

CITY OF BROOKHAVEN
ZONING BOARD OF APPEALS
FINAL MINUTES

December 21, 2016

Regular Meeting

7:00 PM

4362 Peachtree Road, Brookhaven, GA 30319

A) CALL TO ORDER

Attendee Name	Title	Status	Arrived
Caitlin Miller		Present	
Corey Self		Present	
Don Bolia		Present	7:07 PM
Hope Bawcom		Present	
Jed Beardsley		Present	
JD Clockadale		Present	
Jeff O'Connell		Absent	

B) APPROVAL OF MINUTES

1. Approval of November 16, 2016 Zoning Board of Appeals Regular Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Miller
SECONDER:	JD Clockadale
AYES:	Miller, Self, Bawcom, Beardsley, Clockadale
ABSENT:	Bolia, O'Connell

C) ORGANIZATIONAL AND PROCEDURAL ITEMS

There were no organizational or procedural items discussed.

D) UNFINISHED BUSINESS

1. ZBA16-50: R. Kyle Williams - Reduce Front Yard Setback (Lindenwood Lane) from 30 Feet to 10.5 Feet for Construction of a Single Family Residence - 2290 Fairway Circle

Ms. Ruffin stated staff recommended denial and substituted in lieu thereof approval conditional to a 15 foot setback.

R. Kyle Williams, the applicant, reviewed the request and reiterated the desire to seek board approval.

Public comment opened.

Speakers in support:
Ashley Walker, 1934 Fairway Cir
James Eaton, 2284 Fairway Cir

Speakers in opposition:

Tom Weber, 2051 Fairway Cir

Public comment closed and board discussion began.

Mr. Williams summarized the variance is needed to construct a home that is similar to existing homes in the surrounding area, and a smaller home would not be in keeping with the character of the neighborhood.

Board discussion closed.

A condition regarding variance approval was discussed. The condition reads as follows:

1. Development shall occur in accordance with the site plan submitted on December 21, 2016 to the Community Development Department.

Mr. Self motioned to approve the reduction of the front yard setback from 30 feet to 15 feet with conditions for ZBA16-50, and Mr. Bolia seconded. The motion passed 5-1.

RESULT:	APPROVED WITH CONDITION [5 TO 1]
MOVER:	Corey Self
SECONDER:	Don Bolia
AYES:	Miller, Self, Bolia, Bawcom, Beardsley
NAYS:	Clockadale
ABSENT:	O'Connell

2. ZBA16-52: Ron Hiller - Increase Maximum Lot Coverage from 35% to 39.9% for Construction of a Pool on an Existing Single Family Residential Lot - 3096 Lanier Drive

Ms. Ruffin stated staff recommended denial of the request.

Ron Hiller, the applicant, noted a newly submitted site plan and requested to increase the maximum lot coverage from 35% to 37.8%. Mr. Hiller reiterated the desire to seek board approval.

There were no comment cards in support or opposition, and board discussion began.

Ms. Ruffin stated for board members city staff had not reviewed the newly submitted site plan, and the actual calculation of impervious surface could be different than what was noted on the plan. Discussion ensued as to whether the size of the request was appropriate given the size of the lot, and board members noted that approving the variance request may not improve existing stormwater run off issues.

Board discussion closed.

Ms. Bawcom motioned to approve the increase in maximum lot coverage from 35% to 37.8%, and Mr. Bolia seconded. The motion did not pass, with Mr. Clockadale, Mr. Self, and Ms. Miller voting against the motion.

Mr. Hiller requested a 30 day deferral to revise the site plan.

Mr. Clockadale motioned to defer ZBA16-52 to the January 18 meeting, and Mr. Bolia seconded. The motion passed 5-1.

RESULT:	DEFERRED [5 TO 1]	Next: 1/18/2017 7:00 PM
MOVER:	JD Clockadale	
SECONDER:	Don Bolia	
AYES:	Miller, Bolia, Bawcom, Beardsley, Clockadale	
NAYS:	Self	
ABSENT:	O'Connell	

E) NEW BUSINESS

1. ZBA16-57: Ashley Smith - Reduce Accessory Structure Setback from 10 Feet to 6.1 Feet for Construction of a Shed - 2900 Surrey Lane

Ms. Ruffin stated staff recommended approval conditional of the request.

Ashley Smith, the applicant, summarized the request was to renovate the existing structure and to construct a shed.

There were no comment cards in support or opposition, and board discussion began.

Ms. Ruffin noted that a stream buffer variance would not be needed if the applicant did not expand or move the existing slab.

Board discussion closed.

Mr. Clockadale motioned to approve ZBA16-57 with conditions, and Mr. Self seconded. The vote was unanimously approved.

RESULT:	APPROVED WITH CONDITION [UNANIMOUS]
MOVER:	JD Clockadale
SECONDER:	Corey Self
AYES:	Miller, Self, Bolia, Bawcom, Beardsley, Clockadale
ABSENT:	O'Connell

2. ZBA16-58: Diego Fracasso - Reduce Rear Yard Setback from 40 Feet to 21.2 Feet and Increase Maximum Lot Coverage from 35% to 61.7% for Construction of an Enclosed Porch - 1109 Victoria Street

Ms. Ruffin stated staff recommended denial of the request.

