

Raymond White
Director
Planning and Zoning
Department



Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: Zoning Board of Appeals

FROM: Planning and Zoning Department

SUBJECT: V23-002

ADDRESS: 7171 Browns Mill Road

MEETING DATE: June 20, 2023

Summary: To reduce the 40' front setback to a minimum of 10% (4feet) or maximum of 25% (10 feet).

STAFF RECOMMENDATION:

Based on the findings and conclusions, it appears the applicant meets all the criteria for granting the variance. Therefore, staff recommends **APPROVAL** of V23-002.



V23-002

Planning and Zoning Department

District #5

PROPERTY INFORMATION	
Location of Subject Property: 7171 Browns Mill Road	
Parcel Number: 11 248 01 059	
Road Frontage: Brown Mills Rd	Total Acreage: 0.57
Current Zoning: R - 85	Overlay District: Arabia Mountain
Future Land Use Map/ Comprehensive Plan: Suburban (SUB)	
Zoning Request: To reduce the 40' front setback to a minimum of 10% (4feet) or maximum of 25% (10 feet)	
Zoning History: Since the incorporation of the city, the subject property has not gone through any zoning entitlements.	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Curtis Monette
Applicant Address: 1575 Ursula way, East Palo Alto, CA 94303
Property Owner Name: Monette Natosha
Property Owner Address: 4979 River Overlook Way, Lithonia GA 30038



DETAILS OF ZONING REQUEST

The applicant, Curtis Monette, on behalf of the property owner, Monette Natosha is seeking to reduce the front setback to a minimum of 4 feet or maximum of 10 feet. The subject property has an unusual shape. Due to the unusual shape and limitation due to easement along the southern portion of the parcel for the existing powerlines, applicant request that the 40' front setback be reduced by a minimum 10% (4 feet) or maximum of 25% (10 feet). Furthermore, the applicant states that that reduction has little to no impact on any adjoined residence or existing utilities or right of way.

ADJACENT ZONING & LAND USE

NORTH	Zoning: Arabian mountain overlay, R - 85 (Residential medium lot)	Land Use: Undeveloped land
SOUTH	Zoning: Arabian mountain overlay, R - 85 (Residential medium lot)	Land Use: Undeveloped land with power lines & single-family dwelling
EAST	Zoning: Arabian mountain overlay, R - 85 (Residential medium lot)	Land Use: Undeveloped land
WEST	Zoning: Arabian mountain overlay, R - 85 (Residential medium lot)	Land Use: Single-family dwelling & undeveloped land



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

This site is currently undeveloped with one road frontage (Browns mill road). powerlines were driven closer to the Sothern boundary of the subject property and home to relatively thick tree cover. There is a waterbody approximately 0.7 miles away from the east boundary of the property.

MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA

1. 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 size and shape of the subject property. The submitted survey depicts a triangular shaped parcel which was not created by the owner or applicant. The strict application of the requirements of this chapter would deprive the property of rights and privileges enjoyed by other property owners in the same zoning district.

2. 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 a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

3. 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 this 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.

4. 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 provisions or requirements of this chapter would cause an undue and unnecessary hardship.

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



V23-002

Planning and Zoning Department

The requested variance would be consistent with the spirit and purpose of this chapter and the comprehensive plan.

RECOMMENDATION

Based on the findings and conclusions, it appears the applicant meets all the criteria for granting the variance. Therefore, staff recommends **APPROVAL** of V23-002.



