

PROPERTY INFORMATION

ADDRESS	528 SHAWDOW HAWK		
DISTRICT, LAND LOT	2/2, 663		
OVERLAY DISTRICT	NORTHWEST FULTON		
EXISTING ZONING	AG-1	ACREAGE	1.002
EXISTING USE	UNDEVELOPED SINGLE FAMILY RESIDENTIAL		
FUTURE LAND USE DESIGNATION	LOW DENSITY RESIDENTIAL		

REQUESTED VARIANCE(S):

1. To allow a pool, pool deck and equipment to be closer than 100' on the side corner property line.
2. To allow a pool, pool deck and equipment to be closer than 100' from the side property line.
3. To allow a pool, pool deck and equipment to be closer than 100' from the rear property line.
4. To allow a reduction in parking from 22 to 7 spaces.
5. To allow a reduction of the rear setback from 50' to 25'.
6. To allow a reduction of the 40' front landscape strip to 10'
7. To allow a reduction of the 20' front corner landscape strip to 15'.

PETITIONER(S) Ferrell Middleton, for Harmony Reserve Investments, LLC
ADDRESS 4080 Mcginnis Ferry Road, Suite 701
Alpharetta, GA 30005
PHONE 770.518.4896



COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: ANGELA RAMBEAU

678.242.2539

Background:

The site, the Highlands at Echelon subdivision, is a proposed 65 lot single family development located in the Northwest Fulton Overlay. The platted subdivision is zoned AG-1.

The neighborhood was originally set up to have some form of access to the general amenity area that was to be constructed in the Echelon subdivision. Prevailing market conditions caused the master plan for Echelon, and potentially associated surrounding subdivisions to be radically modified. The original master plan currently no longer exists. The new developers, Sharp Residential, LLC/Harmony Reserve Investments, LLC, propose to construct an amenity area on a 1.002 acre corner lot (lot 36) within the Highlands at Echelon subdivision. The amenity area will include a 1,942 square foot pool house with restrooms, and a freeform swimming pool. The developer states that he chose this lot because it was the best one in the subdivision for an amenity. However, the location will require several variances.

Section 64-1609,2b states that a neighborhood pool, pool deck and equipment must be located at least 100 feet from all adjoining property lines. The applicant proposes to place the pool, pool deck and equipment closer than 100 feet on the side, side corner, and rear property lines. The pool deck is approximately, 70 feet from the side corner property line, and 34 feet from the rear property line. The pool deck and equipment are approximately 65 feet from the side property line. The parking lot is located along the side corner. The septic field and reserve field are located along the side property line, and there is extensive grading along the rear of the property. The pool and pool deck are located to avoid these features.

Section 64-1410 indicates that a swimming pool requires six spaces per adult, plus 1 per 15 dwelling units beyond 60 served. Staff calculated the required number of spaces to be 22. Sharp Residential proposes 7 spaces.

Section 64-237 requires that landscape strips be provided along all lot lines. Sharp proposes to reduce the 40 foot front landscape strip to 10 feet. They also propose to reduce the 20 foot front corner landscape strip to 15 feet.

Due to these proposed alterations, variances are required.

DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:

On April 10, 2012, the DRB offered the following comments:

- Board member agrees that this is the best lot in the subdivision for an amenity, but notes that the developer does have the option of expanding into more than one lot.
- Parking will be your big issue. There will be parking on the street.
- It's great that you're doing an amenity.
- Not in favor of eliminating the 40 foot landscape strip.
- Boards suggest preparing a final landscape plan to present to the BZA. Board requests review of the landscape plan when the LDP is applied for.

