

Legislation Text

File #: PZ 18--036, **Version:** 1

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APPLICATION: Hardship Variance, Paran Homes, Powder Springs Road

PETITION: The applicant, Paran Homes, is requesting a hardship variance to reduce the front setback from 35 feet to 25 feet, reduce the right-of-way width from 60 feet with 28 feet of required pavement to 50 feet with 24 feet of pavement, and reduce the minimum lot size for fee simple townhomes from 2,000 square feet to 1,700 square feet.

PURPOSE OF THE REQUEST: To vary from the following sections of the UDC:

1. Setback Reduction: Table 2-2 Dimensional Requirements for Residential Zoning Districts
2. Right-of-way width: Section 8-63
3. Minimum lot size: Section 4-120.

LOCATION: Land Lots 833 & 870, 19th Districts, Powder Springs, Georgia.
3700 Powder Springs Road

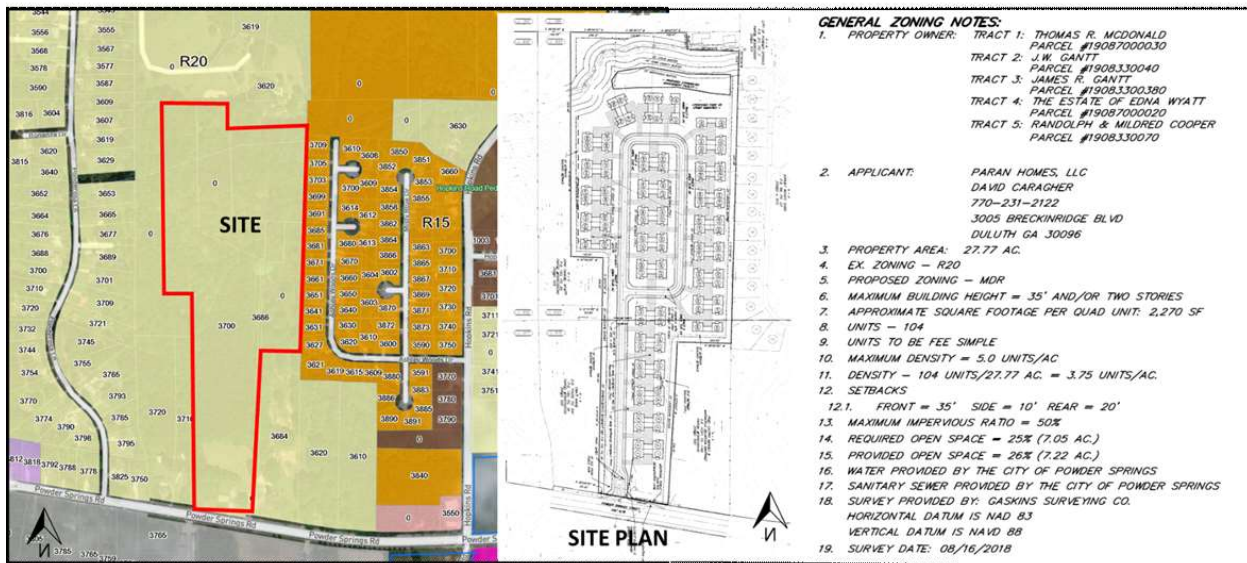
ACRES: 27.77 acres, 19087000030, 1908330040, 19083300380, 19087000020, 1908330070

Current Zoning: R20

Proposed Zoning : MDR (PZ 18-031)

Prepared by: Community Development

Location Map



Background:

The subject property is located along Powder Springs Road and is currently zoned Single-family Residential (R-20). There is currently a rezoning application (PZ 18-031) in-house from R20 to Medium Density Residential (MDR). The rezoning is to facilitate 104 units with a density of 3.75 in the MDR zoning district. The proposed request is a hardship variance to vary from (1) Setback Reduction: Table 2-2 Dimensional Requirements for Residential Zoning Districts, (2) Right-of-way width: Section 8-63, and (3) Minimum lot size: Section 4-120.

