



**CITY OF DULUTH
ZONING BOARD OF APPEALS
Minutes
March 22, 2017**

IN ATTENDANCE:

Board Members:

Carey Fisher, Chairman
Marline Santiago-Cook
Alana Moss
KC Callaway
Verdi Avila
Ken Wilson

Staff:

Bill Aiken, Planning Manager

I. CALL TO ORDER

Meeting Called to Order at 7:00pm.

II. GENERAL BUSINESS

None

III. APPROVAL OF MINUTES

1. Approval of January 25, 2017 Minutes

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

Vote 5-0. Approved

IV. OLD BUSINESS

None

V. NEW BUSINESS

1. Case: V#2017-02

Applicant: Michel Njem

Location: 3915 Murifield Square, Duluth, Georgia 30096



Parcel: R6320 079

Request: Variance from Section 803 of the Unified Development Code (UDC) to encroach into a Stream Buffer.

Mr. Aiken presented for Staff. Noted the case was for a Stream Buffer Variance. Noted the current zoning was PUD (Planned Unit Development). Noted the location of the property and identified surrounding uses, intensities, and features. Noted existing building and site improvements on the property. Described the variance request in detail.

Mr. Aiken recommended approval of the Stream Buffer Variance V#2017-02 based on the following conditions:

1. The variance applies solely to the improvements as shown and described on Exhibit "A". The limits of disturbance shall be contained entirely within the City's stream buffer. No work is to be done within the States 25' buffer.
2. The buffer intrusion shall be mitigated using the procedures established in the Gwinnett County Stormwater Design Manual. A preliminary plan has been submitted to the City as shown in the Staff Report. A final plan must be submitted to and approved by the Department of Community Development prior to the issuance of a Certificate of Occupancy for the proposed addition.

Board Member Santiago-Cook asked if construction for the proposed addition has already started.

Mr. Aiken responded that the homeowner has already dug the footings for the proposed additions.

Board Member Santiago-Cook asked what the hardship is for a variance.

Mr. Aiken stated that the hardship is that the home was constructed prior to the adoption of the Stream Buffer Ordinance and following the strict interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same neighborhood.

Board Member Avila asked how the buffer intrusion will be mitigated.

Mr. Aiken stated that the Development Code and recommended conditions of approval for this Variance request require that the homeowner use the Gwinnett County Stormwater Design Manual to design a mitigation plan. The mitigation plan must be submitted to and approved by the City's Department of Community Development prior to releasing a Certificate of Occupancy on the proposed addition.

Mr. Njem (3915 Murfield Square, Duluth, Georgia) spoke as the applicant. He provided a description of the request and his account of the history of development and construction on the property.

John Duke (1638 Hardin Ave, College Park, Georgia) spoke on behalf of the applicant as the project engineer. Mr. Duke provided details on how the mitigation plan will be designed.



Dave Marsh (4011 Saint Andrews Square, Duluth, Georgia) President of the Sweet Bottom Plantation Homeowners Association spoke on behalf of the Homeowners Association. Provided a detailed account of issues the Homeowners Association has had with Mr. Njem and this property.

Chairman Fisher closed the public comment portion of the public hearing. A discussion among the Zoning Board Members followed.

MOTION BY BOARD MEMBER AVILA, SECONDED BY BOARD MEMBER MOSS TO APPROVE THE VARIANCE WITH THE CONDITIONS PROVIDED BY STAFF.

Vote 4-1. Approved.

VI. OTHER MATTERS

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

VII. ADJOURNMENT

MOTION BY BOARD MEMBER CALLAWAY, SECONDED BY BOARD MEMBER AVILA TO ADJOURN

ALL FOR, MEETING ADJOURNED

Approved this day _____ of, _____ 2017.

Chairman

Secretary/Witness