



**City of Lilburn
Zoning Board of Appeals Meeting Minutes**

DRAFT

**August 28, 2024
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

Board Members:

Calum Lewis, Chair

John Calhoun, Vice-Chair

Angie Ballard

David Hull

George Churchill

A work session was held prior to the regular scheduled meeting, at 7:00 p.m., to allow the board members to discuss this evening's agenda items. No other items were discussed and no actions were taken.

8/28/2024 - Minutes

I. Call to Order

Chairman Calls to order at 7:30pm

II. Roll Call

Present:

- Chairman Calum Lewis
- George Churchill
- David Hull
- Angie Ballard

III. Approval of Agenda

Chair asks for motion

George C. motions to approve the August 28, 2024 ZBA Meeting Agenda as presented

Seconded by Angie Ballard

All for

Motion carries 4-0

IV. Approval of Minutes

Chair asks for motion

George C. motions to approve the March 27, 2024 ZBA Meeting Minutes as presented

Seconded by David Hull

All for

Motion carries 4-0

- 1. **DRAFT March 27, 2023 Zoning Board of Appeals Meeting Minutes**

V. Old Business

VI. New Business

- 1. **LV-2024-02**

Chair asks Planning Manager to describe the case.

Planning Manager describes the zoning history and location of the subject parcel.

Planning Manager outlines the application received for the requested variance as well as pertinent building and site plans.

Planning Manager reads into the record the criteria for granting a variance and provides staff's responses to the criteria in the context of the requested Variance. Describes the risk of precedent from approving such variance. States there are no characteristics peculiar to the property and no hindrances, though at the same time the conditions are to no fault of their own. Further points out that this would allow a type of building that is not allowed in the city. Describes the importance of architecture moving forward in the future for the city. Continues to detail lack of reasons according to the variance approval criteria. Describes that based on the approval criteria, staff recommends denial of the variance. Planning Manager describes the recommended conditions should ZBA approve the variance anyway. Mentions that no public comments had been received on the proposed variance.

Chair opens the floor to the applicant.

John Post, Jr. owner of the property is welcomed to speak and describes the plans and intent for the project. Mr. Post describes his and his family's history with the city and history of the property as well as some future construction plans of a new home. Mr. Post further describes the plans around this project as well as the intended use of the proposed barn structure. Mr. Post says that the equipment and vehicles that will be stored in the proposed barn will be primarily for the maintenance of the property. States that he is not asking special consideration but would rather be asking for reasonability within the verbiage of the code of ordinances, while understanding its importance for the city. States how he wants the barn structure to be visually appealing. Also describes his understanding of the need for greater financial investment to ensure it looks visually appealing. Mr. Post further describes his willingness to construct the barn in a way that is cohesive with the look of the city.

David Hull asks Mr. Post to clarify if the barn structure will be a customizable product so that the façade will be visually appealing.

Mr. Post responds that his decision on façade color has not been made yet because he would like it to be cohesive with the future new home construction.

George Churchill voices his concern to Mr. Post regarding the color represented in the submitted building example and its visibility to neighboring properties.

Mr. Post states that unfortunately he is not a committed to a color, although ensures that the representation submitted will not be the look of the final product, but rather the structure.

David Hull speaks on the fact of how, with this product supposed to be customizable, part of the position of the board is to consider exceptions to the rules. Voices his acknowledgment of concern from Mayor and City Council on architectural standards for the city. States how position of the proposed barn being far from public visibility, would allow some lenience for Mr. Post as well. Mr. Hull voices his questions on whether or not this would have been approved with different construction materials.

Mr. Turner describes the precedent set of granting this variance in generality and the regulations on the building materials and reiterates the precedent that could be set and reiterates the point for which the variance was requested.

David Hull states his continued point of doubt that not many other properties in the city will be seeking a similar variance. And that the setting in this situation provides that the proposed barn will not be visible or impactful on anyone.

Planning Manager reiterates the decision is on the board and of the risk of precedent.

David Hull states an analogy of how electing a black woman as president will not mean that only black women will be elected as president.

Chairman Lewis describes the position of the Planning Department to enforce the code.

David Hull acknowledges the role of the Planning Manager and the Department to do their jobs and how then cases like this would go to the board for their decision on whether or not the code should apply to this case.

Chair acknowledges the boards position and Mr. Hull's notion on their position.

George C. states his continued concern of the future colors of the façade of the barn structure and its visibility to neighboring properties.

David Hull asks the Planning Manager if conditions could be added for certain colors to be used. And asks Mr. Post if he has an idea of the color range.

Planning Manager confirms that conditions for variance approval are at the discretion of the members of the board.

George Churchill makes a point to ask who would add such conditions to the variance and when.

Planning manager and chair confirm that such decision would be made in the current meeting.

George Churchill asks the applicant if he has any color options ready to present.

Mr. Post shows the Board Members recently taken photos of the existing barn that would be located next to the proposed barn. Mr. Post asks a question for Mr. Turner that if in the future he would want to build something like a pool house, he would be prohibited due to the recommended conditions from staff upon approval.

Mr. Turner clarifies that this is accurate.

Angie Ballard asks the Planning Manager to clarify that, if the board were to approve the variance to build the metal barn, a pool house that would have brick siding matching the primary structure would not be allowed due to the staff recommended conditions for variance approval.

Planning Manager confirms that this would be accurate if the variance were approved with conditions as recommended are adopted.

Mr. Post asks to clarify that if conditions were adopted, no further structures would be allowed.

Chair confirms with Mr. Post that either recommended conditions, additional conditions, different conditions, or no conditions could be adopted as the final decision of the board.

States his opinion that condition number 2 should be stricken from the conditions of approval.

Chair opens the floor for public comment

Nicky Nocera comes to the podium, clarifies that the material was the point of the variance application, and describes her recent interest and research into economic ways of building different barn structures. She further questions the approval process of structures built in the past that are similar to the proposed structure and the approval process of the board for this variance, as well as any conditions that may be applied.

Chair clarifies and answers Nikki's question outlining their power to adopt, change, or remove staff recommended conditions.

Linda (Diane) McCLung, owner of 452 Greg Dr, comes to the podium to speak and voices her concern of the visibility of the proposed building from her property, its maintenance, and how it may negatively affect their property value.

Chair asks Ms. Diane if the existing barn is visible from her property.

Diane M. confirms that the current barn is visible from her property.

George C. speaks asking Ms. Diane to clarify her concern is the visibility of the structure and its future maintenance.

Diane M. confirms this is her concern.

David Hull asks Diane to clarify where her property is located in reference to the proposed and existing barn.

Diane M. confirms the barn is visible from the fence line along her property boundary.

Planning Manager shows the board where Diane's property in relation the applicant and the proposed barn.

Mr. Post comes to the podium again and speaks upon Diane's concerns of any effect on property value. Insists that the work he is performing on the property should only benefit the land, area, and property value.

No further questions from board members.

Chairs asks for motion to approve with the condition to strike staff-recommended condition of approval # 2

David Hull motions to approve the variance with the condition to strike staff-recommended condition of approval # 2

Seconded by Angie Ballard

All for

Motion carries 4-0

VII. Adjournment

Chair asks for motion to adjourn

David Hull motions to adjourn the August 28, 2024 ZBA meeting

Seconded by Angie Ballard

All for

Motion carries 4-0

Chair adjourns at 8:13pm

Approved this _____ day of _____, 20__.

Jon Stallsmith, Chairperson

ATTEST:

Joellen Wilson, Secretary