



City of South Fulton Department of Community Development Services

**5440 Fulton Industrial Blvd, S.W.
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www.CityofSouthFultonGA.gov**

Mayor: William “Bill” Edwards

Interim Director: Shayla Reed

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Planning and Zoning Division
SUBJECT: **V-18-008 at Overlook at Camp Creek Subdivision Phase 1**
MEETING DATE: February 21, 2019

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

APPLICATION INFORMATION

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-LL0589 14F-0039-LL0621
Area of Property:	Lot 21 – 0.22 acres (9,563 sq. ft.) Lot 63 – 0.21 acres (9,112 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:	Z60-018 , request to rezone property from AG-1 (Agricultural District) to R-4 (Single Family Dwelling district) – APPROVED M06-001 , request to add conditions and include site plan – APPROVED VC06-064 , concurrent request to eliminate two buffers – APPROVED VC06-064 , concurrent request to reduce minimum front setback from 35’ to 20’ – DENIED V-18-001 & V-18-002 , request to reduce minimum front setback from 35’ to 20’ - APPROVED

SPECIFIC INFORMATION

REQUEST

The applicant seeks a variance to reduce the minimum front yard setback from 35 ft. to 20 ft. for lots 21 and 63.

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.

PUBLIC PARTICIPATION

STAFF COMMENTS

Engineering: None

Arborist: None

Environmental: None

Public Works: None

Transportation: None

MARTA: None

Fulton County Schools: None

Fire: None

Legal: None

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,

the R-4 zoning district requires a 35-foot front setback. Sixteen homes were built in the subdivision prior to the owner's acquisition of the property with front yard setbacks ranging from 20 feet (3 total) to 29 feet.

In March of 2018, the City of South Fulton approved front setback reductions to 20' and 25' from 35' for 21 lots within phases 1 and 1A. To match the existing character of the previously built and proposed homes, Staff recommends approval of the applicant's request to reduce the minimum front setback to 20 feet.

REVIEWED BY
Richard Hathcock

