



**City of South Fulton Community Development Services Department**

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**5440 Fulton Industrial Blvd SW**  
**Atlanta, GA 30336**  
**470-809-7700**  
[www.CityofSouthFultonGA.gov](http://www.CityofSouthFultonGA.gov)

Mayor: William “Bill” Edwards

Interim Director: Shayla Reed

**MEMORANDUM**

**TO:** Zoning Board of Appeals

**FROM:** Planning and Zoning Division

**SUBJECT:** **V18-003 at 764 Red Wolf Run (Lot 76) & 768 Red Wolf Run (Lot 77) of the Wolf Creek Chase Subdivision**

**DATE:** April 19, 2018

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The applicant seeks a variance for a relief from the Zoning Resolution Article 34.5.10 Section E.3 which states that residential lots less than one acre in size may not include a Restricted Pipeline Area.

**STAFF RECOMMENDATION: APPROVAL**

cc: Mark Massey, City Clerk

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**APPLICATION INFORMATION**

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Applicant Information:	Abbas Heidari of ARC Engineering 600 Pinnacle Court Suite 685 Norcross, GA 30071
Status of Applicant:	Agent for D.R. Horton who owns the property.
City Council District(s):	2
Parcel ID Number:	Parcels will be platted upon variance approval
Area of Property:	764 Red Wolf Run (Lot 76): 9,060 ft <sup>2</sup> (0.2079 acres) 768 Red Wolf Run (Lot 77): 10,383 ft <sup>2</sup> (0.2383 acres)
Existing Zoning:	CUP (Community Unit Plan District)
Current/Past Use of the Property:	The property is currently undeveloped.
Prior Zoning Cases/History:	<b>Z04-0147</b> , request to rezone property from AG-1 (Agricultural district) to CUP (Community Unit Plan) – <b>APPROVED WITH CONDITIONS</b>

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**SPECIFIC INFORMATION****REQUEST**

The applicant seeks a variance for a relief from the Zoning Resolution Article 34.5.10 Section E.3 which states that residential lots less than one acre in size may not include a Restricted Pipeline Area.

**ADJACENT ZONING AND LAND USES**

The subject properties are within a subdivision (Wolf Creek Chase) where all parcels are within the CUP (Community Unit Plan) zoning district subject to the conditions outlined in Case No. Z04-0147. The properties to the north and south of the subdivision are zoned AG-1 (Agricultural District) and CUP (Community Unit Plan). Properties to the east and west of the subdivision are zoned AG-1 (Agricultural District) and CUP (Community Unit Plan).

**APPLICABLE CODE REQUIREMENTS**

Fulton County Code; Article 34.5.10 Section E.3:

*A residential lot that is less than one acre in size may not include a Restricted Pipeline Area.*

Definition of Restricted Pipeline Area (34.5.10.A): *The area within 40 feet of a transmission line easement and the area within a transmission line easement.*

**VARIANCE CONSIDERATIONS**

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Zoning Board of Appeals in considering the application and its merits. These considerations include:

- (i) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Resolution; or,

(ii) The application of the particular provision of the Zoning Resolution to a particular piece of property, due to extraordinary and exceptional conditions 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; or,

(iii) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

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## **PUBLIC PARTICIPATION**

The applicant held their own public meeting on March 27, 2018 5:00 p.m. to 5:45 p.m. at the Wolf Creek Library at 3100 Enon Road. No one from the surrounding neighborhood attended the meeting.

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## **STAFF COMMENTS**

Engineering: Permanent structures within the 40' Restricted Area are prohibited.

Arborist: None

Environmental:

1. The Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the proposed variance so long as the transmission pipelines are protected, the potential consequences of a transmission pipeline incident are considered and mitigated, and there is not an increase in risk of an incident.
2. If the plat is approved and since the lot is proposed to be less than one acre, the Environmental Health Services Division of the Fulton County Board of Health will require the proposed development to connect to public water and public sanitary sewer available to the site as well as onsite sanitary facilities, prior to occupancy.