V23-002

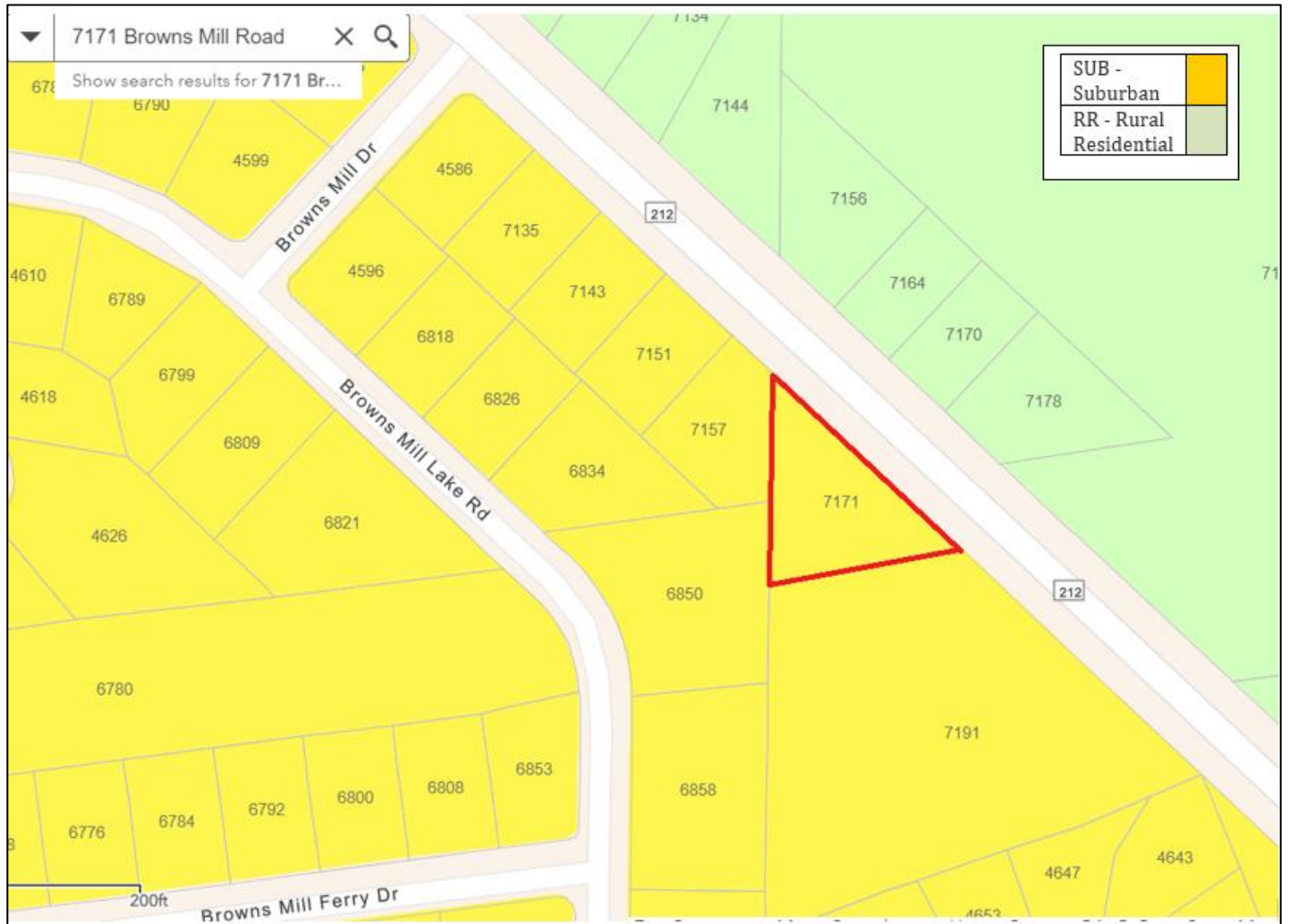
Planning and Zoning Department

Attachments Included:

- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Elevations**
- **Application**
- **Letter of Intent**



