

PETITION NUMBER: V13-004

PROPERTY INFORMATION

ADDRESS	2169 McFarlin Lane
DISTRICT, LAND LOT	2/2, 1095
OVERLAY DISTRICT	CRABAPPLE FORM BASED CODE
EXISTING ZONING	AG-1 ACREAGE 4.0
EXISTING USE	SINGLE FAMILY DETACHED, UNDER DEVELOPMENT
FUTURE LAND USE DESIGNATION	T-3 (FORM BASED CODE, SINGLE FAMILY DETACHED)

REQUESTED VARIANCE(S):

- **To reduce the 100 foot setback for a subdivision pool, pool deck, pool equipment and pool hosue (Section 64-1609)**

PETITIONER(S) **Ashton Atlanta Residential, LLC**

ADDRESS 1455 Old Alabama Road, Suite 100
Rowell, GA 30076

PHONE 770.642.6123



COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: ANGELA RAMBEAU
678.242.2539

Background:

The subject site consists of a 4 acre common area within the Heritage at Crabapple subdivision. The developers, Ashton Atlanta Residential, plan on building an amenity area consisting of a pool house, junior Olympic pool and deck and 10 parking spaces. The amenity area will be surrounded by a modular block retaining wall.

The applicant has submitted two alternate layouts for the pool area. The first layout has the pool located north to south. The edge of the pool, at its closest, is approximately 15 feet from the property line, and 90 feet from the nearest house in the Kensington Farms subdivision. The pool deck is approximately 9 feet from the nearest property line. On the second layout, the pool is situated east to west. At its closest, it is 38 feet from the adjacent property line and the pool deck is approximately 20 feet from the nearest property line. Here, the pool is approximately 177 feet from the nearest house.

Section 64-1609, states that pools, pool equipment, and decks must be located at least 100 feet from all adjoining property lines. Since the pool deck is located less than 100 feet from adjoining property lines on both proposed layouts, a variance is required.

DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:

On June 4, 2013, the DRB offered the following comments:

- Is it possible to rotate pool 90 degrees,
- Add bike racks.
- Possible playground equipment, fire pit?
- Speak with adjacent neighbor about possible mitigation plan.
- Offer adjacent property owner use of the amenity area.

ADDITIONAL DEPARTMENT COMMENTS

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

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

- *As depicted on the site plan, a power easement traverses the north end of the property. The area to the north of the power easement has been set aside for the proposed cabaña and pool area. Ashton Woods does not feel as though the proposed subdivision layout would offend the spirit of the City Code...The hardship in this corner of the property is attributed to the power easement, but they feel as though this layout would not be to the detriment of the surrounding properties as they are preserving the existing g specimen trees along the eastern border and will provide additional landscape screening along the northern border.*

Recommended conditions:

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

- Approval of second proposed layout.
- Add bike racks.
- Lights, other than those necessary for security, shall be set on a timer so that they turn off at 10:00pm.
- Swim meets or other events shall conclude by 10:00 pm.
- Provide screening for the pool and the modular block wall. Plantings and locations to be approved by the City of Milton Arborist.

LETTER OF APPEAL



SOTIR J. CHRISTOPHER, P.E.

Christopher Planning & Engineering, Inc.
280 Settlewood Court
Roswell, GA 30075
770.331.7303
678.352.1515 fax
schristopher@christopherplanning.com
www.christopherplanning.com

Date: March 10, 2013

To: Ms. Angela Cutler Rambeau
City of Milton
13000 Deerfield Parkway, Suite 107
Milton, GA 30004
678.242.2539

RE: **Letter of Appeal**
Amenity Area @ The Heritage at Crabapple (a.k.a. Lee Tract)
Land Lots 1096 & 1137
City of Milton
Fulton County, Georgia
CP&E Project No. 2012133.10

Angela,

On behalf of the applicant/owner of the above referenced property, Ashton Atlanta Residential LLC, this letter shall serve as the Letter of Appeal for a requested Variance to Section 64-1609 of the City's Zoning Ordinance. As you are aware, Ashton Woods is currently developing the property at the dead-end intersection of McFarlin Lane & Nakomis Place as a 63 lot subdivision.

They have worked diligently with City Staff from the inception of the project thru current site construction to meet the intent/requirements of the Crabapple Form Based Code ... not only with respect to site layout, but also with the development of housing product. While the form based code allows for this property to be developed with up to 90 lots, Ashton Woods has landed on a site plan/layout that calls for 63 lots. The result of the previously mentioned coordination/evolution of the planning of this property is shown on the attached Site Plan. As depicted on the Site Plan, a power easement traverses the north end of the property. The area to the north of the power easement has been set aside for the proposed cabana & pool area. Ashton Woods is requesting a variance to allow the pool location as shown/dimensioned on the Site Plan exhibits.

