



ZONING BOARD OF APPEALS MEETING
Stonecrest City Hall ZOOM-Virtual, 6:00 PM
December 21, 2021

A G E N D A

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770.224-0200).

**Meeting will be held virtually via the www.zoom.com. Citizens wishing to make public comment can submit their questions via email address Lillian.Lowe@stonecrestga.gov. Comments must be received by noon the day of the hearing in order to be read at the hearing.*

I. Call to Order

II. Roll Call

III. Approval of the Agenda

IV. Minutes: Approval of the Zoning Board Meetings Minutes Summary dated September 21, 2021.

V. Old Business: None

VI. New Business:

1. Approval of the 2022 Zoning Board of Appeals Meeting Schedule

2. **Public Hearing(s):**

LAND USE PETITION:	V-21-004
PETITIONER:	Variable Steel Unlimited LLC
LOCATION:	2813 South Stone Mountain Lithonia Rd, Stonecrest, GA 30038
CURRENT ZONING:	M (Light Industrial)

PROPOSED DEVELOPMENT: Request to encroach into the side-yard setback.

VII. Public Comments: The Secretary, Lillian Lowe, will read public general comments submitted before the meeting not related to any particular matter already discussed, if any were received.

VIII. Adjournment



ZONING BOARD OF APPEALS MEETING MINUTES SUMMARY

Stonecrest City Hall's ZOOM-Virtual, 6:00 PM

September 21, 2021

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

I. Call to Order

Chairman Erica Williams called the meeting to order at 6:04 PM.

II. Roll Call

Chairman Erica Williams called the roll. Ms. Sonja Hicks, Mr. Michael Armstrong, and Ms. Gwen Green were present. Ms. Louise Alexander was absent. There was a quorum.

Planning & Zoning Director Jim Summerbell was present.

III. Minutes

The Zoning Board of Appeals Meeting Minutes Summary dated May 18, 2021, was **unanimously APPROVED**. Mr. Michael Armstrong motioned to **APPROVE**. Ms. Sonja Hicks seconded the motion.

IV. Old Business: None

V. New Business:

A. Public Hearing(s):

LAND USE PETITION:	V-21-003
PETITIONER:	ACE Homes LLC (Representative, Prime Engineering, Inc.)
LOCATION:	2261 Stone Mountain Lithonia Rd, Stonecrest, GA 30038
CURRENT ZONING:	MR-1
PROPOSED DEVELOPMENT:	Request to encroach into the 75 feet stream buffer

Mr. Summerbell presented **PETITION V-21-003**. The zoning case to be held at the October 5th Planning Commission Meeting. There are some lake areas. The applicant is proposing to develop PHASE 1, 131 townhouses, new asphalt road, clubhouse, pool, walking trail, and pavilion. Stonecrest Zoning Ordinance, Chapter 14, Article VII – Stream Buffer, Section 14-543 was discussed. The encroachment into the 75' buffer will be in 7 locations:

Exhibit 1- 1st, 2nd, and 3rd areas of encroachment, see STAFF REPORT, V-21-003, page 4.
Exhibit 2- 4th, 5th, 6th, and 7th areas of encroachment, see STAFF REPORT, V-21-003, page 5.
The Staff recommends **APPROVAL** of **PETITION V-21-003** and be subject to the following conditions:

1. Encroachment into the 75' and 50' no impervious buffer shall be limited to the square footage/linear footage shown in exhibit 1 and 2 of the site plan.
2. Shall provide a planting mitigation plan to Stonecrest City Staff to review before issuance of a Land Disturbance Permit.

The applicant, Mr. Robert McPherson, VP, Prime Engineering, Inc. spoke on the stream cut across the property to the buffer, staying away from the creek, and wetland. Mr. McPherson stated that the DeKalb water sewer is a different issue. The basin was approved and there is no potential overflow on site. Working aggressively to replace. The sewer line is in bad condition.

The Chairman asked for those in support to speak. There was none.

The Chairman asked for those in opposition to speak (**ATTACHMENT I**). There were one:
1. *Spoke-in-person*: Mr. Al Jackson of 6437 Phillips Place is opposed.

The Chairman closed the public hearing before the Commissioners went into discussion.

The Chairman asked for a motion.

The Chairman motioned to **APPROVE PETITION V-21-003 with Staff's recommended conditions**. Ms. Hicks seconded the motion. The vote was unanimous.

VI. Adjournment:

The vote was carried **unanimously** to adjourn the meeting at 6:55 PM. Mr. Armstrong motioned to **adjourn the meeting**. Ms. Hicks seconded the motion.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date



BOARD OF ZONING APPEALS STAFF REPORT
September 21, 2021

ATTACHMENT I

EMAILED COMMENTS IN OPPOSITION

Mr. Al Jackson

DRAFT

Lillian Lowe

From: Al Jackson <noblealjackson@gmail.com>
Sent: Tuesday, August 17, 2021 6:05 PM
To: Lillian Lowe
Subject: v-21-003

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I apologize, however, I did not see a code to be able to enter the zoom meeting. My name is Al Jackson. I am a homeowner that lives at 6437 Phillips Place. From what I understand, if this encroachment is allowed for this development. It will have a direct impact on my property. This stream flows through the rear of my property and would result in drainage issues. Mainly due to the lack of vegetation and natural structures around the property in question. Modifying it will cause many issues to mine and my neighbors properties. I remind you that the county is under a Federal consent decree that includes cleaning up the streams and I have yet to see this done in my neighborhood yet. Can this be addressed during this meeting? Thank you!



ZONING BOARD OF APPEALS MEETING SCHEDULE

Meets on the 3rd Tuesday of each month at 6:00 PM unless otherwise stated.

2022

*January 18th

January						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
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23	24	25	26	27	28	29
30	31					

February 15th

February						
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March						
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March 15th

April						
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April 19th

May						
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June						
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June 21st

July						
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31						

July 19th

August						
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September						
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August 16th

September 20th

October						
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30	31					

October 18th

November						
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27	28	29	30			

November 15th

December						
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

December 20th

Federal holidays 2022

Jan 1	New Year's Day	Jul 4	Independence Day	Nov 11	Veterans Day
Jan 17	Martin Luther King Day	Sep 5	Labor Day	Nov 24	Thanksgiving Day
Feb 21	Presidents' Day	Oct 10	Columbus Day	Dec 25	Christmas Day
May 30	Memorial Day			Dec 26	Christmas Day (obs.)