FUTURE LAND USE MAP



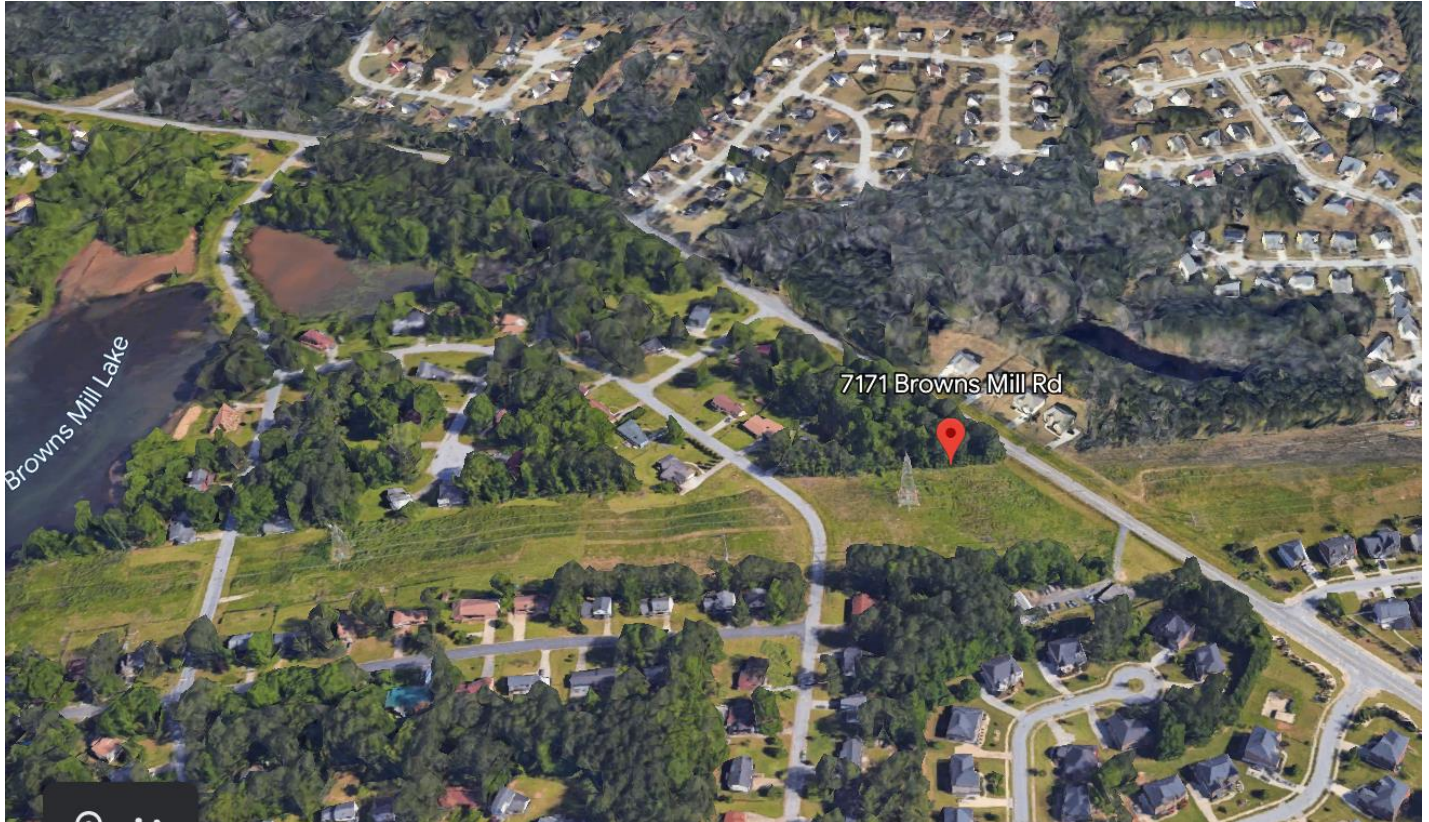
Source: Stonecrest GIS map

ZONING MAP



Source: Stonecrest GIS map

AERIAL MAP



Source: Google earth image (<https://earth.google.com/web/search/7171+Browns+Mill+Road,+Stonecrest,+GA>)

