



# Technical Panel

Chapter 74 Article VII  
Riparian Buffer Requirements

# Determination Report

Atlanta City Code Section 74-311

Application No: 2019-32

806 Stokeswood Avenue

October 14, 2020

**1. Background and legislative context**

The purpose of this report is to document the determination made by the Technical Panel (“Panel”) pursuant to section 74-311 of the Atlanta City Code (“Code”) following the public notice and comment period required by section 74-310 of the Code.

**2. Project description**

The project seeks approval to construct a 2,000 square foot, single-family house on rear portion of lot and the construct of a bridge over stream at 806 Stokeswood Road. This application seeks an authorized encroachment for the purpose of that project.

**3. Certification of completion of public notice**

The Panel has reviewed the certification dated April 22, 2020 as provided by the applicant as required by section 74-310(d) of the Code.

The Panel determines, in accordance with section 74-311(a) of the Code, that the public notice required section 74-310 of the Code has been completed.

**4. Consideration of public comments**

Annexure A to this report contains the Panel’s consideration of public comments made with respect to the application, as required by section 74-311(b) of the Code.

**5. Findings**

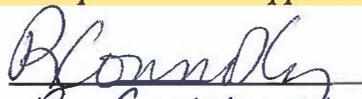
The Panel makes the following findings of fact and conclusions:

- The site-specific flood study by the applicant supports the location and design of the bridge and house.
- The consideration of the public comments is as noted in Annexure A to this report.

**6. Determination**

The Panel determines in accordance with section 74-311 of the Code, having considered the public comments (if any) and having made findings of fact and conclusions in this report, to issue the authorized encroachment as requested in the application with no conditions.

Authorized Signature:

  
R CONNOLLY

Name:

## Annexure A

### Consideration of public comments

Section 74-311(b)

| # | Date      | Submitter  | Issue  | Response  |
|---|-----------|--|--|---|
| 1 | 4-19-2020 | Derek & Bess Blyler<br>Owner of adjacent property at 769 Shadowridge Drive<br><br>(immediately upstream) | Concerned that the development “could” negatively impact them.<br><br>Question the qualification as a hardship.<br><br>Suggests that a decision be postponed so that the East Atlanta Community Association and NPU-W can comment.   | Flood study demonstrates no adverse impacts to upstream properties.<br><br>The Technical Panel recognized a hardship prior to Public Notice.<br><br>No comments were received from either group.  |
| 2 | 5-6-2020  | Maria Midboe<br>791 Shadowridge Drive<br><br>(Behind and uphill from the subject property)               | Expresses a variety of objections – history of non-maintenance of the undeveloped lot, loss of trees and wild animals, and fear of possible damage to her retaining wall, concern that architectural style may not be compatible with the neighborhood, and using the Covid-19 Pandemic as an excuse not to meet with neighbors. | None of the concerns expressed fall within the criteria defined in the Code of Ordinances as a basis for evaluating a proposed Authorized Encroachment into a stream buffer.  |
| 3 | 4-28-20   | Randy Lowery<br>1118 Oakfield<br><br>(Adjoining property)  | Expresses a general concern that the proposed plan may include work that would affect or encroach upon his property.   | There are no indications of impact to or encroachment on the adjoining property. Previous correspondence from the City stated this position and invited clarification of any specific concern. No additional correspondence was received. |
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