land trust.

Minimum building setback adjacent to public or private street(s):

- From thoroughfares, arterials and collectors: 30 feet.
- Local streets: 20 feet.

B.Road Specifications. All roads shall be built in accordance with [Chapter 14](#). In the event of a conflict, the provisions of this section shall control. The design of the streets must be designed as noted below with the approval of the City Engineer:

- 1.Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.
- 2.Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to 35 feet and the width of the paved lane to 16 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
- 3.Omit curbs where possible.
- 4.As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
- 5.Provide marked, paved paths for non-vehicular traffic with in the development and connecting neighboring residential and commercial areas.

C.Buffer Requirements. An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.

Lots less than 10,000 sq. ft.	25 ft.
Lots between 10,000—15,000 sq. ft.	30 ft.
Lots greater than 15,000 sq. ft.	50 ft.

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 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 exceptional site conditions, due to the size and shape of the subject property. The submitted survey depicts a triangular shaped parcel which was not created by the owner or applicant. The strict application of the requirements of this chapter would deprive the property 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.**

Granting the variance would 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.**

The granting of this 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.**

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

- 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 comprehensive plan.

STAFF RECOMMENDATION

Based on the findings and conclusions, it appears the applicant meets all the criteria for granting the variance. Therefore, staff recommends APPROVAL of V23-002.

Chairman Michael Armstrong asked for a motion to open public hearing. *Gwendolyn Green* (District 2) motioned to open the public hearing. *Mr. Shedrick Harris* (District 5) seconded the motion. The vote was unanimously approved.

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

Daniel Monette- Husband of the applicant: Thank for the approval.

Gwendolyn Green (District 2): Ask whether the applicant schedule to build a single-family home.

Daniel Monette- Husband of the applicant: says that they schedule to build a single family home.

Shedrick Harris (District 5) : Ask whether the variance they request course them to closer to the street.

Daniel Monette- Husband of the applicant says that due to the triangular shape of the property they do not have a backyard. For to build a house they need to come forward where the long shape of the house would be.

Ms. Sonja Hicks (District 3) question about the Hardship of the land that mentioned in Staff recommendation number four (4).

Daniel Monette- Husband of the applicant: said that the hardship is super smallness of the house compare to surrounding buildings due to the setback of power company and the setback of Stonecrest. Applicant mentioned that they have only one particular corner that they allow to be building.

Ms. Sonja Hicks (District 3) asked the staff that; when the applicant move the setback little closer to main road, what are the issues may raise and whether there is an a impact to road expansion or future road developments.

The Planning & Zoning Director - Ray White answer the issue and mentioned that. Right away still has to be appropriate standards. Variance is allowed for adjustment, and it will not be an issue for this particular case. The impacting road is an arterial road. The city Engineer who is responsible for the Transportation Development also review the variance.

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

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

Chairman Michael Armstrong asked for a motion. *Kelly Ross (District 1)*) motioned to **RECOMMEND APPROVAL OF PETITION V23-002**. Ms. Sonja Hicks (District 3) seconded the motion. The vote was **unanimously APPROVED**.

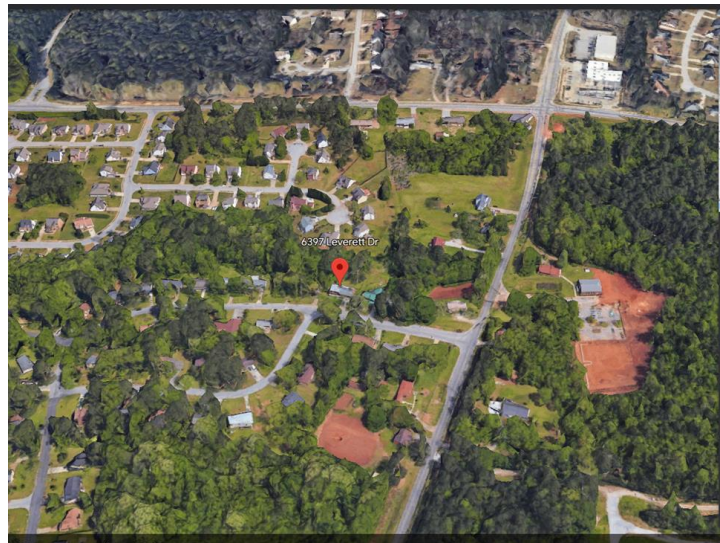
The future land use for the area is sub-Urban.

