

Minutes

Zoning Board of Appeals
Wednesday, November 19th, 2020
7:00 pm

Present: Chairman Robert Potts, Vice Chairwoman Sandra C. Hill, Board Member Roslyn Crider, Board Member Antonio Andrews, Community Development Director Ellis Still, Assistant City Attorney Patrick Stough, and Administrative Assistant to Ellis Still, Twanda L. Garvin

The meeting was called to order by Chairman Robert Potts at 7:00 pm.

I. Appointment of officers for Chair and Vice Chair

Chair

Motion: Sandra C. Hill for Roberts Potts

Second: Roslyn Crider

Vote: 4-0

Vice Chair

Motion: Roslyn Crider for Sandra C. Hill

Second: Robert Potts

Vote: 4-0

II. Approval of Meeting Minutes:

Monday, September 16, 2019

Motion: Member Antonio Andrews

Second: Member Sandra C. Hill

Vote: 4-0

III. Old Business:

None

IV. New Business:

**A. Item #20000192 - A request by Brett Oliver, CF Buffington Apartments, LLC for property located at 5740 Buffington Road to reduction the amount of required parking from 328 parking spaces to 281 parking spaces. This request is a proposed reduction of 15% in parking for an apartment community totaling 156 units.
(Public Hearing)**

Director Ellis Still presented the Plat for CF Buffington Apartments.

Member Roslyn Crider asked about transit stops. Director Still responded with there is a transit stop at Royal South. Chairman Robert Potts confirmed.

Chairman Robert Potts asked if there was 2 parking spaces for each unit now? Director Ellis Still stated that he did not know and that he could not find plans for it.

Chairman Robert Potts opened the meeting up to the Petitioner:

Chairman Robert Potts asked if the Petitioner was present. Petitioner Brett Oliver was not present. Dave Lemco (address 525 N. Ave. Atlanta Ga) was in his stead virtually and spoke briefly reiterating Director Ellis Still's presentation.

There were no questions from the board for the Petitioner.

Chairman Robert Potts opened the meeting up to the Public:

Jane Le, Land Planner (address 350 Research Court Norcross, Ga 30092) (present Virtually) (stated the city's parking requirements for the apartments is 2 per unit based on an average of 2 bedrooms. The majority of the apartments are 1-bedroom units. (80) 1 bedroom, (52) 2 bedrooms, and (24) 3 bedrooms.

Member Roslyn Crider asked if the residents are assigned parking spaces or if they park wherever they want. Dave Lemco stated that the parking spaces are unreserved, and the parking spaces are spread out evenly.

Member Antonio Andrews asked if the residents could use the adjacent parking spaces. Dave Lemco responded by saying they do not own that adjacent property.

Vice Chair Sandra C. Hill asked if there were designated parking for the handicap?

Dave Lemco responded by saying there would be 13 handicap spaces through the property, spread evenly.

Chair Robert Potts asked Director Ellis Still if there was a formula for state of federal mandates on how many handicap spaces. Per Director Ellis Still he believes 1 handicap per 50. Dave Lemco stated that they typically build in excess of the requirement.

Chairman Robert Potts asked if there were disfavor of the Petitioner:

Director Still stated for the record that Community Development did receive a telephone message from a gentleman. He did not leave his name, address, or number, but he was not in favor of this petition.

Angie Hosecloth (present virtually) (5600 Sable Bay Point, College Park). States that this is some type of loophole to build whatever you like to build.

Chairman Robert Potts stated that the landowner can build whatever they want as long as it meets the requirement by the city.

Chairman Robert Potts closed the meeting to the public.

Motion: Vice Chair Sandra C. Hill motioned for approval

Second: Member Antonio Andrews

Opposed: Member Roslyn Crider

Vote: 3-1

B. Item #20000196(A) - A request by Eric Sluder, for a property located at 6701 Roosevelt Highway to reduce the required setback from 20 feet to 0 feet beginning 69 feet from the northwestern property corner for 40 feet. (Public Hearing)

Director Ellis Still presented the Site plan for the property located at 6701 Roosevelt Highway. (Old Barbeque location)

Vice Chair Sandra C. Hill wanted to confirm that the property would be used for a restaurant with a drive through and package store.

Confirmed by Director Ellis Still.

Member Roslyn Crider wanted clarification on why they need a Variance.

Per Director Ellis Still, the Ordinance requires a 30 foot Buffer and an additional 20 foot for a building setback.

Member Roslyn Crider asked if the package store would be in and out parking.

Per Director Ellis Still the answer is yes.

Member Roslyn Crider also wanted to know how many people are expected to be in the restaurant.

Per Director Ellis Still, it depends on the size of the restaurant. Parking would be calculated based on those sizes.

