



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

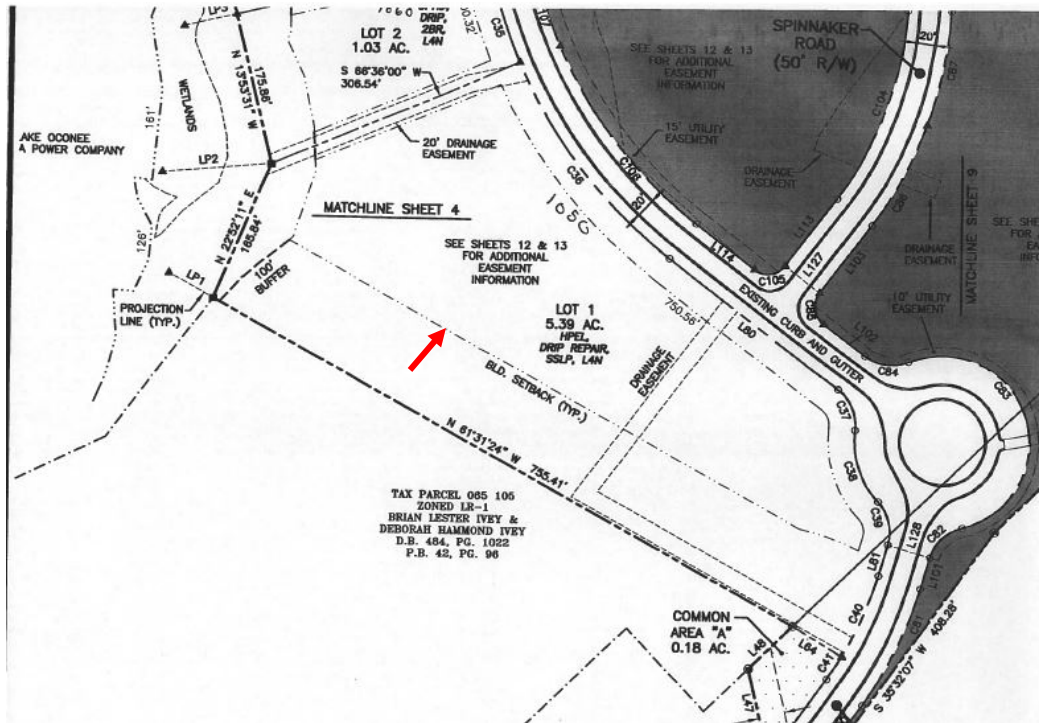
PETITION FOR: VARIANCE – REAR SETBACK

Property location:	1050 Sailview Drive
Property tax parcel:	065C-001
Acreage:	5.39 acres
Applicant:	James & Stephanie Harden
Applicant's Agent:	
Property Owner:	James & Stephanie Harden, 1460 Chinook Ct, SW, Lilburn
Existing Use:	Vacant
Variance Requested:	Single family dwelling

Summary

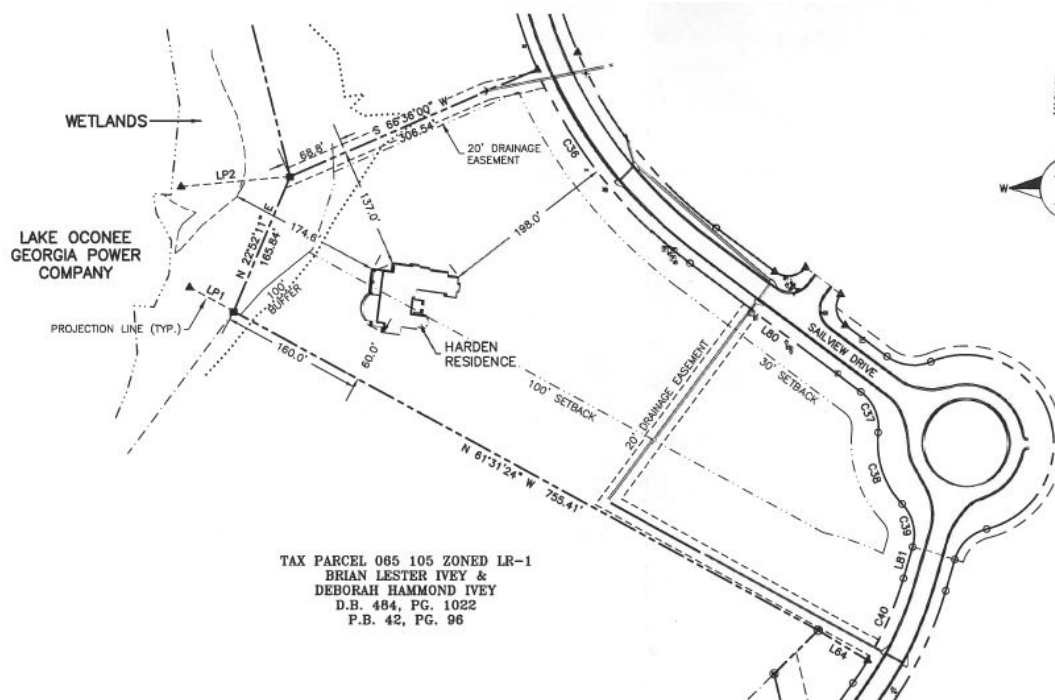


James & Stephanie Harden are requesting a variance to the rear setback for property located at 1050 Sailview Drive. The property is 5.39 acres, which makes it one of the largest lots in the Sailview subdivision.



