



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

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**5440 Fulton Industrial Blvd, S.W.  
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:** **V-18-006 at Overlook at Camp Creek Subdivision Phase 1A**

**MEETING DATE:** February 21, 2019

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The applicant seeks a variance to reduce the minimum front yard setback from 35 feet to 20 feet.

**STAFF RECOMMENDATION: APPROVAL**

cc: Mark Massey, City Clerk

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**APPLICATION INFORMATION**

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Applicant Information:	Michelle Battle for Hybrass Overlook, LLC Battle Law Group P.C. One West Court Square Suite 750 Decatur, GA 30030
Status of Applicant:	Attorney
City Council District(s):	5
Parcel ID Number:	14F-0039-LL0894 14F-0039-LL0902
Area of Property:	Lot 70 – 0.26 acres (11,418 sq. ft.) Lot 73 – 0.44 acres (12,360 sq. ft.)
Existing Zoning:	R-4 (Single Family Dwelling District)
Current/Past Use of the Property:	These are both vacant lots within a subdivision that is being built out.
Prior Zoning Cases/History:	<b>Z60-018</b> , request to rezone property from AG-1 (Agricultural District) to R-4 (Single Family Dwelling district) – <b>APPROVED</b> <b>M06-001</b> , request to add conditions and include site plan – <b>APPROVED</b> <b>VC06-064</b> , concurrent request to eliminate two buffers – <b>APPROVED</b> <b>VC06-064</b> , concurrent request to reduce minimum front setback from 35’ to 20’ – <b>DENIED</b> <b>V-18-001 &amp; V-18-002</b> , request to reduce minimum front setback from 35’ to 20’ - <b>APPROVED</b>

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**SPECIFIC INFORMATION**

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**REQUEST**

The applicant seeks a variance to reduce the minimum front yard setback from 35 ft. to 20 ft. for lots 70 and 73.

**ADJACENT ZONING AND LAND USES**

The properties to the east across Old Fairburn Road are zoned R-4 (Single Family Dwelling District) like the subject property. The properties to the southeast, across Old Fairburn Road, are in the City of East Point and are zoned AG-1 (Agricultural District). The properties to the south are zoned R-3 (Single Family Dwelling District). The properties to the west are zoned and CUP (Community Unit Plan District). The properties to the north, across Camp Creek Parkway, are zoned C-2 (Commercial District).

**APPLICABLE CODE REQUIREMENTS**

Fulton County Code; Article VI:

***6.6.3 Development Standards***

*6.6.3.B: Minimum Front Yard – 35 Feet*

*6.6.3.C: Minimum Rear Yard – 25 Feet*

## **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**

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### **STAFF COMMENTS**

Engineering: None

Arborist: None

Environmental: None

Public Works: None

Transportation: None

MARTA: None

Fulton County Schools: None

Fire: None

Legal: None

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### **STAFF RECOMMENDATION**

In 2006, an application for a concurrent variance to reduce the front yard setback from 35 feet to 20 feet was received and denied by the Fulton County Board of Commissioners in agreement with Staff. The staff recommendation of denial was based upon the interpretation that the applicant at the time (Trey Robinson Homes) offered no justification for the variance.

In 2007, a previous owner of the land recorded the subdivision plat with Fulton County showing a front yard setback of 25 feet. Today's applicant expected to construct the homes based on the plat. However,