ADDITIONAL DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 10, 2012 at which the following comments were provided:

BUILDING PLAN REVIEW STAFF CONTACT WADE GREEN 678.242.3292	NO ISSUES
SITE PLAN REVIEW STAFF CONTACT JIMMY SANDERS 678.242.2543	NO ISSUES
ARBORIST STAFF CONTACT MARK LAW 678.242.2552	<i>In the event any variances are granted, the same required quantity/density of trees will be required to be installed on site as required per the Tree Ordinance. All required trees should be planted on this lot. Evergreen trees along Heritage Pass should be changed to deciduous trees to better match existing foliage.</i>
DOT/STORMWATER STAFF CONTACT SARAH LEADERS 678.242.2559	NO ISSUES

Standards for Consideration:

The approval of a variance is based on the following consideration(s):

- 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 responds as follows:

We have a definite need to construct a swimming pool and pool house for the use of the residents, as it is expected in this size neighborhood, with the style/size/value of the homes that we will be building and selling. Any lot in the subdivision would require variances. Lot 36 is the best possible lot for this use. The variances that are being requested relate mainly to setback issues and landscape strips.

The front corner landscape strip area contains an existing storm drainage easement and the plantings will be positioned so that they would not fall on top of the pipe. As for the reduction in parking spaces, the size of the site will not support the number of spaces that have been calculated.

Sharp Residential is committed to building a quality neighborhood that will be consistent with the long-term development desires of the City of Milton. There are no homes currently built in the neighborhood, so there is no issue with offending current residents. Also, we believe that relief based on requested adjustments to the ordinance, if granted, will not offend the spirit or intent of the ordinance, nor would it cause a substantial detriment to the public good and surrounding properties. Finally, public safety, health and welfare will still be secured.

Recommended conditions:

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

- The recreation area shall have a minimum of 10 parking spaces.
- A bike rack shall be installed on the amenity site.
- The reduced landscape strips shall be planted according to the standards of the required landscape strips.
- All required trees shall be planted on subject lot (lot 36).
- Replace proposed evergreen screen with deciduous trees that blend in with existing vegetation.

ATTACHMENTS: Letter of appeal, pictures

LETTER OF APPEAL



V12-004

RECEIVED MAR 28 2012

March 28, 2012

City of Milton

RE: Swim Club at The Highlands at Echelon

To Whom It May Concern:

Sharp Residential, LLC/Harmony Reserve Investments, LLC has purchased the 65 lots in this subdivision and we are in the process of starting to construct homes in the neighborhood. We have a definite need construct a swimming pool and poolhouse for the use of the residents, it is what customers expect in this size neighborhood with the style/size/value of the homes that we will be building and selling.

The neighborhood was originally set up to have some form of access to the general amenity area that was to be constructed in Echelon. Obviously, the generally prevailing market conditions with respect to residential real estate in the last several years have caused the master plan for Echelon, and the potentially associated surrounding subdivisions, to be radically modified. That master plan, unfortunately and for all intents and purposes, is non-existent.

Any lot in the neighborhood would require variances from the adopted standards of the City of Milton to construct a pool and poolhouse. Lot #36 is the best lot in the neighborhood from an internal location position and lot functionality standpoint with regard to orientation of lot and existing grade conditions. Consequently, there are several variances required for approval of the facilities on this lot that have been listed on the submitted drawings. They relate mainly to setback issues and landscape strips/buffers. The front corner landscape strip area contains an existing storm drainage easement and the plantings will be positioned so that they would not fall on top of the pipe, this would need approval by the City Arborist. Also, we are requesting a variance to reduce the number of parking spots as determined by city officials. The size of the site will not support the number of spaces that have been calculated.

Sharp Residential, LLC is a successful builder/developer that is committed to building a quality neighborhood that will be consistent with the long-term development desires of the City of Milton. We have been successfully building and selling homes in Milton Place and Vickery Crest on Hopewell Road, our sales pace recently has been very strong.

There are no homes currently built in the neighborhood so there is no issue with offending current residents. Also, we believe that relief based on requested adjustments to the ordinance, if granted, will not offend the spirit or intent of the ordinance nor would it cause a substantial detriment to the public good and surrounding properties. Finally, public safety, health and welfare will still be secured. We are respectfully requesting



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approval of the variances to allow the pool and poolhouse to be constructed on Lot 36 for the enhanced marketability and viability of the subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Farrell Middleton".

Farrell Middleton
VP Construction

PICTURES OF SUBJECT SITE