



PETITION NUMBER(S):
V10-004

PROPERTY INFORMATION

ADDRESS	14510 Thompson Road		
DISTRICT, LAND LOT	2/2, 674		
OVERLAY DISTRICT	NORTHWEST FULTON		
EXISTING ZONING	AG-1	ACREAGE	2.48
EXISTING USE	SINGLE FAMILY RESIDENTIAL		
FUTURE LAND USE DESIGNATION	1 UNIT PER ACRE OR LESS RESIDENTIAL		

REQUESTED VARIANCE(S):

- To allow an addition to a house to encroach into the 50' rear yard (Article 5.1.3.D/Section 64-416 Municode)

PETITIONER(S) Carey and Tony Lair
ADDRESS 14510 Thompson Road
Milton, GA 30004
PHONE 770.569.8567

SITE LOCATION MAP

COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: ANGELA RAMBEAU
678.242.2539

Background:

The site, 14510 Thompson Road, includes an existing single family home, which sits on 2.48 acres. The property is located in the Northwest Fulton Overlay. The property consists of an existing, 2-story brick residence. The house is located on the highest portion of the lot, which slopes down to a stream which forms the northern border of the lot. The lot is heavily vegetated.

The applicant, Tony Lair, proposes to build an addition to the house to possibly be used as in-law suite. The addition will encroach into the 50' rear yard setback by 14.6 feet. Section 64-416 states that the minimum rear yard for property zoned AG-1 is 50 feet. By definition, structures are not allowed in minimum yards. Therefore, a variance is required.

DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:

No DRB review.

ADDITIONAL DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 28, 2010 at which the following comments were provided:

BUILDING PLAN REVIEW STAFF CONTACT MELISSA HENDERSON 678.242.3292	<i>NO ISSUES</i>
SITE PLAN REVIEW STAFF CONTACT JIMMY SANDERS 678.242.2543	<i>NO ISSUES</i>
ARBORIST STAFF CONTACT MARK LAW 678.242.2552	<i>There are two specimen trees in the rear building setback at or near where the building is to be placed—a 27" white oak and a 30" white oak. The specimen tree shown at 27" will require recompense (as required in the Tree Protection Ordinance and Administrative Guidelines) on site with the installation of seventeen (17) four inch caliper trees or contribution into the tree fund in the amount of \$8,500.00. The tree shown to be 30" will require recompense if the critical root zone is disturbed. Recompense for said tree would be twenty one (21) four inch caliper trees or contribution of \$10,500.00 into the City tree fund.</i>
DOT STAFF CONTACT SARAH LEADERS 678.242.2559	<i>NO ISSUES</i>

Standards for Consideration:

The approval of a variance is based on the following considerations:

- Relief, if granted would not offend the spirit or intent of the Ordinance;
- There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the Ordinance would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant;
- Relief, if granted would not cause a substantial detriment to the public good and surrounding properties;
- That the public safety, health and welfare are secured, and that substantial justice is done.

The applicant addresses the considerations as follows:

The applicant states that the request will in no way jeopardize the public safety, health or welfare of the people of Milton. He explains that the configuration and topography of the property necessitated the placement of the existing house along the higher south western portion of the lot. The proposed addition would work best attached to the main house, on the main level. The applicant states that to build an addition to the house in any other location would place it along a steep slope portion of the current structure. This design would be destructive to the topography due to the required grading, and possible erosion. This placement would necessitate the removal of many trees and dramatically alter the landscape. The encroachment into the rear setback will not disturb the neighbors; the nearest structure is a barn at least 100' from the property line.

Recommended conditions:

Should the Board choose to approve the application, Staff recommends the following conditions(s):

1. Recompense shall be provided for the 27" white oak, and the 30" white oak, per the City of Milton Arborist's approval.



ATTACHMENTS: Topographic map, letter of appeal, letter from neighbors, pictures, site plan

TOPOGRAPHIC MAP