Holiday Week*

DRAFT 10-19-21/LL

Board of Zoning Appeals Public Hearing

December 21, 2021

**Staff Report
V-21-004**



BOARD OF ZONING APPEALS STAFF REPORT

Board of Zoning Appeals Public Hearing: December 21, 2021 – Revised 12/21/2021

CASE NUMBER:	V-21-004
PROPERTY LOCATION:	2813 South Stone Mountain Lithonia Road (Parcel 16 135 02 008
CURRENT ZONING:	Light Industrial (M)
PARCEL SIZE:	Approximately 1 acre
PROPERTY OWNER(S):	Variable Steel Unlimited LLC
STAFF RECOMMENDATION:	Approval
VARIANCE REQUEST:	Encroachment into the sideyard setback

Current Use

Currently, the subject property is an active metal fabrication business, Variable Steel, which is classified as a light industrial use. Light industrial uses are distinguished in the Stonecrest Zoning Ordinance from heavy industrial uses by the location of operations and degree of impact that such a use has on surrounding properties from noise, smoke, emissions, etc. By definition, light industrial operations, such as Variable Steel, are all “conducted wholly within a building or other enclosed structure, and generate no measurable dust, vibrations, odor, glare or emissions beyond the subject property.” The primary structure on the property is an 8,300 square foot (sf) metal building.

Zoning and case history

The subject property and all surrounding properties are zoned Light Industrial (M), and no conditions of zoning have been placed on it.

The site was the location of a previous variance case V-20-001, heard by the Zoning Board of Appeals (ZBA) on February 18, 2020. At that time Variable Steel was requesting to reduce the front and side yard setback for the construction of an attached awning, which was already in the process of being constructed. The applicant requested a deferral at the hearing, after staff recommended denial of the request, and the deferral was granted by the ZBA. Following the hearing the awning was removed, and case was never brought back to the ZBA.



V-21-004 Zoning Map, the site and all surrounding property is zoned Light Industrial (M)



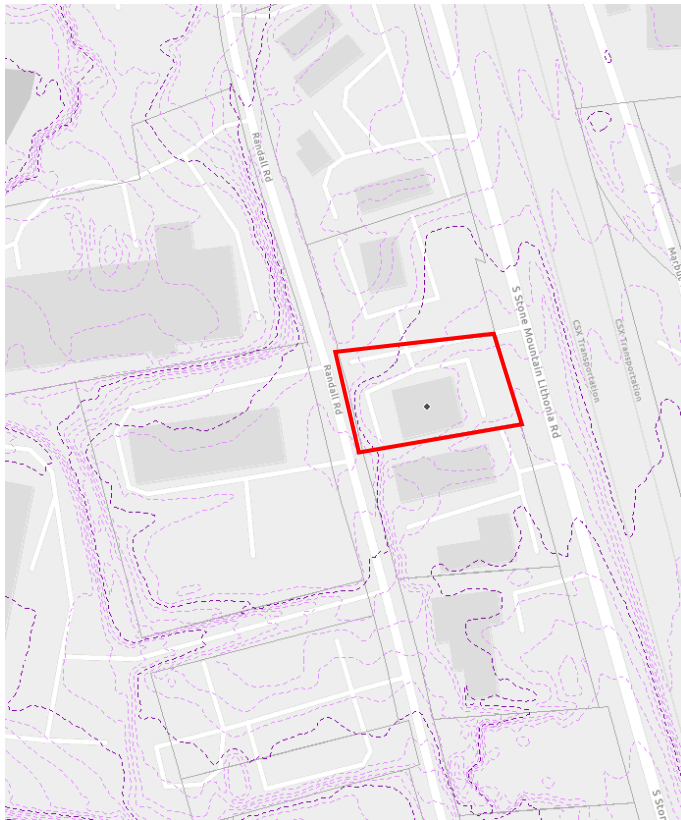
BOARD OF ZONING APPEALS STAFF REPORT

This request is different and reduced in scale from that original variance request heard in 2020. While the old awning had encroached 19' 2" into the 20' sideyard setback and 10' into the 50' front yard setback, this request is for only a 9' 8" encroachment into the 20' sideyard setback.

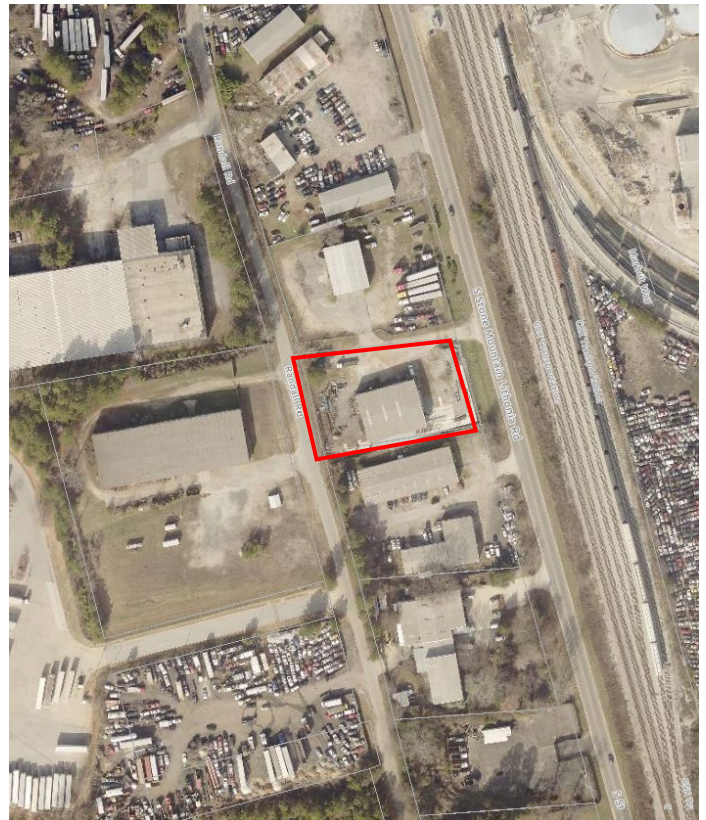
Existing Conditions

The property slopes down to the southeast corner, and has been terraced to provide a relatively level, though uneven, work site. There are only a few trees along the periphery of the site and there are no water features. Most of the yard has gravel surfacing, and there is a concrete pad that runs along the southern edge of the property.

Access to the site is by a shared driveway off of South Stone Mountain Road on the east side of the property but the parcel also has street frontage at the rear along Randall Road. The primary structure on the site is a 8,300 sf fabricated metal building, similar to the other buildings on neighboring properties.



V-21-004 Topography Map



V-21-004 Aerial Map



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The character of the entire area surrounding the site is active industrial, with a wide variety of both light and heavy industrial uses including a CSX switch yard, a rock quarry, and many auto related uses. Ambient noise levels in the area are high.

One of the major issues facing properties all along this portion of South Stone Mountain Lithonia Road is water runoff and flooding. According to the City Engineer who has inspected the site, the primary cause of the flooding is a failure by the County to maintain the drainage ditches along the roadway. Though the ditches are in city rights-of-way, the city contracts with the county to maintain the roads. The need to improve the road drainage system has been identified and the county is aware of it.



Figure 1: Ditch in front of site along S Stone Mountain Lithonia Rd

Complaints of water runoff from the Variable Steel site have been made by its neighbors to the south at 2825 South Stone Mountain Lithonia Road. The issue was more of concern before the building awning on the south side of the property was removed a year ago following the 2020 variance hearing, as the roof of the awning was right on the shared property line. It also has been noted that Variable Steel in turn experiences water runoff from its up hill neighbor to the north at 2196 Randall Road. It is the opinion of the City Engineer that this is an area wide issue, that requires an area wide effort to address. Again both the City and the County are aware of it, and are seeking ways to mitigate it, see memo from the City Engineer in the attachments.

