



**CITY OF LITHONIA  
MINUTES-ZONING PUBLIC HEARING**

**Monday, November 30, 2020 @ 3:00 PM**

#1 City-Initiated Amendment to the text of the zoning ordinance that will allow establishment of adult day care facilities and family daycare homes in Lithonia's five (5) single-family residential zoning districts.

#2 Application requesting the rezoning of 6880, 6884, and 6860 Robinson Street from R-60, Single-Family Residential District to RM-75 Multi-family Residential District. The proposed RM- 75 zoning would allow establishment of three single-family attached dwellings or three multifamily dwellings.

#3 Application concerns a variance for 6880, 6884, and 6860 Robinson Street that would allow a reduction in the front yard setback to accommodate construction of the three above mentioned dwellings.

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**AGENDA ITEM #1**

**I. Call to Order and Roll Call**

The Zoning Public Hearing was called to order at 3:07 PM by Mayor Shameka S. Reynolds. A roll call was taken, and the following City Council Members were present: Diane Howard, Darold Honore, and Amelia Inman. Ric Dodd and Vanerriah Wynn joined the call later. Zoning Administrator Bill Johnston was present on the call.

**II. City-initiated amendment to the text of the zoning ordinance that will allow establishment of adult day care facilities and family daycare homes in Lithonia's five (5) single-family residential zoning districts. The amendment will not apply to a particular property, but would enable owners of property in the R-85, R-60, RA-5, R-50 and RA-8 zoning districts to apply for adult day care facilities and family daycare homes as each is defined in the Zoning Ordinance. These uses would be subject to approval of a Special Land Use Permit by Mayor and Council.**

**a. Report from Bill Johnston, Zoning Administrator**

Bill Johnston reported that an amendment to the text of the zoning ordinance that was adopted in 2013 removed adult day care facility and child day care facility from the five single family zoning districts. Page 7 of the report provides a revision that applies to outdoor recreation areas. Subject to a Special Land Use Permit.

**b. Presentation by Persons Opposed to the Application (10 minutes allotted)**

There were no persons present that were opposed of the application.

**c. Presentation by Persons In-Favor of the Application (10 minutes allotted)**

There were no persons present that were in-favor of the application.

**d. Closing of Public Hearing**

Mayor Reynolds closed the public hearing at 3:21 pm after hearing from the zoning administrator.

**e. Deliberation by Council on Zoning Administrator’s Recommendations and Presentations**

Councilwoman Howard asked for clarity on why both uses were on the same amendment, and the allowable number of individuals for each facility use. Councilman Honore expressed concern of a former issue with transitional homes and the like and why this issue was re-opened; Zoning Administrator Bill Johnston acknowledged that he proposed the text amendment and was unaware of the former issues. Councilwoman Inman acknowledged that the item occurred based on the Reagin Street child day-care facility, requesting that the 2 (adult day care, and child day care facilities) are separated from this text amendment and to exclude the adult day-day care facility piece, also clarification if an applicant requests the use that a Special Land Use Permit is required. Zoning Administrator Bill Johnston’s opinion is that based on the issues at hand this should be tabled pending further discussion, and an ordinance will need to be prepared by the City Attorney, and additionally asked that the issue is tabled pending further discussion. \*Once the ordinance is prepared by the attorney, a new date is readvertised for another public hearing.

**f. Decision**

Councilwoman Howard motioned to table the issue; the motion was seconded by Councilman Honore and approved by a vote of 5-0.

**g. Adjournment of Zoning Hearing**

Councilman Dodd motioned to adjourn the Zoning Public Hearing; the motion was seconded by Councilwoman Howard; and approved by a vote of 5-0. The meeting was adjourned at 3:44 PM.

Councilwoman Howard rescinded her motion to adjourn.

**AGENDA ITEM #2**

**I. Application requesting the rezoning of 6880, 6884, and 6860 Robinson Street from R-60, Single-Family Residential District to RM-75 Multi-family Residential District. The proposed RM- 75 zoning would allow establishment of three single-family attached dwellings or three multifamily dwellings.**

**a. Report from Bill Johnston, Zoning Administrator**

Bill Johnston reported that the property is at the edge of the neighborhood. The recommendation is for approval with acknowledgement that 3 conditions are met: (1) The site plan and architectural rendering submitted with the application, including any amendments approved in the zoning decision by Mayor and Council. (2) The lot area represented by the three properties shall be deemed acceptable despite the minimum lot area established for the RM-75 Multi-Family Residential. (3) Given that each of the three lots is an individual lot, the properties shall be subdivided in compliance with the City of Lithonia Subdivision Ordinance prior to issuance of any permits. The proposal is entirely consistent with the future development map designation which includes small multi-family residential districts.

**b. Presentation by Applicant (10-minutes allotted, including rebuttal)**

Mr. Kelvin Sheppard is proposing rezoning, combining 3 parcels into one lot, the lot is large enough for the 3 lot lines as homeowner properties, and a variance to move the property up 5 feet. Mr. Sheppard is passionate about revitalizing Lithonia and bringing families back to the community.

**c. Presentation by Persons Opposed to the Application (10 minutes allotted)**

1. Latoya Hinton: concern is sewage and additional traffic.
2. Barbara Lester: concern is additional traffic.
3. Unidentified Named Resident: concern is parking, that the properties are rentals, and the sewage lines.

