1. **Call to Order at 7:30PM**

Members Present: KC Boyce (Chair), Andrew Rutledge (Vice Chair), and Joanna Quillen

Staff Present: Kay Evanovich, Nahom Taye and Aileen de la Torre

1. **Approval of Minutes**

Approval of Minutes from the December 11, 2023, meeting.

*Motion by Ms. Quillen to approve the minutes as amended by Mr. Boyce and Ms. Quillen via email, second by Mr. Rutledge, minutes unanimously received approval.*

Approval of Minutes from the January 8, 2023, meeting.

*Motion by Mr. Rutledge to approve the minutes as amended by Mr. Boyce and Ms. Quillen via email, second by Ms. Quillen, minutes unanimously received approval.*

1. **Old Business**

None

1. **New Business**
   1. David Gutman, property owner, has applied for a variance from stream buffer requirements for the property located at 2511 McKinnon Drive, Decatur, GA 30030.

Lance Muller, representing Courtland Landscape, Architecture, and Construction, 220 Greenwood Circle, Decatur, GA, addressed the board and stated the proposed project to was to replace an existing deck. Over the course of the project, it was communicated that the driveway to access the residence was located within the stream buffer protected area. The goal of the construction project was to create the deck and water quality system without interfering with the buffer and to not remove any trees.

Mr. Muller clarified that the previous design team originally proposed plans that showed the removal of several trees to allow for a large hydrology system. Mr. Muller stated that it was recommended that the project start from the beginning, and work located within the stream buffer would require variance approval.

Finally, Mr. Muller stated that the hardship is the location of the driveway to access the site relative to the stream buffer protection area, and the goal of their application was to receive variance approval to repair the dilapidated driveway. In addition, the applicant did not have a solidified material choice in mind and was open towards discussion that would allow for disturbance within the stream buffer.

David Gutman, property owner, 2511 McKinnon Drive, addressed the board stating he has a half-acre abnormal property adjacent to a creek. Mr. Gutman further explained that the existing deck is 20 years old and is in a state of disrepair and was under the assumption the existing 4,518 square-foot deck was properly permitted when the house was initially constructed. Mr. Gutman stated that the residence in combination with driveway was approximately 7,000 square feet, and it did not occur to them at time that the deck was not permitted, which resulted in Mr. Gutman resurveying the site.

Mr. Gutman added that he met with Kay (City Arborist) and Julie and concluded that a water retention system was needed, but the initial design proposing to clear cut thirty trees was terrible. This resulted in Mr. Gutman hiring Mr. Muller for his services due to the driveway being in a state of disrepair in hopes of presenting plans that propose minimal or no digging within the buffer. It is Mr. Gutman’s understanding that the plans do not propose to remove any trees, and that the variance request is only to encroach the buffer for driveway repairs after the proposed deck is constructed.

Mr. Boyce posed a question to Mr. Gutman regarding the construction plans to mitigate the built environment within the stream buffer and whether the applicant has considered using permeable paving.

Mr. Gutman stated the idea had been brought up previously but noted that the cost of such a material was high. Although Mr. Gutman followed by stating the exact material choice of the driveway has not been decided.

Mr. Boyce asked if the proposed driveway would mirror the same footprint of the existing driveway.

Mr. Gutman confirmed that there would be no change to the design but considered the installation of a turnaround pad because of a previous incident involving their babysitter’s car falling into the creek. Finally, Mr. Gutman emphasized again that no trees were proposed for removal.

Mr. Boyce then addresses the rest of the board asking for any additional questions for the applicant.

Mr. Rutledge asked the applicant if the proposed deck will have the same footprint as the existing deck.

Mr. Gutman responded and stated the proposed plans would cut the deck back and would remove the bottom level from the existing deck so it would be even further from the stream buffer. Mr. Gutman added that the driveway repairs would be the final step in construction.

Mr. Boyce opens for comment for any opposition regarding the variance application of 2511 McKinnon Drive.

Robert Soens, representing Pinnacle Custom Builders, 123 Jefferson Place, spoke on behalf of the applicant to state his experience with contract work within stream buffer protected areas and the level of care he has provided in his previous projects.