Public Works: None

Transportation: None

MARTA: None

Fulton County Schools: None

Fire: None

Legal: None

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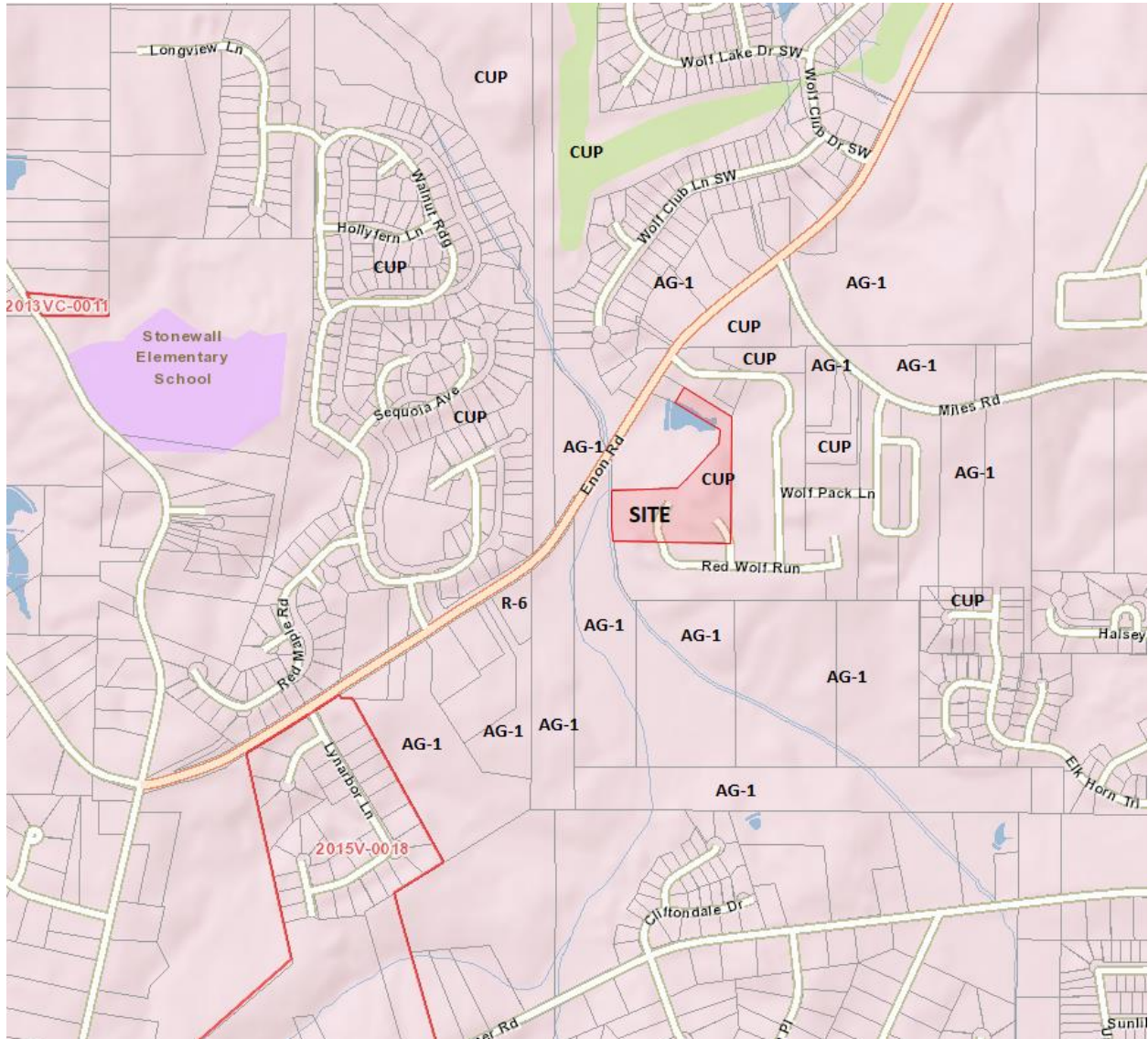
## **STAFF RECOMMENDATION**