Variance Request

The applicant is seeking a variance of nine feet eight inches into the twenty foot interior side yard setback on the south side of the existing building to construct a shed to allow the addition of a plasma cutter. Plasma cutting uses supercharged, micro screen of gas, funneled through a plasma torch to heat, melt and cut electrically conductive material, such as steel, into custom shapes and designs. According the letter of intent, this plasma cutter is necessary for the applicant to stay competitive with other metal fabricating businesses.

The plasma cutter will be enclosed within two nested structures attached to the existing building, and roller conveyors will convey steel beams into and out of the plasma cutter enclosures, from the rear of the property to the front. A fence will also be constructed along the southside of the property screen the rollers. Figure 1 on the following page shows a sketch of what the addition will look like. A concept plan for the site can be found in Figure 2.



BOARD OF ZONING APPEALS STAFF REPORT

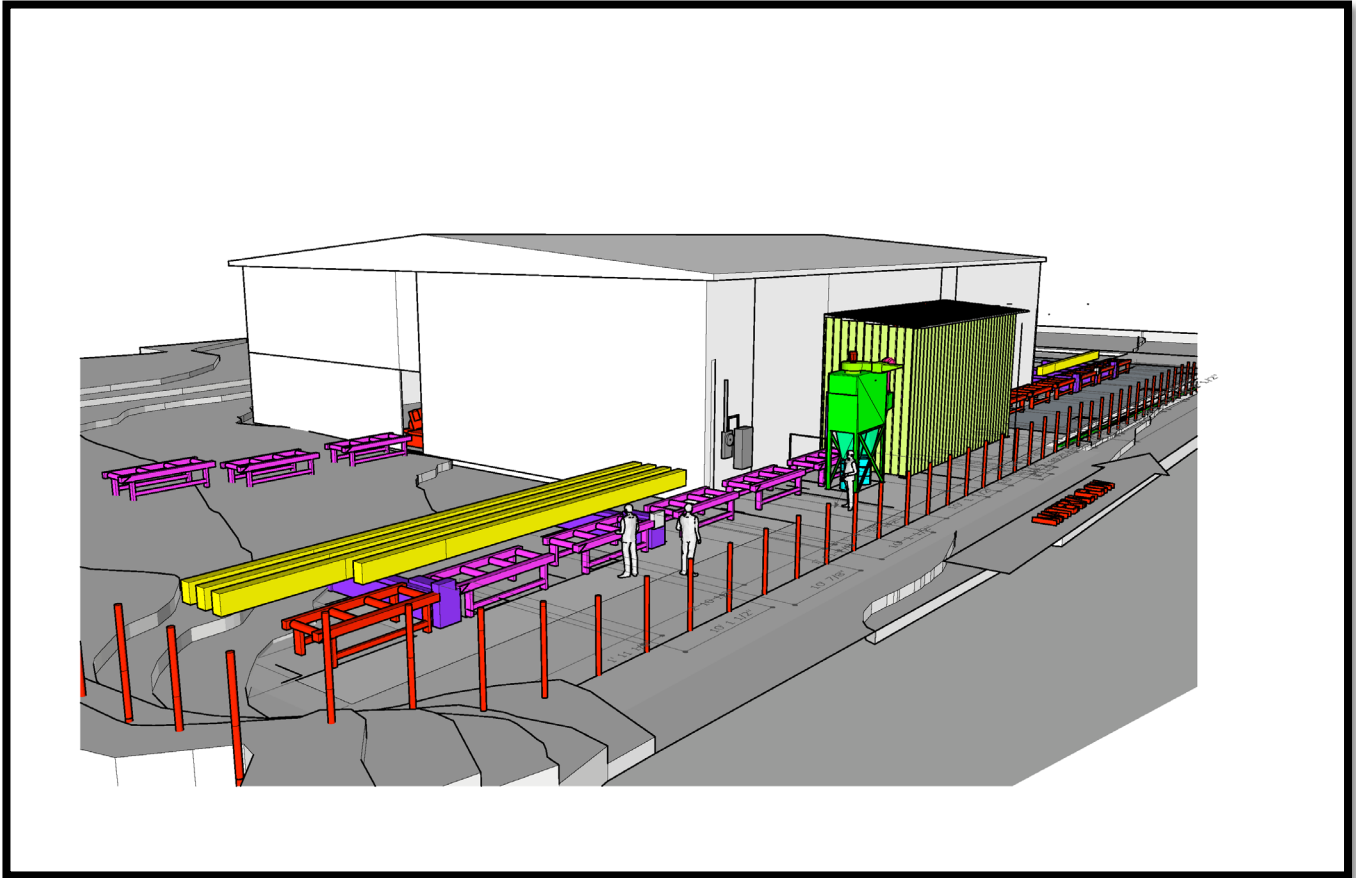


Figure 2: V-21-004 Variable Steel Proposed Elevation

BOARD OF ZONING APPEALS STAFF REPORT



Figure 3: Future site of the building addition and conveyors



Figure 4: Existing fence on southside of building



BOARD OF ZONING APPEALS STAFF REPORT

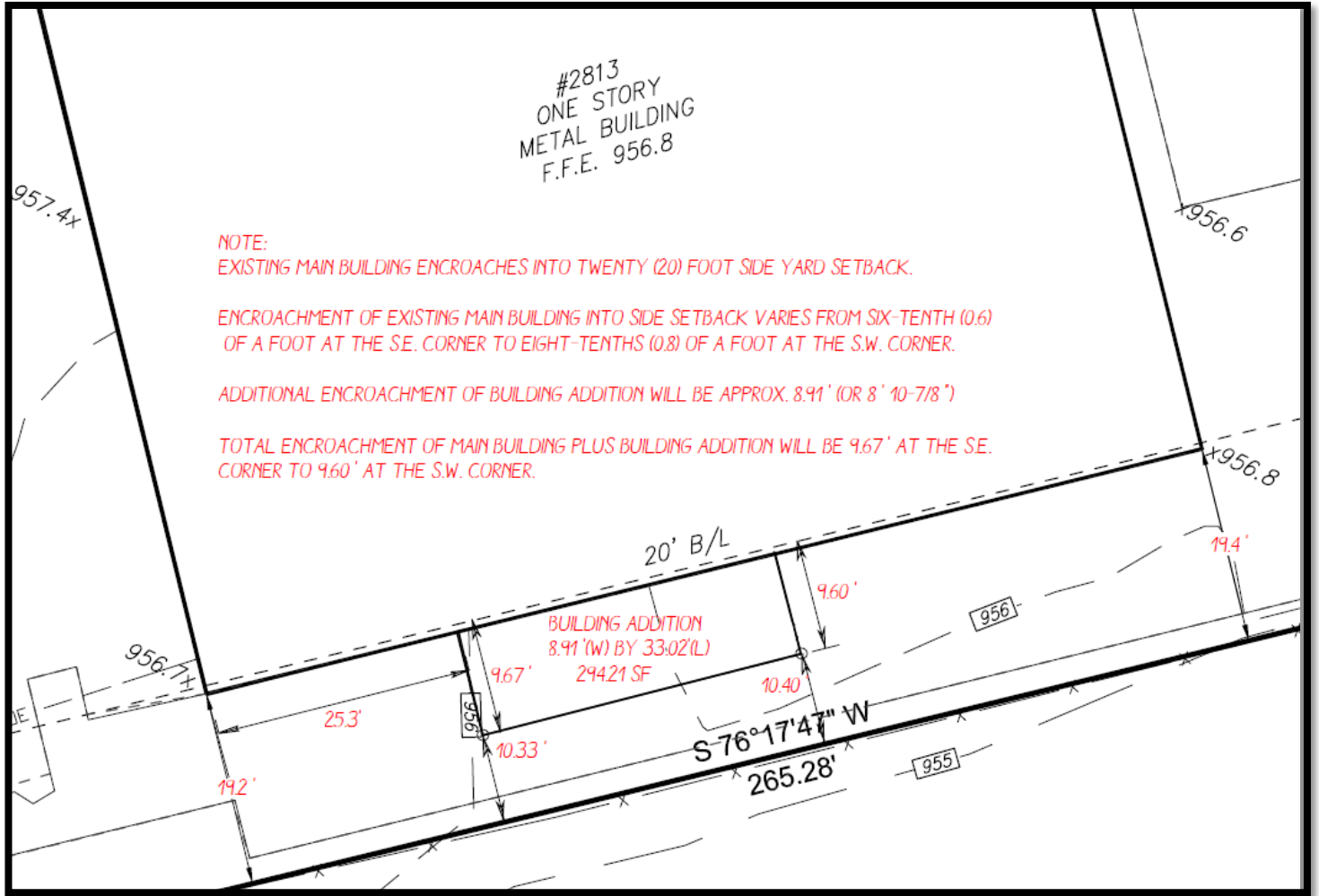


Figure 5: V-21-004 Variable Steel Conceptual Site Plan enlargement showing dimensions. See attachments for full conceptual site plan.

APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance; Chapter 27 Article 2 District Regulations, Division 24 – Nonresidential Zoning Districts: Dimensional Requirements, Section 2.24.1, Table 2.2 which establishes the sideyard setback requirement for Light Industrial, M at 20 feet.



BOARD OF ZONING APPEALS STAFF REPORT

VARIANCE CONSIDERATIONS

Following are the specific considerations listed in Sec 7.5.3 of the Stonecrest Zoning Ordinance that must be considered by the Board of Zoning Appeals in order to grant a variance. These considerations include:

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**
- B. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**
- C. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**
- D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**
- E. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**



BOARD OF ZONING APPEALS STAFF REPORT

STAFF ANALYSIS

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

There are exceptional site conditions, due to the orientation of the building and site layout. Since the site shares a driveway with its neighbor to the north, 2916 Randall Road, truck deliveries and employee parking for both businesses occupy the site north of the building. This north side of the building also experiences storm water drainage issues as the 2916 Randall is uphill of the site. In short the north side of the building is not available or suitable for the plasma cutter. The front and rear yards are not suitable for the plasma cutter because of the length of the steel beams being unloaded on the site, leaving only the south side of the property available for the plasma cutter and rollers.

- B. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

Granting the variance would not go beyond the minimum necessary to afford relief and does not constitute granting special privilege which is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Due to the site factors and space requirements of the site, the applicant's request is reasonable.

- C. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property. With regards to stormwater runoff, the applicant is not intending to increase the amount of impervious surface on the site. The addition of the plasma cutter will take place on existing concrete surfaces, so amount of runoff should not increase after construction. In addition, the plasma cutter itself will not emit any harmful emissions, and the noise from the cutter and the rollers will be at acceptable levels, below the already existing ambient noise levels found on the site due to surrounding industrial and transportation related uses. In addition, the rollers will be screened from view of the adjacent property to the south by a fabric covered fence.



