

LILBURN ZONING BOARD OF APPEALS (ZBA)
MEETING MINUTES

July 25, 2018

City Hall
Auditorium

Members Present: Carl Biemiller, Jonathan Stallsmith, Philip Holland

Members Absent: Tony Williams, Yoon Mi Hampton

Quorum Present: Yes

Staff Members Present: Joellen Wilson, City Planner and Kristen Rodriguez, Planning Assistant

Work Session: Yes.

- I. **Call to Order:** 7:30 PM by Carl Biemiller
- II. **Approval of Agenda:** Motion by Jonathan Stallsmith to approve. Second by Philip Holland. All for.
- III. **Approval of Mtg Minutes:** *November 22, 2017*: Motion by Philip Holland. Second by Jonathan Stallsmith. All for.
- IV. **Old Business:** None
- V. **New Business:**

LV-2018-01 – Staff (Wilson) presented the application by Mohemmed Habib, representative for property owner (Ar-Rahman Humanitarian Services) for a **Variance from City Codes** to allow an encroachment into the City's stream and zoning buffers, parking lot construction specifications. The 3.54 acre property is zoned CB (Commercial Business) and is occupied by **Masjid Abdullah** located at 805 Dickens Rd., being in District 6, Land Lot 161, Parcel 013.

Staff presented the history of the site and existing conditions (zoning, land use, buildings, buffers and setbacks, and parking) as they compare to code requirements, referencing Article 4 of Zoning Ordinance, Ch.109 Stream Buffer Ordinance and Buffer/Landscape Ordinance and City Development Regulations. Applicant acknowledged illegal construction between 2010 and 2015 including building construction and over 17,000 sf of asphalt paving, and most recently an additional 27,600+ sf of paving and a building addition in 2016 with no measures for soil erosion or stormwater management. The code enforcement case is further complicated by fact that recent construction is within a utility easement and uphill of a tributary.

The City has been working 18 months to bring the site into compliance, and the proposed Variance Plan by engineer Gordon Story illustrates mitigation with removal of asphalt in the zoning buffer, addition of above ground stormwater management facility, parking lot modifications and landscaping.

Staff recommended **approval** of the LV-2018-01 Variances in accordance with Variance Plan dated July 21, 2017, including a 20' vegetated buffer along the northern property line, parking lot modifications for stormwater design, and landscape strip and parking lot planting according to the Buffer, Tree and Landscape Ordinance. Staff recommended prohibiting use

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of the 27,600 s.f. parking lot expansion area, until the stormwater facility, planting and parking lot construction meets the design standards of an approved development permit.

Discussion followed with board asking the applicant a few questions regarding the finances available for this project and the reasoning behind the slow progress of the case. Mohemmed Habib assured the board that they would be able to take care of the financial aspect for the project and stated the reason for the slow progress was due to the number of stakeholders, contacts, and lack of understanding about the next steps.

Carl Biemiller called for a motion on the case. Philip Holland made a motion to approve the variance LV-2018-01 according to the Variance Plan, dated July 21, 2017, and to prohibit use of the 27,600 s.f. parking lot expansion area until the stormwater facility, planting, and parking lot construction meets the design standards of an approved development permit. Second by Jonathan Stallsmith with amendment to add a condition that a development permit must be issued within 60 days of the motion passing, or the use of the facility could be prohibited. Carl Biemiller called for a vote on the amended motion. All voted for.

- VI. **Adjournment:** Carl Biemiller moved to adjourn. Second by Jonathan Stallsmith. All for. Meeting adjourned approximately 8:00 PM.

Carl Biemiller, Chairperson