**d. Presentation by Persons In-Favor of the Application (10 minutes allotted)**

1. Dawn Massey stated that Mr. Sheppard does a great job and feels that he wants to restore communities in Lithonia.

**e. Closing of Public Hearing**

Mayor Reynolds closed the public hearing.

**f. Deliberation by Council on Zoning Administrator's Recommendations and Presentations**

Councilwoman Howard asked for clarity from Bill Johnston on similar properties in the area; Bill Johnston stated that the dwellings in that area tend to be near the street, and with this lot there is an 8-inch sewer main going through the middle of the property as it pertains to the variance hearing.

Councilman Honore expressed the need to bring young new families to the city's community.

Mayor Pro Tempore Inman likes the idea of new home ownership and nice quality housing, yet equally concerned about the existing residents whose concerns are the sewer issues, if that is cleared up it will be profitable for everyone and to see an upgrade in the community with nice quality housing to make the city look good, she is fine with this opportunity, overall, it is a good thing and based on what was shared there will not be a lot of congestion.

Councilman Dodd asked for clarity on the size of the lot, and the issues with the sewer line a concern that the city will not be taking on any responsibility with problems up or down stream. Will the sewer line need to be moved 5 feet the entire length of the street, that could potentially form some type of blockages? The documentation for that was not made available for this meeting. Bill Johnston stated that DeKalb County is not interested in moving that line as long as the dwelling is not built within that 20-foot easement. Once the plans are approved there is no responsibility of the city, that utility is regulated by DeKalb County. There are reasons why property is underdeveloped over a period of decades and that sewer line may be one of the reasons. Not finding the frontage requirement but the site plan will dictate the lot width and the frontage.

Councilwoman Wynn asked for clarity on Bill Johnston stating that he needed to return to the site. Mr. Johnston stated that he initially looked at it on google maps, and upon physically visiting the site, saw that everything was zoned R-60 and rests his recommendation of rezoning approval on the future development map designation as traditional neighborhood development which includes small multifamily residential development, and he used the comprehensive plan development map in performing his recommendation which is entirely consistent.

**g. Decision**

Councilwoman Howard motioned to approve the rezoning of 6880, 6884, and 6860 Robinson Street from R-60 Single-Family Residential district to RM-75 multi-family residential district subject to 3 conditions, (1) The site plan and architectural rendering submitted with the application, including any amendments approved in the zoning decision by Mayor and Council. (2) The lot area represented by the three properties shall be deemed acceptable despite the minimum lot area established for the RM-75 Multi-Family Residential. (3) Given that each of the three lots is an individual lot, the properties shall be subdivided in compliance with the City of Lithonia Subdivision Ordinance prior to issuance of any permits; the motion was seconded by Councilwoman Inman

and approved by a vote of 5-0.

### AGENDA ITEM #3

**I. Application concerns a variance for 6880, 6884, and 6860 Robinson Street that would allow a reduction in the front yard setback to accommodate construction of the three above mentioned dwellings.**

**a. Report from Bill Johnston, Zoning Administrator**

Bill Johnston reported there is an 8-inch sewer main through the property and such variance may be granted in an individual case however an unnecessary hardship to the strict condition of the 35-foot setback. The recommendation is a 25-foot setback rather than a 35-foot setback that would not cause substantial detriment to the public good. Mr. Sheppard is seeking a variance that would allow for a reduction of 10 feet in the 35-foot setback to render development of the three lots feasible.

**b. Presentation by Applicant (10-minutes allotted, including rebuttal)**

Mr. Kelvin Sheppard stated that he is asking that council will allow him to move the building up 10-feet to stay within the DeKalb County variance, which is 10 feet on both sides, and that he can resubmit the architectural drawing of the site plans.

**c. Presentation by Persons Opposed to the Application (10 minutes allotted)**

1. Latoya Hinton opposed: feels Mr. Sheppard is doing this for profit.
2. Barbara Lester opposed: reasoning not clear.
3. Dorethia Walker opposed: asking for a new drawing showing the setback and what the effect will be for the neighborhood.

**d. Presentation by Persons In-Favor of the Application (10 minutes allotted)**

No persons present in favor of the application.

**e. Closing of Public Hearing**

Mayor Reynolds closed the hearing.

**f. Deliberation by Council on Zoning Administrator's Recommendations and Presentations**

Councilwoman Howard asked for clarification of the patio on page 4 of the variance report.

Councilman Honore had no questions or concerns.

Councilwoman Inman is requesting that the new plans are shared with everyone prior to approval and tabled for now to get a better understanding of how this would look.

Councilwoman Wynn and Councilman Dodd are concerned about the sewer and the drawings.

**g. Decision**

Councilwoman Inman motioned to table the variance zoning request for 6880, 6884, and 6860 Robinson Street based on the condition that visual renderings are shared with everyone on Robinson Street in addition to Council and Mayor with an update from DeKalb with the sewage issue; the motion was seconded by Councilwoman Wynn and approved by a vote of 5-0.

## **II. Adjournment of Zoning Hearing**

Councilman Dodd motioned to adjourn the zoning hearing, the motion was seconded by Councilwoman Inman; the motion was approved by a vote of 5-0, and the meeting was adjourned at 4:47 pm.