



**Board of Zoning Appeals
January 15, 7:00pm**

AGENDA

1. Call to order
2. Election of Chairman
3. Approval of December BZA meeting minutes
4. V07-021, Blue Valley
Birmingham Highway & Liberty Grove Road
David Caragher
5. Other business
6. Adjournment



PETITION NUMBER(S):
V07-021

PROPERTY INFORMATION

ADDRESS	Birmingham Highway & Liberty Grove Road		
DISTRICT, LAND LOT	2, 194-197, 235-238		
OVERLAY DISTRICT	NORTHWEST		
EXISTING ZONING	AG-1	ACREAGE	192.6
EXISTING USE	SINGLE FAMILY RESIDENTIAL		
FUTURE LAND USE DESIGNATION	SINGLE FAMILY RESIDENTIAL		

REQUESTED VARIANCE(S): *For the entire subdivision*

1. *To reduce the front setback from 60 feet to 35 feet*
2. *To reduce the side (interior) setback from 25 feet to 15 feet*
3. *To reduce the side (street) setback from 40 feet to 30 feet*
4. *To reduce the rear setback from 50 feet to 35 feet*
(Article 5.1.3)

PETITIONER	David Caragher
ADDRESS	5780 Windward Parkway, Suite 300 Alpharetta, GA 30005
PHONE	678.624.2910

COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT ANGELA RAMBEAU
678.242.2539

Background:

The subject property is a single family residential development located on approximately 400 acres in the City of Milton and Cherokee County. The subdivision fronts Birmingham Highway, Liberty Grove Road, and New Bullpen Road. Once built out, the subdivision will consist of approximately 200 homes, a swim and tennis recreation area, boarding stables, and horse and walking trails.

The applicant, David Caragher, is requesting a variance to reduce the front, side, and rear setback for the 96 lots located in the City of Milton. The developers would like the City of Milton lots to conform to those permitted in Cherokee County. Mr. Caragher is asking that the setbacks be reduced as follows:

- Front from 60 feet to 35 feet
- Side (interior) from 25 feet to 15 feet
- Side (street) from 40 feet to 30 feet
- Rear from 50 feet to 35 feet.

The applicant states that the size of the lots will not change.

In his letter of intent, the applicant states that the variance will allow the Blue Valley lots to be in harmony with the Kingsley Estates subdivision, zoned CUP, across the street. Per 2006Z-0070, the setbacks for Kingsley Estates are as follows:

- Front 30 feet
- Side yard (interior) 10 feet
- Side yard (street) 20 feet
- Rear yard 50 feet

The minimum lot width is 90 feet.

ADDITIONAL DEPARTMENT COMMENTS

The staff held a Focus Meeting on January 4, 2008 at which the following comments were provided:

<i>BUILDING PLAN REVIEW</i> STAFF CONTACT MELISSA HENDERSON 678.242.3292	<i>NO COMMENT</i>
<i>SITE PLAN REVIEW</i> STAFF CONTACT JIMMY SANDERS 678.242.2543	<i>NO COMMENT</i>
<i>ARBORIST</i> STAFF CONTACT MARK LAW 678.242.2552	<i>NO COMMENT</i>
<i>DOT/STORMWATER REVIEW</i> STAFF CONTACT JIM SEEBA 678.242.2559	<i>NO COMMENT</i>

Standards for Consideration:

The applicant has indicated a justification for variance based on the following standard(s):

- 1. The application of the particular provision of the Zoning Resolution to a particular piece of property, due to extraordinary and exceptional condition pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.**

The applicant states that the extraordinary and exceptional challenges imposed by topographic conditions makes placement of the houses on the lots difficult with the current setbacks. He states that a variance will allow the Blue Valley lots to be in harmony with nearby development by conforming with the setbacks permitted in the Cherokee County part of the development, as well as, to developments such as Kingsley Estates, located across Birmingham Highway

Recommended conditions:

If the Board decides to approve the proposed variances, Staff recommends the following conditions:

Staff has no recommended conditions at this time.

ATTACHMENTS: Letter of appeal, site plan, pictures of site

November 5, 2007

VIA HAND DELIVERY

Ms. Angela Cutler-Rambeau, Board of Zoning Appeals
City of Milton
Milton City Hall, Suite 107
13000 Deerfield Parkway
Milton, GA 30004

Re: Application for Primary Variance by CL Chatham, LLC for Blue Valley

Dear Ms. Rambeau:

Please accept this as our Letter of Appeal for a primary variance application for Blue Valley to reduce the building setback lines under the current Zoning Resolution. Due to the extraordinary and exceptional challenges imposed by topographic conditions, the application of the current setback requirements creates an unnecessary hardship for the owner, while causing no detriment to the public. The requested relief from the Zoning Resolution is in harmony with the general purpose and intent with the City of Milton Zoning Resolution and the Comprehensive Land Use Plan for the City of Milton.

Blue Valley is a residential development located on 400± acres in the City of Milton and unincorporated Cherokee County, with frontage on Birmingham Highway, Liberty Grove Road and New Bullpen Road. The equestrian-themed development, at build-out, will consist of approximately 200 homes, a swim and tennis facility, boarding stables and miles of horse and walking trails.

We bring this appeal before you to request a variance for reduction in the building line setbacks within the City of Milton to conform to those permitted in Cherokee County. Phase I of Blue Valley, located in Cherokee County, has the setbacks shown on the chart below. Of the 200 lots in Blue Valley, 96 are located in the City of Milton, with setbacks as shown below.

<u>Current Setbacks</u>	<u>Cherokee</u>	<u>Milton</u>
Front	35'	60'
Side (interior)	15'	25'
Side (street)	30'	40'
Rear	35'	50'

5780 Windward Parkway • Alpharetta, GA 30005
Phone (678) 624-2900 • Fax (678) 624-2910 • www.chathamlegacy.com



Board of Zoning Appeals
November 5, 2007
Page 2

As set forth in our Variance Application, we seek variances for the 96 lots in the City of Milton to conform to the same setbacks as those for the Phase I lots in Cherokee County. Granting our request to reduce the setbacks to those permitted in Phase I is appropriate for the following reasons:

1. The variance will allow the Blue Valley lots to preserve the harmony in nearby developments by conforming not only with the setbacks permitted in Phase I (Cherokee County), but also with developments such as Kingsley (also located in the City of Milton) just across Birmingham Highway.

2. The variance is granted to avoid adverse topographic conditions present on the City of Milton lots. Granting this request will allow more flexibility in site planning for each individual lot, and will serve not only to place each home in a more aesthetically pleasing setting, but also will serve to avoid compromising specimen trees, to make better use of natural buffers, and to allow optimal placement of septic fields.

The size of the lots will not change. The requested variance is in harmony with the general purpose and intent with the City of Milton Zoning Resolution and the Comprehensive Land Use Plan for the City of Milton, and causes no detriment to the public.

Thank you for your consideration of our request.

Respectfully submitted,

CL CHATHAM, LLC

A handwritten signature in dark ink, appearing to read "David V. Caragher", is written over the typed name.

David V. Caragher
Executive Vice President/Development



CITY OF MILTON LOTS



CHEROKEE COUNTY LOTS