Ashton Woods does not feel as though the proposed subdivision layout and housing product would offend the spirit of the City Code, again, as the City was involved in the evolution of the site plan to fit in concert with the Crabapple Form Based Code. The hardship in this corner of the property is attributed to the power easement, but they feel as though this layout/variance would not be to the detriment of the surrounding properties as they are preserving the existing specimen trees along the eastern border and will provide additional landscape screening along the northern border.

Please feel free to contact me or Mr. Mike Busher with Ashton Woods 404.886.1466 with questions or if you need any additional information regarding this request.

Thanks.

A handwritten signature in black ink, appearing to be 'Sotir J. Christopher', written over a horizontal line.

Sotir J. Christopher
Christopher Planning & Engineering

V13-04

ROUGH ESTIMATE OF LOCATION



When all is said and done, the only way to know for sure is to see it in person.

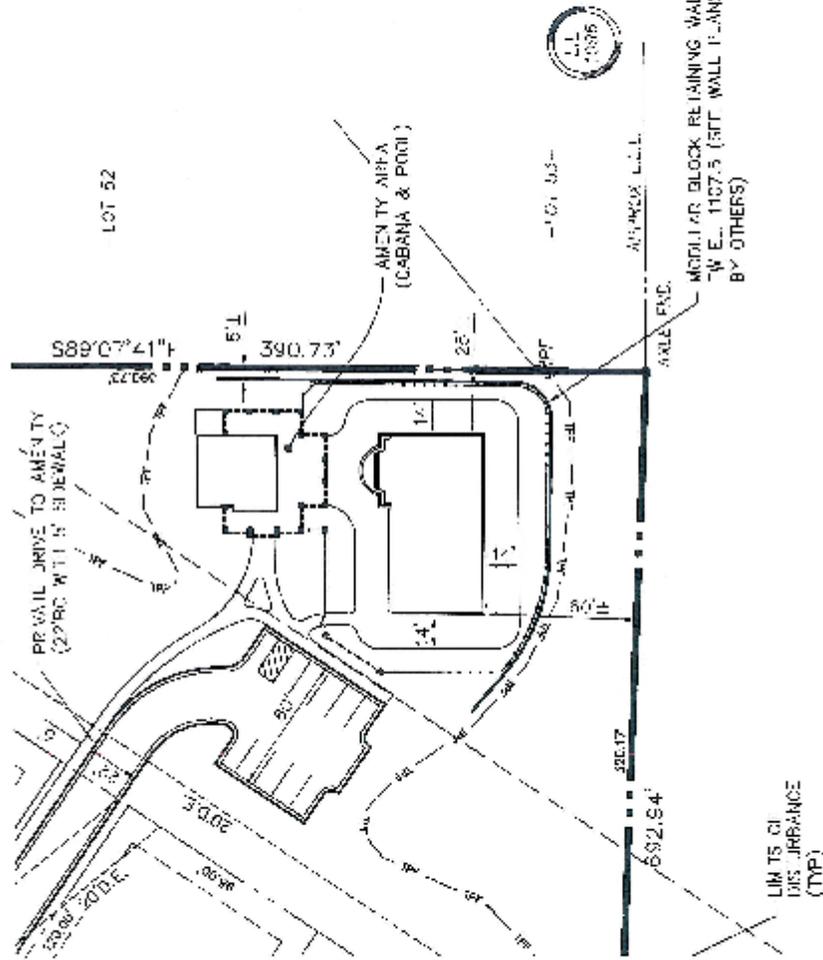


- Sign in to access, organize and share your places.
- Organize your favorites to make the places that matter to you.
 - Star your favorites and help other people find them.
 - Make places you love to discover for other people.

ROUGH ESTIMATE OF LOCATION

PROPOSAL #1

↑
NORTH



V13-04!

PROPOSAL #2-



NORTH
→

<p>DATE: 10/1/00</p>	<p>BY: J. H. BERRY</p>	<p>SCALE: AS SHOWN</p>	<p>PROJECT: LEE TRACT</p>	<p>OWNER: LEE TRACT</p>	<p>NO. 100-100000-0000-0000</p>	<p>LEE TRACT 100-100000-0000-0000 100-100000-0000-0000 100-100000-0000-0000 100-100000-0000-0000 100-100000-0000-0000</p>		<p>1. ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p>	
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