Future Land use of the area

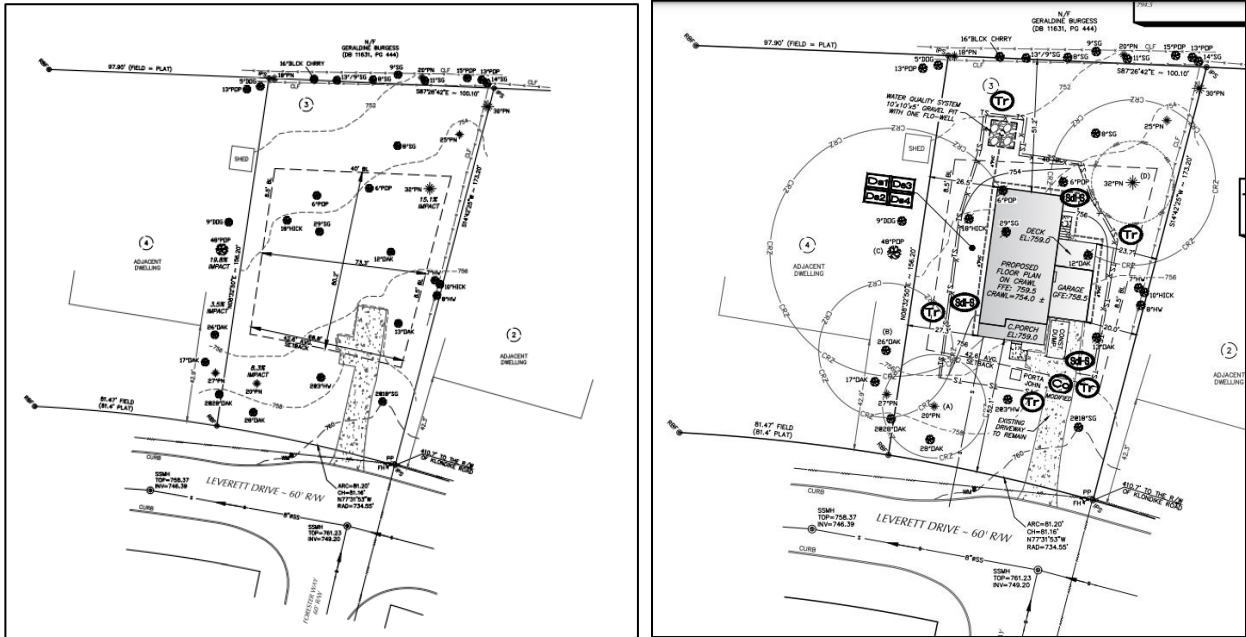


Areal Map depict the subject site and shows that it is a vacant property withing the existing driveway. Areal image shows the large subdivision.

Areal map and the areal image of the area



Survey to the property shows the existing drive way and the vacant land with the building outline. The next site plan shows the proposed home, garage to the right and patio to the rear. Some of the site details; lot is about 0.3 acres, Minimum lot area is 12,000 square feet, Minimum floor area is 1,800 square feet and the maximum building height is 35 feet.



Applicant proposed changes because the lot is non-conforming and oddly shaped. According to the Zoning ordinance “Sec 2.2.1- Dimensional Requirements” minimum heated floor area is 1800 sq ft and petitioner request to reduce the heated floor area to 1330 sq ft.

Zoning Ordinance (Chapter 27)

Article 2 – District Regulations

DIVISION 2. - RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.2.1. Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, Residential Zoning Districts Dimensional Requirements. Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4.

Table 2.2. Residential Zoning Districts Dimensional Requirements *Residential Single-Family Zoning Districts*
 KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily Character Areas: RC:

Element	Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban							
	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC*
<i>Lot Dimensions (minimum)</i>								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000/3,500 cottage	Parks: 20 acres Lots: 4,000	*
Lot width, street frontage (feet)	150	65	100	85	75	60	Parks: 400 Lots: 50	*
Lot width at	150	65	100	85	75	60	N/A	*

building line (feet)	35	35	35	35	35	35	N/A	*
Lot width								
fronting cul-de-sac (feet)	25	30	35	35	35	35	N/A	*
Lot coverage (maximum percent)								
<i>Building Setbacks (minimum) Subject to article 5 of this chapter, Averaging Requirements</i>								
Front thoroughfares (feet)	60	70	50	50	45	30	Parks: 250 Lots: 10	*
Front arterials (feet)	50	60	40	40	35	20	150	*
Front collector and all other streets (feet)	45	55	35	35	30	If RC/TC/NC : 15 If SUB: 20	100	*
Front with alley access (feet)	N/A	25	25	25	25	10	Parks: N/A Lots: 10	*
Side - interior building setback (feet)	20	10	10	8.5	7.5	7.5	Parks: 50 Lots: 7.5	*

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 to grant a variance. These considerations include:

F. 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

G. 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 this variance would not go beyond the minimum necessary to afford relief and does not constitute granting special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

H. 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.

The granting of this 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.

I. 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 requirement of this chapter would not cause an undue and unnecessary hardship on the applicant's request.

J. 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 comprehensive plan.

STAFF RECOMMENDATION

Based on the findings and conclusions, it appears that the applicant meets the criteria for granting a variance. Therefore, staff recommends APPROVAL of V23-003.

Chairman Michael Armstrong asked for a motion to open public hearing. Gwendolyn Green (District 2) motioned to open the public hearing. Mr. Shedrick Harris (District 5) seconded the motion. The vote was unanimously approved.

Chairman Armstrong asked applicant for address the gathering.

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

MS Browns – Home owner: Thank for the approval.

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

Chairman Michael Armstrong asked for a motion to close the public hearing. Gwendolyn Green (District 2) motioned to open the public hearing. Ms. Kelly Ross (District 1) seconded the motion. The vote was unanimously approved.

Chairman Michael Armstrong asked for a motion. *Kelly Ross (District 1)* motioned to **RECOMMEND APPROVAL OF PETITION V23-003**. Mr. Shedrick Harris (District 5) seconded the motion. The vote was **unanimously APPROVED**.

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

II. **Adjournment**

The vote was carried unanimously to adjourn the meeting at 6.48 PM. Gwendolyn Green (District 2) motioned to adjourn the meeting. Sonja Hicks (District 3) seconded the motion.

Visit the following link to view the meeting: [ZBA Meeting 6-20-2023](#)

APPROVED:

Michael D. Armstrong 9/19/23
Chairman Date

ATTEST:

Gwendolyn Russell Green
Secretary Date