Courtney Brooks, the homeowner, summarized the request is to repair the basement floor and add a porch to the existing home. Ms. Brooks noted letters of support from neighbors in the surrounding area, and reiterated the desire to seek board approval.

There were no comment cards in support or opposition, and board discussion began.

Ms. Brooks summarized the increase in lot coverage would be needed to repair the basement, build an enclosed porch, and include a fire pit. It was noted the intent of enclosing the porch would be to stop stormwater runoff from entering the basement. Diego Fracasso, the applicant, noted stormwater runoff from the gutters would be directed into a flow well system to account for water mitigation. Discussion ensued as to whether the proposed development could be built by granting a smaller lot coverage request.

Board discussion closed.

A condition was discussed pending variance approval. The condition reads as follows:

1. The owner/developer shall provide installation of stormwater management measures on a site plan, prior to the issuance of a building permit, for impervious lot coverage that exceeds 35% of lot area.

Ms. Miller motioned to approve the reduction of the rear yard setback from 40 feet to 21.2 feet and increase the maximum lot coverage from 35% to 60.5% with conditions, and Ms. Bawcom seconded. The vote was unanimously approved.

RESULT:	APPROVED WITH CONDITION [UNANIMOUS]
MOVER:	Caitlin Miller
SECONDER:	Hope Bawcom
AYES:	Miller, Self, Bolia, Bawcom, Beardsley, Clockadale
ABSENT:	O'Connell

3. ZBA16-59: Blue Square Group, LLC C/O Jill Arnold - Reduce Front Yard Setback from 30 Feet to 8 Feet and Increase Maximum Lot Coverage from 35% to 38% for Construction of a Single Family Residence - 3262 Lynwood Drive

Ms. Ruffin stated staff recommended denial of the reduction of the front yard setback from 30 feet to 8 feet and substituted in lieu thereof a 15 foot setback, and approval conditional of the increase in lot coverage from 35% to 38%.

Jill Arnold, speaking on behalf of the applicant, summarized the requests and noted revisions to the site plan to address concerns raised by neighbors in the surrounding area. Ms. Arnold reiterated the desire to seek board approval.

Public comment opened.

Speakers in support:

Randy Chrissman, 3406 Rennes Dr
Robert Sneed, 3201 Cates Ave
Michael Jensen, 3267 Osborne Rd

Speakers in opposition:

Stuart Marsden, 3263 Lynwood Dr
Jennifer Grippa, 3239 Lynwood Dr
Ian Cooper, 3252 Lynwood Dr
Wayne Foll, 3295 Osborne Rd

Ms. Arnold addressed concerns raised during public comment by summarizing the subject property is a small, exceptionally narrow lot with hardships that were not created by owner. Ms. Arnold also summarized that building the home without the requested variances would result in a development that is inconsistent with homes in the surrounding area and would not be in keeping with the neighborhood. She also noted the requests were similar to variances that were previously approved in the Lynwood Park area.

Public comment closed and board discussion began.

Ms. Arnold summarized for board members the property line dispute was the result of two surveys that called out different property lines, and the dispute was settled between the homeowners. Ms. Ruffin noted a majority of homes in Lynwood Park utilized the Lynwood Park blanket variance, but development using both the blanket

variance and the R-75 zoning district was not allowed. Ms. Ruffin summarized staff recommended approval for a setback to 15 feet because the layout of the home could be reconfigured to fit within that setback requirement. Discussion ensued as to whether the home could be built using a different site plan that would lessen the size of the requests and still be in keeping with the character of the neighborhood.

Board discussion closed.

Mr. Self motioned to defer ZBA16-59 to the February 16 meeting, and Ms. Bawcom seconded. The motion passed 5-1.

RESULT:	DEFERRED [5 TO 1]	Next: 2/16/2017 7:00 PM
MOVER:	Corey Self	
SECONDER:	Hope Bawcom	
AYES:	Self, Bolia, Bawcom, Beardsley, Clockadale	
NAYS:	Miller	
ABSENT:	O'Connell	

- 4. ZBA16-60: Blake Culberson - Reduce Stream Buffer from 75 Feet to 25 Feet for Construction of an Addition to an Existing Single Family Residence - 2724 Green Meadows Lane

Ms. Ruffin stated staff recommended approval conditional of the request.

Blake Culberson, the applicant, reviewed the request and reiterated the desire to seek board approval.

There were no comment cards in support or opposition, and board discussion opened and closed.

Mr. Self motioned to approve ZBA16-60 with conditions, and Ms. Miller seconded. The vote was unanimously approved.

RESULT:	APPROVED WITH CONDITION [UNANIMOUS]
MOVER:	Corey Self
SECONDER:	Caitlin Miller
AYES:	Miller, Self, Bolia, Bawcom, Beardsley, Clockadale
ABSENT:	O'Connell

F) ADJOURNMENT

Mr. Self motioned to adjourn the meeting at 9:27 p.m., and Ms. Bawcom seconded. The vote was unanimously approved.

APPROVED:

ATTEST:

Community Development

Approved