

**PETITION NUMBER: V13-003**

<b>PROPERTY INFORMATION</b>	
<b>ADDRESS</b>	<b>13320-13308 FLAMINGO ROAD</b>
<b>DISTRICT, LAND LOT</b>	2/2, 973
<b>OVERLAY DISTRICT</b>	HIGHWAY 9
<b>EXISTING ZONING</b>	TR (TOWNHOUSE) 2002Z-0105 <b>ACREAGE 0.3</b>
<b>EXISTING USE</b>	SINGLE FAMILY ATTACHED, DETACHED
<b>FUTURE LAND USE DESIGNATION</b>	MIXED USE/LIVING-WORKING(MLW)

**REQUESTED VARIANCE(S):**

- **To reduce the side perimeter setback for five lots, from 30 feet to 20 feet (Section 64.669.h.2.a)**

**PETITIONER(S)**     **Jim Jacobi, Morris Road Holdings, LLC**  
**ADDRESS**            6845 Shiloh Road, East #D3  
                              Alpharetta, GA 30004  
**PHONE**                404.456.5562



## **COMMUNITY DEVELOPMENT STAFF ANALYSIS**

STAFF CONTACT: ANGELA RAMBEAU

678.242.2539

### **Background:**

The subject site, consists of 18,465 square feet in the Hidden Forest subdivision, which is zoned TR (townhouse residential) per 2002Z-0105. The subdivision consists of 21.66 acres, and includes both single family detached and attached residences. Originally platted as 7 lots, the new developer, Morris Road Holding, LLC, proposes to replat the area into five lots.

The applicant states that they are unable to build their larger townhome plans on these lots due to the depth restriction caused by the existing setback. They propose reducing the side perimeter setback (which serves as the rear setback for these lots) from 30 feet to 20 feet. Section 64-669,h.3 states that minimum perimeter setbacks for a side yard adjacent to interior property lines is 30 feet. Since the applicant proposes 20 feet, a variance is required.

**DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:**

On May 7, 2013, the DRB offered the following comments:

- The DRB does not support the setback reduction
- Why do we have setbacks?
- The owner knew what was required when he bought it.

**ADDITIONAL DEPARTMENT COMMENTS**

The staff held a Focus Meeting on May 6, 2013, at which the following comments were provided:

<b>BUILDING PLAN REVIEW</b> STAFF CONTACT WADE GREEN 678.242.3292	<i>NO COMMENTS</i>
<b>SITE PLAN REVIEW</b> STAFF CONTACT JIMMY SANDERS 678.242.2543	<i>NO COMMENTS</i>
<b>ARBORIST</b> STAFF CONTACT MARK LAW 678.242.2552	<i>NO COMMENTS</i>
<b>DOT/STORMWATER</b> STAFF CONTACT SARAH LEADERS 678.242.2559	<i>NO COMMENTS</i>

## **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:***

***Theses lots were originally planned for smaller townhomes by the former owner. We are unable to build our larger townhome plans on these lots due to the depth restriction caused by the existing setback. Approving this variance will increase the building area depth which will enable these lots to accommodate our larger townhome plans. These lots abut a large wooded area of open space within the adjacent Fairview townhome community as shown on the included aerial exhibit. Therefore, approval of this variance will not cause any detriment to the surrounding properties since it is not visible by any neighbors. The object of this variance is to increase the building area depth of the townhome lots which will not create any adverse impact to the existing public safety, health or welfare.***

## **Recommended conditions:**

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

- Comply with all conditions of the Highway 9 Overlay.
- End units shall have sides that include some sort of architectural feature.

## LETTER OF APPEAL

REVISED

April 8, 2013

Ms. Robyn MacDonald  
Planner, City of Milton  
13000 Deerfield Parkway  
Suite 107  
Milton, GA 30004

Re: Hidden Forest- Perimeter Setback Variance

Dear Ms. MacDonald:

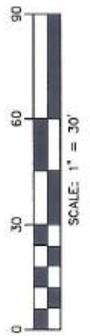
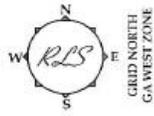
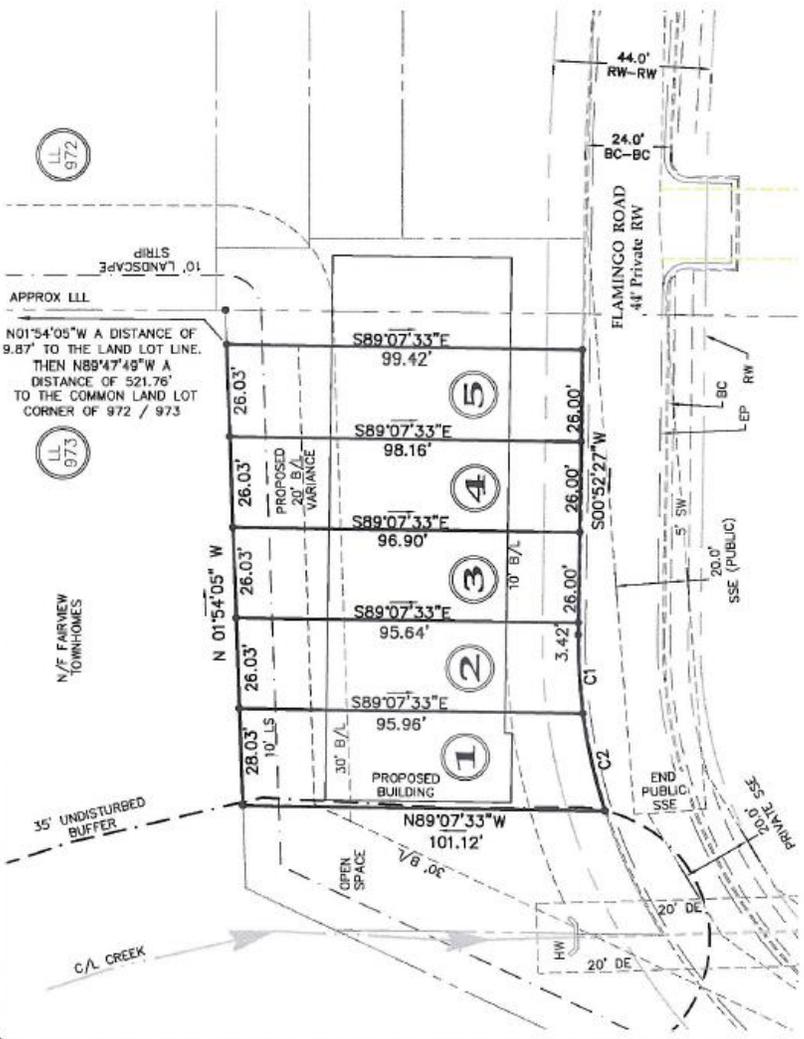
This variance request seeks to reduce the existing 30' perimeter side setback for the entire site by 10 feet on lots 1-5 in Hidden Forest. These lots were originally planned for smaller townhomes by the former owner. We are unable to build our larger townhome plans on these lots due to the depth restriction caused by the existing setback. Approving this variance will increase the building area depth which will enable these lots to accommodate our larger townhome plans. These lots abut a large wooded area of open space within the adjacent Fairview townhome community as shown on the included aerial exhibit. Therefore, approval of this variance will not cause any detriment to the surrounding properties since it is not be visible by any neighbors. The objective of this variance is to increase the building area depth of the townhome lots which will not create any adverse impact to the existing public safety, health or welfare.

Thank you for your consideration of this request.

Sincerely,

  
Jim Jacobi

ACCOMP	LEGEND
ASP	Aluminized Corrugated Metal Pipe
AE	Aluminized Steel Pipe (Type II)
BC	Access Easement
BFE	Back Of Curb
BL	Basement Floor Elevation
C/L	Building (Setback) Line
CMP	Center Line
CO	Corrugated Metal Pipe
CE	Ceem Out
DE	Drainage Easement
EP	Drop in Elevation
ET	Flag in Elevation
FTE	Finish of Floor Elevation
FPE	Building Pad Elevation
FH	Fire Hydrant
GFE	Garage Floor Elevation
GI	Grate Inlet
HW	Headwall
IPF	Iron Pin Found
IPS	Iron Pin Set
JB	Junction Box
LL	Land Lot
LLL	Land Lot Line
LS	Landscape Easement
MH	Manhole
N/F	Now or Formerly
POB	Point of Beginning
RCP	Reinforced Concrete Pipe
RW	Right of Way
SSE	Side Sewer Catch Basin
SSE	Sanitary Sewer Easement
SW	Sidewalk



CURVE	CHORD	CHD. DIRECTION	LENGTH	RADIUS
C1	22.63'	S03°07'52"E	22.65'	162.00'
C2	28.75'	S17°13'37"E	28.79'	162.00'

B



**PICTURES OF THE SUBJECT LOT**