BOARD OF ZONING APPEALS STAFF REPORT

D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

The literal interpretation and strict application of the applicable provision or requirements of this chapter would cause undue and unnecessary hardship on the applicant's business. The applicant claims that the plasma cutter, which is state of the art technology, is necessary for his business to stay competitive with other metal fabrication businesses.

E. The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan text.

The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan, which has designated this site as Light Industrial on the Future Development Map. As such the proposed light industrial use is consistent with the desired character of the area, the spirit and intent of the M zoning district, and would be an asset to the overall economy of the city.

RECOMMENDED CONDITIONS

Based on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **Approval of V-21-004** with the following conditions.

1. That the construction of the 294 sf addition to the principal building conforms to the site plan dated December 20, 201 for Variance application V-21-004 by the Variable Design Group, see Attachment.
2. That gutters and downspouts be installed on the new building addition and that the existing gutters and downspouts on the south side of the building be repaired and improved to ensure that water runoff from the roof is directed down to the drainage ditch system along South Stone Mountain Lithonia Road, and not directly onto neighboring property.
3. That the fence along the south side of the building be replaced and improved to screen the conveyor system associated with the plasma cutter from view.
4. That stormwater runoff from the construction will conform to the requirements of state and local stormwater regulations, before issuance of a certificate of occupancy.

Attachments:

- 1 – Application Packet for V-21-004 with updated Conceptual Site Plan
- 2 – Concept Drawing, Plat and Conceptual Site Plan
- 3 – Memo from City Engineer about the drainage situation at 2813 S Stone Mountain Lithonia Rd

Attachment 1: V-21-004 Application Packet

Letter of Intent in support of
Application for Side Yard Setback Variance
by Variable Steel Unlimited, LLC

November 3, 2021

Applicant's description of the reason for requesting this variance:

Applicant seeks a variance of nine feet eight inches (9' 8") into the twenty (20) foot interior side yard setback on the south side of his existing building. The purpose of the variance is to allow adding plasma cutter equipment to Applicant's existing metal fabrication manufacturing business at 2813 South Stone Mountain Lithonia Road. Plasma cutting is a state-of-the-art metal fabrication process which uses supercharge, micro-screen of gas (known as plasma) funneled through a plasma torch to heat, melt and ultimately cut electrically conductive material such as steel into custom shapes and designs. The plasma cutter installation at Applicant's business is necessary for Applicant to stay competitive with other steel fabricators. The installation will include the plasma cutter itself, which will be enclosed in two nested structures attached to the south side of Applicant's existing building. The installation will also include roller conveyors on the exterior of the plasma cutter enclosures on the west and east sides which will convey steel beams into and out of the plasma cutter enclosures, from the rear of the property to the front.

Applicant's showing that this variance request is a result of all of the following conditions:

1. Whether by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of

this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district?