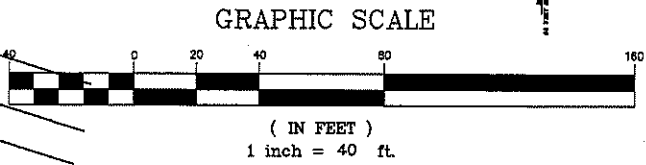
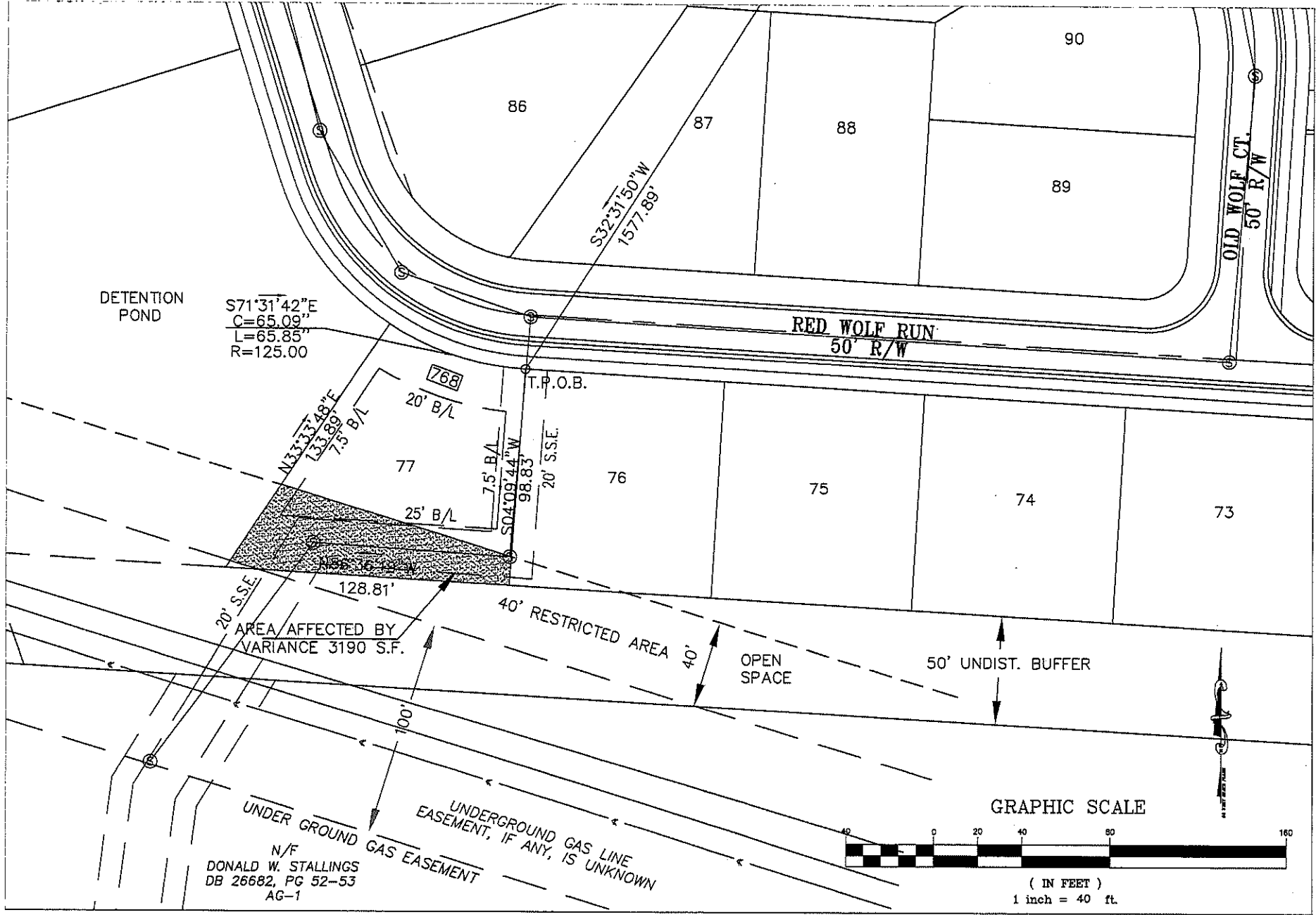
A gas line easement traverses the rear yards of both Lots 76 and 77 located on Red Wolf Run within the Wolf Creek Chase subdivision. The Fulton County Zoning Resolution Article 34.5.10 Section E.3 states that a residential lot is less than one acre in size may not include a Restricted Pipeline Area. Restricted Pipeline Areas include gas line easements. Each proposed lot is less than one acre which is not compliant with the code. When the required setbacks are applied to Lot 76, the Restricted Pipeline Area does not conflict with the resultant buildable area. Thus,

the gas line company's access to the pipeline will not be affected. This is not the case for Lot 77, but due to the curve causing a trapezoidal-shaped lot, the buildable portion of Lot 77 will match the buildable portion of the other proposed lots on Red Wolf Run. Based upon the findings and conclusions herein, Staff recommends **APPROVAL**; the lot may be less than 1 acre in size, but the owner may not build atop the Restricted Pipeline Area.