Mr. Boyce closed public comment.

Mr. Muller asked the board whether the use of pervious pavers for the driveway was pertinent to the approval of the variance request due to his client not fully understanding the cost of such materials. Followed by requesting the board to allow for a broad interpretation that would allow for work within the buffer and not specified driveway material for the conditions of approval.

Mr. Boyce stated that discussion had been closed and restated the conversation was between the Board members at this time, but typically conditions of approval would consider the feasibility and cost of the project for the applicant.

Ms. Quillen asked Mr. Gutman if there would be a decrease in the amount of impervious surface on the site.

Mr. Gutman stated that the removal of impervious surface on the site was due to drainage issues in the past, and the project proposes to remedy the site by removing 1,500 to 2,000 square feet of impervious surface.

The board ends questioning applicants and moves on to board discussion.

Mr. Rutledge states he does not have concerns about the project due to the decrease in impervious surface and the driveway being an existing feature. He also notes that he understands why the applicant would prefer asphalt because of its overall cost and maintenance. Finally, Mr. Rutledge questions if the applicant could modify the turnaround area in the plans for a pervious surface material.

Ms. De La Torre clarified that if the applicant were to remove and replace the entire driveway, they would not be permitted to use asphalt. Asphalt is not a permitted driveway surface, and the applicant would be required to use concrete.

Mr. Boyce agrees with Mr. Rutledge’s stance on the application as well as the turnaround area to be made of a pervious surface material. Mr. Boyce asks the applicant whether they would be open to a pervious surface material for the turnaround.

Mr. Gutman states that he would.

*Motion by Ms. Rutledge, second by Ms. Quillen, the Zoning Board of Appeals unanimously approved a variance from stream buffer requirements as presented with the condition that the applicant will pursue a pervious driveway material rather than impervious paving for the turnaround.*

* 1. Chris Schultz, property owner, has applied for a variance from stream buffer requirements for the property located at 1234 Church Street, Decatur, GA 30030.

Chris Schultz, property owner, 1234 Church Street, addressed the board and stated the proposed project is to enhance the usability of his back yard and mitigate erosion near the backyard deck. The property owner states the two outer foundation poles of the deck have become exposed, and guests have slipped from attempting to walk in the backyard. The intent of the project was to create a retaining wall and add additional modifications to the deck for terrace rather than slope running down the backyard.

Mr. Schultz continued by giving a background of the project. Mr. Schultz stated the project was started 18 months ago through the permitting process, and later abandoned the previous contract over a lack of technical abilities. From that point, Mr. Schultz conducted the permit submissions himself. During the second half of 2023 most of the drawings had been developed to the point where they were further along the permitting process. It was at this point when revisions were made for a fire pit area that the encroachment within the stream buffer was not accounted for until later in the review process. Mr. Schultz states that to gain approval of the permit they were recommended to go through the variance process.

No questions from the board to the applicant.

Mr. Boyce opens for public comment.

Mr. Boyce closes for public comment.

Ms. Quillen stated upon her site visit she observed that the variance request was warranted and was impressed with the overall project.

Mr. Boyce questioned Ms. De La Torre regarding the permitting process and how the stream buffer encroachment was not caught earlier.

Ms. De La Torre stated due to the new online system the city arborist reviewed and approved the most current plans, but these updated plans were not reviewed by the entire permitting team. Ms. De la Torre explained during the transition to the online permitting process errors have occurred in review of updated plans.

The board continued to discuss the urgency in improving the system, so errors do not fall on the City of Decatur residence. Finally, adding that there were no concerns with the current application at hand.

*Motion by Ms. Rutledge, second by Ms. Quillen, the Zoning Board of Appeals unanimously approved a variance from stream buffer requirements subject to the plans submitted and the construction currently existing.*

1. **Reports and Other Business**

None

1. **Adjourn**

*Motion by Ms. Rutledge, second by Ms. Quillen, the Zoning Board of Appeals unanimously approved to adjourn at 8:05 PM.*