Answer: Applicant's business shares a driveway with his neighboring property to the north at 2916 Randall Road, which lies uphill of Applicant's existing building. The remaining space north of Applicant's building is used for employee parking and truck deliveries of steel beams. Due to the shared driveway, parking and truck deliveries on the north side of the building and issues with storm water drainage from 2916 Randall Road and the lack of a functioning public storm water drainage system along South Stone Mountain Lithonia Road, the north side of Applicant's property is not available or suitable for the plasma cutter and its associated rollers. Moreover, due to the length of steel beams the rear of Applicant's property cannot be used. This leaves the south side of Applicant's property as the only available location for the plasma cutter and rollers. Moreover, Applicant's existing main building is offset to the south side of Applicant's parcel close to the building setback line. This means the only available space for the installation is within the south setback area.

2. Whether the requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located?

Answer: The requested variance does not go beyond the minimum necessary to afford relief and would not constitute the grant of a special privilege, due to the constraints imposed by the shared driveway, space needed for employee parking and truck deliveries, storm water drainage issues, and the noncentral location of the existing building, and to the length of steel beams.

3. Whether the grant of the variance will not be materially detrimental to the public welfare or injurious to the property or injurious to the property or improvements in the zoning district in which the subject property is located?

Answer: Granting the variance will not be materially detrimental to the public welfare, injurious to the property, or injurious to the property or improvements in the zoning district in which the subject property is located. There will be no emissions of any kind from the plasma cutter operations. Noise levels from the plasma cutters and the rollers will be at acceptable levels, below the already existing ambient noise in the vicinity of Applicant's property. The appearance of the plasma cutter enclosure and rollers will be consistent with the surrounding industrial context, which includes the CSX RR switch yard and E.R. Snell property with asphalt tanks on the other side of South Stone Mountain Lithonia Road. The rollers will be screened from view of the adjacent property to the south at 2825 South Stone Mountain Lithonia Road by a fabric-covered fence.

4. Whether the literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship rather than merely imposing a casual/discretionary inconvenience to Applicant or his assigns?

Answer: The literal interpretation and strict application of the interior side yard setback limitation for the light industrial zoning district would cause undue and unnecessary hardship for Applicant's business rather than merely imposing a casual/discretionary inconvenience to Applicant or its assigns. Applicant needs to install the plasma cutter, which is state-of-the art technology, in order to stay competitive with other steel fabrication manufacturers

5. Whether the requested variance would be consistent with the spirit and purpose of this Chapter and the City of Stonecrest Comprehensive Plan text?

Answer: The requested variance would be consistent with the spirit and purpose of the Stonecrest Zoning Code (Chapter 27) and the Stonecrest Comprehensive Plan Update 2038. The plasma cutter, enclosure, and rollers will be an outstanding example of responsible and sustainable industrial growth in the City of Stonecrest.

Attachment: Deed to Variable Steel Unlimited, LLC for 2813 South Stone Mountain Lithonia Road, recorded September 5, 2019, Deed Book 27773, Page 33, with full legal description with narrative of metes and bounds.

2019129206 DEED BOOK 27773 Pg 33
Filed and Recorded: 9/5/2019 10:12:00 AM
Recording Fee: \$16.00
Real Estate Transfer Tax: \$435.00
Prepared By:
2979894615
7067927936

Record and Return to:
Weissman PC
5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

File No.: CM104-19-0117-R
Parcel No.: 16-135-02-008

**LIMITED
WARRANTY DEED**

**STATE OF GEORGIA
COUNTY OF FULTON**

THIS INDENTURE, made this 30th day of August, 2019, between **Wayne E. Phillips**, as party or parties of the first part, hereinafter called Grantor, and **Variable Steel Unlimited, LLC, a Georgia Limited Liability Company** as party or parties of the second part, hereinafter called Grantee, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See Exhibit "A" attached hereto.

This Deed is given subject to all easements and restrictions of record and those certain exception listed on Exhibit "B" attached hereto.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through and the above named grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written

Signed, sealed and delivered
in the presence of

Unofficial Witness

Wayne E Phillips (Seal)
Wayne E. Phillips

Notary Public

My Commission Expires: _____



EXHIBIT "A"**Legal Description**

File No.: CM104-19-0117-R

ALL THAT TRACT or parcel of land lying and being in the City of Stonecrest in Land Lot 135 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found located on the westerly side of the original right of way of Stone Mountain-Lithonia Road, being 1285.54 feet south of the 80-foot right of way of Marbut Road as measured along the original 70 foot right of way of Stone Mountain-Lithonia Road; thence running South 80 degrees 08 minutes 02 seconds West a distance of 15.03 feet to a P. K. Nail Set being the TRUE POINT OF BEGINNING. FROM SAID TRUE POINT OF BEGINNING: thence running along the westerly side of the current right of way of said Stone Mountain-Lithonia Road (100 foot right of way) and running South 13 degrees 42 minutes 13 seconds East a distance of 151.00 feet to an iron pin set; thence leaving the westerly side of the right of way of said Stone Mountain-Lithonia Road and running South 76 degrees 17 minutes 47 seconds West a distance of 265.28 feet to an iron pin set located on the easterly side of the right of way of Randall Road (50-foot right of way); thence running along the easterly side of the right of way of said Randall Road North 11 degrees 36 minutes 33 seconds West a distance of 168.49 feet to an iron pin set (said iron pin set being the centerline of common asphalt drive); thence leaving the easterly side of the right of way of said Randall Road and running along the centerline of common asphalt drive North 80 degrees 08 minutes 02 seconds East a distance of 259.70 feet to a P. K. Nail Set and the TRUE POINT OF BEGINNING. Said property being part of Lot 3 of the William A. Kelly Subdivision, containing 0.96 acres, more or less, and having a street address of 2813 Stone Mountain-Lithonia Road, according to the present system of numbering in the City of Stonecrest, DeKalb County, Georgia.

This being the same property as conveyed to Jane Allen Hoffmeyer by Administrator CTA Deed of Assent, dated May 18, 2000, and recorded in Deed Book 11372, Page 406, DeKalb County, Georgia records; and then conveyed to Hoffmeyer Properties, LLC, by Limited Warranty Deed, dated February 16, 2010, recorded in Deed Book 21859, Page 128, DeKalb County, Georgia records.

TOGETHER WITH AND SUBJECT TO all rights and interest of third parties in and to use of common asphalt drive on north boundary of property. Centerline of common asphalt drive is apparent north property line.