Chairman Robert Potts wanted to confirm that the intent is a package store with liquor, beer, and wine.

Director Ellis Still confirmed.

Member Roslyn Crider wanted to confirm that there are residents behind the site.

Director Ellis Still stated that the area is zoned residential (RM) which is multi-family Duplex's. Fencing runs across the back of property.

Chairman Robert Potts wanted to confirm that the petitioner is asking for a reduction on 69 feet.

Director Still stated that this request is in 2 parts. This is for the 20-foot setback and the next part will be for the setback and part of the buffer.

Chairman Robert Potts asked if the building would be on the property line.

Director Ellis Still said no.

Chairman Robert Potts asked if it would be on the easement.

Director Ellis Still said that the corner and maybe 5 feet off the easement.

Attorney Stough stated for clarification that the back of the property has a 30-foot buffer because there is residential on the other side. There is also a 20-foot setback on top of that and that is what they are trying to get reduced for the 1st part of the variance they want to reduce the setback all the way down to (0) feet so they would

be right on the buffer. For the 2nd part of the variance which will be a second item they are wanting to remove the setback entirely, and also 3 feet into the buffer.

Chairman Robert Potts asked if the petitioner is available.

Eric Sluder (6075 Barfield Road Sandy Springs Ga 30328) the petitioner is available virtually. States that he want to be a good neighbor and reiterated Attorney Stough comments with the addition of planting trees as a buffer but keeping in mind the sewer drains once the trees grow.

Chairman Robert Potts opens it up to the public for questions for the petitioner.

No response from the public.

Chairman Robert Potts opens it up to the public for opposition for the petitioner.

No response from the public.

Chairman Robert Potts states the public hearing is now closed.

Chairman Robert Potts asked Director Ellis Still if everyone was notified by certified public mail of everyone who lives in the vicinity in regard to this petitioner?

Director Ellis Still states that he is not sure 100% sure. He will have to check.

Chairman Robert Potts ask Eric Sluder if he has all his receipts where he sent certified letters to the surrounding residents to the property.

Eric Sluder stated that he did not. He only provided the city with a list of adjoining property owners.

Chairman Robert Potts states the property owners where not technically notified.

Attorney Patrick Stough states that one of the requirements is that the names and addresses of all property owners within 250 feet of subject property and the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the public hearing. Attorney Stough read from Zoning Ordinance 13.5 G1O request for variance.

Chairman Robert Potts read from the Zoning Ordinance 15-8 Public hearing and 15-11 Public notification. Also Zoning Ordinance dated May 2014 page 253 section 15-11 Public notification and legal notice section A and interested parties section B.

Per Attorney Stough, if no notifications were sent, then the application was deficient. Which means the board cannot hear this.

Chairman Robert Potts states that we need to postpone this until January to give proper notification.

Director Ellis Still agrees but will check our records for notifications sent.

Chairman Robert Potts asks “Do I hear a motion to postpone this until January 2021”

Motion: Vice Chair Sandra C. Hill

Second: Member Roslyn Crider

Vote: 4-0

The board ask Eric Sluder if he understands. Per Eric Sluder, I completely understand. The Zoning application packet was to provide the city with all the adjoining property owners within 250 feet, and no where in there does it say that he has to send out certified mail.

Attorney Patrick states that the issue is that no one has been sent the letter, so this has to happen before we can go forward.

Chairman Robert Potts states that this is a legal issue and Eric Sluder and Director Ellis Still need to get together and handle that.

Attorney Patrick Slough states that there is not time limit on the notifications, so we do not need to wait 30 days.

Director Ellis Still states we could meet in December.

Chairman Robert Potts asks “Do I hear a motion to Strike last motion”

Motion: Vice Chair Sandra C. Hill

Second: Member Roslyn Crider

Vote: 4-0

Chairman Robert Potts asks “Do I hear a motion to hear this petitioner in December”

Motion: Vice Chair Sandra C. Hill

Second: Member Roslyn Crider

Vote: 4-0

Eric Sluder concurred

Chairman Robert Potts asks “Do I hear a motion to table 20000196 (B) until December 2020”

Motion: Vice Chair Sandra C. Hill

Second: Member Roslyn Crider

Vote: 4-0

Chairman Robert Potts asks Director Ellis if there is any other business.

Director Ellis Still states we have a request for December, and we have a new Zoning Ordinance. He will be making an order to print the new Zoning Ordiances for the board.

Vice Chair Sandra C. Hill ask when is our next meeting?

Director Ellis Still states the next meeting will be Monday December 21, 2020

V. Adjournment at 8:33pm

Motion: Vice Chairwoman Sandra C. Hill

Second: All members

Vote:4-0