The proposed development is consistent with the City of Powder Springs Comprehensive Plan. One goal of the plan is “*Develop quality, diverse housing that can attract a wide range of people and lifestyles.*” After review of the code, staff found that the Unified Development Code does not contain a zoning classification that allows this type of development geared toward seniors. As such, staff is recommending approval of the above referenced variances, but is amending the code to allow this use under a Residential Senior Living (RSL) zoning category.

Surrounding Land Use:

The subject site is surrounded by various zoning districts. There is residential zoning located to the east (R15), west (R20) and north (R20) of the subject site consisting of single-family residences. Parcels located to the south of the subject site is zoned Light Industrial (LI) consisting of industrial, residential dwelling units and recently vacated agricultural property and vacant lots.

Analysis:

- 1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;**

This property is somewhat limited by its size and shape (narrowly configured and contains a stream) and is constrained by its proximity to developed properties. The subject site is surrounded by various zoning districts. There are developed residential zoning districts located to the east (R15), west (R20) and north (R20) of the subject site consisting of single-family residences. Parcels located to the south of the subject site are zoned Light Industrial (LI) consisting of industrial, residential dwelling units, recently vacated agricultural property, and vacant lots. Although there are no extraordinary or exceptional conditions relating to the property, the development is unique in that there is not a current zoning classification that would allow the use as proposed.

- 2. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;**

Without the granting of the variances, the applicant will not be able to develop the property as proposed. The MDR zoning district is intended to implement the proposed "Village Center

Residential" future development area as established by the Comprehensive Plan. Further, the Village Center Residential development area's intended uses include townhomes. The proposed rezoning request is for a residential senior living, age restricted, attached "townhome-type" fee simple community consisting of 104 units and is consistent with the purpose of the Village Center Residential development area outlined in the Comprehensive Plan. The applicant would be able to do develop under the MDR zoning, but the layout and lot sizes would not be those preferred by the senior population.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Granting approval of the variance will not confer upon the applicant any special privileges. If the code is amended to allow a Residential Senior Living (RSL) classification, similar developments would be permitted.

4. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare;

The subject site is surrounded by various residential districts (R20 and R-15), and abuts single-family residences located to the east of the subject site. The UDC requires a 25' landscape buffer between higher density and lower density residential activity. The site plan indicates a 25' landscape buffer located to the east and west of the property lines. The 25' landscape buffer will mitigate noise, dust and light generated from higher density. The site plan also indicates a 35' separation of buildings from the property lines which meets the UDC and provides adequate distance from neighboring structures. There is a stream located to the rear of the property. State and local legislation requires a total of 75' buffer from all streams. In addition to the 75' buffer, the detention pond will also be located to the rear of the property providing additional separation from neighboring lots. Based on the site plan submitted the proposed request is compatible with the surrounding area and should not create a public health and safety concern.

5. The special circumstances are not the result of the actions of the applicant;

The applicant has not done anything to create the conditions of a narrowly configured site that is constrained by existing developments and a stream. The applicant is proposing a development consistent with the goals of the Comprehensive Plan. However, the current Unified Development Code does not provide a zoning classification that allows this type of development. Staff recommends a revision to the Unified Development Code.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and/or

The Applicant has endeavored to maintain the required setbacks as much as possible while still making use of the narrowly configured site.

7. The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Residential uses (including the proposed senior living, age-restricted, attached "townhome-type" fee simple homes) are permitted in the MDR (Medium Density Residential) District.

Fiscal Impact:

There are currently existing services and infrastructure to support the proposed request. The proposed development will provide increased tax income for the City. The proposed request should not have any negative economic impact on the City of Powder Springs as infrastructure and services are already in place to serve the proposed request.

Recommendation:

Staff recommends approval of the following variances under case PZ 18-036

- Reduce the front setback from 35 feet to 25 feet for the Powder Springs Quad Residential Development.
- Reduce the right-of-way width from 60 feet with 28 feet of required pavement to 50 feet with 24 feet of pavement.
- Reduce the minimum lot size for fee simple townhomes from 2,000 square feet to 1,700 square feet for the Powder Springs Quad Residential Development.