Exhibit A (Letter Size Legal Description)

CM104-19-0117-R

Exhibit "B"**Permitted Exceptions**

1. All taxes for the year 2020 and subsequent years, not yet due and payable.
2. RIGHT OF WAY DEED to DeKalb County recorded in Deed Book 2204, Page 356, aforesaid records.
3. EASEMENT to Georgia Power Company recorded in Deed Book 2489 Page 253, aforesaid records.
4. PERMIT FOR ANCHORS, GUY POLES AND WIRES to Georgia Power Company recorded in Deed Book 3658, Page 647, aforesaid records.
5. RIGHT OF WAY DEED to DeKalb County recorded in Deed Book 5074, Page 2, aforesaid records.
6. RIGHT OF WAY DEED to DeKalb County recorded in Deed Book 5074, Page 3, aforesaid records.
7. All rights and interest of third parties in and to use of common asphalt drive along north boundary of property.
8. All matters disclosed by survey for Jack A. Phillips made by J. M. Massey & Company, dated July 28, 2010.
9. Anything to the contrary contained herein notwithstanding, no insurance is afforded as to any matters revealed by survey by Foothills Land Surveying, LLC, dated August 20, 2019, including without limitation the following:
 - (a) Fences located partially upon the Land and extending outside the northern and eastern boundaries thereof;
 - (b) 30" CMP and 6" PVC with drop inlets crossing eastern portion of the Land, and concrete and gravel areas extending over same;
 - (c) Fence located partially along the southern boundary of the Land and partially outside said boundary;
 - (d) Common asphalt driveway located partially upon the Land and partially upon adjacent property to the north;
 - (e) 60-foot front, 20-foot side, and 30-foot rear building setback lines, with encroachment of metal building over side setback line on the south;
 - (f) Power lines crossing the southwestern portion of the Land.
10. M&M Lien filed by BP Infrastructure Services, LLC against Wayne E. Phillips, in the amount of \$40,676.02, dated 7/8/2019, recorded 7/9/2019, at Lien Book 2201, Page 514, aforesaid records.
11. M&M Lien filed by Thomas Concrete of Georgia, Inc. against Wayne E. Phillips, in the amount of \$12,928.68, dated 7/9/2019, recorded 7/9/2019 at Lien Book 2202, Page 102, aforesaid records.



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Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

VARIABLE STEEL UNLIMITED, LLC

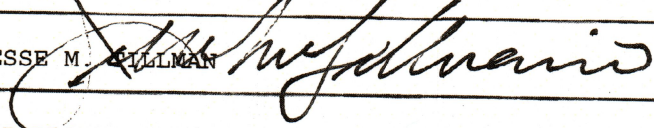
Property Owner	Signature: <i>[Signature]</i>	Date: 11/1/2021		
	Address: 985 BROWN STORE RD, STE A	City, State: ACWORTH, GA	Zip: 30101	
	Phone: 404-624-6785			
	Sworn to and subscribed before me this 1ST day of NOVEMBER, 20 21			
Property Owner (If Applicable)	Notary Public: <i>[Signature]</i>			
	Signature:	Date:		
	Address:	City, State:		Zip:
	Phone:			
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20 _____			
	Notary Public:			
	Signature:	Date:		
	Address:	City, State:	Zip:	
Phone:				
Sworn to and subscribed before me this _____ day of _____, 20 _____				
Notary Public:				



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Campaign Disclosure Statement

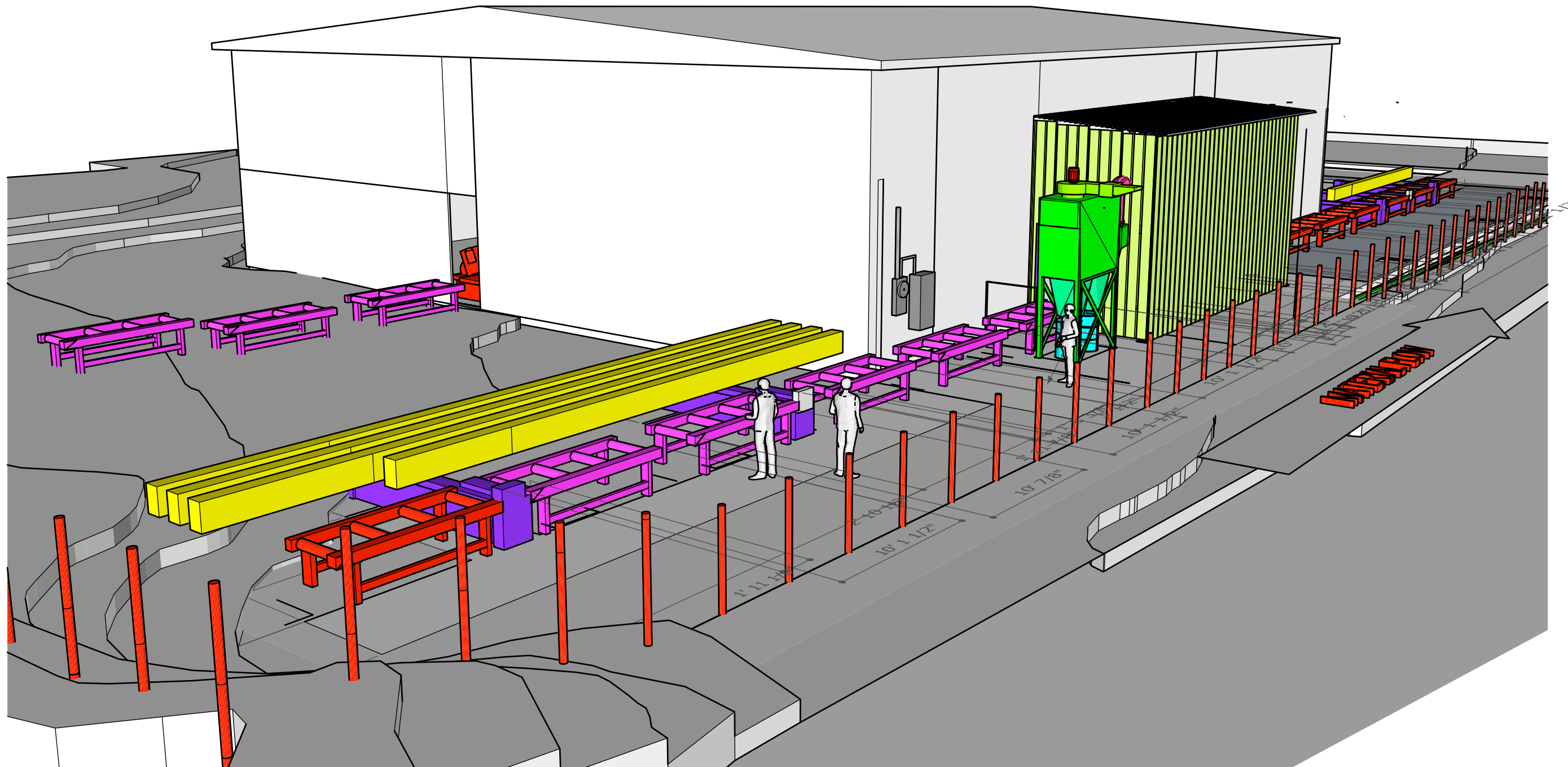
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission? YES NO

Applicant / Owner	Signature:	JESSE M. WILLMAN 
	Address:	985 BROWN STORE ROD, SUITE A, ACWORTH, GA 30101
	Date:	NOVEMBER 1ST, 2021

