

**CITY OF PINE LAKE
CITY COUNCIL MEETING MINUTES
AUGUST 13, 2018
7:00 PM**

Call to order

The meeting was called to order by Mayor Pro Tem Bordeaux at 7:00 pm. Present were Council Members Augusta Woods, Brandy Hall and Kris Casariego. Staff present were City Administrator Valerie Caldwell and Chief Saria Y'Huduh-Green. Mayor Melanie Hammet and Council member Megan Pulsts were not present.

Pledge of Allegiance was led by Bordeaux.

Announcements/Communication

There were not any announcements or communications.

Adoption of Agenda

Bordeaux amended the agenda by removing the Scheduling of a Town Hall meeting. Casariego motioned to adopt the agenda; seconded by Woods. 3-0

Public Comments

There were not any public comments.

CONSENT AGENDA

Approval of Minutes of Meetings held 06/26/18, 07/09/18 and 07/31/18
Woods motioned to approve the agenda; seconded by Hall. 3-0

PUBLIC HEARING

Variance Petition submitted by Bonnie McQuagge requesting setback relief for property located at 4616 Park Drive

Bordeaux opened the public hearing for the variance petition. Bonnie McQuagge, applicant presented the request stating that she purchased the property in January and that an inspection performed by Safebuilt with, Erika Brown, Realtor and Frank Brown, Contractor attending. Also, she stated that she thought that the existing accessory structure; a barn, was grandfathered in and could convert it into a single-family dwelling; or she would not have purchased it. McQuagge stated that the inspector said that he would definitely issue a CO (Certificate of Occupancy) if everything was done to code. She stated that she received a letter stating that it could not be renovated but it did not mention zoning. Ms. McQuagge stated that she talked to adjacent neighbors and have their approval to renovate the barn thus keeping its integrity as a barn. McQuagge said that she has obtained a quote of \$10,000 to move the barn 3 feet to the left and felt like it is excessive.

Candice Howland, 4565 Park Drive commented that the barn is a darling little thing and that the green metal has been removed showing the beautiful barn wood. She also stated that it would fit in with the neighborhood and gave her and husband Phil Howland's support to allow the variance for a residential building instead of a studio type accessory building.

Erika Brown, formerly of 482 Spring Drive and Realtor for the property commented by saying that there is precedence in giving the variance type for the setbacks and that finishing it as a residence does not create any more of a non-conforming that it is now. Brown stated that it will be a value to the city tax base if approval.

Greg Zarus, commented that the structure was non-conforming and that the work does not increase the non-conformity and that it should be able stand. He stated that he did not believe moving it would damage the structure but perhaps it will to the clad and that the barn wood was beautiful.

After the public comments Bordeaux stated that the hearing was open to negative comments. There were not any negative comments or rebuttals.

Brown spoke to the idea of moving the structure and said that it was unnecessary and a waste of energy and resources.

Zarus said that his house is an existing non-conforming and is in the stream bank buffer and stated that he pulled a permit for a deck in the past.

Shirley Kinsey, 579 Spruce Drive stated that she heard about the variance from neighbors and that the structure has stood on the lot for a long time and preexistence dates the new zoning. She asked why not grant/or grandfather the structure in because it is old and that she sees no harm and encouraged council to vote in favor of the variance.

Stephanie Weeks, 4593 Lakeshore Drive commented that her in-law's property abuts McQuagge's property and that they do not have a problem with granting a variance. She said that she was fine with the variance.

The public hearing closed at 7:14 pm and was open for council discussion.

Casariago asked about the inspection from Safebuilt and if there was documentation. McQuagge stated that she does not have documentation and she paid them for an inspection stating that it could be renovated into a residential property. She said that the Safebuilt inspector stated that it was a sturdy build and gave his blessing.

Bordeaux asked if she had any conversation with the city regarding the zoning and as opposed to structural integrity which is what Safebuilt provides. McQuagge stated that she did not and thought that by them being the company that Pine Lake used they would know those things. Bordeaux also stated that Safebuilt does not deal with the city's zoning code and asked if she went through Valerie Caldwell; to which she said no.

Hall asked if she was expanding the footprint for the variance. The applicant said not at this time but maybe in future to add a bedroom if one of her parents had to live with her.