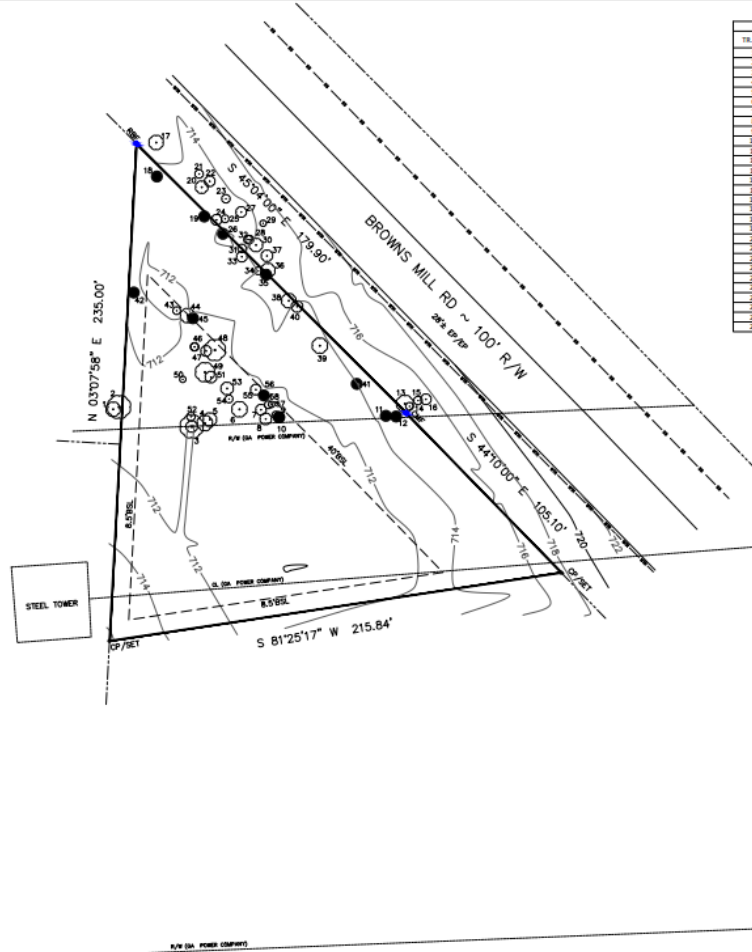
SUBMITTED SITE PLAN

* L E G E N D *

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
AKA ALSO KNOWN AS
APP AS PER DEED
BSL BUILDING (SETBACK) LINE
CP COMPUTED POINT
C/P CRIMP TOP PIPE FOUND
D DEED (BOOK/PAGE)
DW DRIVEWAY
EP EDGE OF PAVEMENT
FFE FINISH FLOOR ELEVATION
FKA FORMERLY KNOWN AS
FP IRON PIN FOUND
FL LAND LOT
LL LAND LOT LINE
N NEIGHBOR'S

N/T NOW OR FORMERLY
NAIL NAIL FOUND
P PLAT (BOOK/PAGE)
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R RADIUS LENGTH
R/W RIGHT-OF-WAY
RBF REINFORCING BAR FOUND
(1/2" LIND)
RBS 1/2" REINFORCING BAR SET
SW SIDEWALK
SSE SANITARY SEWER EASEMENT
SSCO SANITARY SEWER CLEANOUT
-X- FENCE LINE
WALL

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.
NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.
BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS.
- THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).
TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIFLINE).
NOTE: ANY & ALL UNDERGROUND UTILITIES, IE, SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



TREE TABLE		
TR. NO.	DIAMETER	TYPE
1	15/21"	HWO
2	8"	HWO
3	12/24"	HWO
4	8"	HWO
5	14"	HWO
6	10"	HWO
7	10"	HWO
8	12"	HWO
9	8"	HWO
10	20/24"	PINE
11	14"	PINE
12	20"	PINE
13	18"	HWO
14	8"	HWO
15	7"	HWO
16	10"	HWO
17	10"	HWO
18	10"	PINE
19	18"	PINE
20	11"	HWO
21	7"	HWO
22	10"	HWO
23	9"	HWO
24	10"	HWO
25	18"	HWO
26	10"	PINE
27	10"	HWO
28	7"	HWO
29	6"	HWO

TREE TABLE		
TR. NO.	DIAMETER	TYPE
30	5/8"	HWO
31	7"	HWO
32	7"	HWO
33	10"	HWO
34	8"	HWO
35	24"	PINE
36	15"	HWO
37	13"	HWO
38	15"	HWO
39	10"	HWO
40	12"	HWO
41	30"	PINE
42	44"	PINE
43	8"	HWO
44	15"	HWO
45	18"	PINE
46	10/8"	HWO
47	20"	HWO
48	22"	HWO
49	20"	PINE
50	6"	HWO
51	12"	HWO
52	11"	HWO
53	13"	HWO
54	6"	HWO
55	20"	PINE
56	24"	PINE
57	6"	HWO
58	8"	HWO

