



**CITY OF TUCKER**  
**ZONING BOARD OF APPEALS MEETING MINUTES**  
**March 21, 2017 at 7:00 PM**

The Zoning Board of Appeals of the City of Tucker held a meeting at Discover DeKalb, 1957 Lakeside Parkway, Suite 510, Tucker, GA 30084. The following were in attendance:

|   |                        |
|---|------------------------|
| Zoning Board of Appeals Chair             | Keith Easterling       |
| Zoning Board of Appeals Vice Chair        | Neal Stubblefield      |
| Zoning Board of Appeals Member            | Charles "Chuck" Abbott |
| Zoning Board of Appeals Member            | Chris Hartley          |
| Zoning Board of Appeals Member            | Pat Soltys             |
| Community & Economic Development Director | John McHenry           |
| Deputy Director of Community Development  | Courtney Lankford      |
| Administrative Assistant                  | Katie Coleman          |

**CALL TO ORDER:** Chair Keith Easterling called the Meeting to order at 7:04 pm.

**MINUTES:**

**MOTION TO APPROVE THE JANUARY 17, 2017, ZONING BOARD OF APPEALS MEETING MINUTES.**

**By: Neal Stubblefield**

**Seconded by: Keith Easterling**

**Vote: (5-0) (Stubblefield, Easterling, Abbott, Hartley, Soltys)**

**MOTION TO APPROVE THE FEBRUARY 21, 2017, ZONING BOARD OF APPEALS WORK SESSION MEETING MINUTES.**

**By: Chris Hartley**

**Seconded by: Pat Soltys**

**Vote: (5-0) (Hartley, Soltys, Easterling, Abbott, Stubblefield)**

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Public hearing procedures were read into the record by Chair Keith Easterling.**

**1. VARIANCE APPLICATION: V-17-001**

**PETITIONER:** Roadhaven Partners ONE, LLC.

**PRESENT ZONING:** MR-1 (Medium Density Residential -1) District

**PROPOSED ZONING:** MR-1 (Medium Density Residential -1) District

**LOCATION:** 1601 Ashbrooke Trace (Ashbrooke Phase 1)

**VARIANCE REQUEST:** Stream buffer variance to construct townhomes within the Ashbrooke Subdivision.

Courtney Lankford, Deputy Community Development Director, gave an overview of the requested variance and staff analysis. John McHenry, Community & Economic Development Director, and Courtney explained stream buffers and stream buffer variances.

Richard Deriso, representative for the applicant, presented on the requested stream buffer variance to construct townhomes, explaining that the buffer variance is being requested in order to sell the development, as a builder has not actually come on to the project yet.

Chair Keith Easterling opened the floor to public comment. Several people spoke in favor of the project, but did address some concerns in regards to tree removal, potential retention pond issues, and flooding. No one spoke in opposition. Public comment closed. Board comments included, but were not limited to, questions about if this development is in a 100-year floodplain, as well as what tributary the stream drains into.

**MOTION TO APPROVE V-17-001 WITH CONDITIONS:**

1. **The encroachment into the 75-foot no impervious surface setback shall be limited to 7,420-square feet, as shown on the site plan received on March 17, 2017.**
2. **The encroachment into the 50-foot city undisturbed stream buffer shall be limited to the 1,365-square feet that was previously graded, as shown on the site plan received on March 17, 2017.**
3. **The applicant is required, prior to issuance of a certificate of completion, to replace vegetation on the subject property to offset any adverse impact associated with the additional disturbance/impervious surface closer to the stream. Mitigation requires the planting of at least 11 large trees, 22 small trees, 137 shrubs, and 546 ground cover. A mitigation plan shall be submitted for review and approval by the City Arborist prior to permitting.**
4. **The mitigation plan must be executed on the site without removal of existing vegetation and the use of heavy machinery, outside of what is required for the construction of the townhomes.**
5. **Obtain required building permits/land disturbance permits (as applicable) from the City of Tucker Community Development Department prior to commencement of construction.**

**By: Chris Hartley**

**Seconded by: Charles Abbott**

**Vote: (5-0) (Hartley, Abbott, Easterling, Soltys, Stubblefield)**



**2. VARIANCE APPLICATION: V-17-002**

**PETITIONER:** Abdul Rahim Sivji

**PRESENT ZONING:** RE (Residential Estate) District

**PROPOSED ZONING:** RE (Residential Estate) District

**LOCATION:** 1646 Lilburn Stone Mountain Road

**VARIANCE REQUEST:** Stream buffer variance to construct a concrete pad.

Courtney Lankford, Deputy Community Development Director, gave an overview of the requested variance and the staff analysis.

Abdul Rahim Sivji, the applicant, presented and explained his request, explaining that the landscape poses several difficulties for construction and that the concrete pad is to park his boat. Chair Keith Easterling opened the floor for public comment. Susan Dietz lives close to the applicant and supported his argument that the landscape poses some hardships when it comes to parking and construction. No one spoke in opposition. Board comments included, but were not limited to, questions of whether other neighbors experienced the same hardship and if the applicant has explored alternatives to this hardship.

**MOTION TO DENY V-17-002.**

**By:** Neal Stubblefield

**Seconded by:** Pat Soltys

**Vote:** (5-0) (Stubblefield, Soltys, Easterling, Abbott, Hartley)

**CITY BUSINESS:**

**MOTION TO DEFER THE ZONING BOARD OF APPEALS BY-LAWS TO THE APRIL 18<sup>TH</sup>, 2017 MEETING.**

**By:** Keith Easterling

**Seconded by:** Chris Hartley

**Vote:** (5-0) (Easterling, Hartley, Abbott, Soltys, Stubblefield)

**COMMENTS BY STAFF AND ZONING BOARD OF APPEALS MEMBERS:** Courtney Lankford, Deputy Community Development Director, stated that the next Zoning Board of Appeals Meeting would be on April 18<sup>th</sup>, 2017, and gave a brief update on text amendment, TA-16-001.

**ADJOURNMENT:** The Zoning Board of Appeals Meeting adjourned at approximately 8:37 pm.

Approved,

Attest:



Keith Easterling, Chairman



Katie Coleman, Administrative Assistant

(Seal)

