

BOARD OF ZONING APPEALS

Minutes

June 24, 2013

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| Eron Moore, Chairman | Present |
| Ronnie Allen | Present |
| Mark Burson | Present |
| John Pentecost | Present |
| Bill Perkins | Present |

Chairman Moore called the meeting to order at 6:00 pm and declared a quorum present.

Mr. Moore asked for the approval of the prior meeting minutes. A motion was made by Mr. Perkins to approve the prior meeting minutes of April 22, 2013. The motion was seconded by Mr. Pentecost. The motion carried. 4-0

OLD BUSINESS

None.

NEW BUSINESS

- 1. V-13-04**
Tim Smith on behalf of
Gwinnett Cemeteries LLC
Lawrenceville, GA 30046
5-111-053 and 5-111-245
To allow encroachment into a fifty (50)
foot stream buffer and a seventy-five (75)
foot impervious buffer

Mr. Moore asked for a presentation from the Planning Department. Mr. Ferguson gave a report and stated that the applicant claims that invasive exotic plant species and erosion concerns are justification to grant the stream buffer variance. Mr. Ferguson explained that the approval of the variance will not eradicate the invasive plant species and the erosion concerns were caused by the applicant. Mr. Ferguson stated that the applicant could revise the grading and site design so that a variance would not be required and therefore the Planning Department recommendation was for denial.

Mr. Moore asked if the applicant was present. Mr. Bobby Bullard gave the presentation on behalf of the applicant. Mr. Bullard stated that because the stream intersects the property at an irregular angle, it minimizes the usable area for grave plots. Mr. Bullard stated that the applicant desired to create a park like setting with the grave plots being located as close to the stream as possible and that the encroachment of this use is as minimal as possible.

Mr. Moore asked if the Board Members had any questions of the applicant. Mr. Ferguson stated that on the applicant's proposed grading plan, the encroachment had not been shown. Mr. Ferguson asked the applicant, if the variance is approved, does he intend to encroach into the buffer along the entire length of the stream. Mr. Bullard confirmed that that was the intent.

Mr. Moore asked Mr. Ferguson to state the requirements of a variance approval according to the Ordinance. Mr. Ferguson explained that there had to be something peculiar with the property that was unique from other properties and that the applicant had to prove that there was an undue hardship created. Mr. Ferguson stated that his position was that the property was not peculiar and unique to other properties and that the applicant had not adequately proven that a hardship exists.

Mr. Moore asked the applicant if he would like to respond. Mr. Bullard stated that he believed that the shape of the property and the angle at which the stream intersects the property establishes the peculiarity and hardship.

Mr. Moore asked if there were any other questions of the applicant. There were none. Mr. Moore asked if there was any opposition. There was none. Mr. Moore then entertained a motion. Mr. Allen made a motion to deny the variance as requested. Mr. Pentecost seconded the motion. The motion carried. 4-0

Mr. Moore asked if there were any other reports from staff or Board members. Mr. Ferguson stated that due to a lack of business, the Board of Appeals would not meet in July.

Mr. Moore then called for a motion for adjournment. Mr. Pentecost made a motion to adjourn. Mr. Allen seconded the motion. The motion carried 4-0

Eron Moore, Chairman

Joshua M. Ferguson, Director
Planning and Zoning Department