PROPERTY ADDRESS: 7171 BROWNS MILL RD, STONECREST, GA 30086

PLAT PREPARED FOR: 7171 BROWNS MILL RD

LOT 10 SUBJECT AND SUBDIVISION NAME

LAND LOT 100 THIS DISTRICT PARCEL ID: 2018 01 800 01

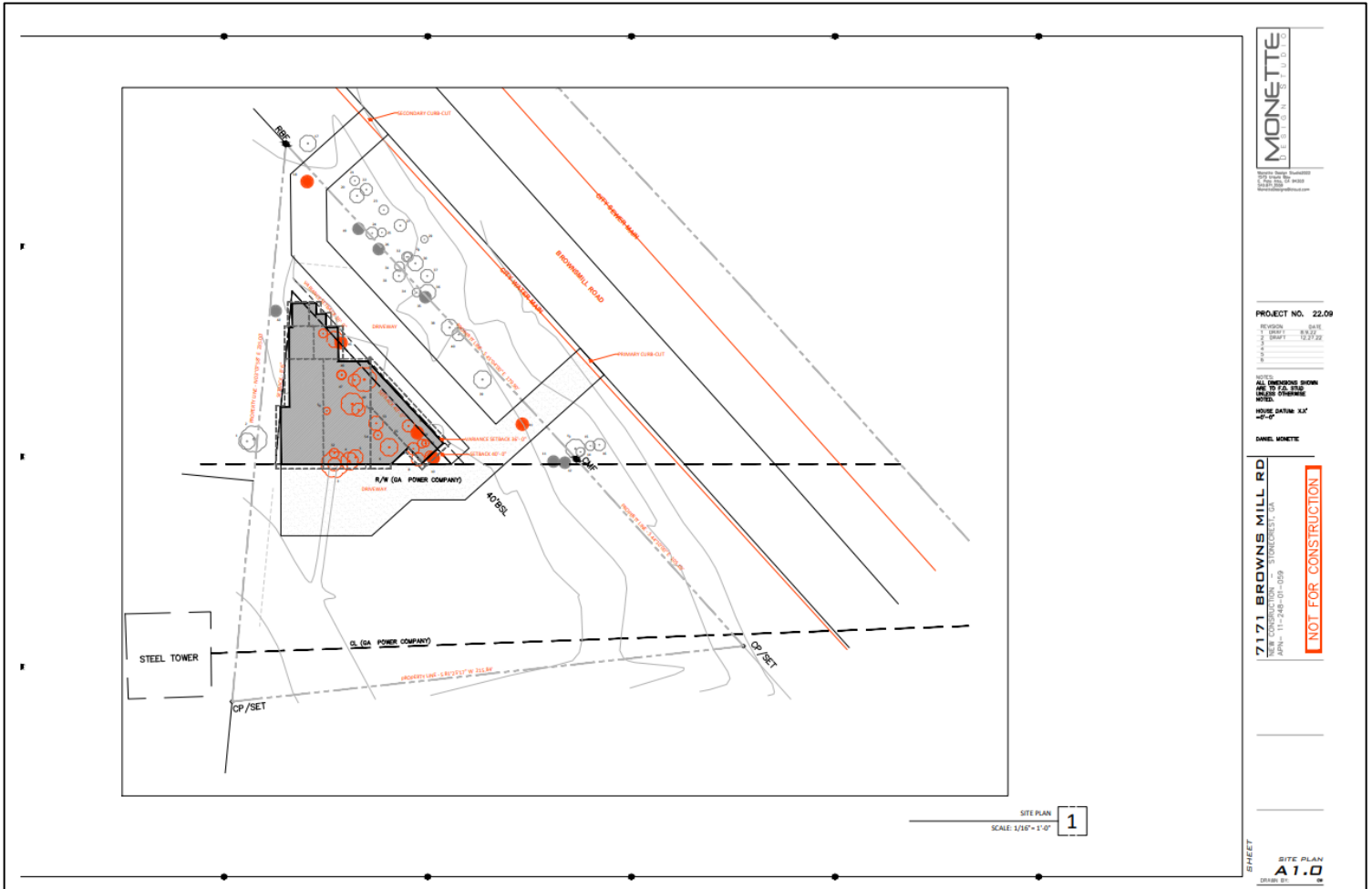
LOCAL GOVT. JURISDICTION: FRED STATE DISTRICT OF

LOCATED IN ZONED DISTRICT: (SEE MAP) DISTRICT: R-1

PERMITTED USE: (SEE MAP) USE: RESIDENTIAL SINGLE-FAMILY

THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY ZONING ORDINANCES AND THE SUBDIVISION ACT. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

THIS SURVEY WAS PREPARED BY CONTRACTOR WITH THE TECHNICAL SUPERVISION OF PROPERTY SURVEYOR IN GEORGIA. THE SURVEYOR'S NAME AND LICENSE NUMBER ARE SET FORTH IN THE OTHER PLAT ATTACHED TO THIS PLAT.





