



**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
Reed

Interim Director: Shayla

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Planning and Zoning Division
SUBJECT: **V-18-009 at Overlook at Camp Creek Subdivision Phase 2**

MEETING DATE: March 21, 2019

The applicant seeks a steep slope variance in accordance with Section 14.3 (k) to regrade proposed lots 2-6 such that the lots are pushed back allowing the lots to be graded at a level that is consistent with the elevation of the lot at the street frontage. A 10' +/- retaining wall is proposed in the rear yards.

STAFF RECOMMENDATION: Denial

cc: Diane White, 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):	2
Parcel ID Number:	14F-0069-LL0145 (R-4), 14F-0069-LL0103 (CUP), 14F-0069-LL0137 (R-4), 14F-0069-LL0129 (CUP)
Area of Property:	Lot 2-13,680 sq. ft., Lot 3-12,614 sq. ft., Lot 4-12,558 sq. ft. Lot 5-12,609 sq. ft., Lot 6-12,713 sq. ft.
Existing Zoning:	CUP
Current/Past Use of the Property:	These are vacant lots within a subdivision that is partly built.
Prior Zoning Cases/History:	Z60-018 , request to rezone property from AG-1 (Agricultural District) to R-4 (Single Family Dwelling district) APPROVED Z06-0042 , request to rezone property AG-1 (Agricultural District) and R-4 (Single Family Dwelling district) to CUP-APPROVED

SPECIFIC INFORMATION**REQUEST**

The applicant seeks a variance for relief from the steep slope regulations Section 14.3 (k).

ADJACENT ZONING AND LAND USES

The properties to the east across Camp Creek Pkwy. are zoned C-2 (Commercial District) & A (Medium Density Apartment). The properties to the south are zoned R-4 (Single Family Dwelling District) & CUP (Community Unit Plan District). The properties to the west are zoned R-3 (Single Family Dwelling District). The properties to the north are zoned R-4 (Single Family Dwelling District).

APPLICABLE CODE REQUIREMENTS

Fulton County Muni Code; Article XIV

Sec. 14.3 Protection of steep slopes and grading activities; procedures for land disturbance permits.

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

The applicant held their meeting on Tuesday January 22, 2019 at the Ramada Plaza Hotel located at 5010 Old national Highway, Atlanta, GA. They had one person in attendance, and he wanted to understand the request and make certain it was consistent with the previous variance request.

STAFF COMMENTS

Engineering: *Variance to 14.3.g. to allow grading of steep slopes in the required rear yard setback of lots sized 8k sf – 15k sf (lots are proposed). Due to proximity to Camp Creek stream buffer, recommendation is denial of request to disturb steep slope within rear yard setback at proposed Lot 2.*

Variance to 14.3.f. to allow land disturbing activity in areas containing 40% or greater slopes (at rear of proposed lot 2). Due to proximity to Camp Creek stream buffer denial of request to disturb existing 40% or greater slope at rear of proposed Lot 2 is recommended.

Arborist: None

Environmental: none

Public Works: None

Transportation: None

MARTA: None

Fulton County Schools: None

Fire: None

Legal: None

STAFF RECOMMENDATION: Based on our City Engineer's review staff has recommended **APPROVAL WITH CONDITIONS:**

1. Site development plans included in any related permit application shall bear a Professional Engineer seal and signature.
2. The Disturbed areas that are shown on the V18-009 site plan that are exterior of proposed lots shall be planted to meet or exceed buffer standards.
3. Proposed slopes behind proposed lots 4, 5, and 6 shall not exceed 3:1 in steepness.

4. No more than 0.25 acres of proposed slope shall surface drain onto a proposed lot;
5. Applicant shall provide Certified Arborist report identifying impact of proposed slope on specimen trees prior to issuance of permit for work to construct slope.

REVIEWED BY
Dana Gray

