

LILBURN ZONING BOARD OF APPEALS (ZBA)
MEETING MINUTES

October 27, 2015

City Hall Annex

Members Present: Carl Biemiller (Chair), David Hibbert, Philip Holland, Tony Williams and Yoon Mi Hampton

Quorum Present: Yes

Staff Members Present: Doug Stacks, Director of Planning and Economic Development and Joellen Wilson, City Planner

Work Session: Yes

- I. **Call to Order:** 7:30 PM by Chairperson Carl Biemiller
- II. **Approval of Agenda:** Motion by Williams to approve. Second by Hampton. All for.
- III. **Approval of Minutes from July 28, 2015:** Motion by Holland. Second by Hibbert. All for.
- IV. **Old Business:** None
- V. **New Business:**

LV-2015-01 – Chairperson Carl Biemiller presented the application by Jean Danois, property/business owner (B&M Stone, Inc.) for a variance to allow a partially completed building addition and concrete walkway that encroaches (2,200 s.f. impervious) into the City's 50' undisturbed and 75' impervious stream buffer to be permitted. The 1.003 acre property is zoned IA (Industrial Activity) and is located at 4350 Business Park Court, being in District 6, Land Lot 133, Parcel 245.

Biemiller opened for applicant comment: Bill Schwed, General Contractor w/Sheffield Construction speaking on behalf of applicant stated the B&M Stone business is at stake in this decision.

Hibbert made a motion to approve LV-2015-02 to allow the building addition and concrete walkway to encroach into the City's 50' undisturbed and 75' impervious stream buffer with strict compliance with proposed mitigation and remediation plans submitted by the applicant's civil engineer, and continued compliance with all applicable building codes to the satisfaction of the City Department of Planning and Development. Second by Williams.

Discussion followed. Biemiller asked why the permits were not obtained. Schwed explained the applicant based construction limits on existing neighboring buildings and was not aware of expansion restrictions/setbacks/buffers. The applicant has since hired an attorney, engineers and architects to address P&ED concerns and assist him in coming into compliance. Mr. Danois responded to a question regarding his residence in GA – 21 years, but admitted he is not knowledgeable of the permitting process. He reported his expansion efforts were geared toward the safety of workers and response to business demand.

Schwed added that in trying to find a solution some mitigation is offered: a portion of existing concrete parking will be removed from the 25' state stream buffer and the area will be restored according to engineered plans. Mark Walton, (Patrick & Associates) as civil engineer for the

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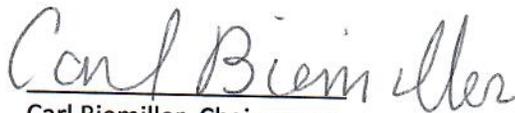
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client added that mitigation for stream bank/buffer and stormwater impacts have been proposed in accordance with the Stream Buffer Protection ordinance and Gwinnett County Storm Water Design Manual, with one more measurement [and plans] due to staff.

Staff had presented development/ordinance history and code compliance issues during the work session. The Lilburn Zoning Ordinance (*Chapter 109, Article VII – Stream Buffer Protection Ordinance*) provides for variance approval; however, based on the 2005 ordinance adoption date and enumerated provisions for grandfathering, exemptions, and variance procedures (Sec. 109-304, (b), (2)), staff recommended denial of the application.

After applicant acknowledged agreement with outstanding code compliance requirements and all proposed mitigation, Hibbert amended the motion to approve LV-2015-01 with a submittal deadline of November 27, 2015 for mitigation plans and January 31, 2016 for building permit application (with architectural drawings) for approval by the City. Hampton seconded. Biemiller called for a vote on the motion as amended. All voted in favor of approval.

VI. **Adjournment:** Biemiller moved to adjourn. All for. Meeting adjourned approximately 8:05 PM.


Carl Biemiller, Chairperson