Application

**THE CITY OF
STONECREST
GEORGIA**

3120 Stonecrest Blvd. • Stonecrest, Georgia 30038 • (770) 224-0200 • www.stonecrestga.gov

V23-000002
7171 Browns Mill Road Stonecrest GA 30038
Construction of New Single Family Residence

Application

Type of Request:
 Zoning Administrative Variances Stream Buffer Sign Other

Applicable Zoning/Sign Code Section: _____

Nature of Request:

	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
<input checked="" type="checkbox"/> Setback		(See Chart to the Right)	Front 40	Front 36 (30' PREFERRED)
<input type="checkbox"/> Sign			Side 8.5	Side 8.5
<input type="checkbox"/> # Parking Spaces			Rear NA	Rear NA
<input type="checkbox"/> Other			Other	Other

Name of Project/Subdivision: New Single Family Residence
 Property Address/Location: 7171 Browns Mill Rd Present Zoning: R-85
 District: 11th Land Lot: 248 Block: _____ Property ID: 11-248-01-059

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?
 Yes No

Owner Information

Name: Natosha Monette Address: 4979 River Overlook Way, Stonecrest, GA 30038
 Phone: 404.819.0369 Fax: _____
 Cell: 404.819.0369 Email: lilmamanam@yahoo.com

Name: Daniel Monette Address: 4979 River Overlook Way, Stonecrest, GA 30038
 Phone: 770.595.8290 Fax: _____
 Cell: 770.595.8290 Email: _____

Affidavit

To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included

Applicant's Name: Natosha Monette

Applicant's Signature: Natosha Monette Date: _____

Sworn to and subscribed before me this 12th Day of April 2023

Notary Public: Alicia Scurry

Signature: Alicia Scurry

Date: 4/12/2023

Application Received By: _____ Project Title: _____

Application Fee Sign Fee Legal Fee

Fee: \$ _____ Payment: Cash Check CC Date: _____

Approved Approved with Conditions Denied Date: _____

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Property owner(s) Notarized Certification

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STONECREST GEORGIA

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.


Property Owner	Signature: <u>Melissa Monette</u>	Date: <u>4/12/23</u>	
	Address: <u>7171 Brownsmill Rd.</u> City, State: <u>Stonecrest GA</u> Zip: <u>30038</u>		
	Phone: <u>404-819-0319</u>		
	Sworn to and subscribed before me this <u>12th</u> day of <u>April</u> , 20 <u>23</u>		
	Notary Public: <u>Alicia Scurry</u>		
Property Owner (If Applicable)	Signature: <u>Dani Monette</u>	Date: <u>4/12/23</u>	
	Address: <u>7171 Brownsmill Rd</u> City, State: <u>Stonecrest, GA</u> Zip: <u>30038</u>		
	Phone: <u>770-595-8290</u>		
	Sworn to and subscribed before me this <u>12th</u> day of <u>April</u> , 20 <u>23</u>		
	Notary Public: <u>Alicia Scurry</u>		
Property Owner (If Applicable)	Signature:	Date:	
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		

Variance Application

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Campaign Disclosure Statement


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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: Matasha Monette
 Address: 7171 Browns Mill Rd Stonecrest, GA 30038
 Date: 4/12/23

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

Date	Government Official	Official Position	Description	Amount

Variance Application Page 10 of 13
08-25-2017

Letter of Intent



1575 URSULA WAY | EAST PALO ALTO, CA 94303
510.871.3559 | MONETTEDESIGNS@CLOUD.COM

Letter of Intent

Variance Request
February 3, 2023.

Front Setback Reduction for the property located at:

7171 Brown Mill Road
Stonecrest, GA 30038

Due to the unusual shape and limitations due to easement along the southern portion of the parcel for the existing power lines, we are requesting that the 40' Front Setback be reduced by a minimum 10% (4 feet) or maximum of 25% (10 feet). This reduction has little to no impact on any adjoining residence or existing utilities or right of way.

We look forward to discussing this possibility in order to finalize our design to be submitted for building permit review.

Regards,