



Carey Fisher, Chairman
Marline Santiago-Cook, Vice
Chairman
KC Callaway

MINUTES
ZONING BOARD OF APPEALS
CITY OF DULUTH, GA
3167 Main Street
Duluth, GA 30096

Alana Moss
Ken Wilson
Verdi Avila

May 23, 2018

CITY HALL – COUNCIL CHAMBERS

7:00 pm

COMMISSIONERS PRESENT: Chairman Fisher, Vice-Chair Santiago-Cook, Alana Moss, Ken Wilson and Verdi Avila

COMMISSIONERS ABSENT: KC Callaway

STAFF PRESENT: Daniel Robinson, Senior Planner

1. CALL TO ORDER

Meeting called to Order at 7:00pm

2. GENERAL BUSINESS

None

3. APPROVAL OF MINUTES

Approval of April 25th, 2018 Minutes

MOTION BY BOARD MEMBER AVILA, SECONDED BY BOARD MEMBER SANTIAGO-COOK TO APPROVE THE MINUTES.

Vote 5-0. ALL FOR. Approved

4. OLD BUSINESS

None

5. NEW BUSINESS

- a. Case: V#2018-003
Applicant: Ken Wood, Planners
Location: Buford Highway south of Davenport Road
Parcel: R6292 004
Request: Variance to allow for a reduction in the stream buffer

Mr. Robinson presented for staff. The purpose of this request is for a variance from Section 804 of the Unified Development Code (UDC) to allow for a reduction of the stream buffer. The applicant is proposing to grade the land within the 50-foot undisturbed buffer as well as placing part of a townhome within the 75-foot impervious surface buffer. The variance is needed to develop the site in accordance with the approved site plan. The site plan displaying the extent of the proposal is attached hereto as Exhibit "A".

The subject property was rezoned from HC-A and R-100 to PUD to allow for a mixed-use development including townhomes and a commercial property in February of this year. One of the conditions of approval for the rezoning was the development had to be substantially similar to the site plan shown to City Council.

While developing the engineered plans, the engineering firm located a previously unidentified stream. It appears that the stream only has water in it after a rain event or during a particularly rainy season. The area where the stream is did not have water when the site plan was developed for the project in the fall of 2017. However, water was present during the winter of this year. On May 14, 2018 the area did not have water (see Exhibit "C"). There is headwall that leads to a storm pipe located just off the property within the Ennfield neighborhood. This pipe currently collects water coming off of the subject site. The applicant is requesting that the stream buffer be reduced within the impervious portion and within the undisturbed portion to allow the development of neighborhood as originally planned.

Planning Staff has carefully reviewed V#2018-003 and finds the request is consistent with the goals and intent of Unified Development Code and meets to variance standards identified in Section 1204 of the Unified Development Code due to the shape, topography and steep slopes on the property. The variance does not go against the spirit and intent of the UDC because the stormwater will still be cleaned prior to going into the stream.

Planning staff recommends approval of V#2018-003 based on the following conditions:

1. The encroachment shall be limited to what is shown in Exhibit "A".
2. Any change in the use or design as shown in Exhibit "A" shall be cause to revoke this approval.

Mr. Wood presented for the applicant. Mr. Wood gave background information on the development and explained the need for the variance. He said he would answer question from the board.

Chairman Fisher opened the hearing. None spoke in support or opposition.

MOTION BY BOARD MEMBER SANTIAGO-COOK, SECONDED BY BOARD MEMBER AVILA, TO APPROVE WITH CONDITIONS.

Vote 5-0. ALL FOR. Approved.

II. OTHER MATTERS

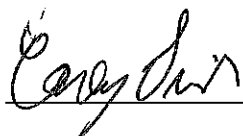
- a. Matters from the Board
None
- b. Matters from Staff
None
- c. Matters from Citizens
None

III. ADJOURNMENT

**MOTION BY BOARD MEMBER SANTIAGO-COOK, SECONDED BY BOARD MEMBER AVILA,
TO ADJORN.**

Vote 5-0. ALL FOR. Approved.

Approved this day 28 of November 2018.



Chairman



Secretary/Witness

