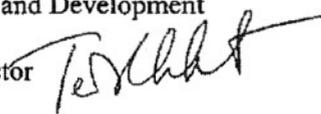




DeKalb County
Public Works Department

330 W. Ponce de Leon Avenue, Room 432
Decatur, Georgia 30030
Phone: 404-371-4778

TO: Patrick Ejike, Director of Planning and Development
FROM: Ted Rhinehart, Public Works Director 
DATE: 18 March 2008
SUBJ: Request to Void Permits no. 144-14 and 144-15 that were issued in error

As you are aware, the Board of Commissioners in late 2006 approved a multi-use trail project, the first phase of the South Peachtree Creek trail, which will ultimately run from Emory University to the North DeKalb Mall area. This first phase of this important Transportation project connects the Mason Mill Park to the Medlock Park, and provides an alternative form of transportation for pedestrians and bicyclists, in keeping with the County's master trail plan, and the County's Comprehensive Transportation Plan.

The Board of Commissioners funded the project, and authorized the condemnation of the easements and rights-of-way necessary to proceed with the project, and the County has commenced construction in accordance with our project management agreement with the PATH Foundation.

As you are also aware, in a spirit of maximum public involvement and participation, we held numerous public information meetings and open houses on the project, and addressed all the questions and concerns brought to us for how the project would be as environmentally sensitive as feasible, while also providing a safe and efficient means of alternative transportation. As one of the elements of this extensive review process, we provided the plans to the Planning and Development Department staff for two purposes: first to request your acknowledgement that per the County Code, trail projects are allowed within the County's 75-foot stream buffer requirement (per Code Section 14-42(i)(2)), and second to request review and comments on the erosion and sedimentation control plans, which we had submitted to EPD with our Notice of Intent, which the Development Department will monitor for compliance.

As a Transportation project, the trail does not require county permits, per O.C.G.A. 12-7-17. Unfortunately, the project was entered into the Hansen system and permit numbers assigned erroneously, in the form of a Land Disturbance Permit form and a Stream Buffer variance. Since neither were required for the project, I would contend that they should be voided in the Hansen system. This issue has caused some confusion with residents who were opposed to the project, and they have attempted to file an appeal to the Zoning Board of Appeals to review the Land Disturbance Permit and Stream Buffer Variance. Since a Board-approved Transportation project is not subject to review by the Zoning Board of Appeals, and I would request that the permit numbers assigned in the Hansen system for this project be voided, to end this unfortunate confusion, since neither a Land Disturbance permit or a Stream Buffer permit were required for the project. Thanks for your assistance in this matter.