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REVIEWED BY:  
Dana Gray





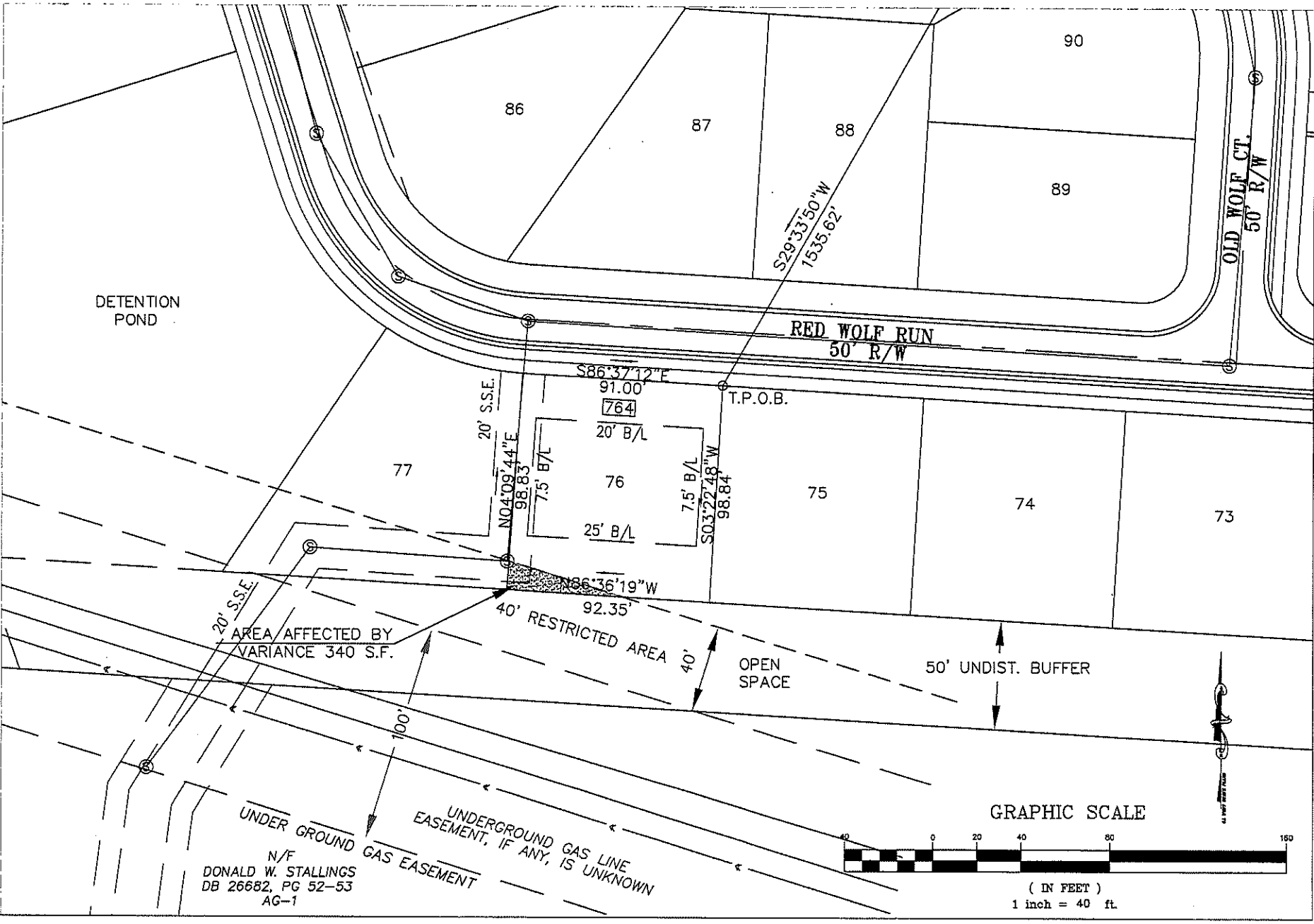
**ACR Engineering, inc.**  
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING  
SUITE 685  
600 PINNACLE COURT  
NORCROSS, GA 30071  
TEL: (770) 291-0000  
FAX: (770) 291-8887

VARIANCE EXHIBIT  
FOR  
WOLF CREEK CHASE  
LOT 77  
L.L. 123, 14FF DIST.  
FULTON COUNTY, GEORGIA

DATE	REVISION	BY	DATE	DESCRIPTION
JULY 20 2017				
SCALE: HORIZ. 1"=40' VERT. 1"=40'				
LAND LOTS:	123			
DISTRICT:	14FF			
COUNTY:	FULTON	STATE:	GEORGIA	
DESIGNED:	DN	DRAWN:	DN	
CHECKED:		APPROVED:		

SHEET	1
OF	1
SHEET 1 OF 1	
DWG NO.	DLG1002-01 77A/16
ISSUE NO.	
PROJECT NO.	
FILE NO.	

V18-003



N/F  
DONALD W. STALLINGS  
DB 26682, PG 52-53  
AG-1

GRAPHIC SCALE  
( IN FEET )  
1 inch = 40 ft.

**ACR Engineering, Inc.**  
ATLANTA, GEORGIA  
600 PHINCKLE COURT  
SUITE 685  
NORCROSS, GA 30071  
TEL: (770) 291-0000  
FAX: (770) 291-6867

VARIANCE EXHIBIT  
FOR  
WOLF CREEK CHASE  
LOT 76  
L.L. 123, 14FF DIST.  
FULTON COUNTY, GEORGIA

DATE	SCALE	HORIZ.	VERT.	N/A	DESCRIPTION	DATE	BY	APPR.
JULY 20 2017	1"=40'							

LINE	LOT(S)	DISTRICT	COUNTY	STATE	CR
123	147	FULTON	GEORGIA		

SHEET	1
OF	1
PROJECT NO.	VIB-003
FILE NO.	

VIB-003