If the answer above is yes, please complete the following section:

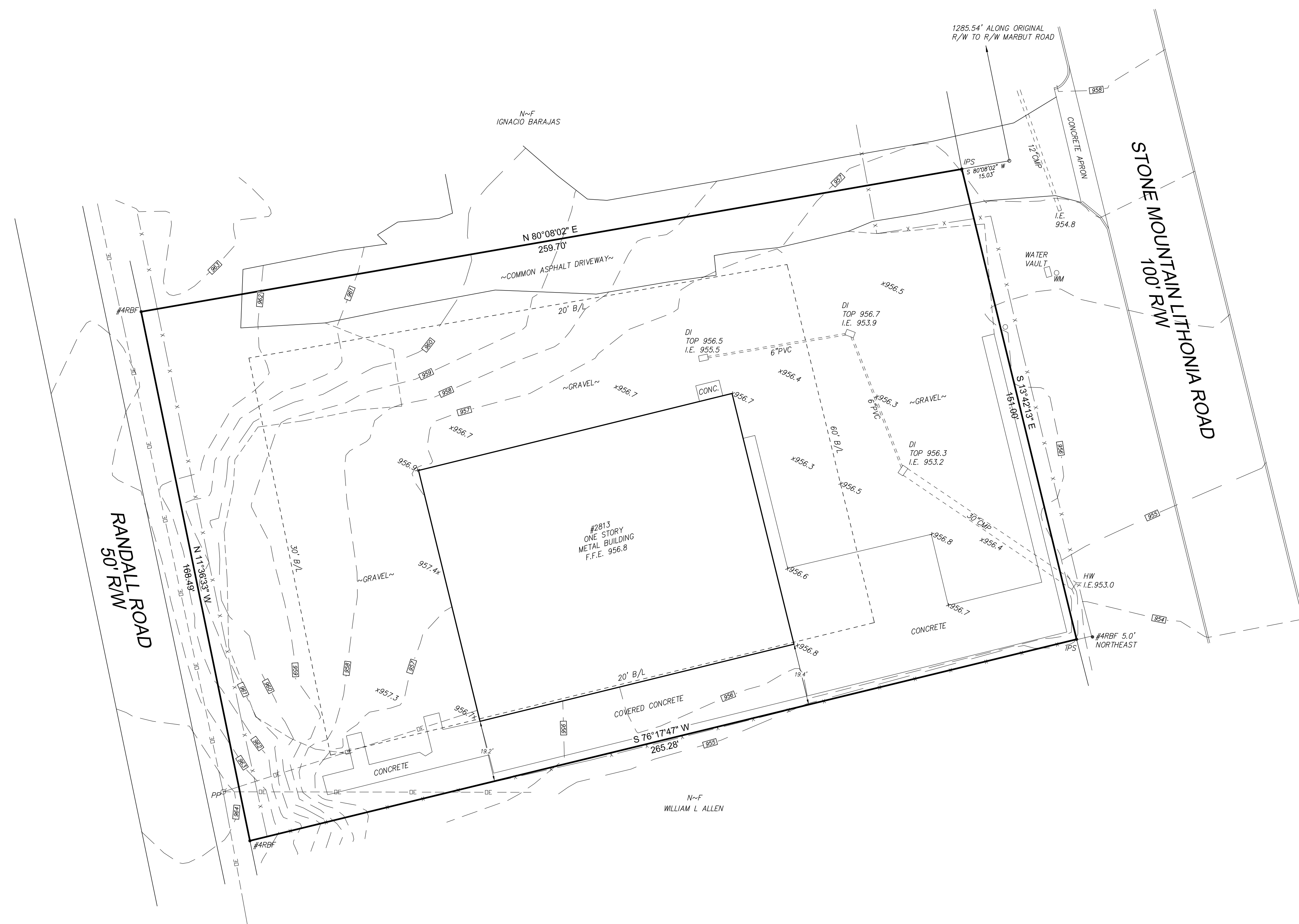
Date	Government Official	Official Position	Description	Amount

Attachment 2 - Concept Drawing, Plat and Conceptual Site Plan



LEGEND AND SYMBOLS USED

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ⚡ PP - Power Pole
- ⚡ LP - Light Pole
- ⚡ PED - Utility Pedestal
- ⚡ FH - Fire Hydrant
- ⚡ WM - Water Meter
- ⚡ WV - Water Valve
- ⚡ GM - Gas Meter
- SMH - Sewer Manhole
- ⚡ CB - Catch Basin
- DI - Drop Inlet
- ⊙ C/O - Cleanout
- ⊗ PBX - Power Box
- Deciduous Tree
- Coniferous Tree
- CMF - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N-F - Now or Formerly
- DB, PG - Dead Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning



AREA
41,897 SQ.FT.
0.96 ACRES

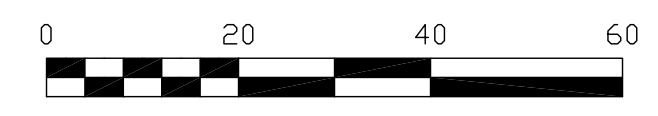
- SURVEYOR'S NOTES:**
1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
 2. This plat has been calculated for closure and has a mathematical error of 1:300,000+.
 3. Field angles and measurements acquired for the production of this plat were obtained on 8/19/2019 using a Leica TCPRP 1203 Total Station.
 4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
 5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
 6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
 7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

SURVEYOR'S CERTIFICATION

This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel, the recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. Recordation of this survey does not imply approval of the local jurisdiction, availability of permits, compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act OCSA 15-6-67.