Woods asked about the removal of trees and the logistics of moving the barn.

Bordeaux stated that Bill Johnston, Zoning Consultant has provided a report stating that there were five criteria for the variance and that all criteria/conditions must be met to approve the variance. Bordeaux stated that the recommendation from Johnston is not to give the variance.

Casariago said that that in looking at the conditions of this request for the variance all five aren't met and the question is grandfathering it in and that if it were a home it would be. Bordeaux stated that an accessory building can't be grandfathered into a residence because it was never a residence and that it needed to be a legal structure and be compliant in 2009 when the new codes were passed. Bordeaux explained accessory uses and that they are to be built only where there is a residential building and that the barn was allowed to be built without there being a primary structure on the property.

McQuagge said that everything will be done to code and that the foundation would be shored up and that she did not know about the water under the house until she received the letter from the lawyer. She said that she talked to another contractor about the water issue and that he said that it is as easy as putting in a French drain to divert the water.

Brown commented that if the applicant could answer each one of the criteria's that Johnston has put in place. She referenced a property on Grove Road also stated that the way McQuagge' s' property is situated there is a tremendous amount of land between the back and side setback of what exist now in the current situation and that the property meets the conditions and a variance would be appropriate.

Woods said that it grinds down to if council wants to make an exception for a structure that has been built a long time or do they want to channel the information provided for a new structure coming in although now the structure is not considered a house; but, was it considered a house at the time that it was built.

Hall said that it could be a benefit to the tax base as a house instead of continuing to be an out building. She also commented on the tree that would need to be removed. She also recommended additional quote for moving the structure and overall additional information on the request. Also stated that it was a hardship to purchase a piece of property and not being able to do what one wants.

Bordeaux reiterated that the variance was regarding setbacks, zoning and grandfathering and said that the integrity of the code must remain. Woods said it is important for the code to remain because of the footprint the barn was built on.

Upon call of the question, voting in favor of the variance were Hall and Casariego; voting in opposition were Woods and Bordeaux. The variance request failed to pass with a majority vote.

Bordeaux advised McQuagge that she could move the structure or tear it down or add a primary dwelling and maintain the barn as an accessory building.

Brown informed the applicant that she could appeal to a higher authority. She also questioned the vote and if McQuagge could apply again. Kinsey talked about due process as it related to the filing of a variance.

NEW BUSINESS

Scheduling of a Town Hall meeting

This item was removed from the agenda and placed on the 8/28/18 agenda.

Planning for August 28th Discussion of Open Space Uses and Regulation

There was a brief discussion on this item and it will be placed on the August 28th Council Agenda.

Weeks inquired about the intentions for public parking. She said that the group is working together to solve the problem and that paid parking was recommended.

Colleen Stysko, 4610 Ridge Drive spoke on parking and asked why to limit the number people at the beach/lake and is it environmental as relates to parking.

Staff Reports:

- Court Report- The Court Clerk was not present, and report not provided.
- Public Safety – Chief Green reported that the National Night Out was a success. The Seniors are working with Pine Lake Baptist Church with projects of Home Safety and Senior proofing homes.
- Public Works – The report was provided in the packet.
- Administration – Caldwell reported that the department had experienced manor computer problems and that her computer died, then the mother board of the administrative assistant fried, server issues, and the accountant need additional memory. She also provided an update on sanitation and is working on an intergovernmental agreement with DeKalb County for service because the current contract ends in November 30th.

Communications Plan

There was not any.

Public Comments

Resident Jean Vidosky asked about the Economic Development person was and that council is losing areas big time and that businesses are closing. She also asked about the upcoming SMILE meeting and there was no information available.

Colleen Stysko commented that she agrees with having a survey of residents of Pine Lake for input on their needs.

Weeks inquired about recycling and where it goes. She said that glass recycling was a huge problem.

Mayor's Comments

There were not any mayor comments.

Council Comment

Bordeaux commented that PLAIN was working with the schools and that it is going well. They delivered supplies and the school was very appreciative.

Woods stated that Makers Market which was held Saturday, August 28th was a great success.

Adjournment

Casariexo motioned to adjourn at 8:30, seconded by Woods. 3-0

Missye Varner, Administrative Assistant