John C. Groves, Jr., RLS 3237



FOOTHILLS
LAND SURVEYING, LLC

8450 KNOX BRIDGE HWY
CANTON, GA 30114
(678) 533-8637
www.foothillslandsurveying.com
GA LSF #1152

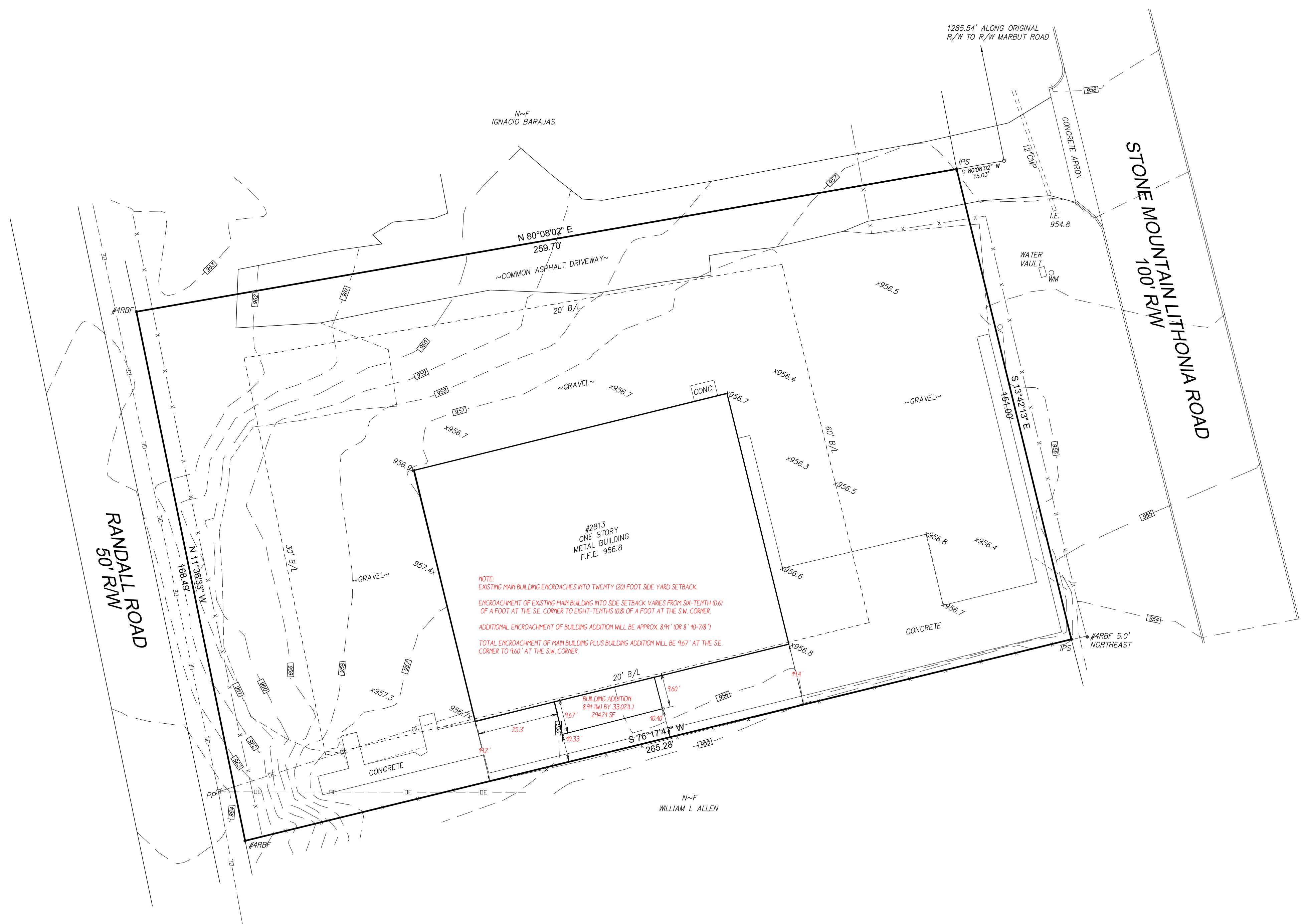
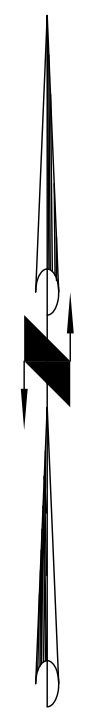
BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR
VARIABLE STEEL UNLIMITED, LLC

LOCATED IN LAND LOT 135
16TH DISTRICT,
DEKALB COUNTY, GEORGIA

DATE:	8/20/19
SCALE:	1"=20'
DRAWING:	19-247
COORD:	
REVISIONS:	
SHEET #:	1 of 1

LEGEND AND SYMBOLS USED

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
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- ⊕ PBX - Power Box
- Deciduous Tree
- Coniferous Tree
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- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N-F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning



NOTE:
 EXISTING MAIN BUILDING ENCROACHES INTO TWENTY (20) FOOT SIDE YARD SETBACK.
 ENCROACHMENT OF EXISTING MAIN BUILDING INTO SIDE SETBACK VARIES FROM SIX-TENTH (0.6)
 OF A FOOT AT THE SE CORNER TO EIGHT-TENTHS (0.8) OF A FOOT AT THE SW CORNER.
 ADDITIONAL ENCROACHMENT OF BUILDING ADDITION WILL BE APPROX 8.91' (OR 8' 10-7/8")
 TOTAL ENCROACHMENT OF MAIN BUILDING PLUS BUILDING ADDITION WILL BE 9.67' AT THE SE
 CORNER TO 9.60' AT THE SW CORNER.

BUILDING ADDITION
 8.91 (W) BY 33.02 (L)
 2942.19'

AREA
 41,897 SQ.FT.
 0.96 ACRES

DETAILING NOTES:
 1. The plat information used in the development of the proposed conceptual site plan was provided by Foothill Surveyor Services, which as provided for the purpose of a real estate sale closure.
 2. This plat has been calculated for closure and has a mathematical error of 1:300,000+.
 3. Field angles and measurements acquired for the production of the plan were obtained on 8/19/2019 using a Leica TC1P 1203 Total Station.



<p>CONCEPTUAL SITE PLAN FOR VARIANCE APPLICATION V-21-004 PREPARED FOR VARIABLE STEEL UNLIMITED, LLC PREPARED BY VARIABLE DESIGN GROUP LOCATED IN LAND LOT 135 16TH DISTRICT, DEKALB COUNTY, GEORGIA</p>	<p>DATE: 12/20/21 SCALE: 1"=20' DRAWING: 19-247 COORD: REVISIONS: SHEET #: 1 of 1</p>
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Ten 10th Street, NW, Suite 1400
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F +1.404.978.7660
www.jacobs.com

Subject **Drainage Issues at Variable Steel** **Project Name** Stonecrest, Georgia
 2813 S Stone Mountain Lithonia
 Rd, Stonecrest, GA 30058

Attention Jim Summerbell, Planning and
 Zoning Director

From Tom Udell, City Engineer

Date December 21, 2021

Description:

I made a site visit to assess the drainage issues with the above property based on complaints from the property owner as well as the neighboring property to the south. 2813 Stone Mountain Lithonia Rd. is located between Stone Mountain Lithonia Rd. to the east and Randall Rd. to the west. Stone Mountain Lithonia Rd. is a two lane paved road with curb and gutter. There is no stormwater facility along the road other than a discontinuous ditch and culvert system that is severely silted and the 12" culvert under the subject property driveway is buried and carrying little if any water. Randall Rd. is a narrow two lane road with rural shoulders and no ditch evident. There is a sag located at the northwest corner of the subject property. At the time of the site visit there was evidence of water erosion on the bank along Randall Rd. there were also several puddles indicating excessive water flowing across the property from both streets as well as the property to the north. The property to the south has built a berm to direct the water from the front of the subject property to the east. On the property itself there is a series of drains that have been installed to carry the water to the east of the property. They appeared to be silted in and not working well. The owner said he is working to get the issue resolved.

Assessment:

The subject property is one of a series of properties that are dealing with excessive runoff due to substandard drainage facilities. Storm water runs off the streets as well as from the northern properties to the south. There needs to be a study of the overall drainage in the area and mitigation measures need to be taken to direct the storm water away from the properties and beyond the buildings.