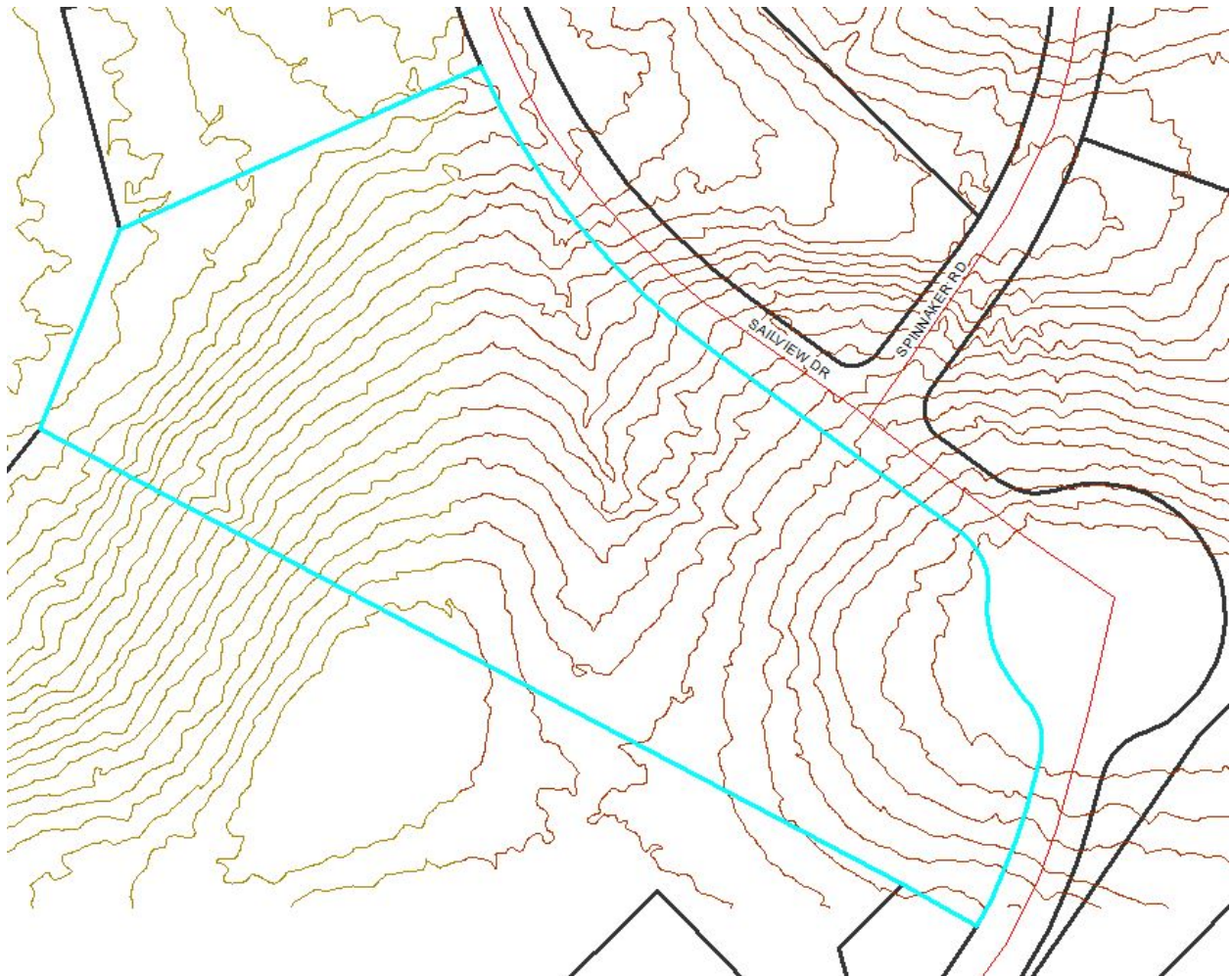
The final plat of the Sailview subdivision, above, shows the 100' rear setback. The Morgan County Development Regulations Section 3.4.6 (C) states: "In a major subdivision or private road subdivision, no building shall

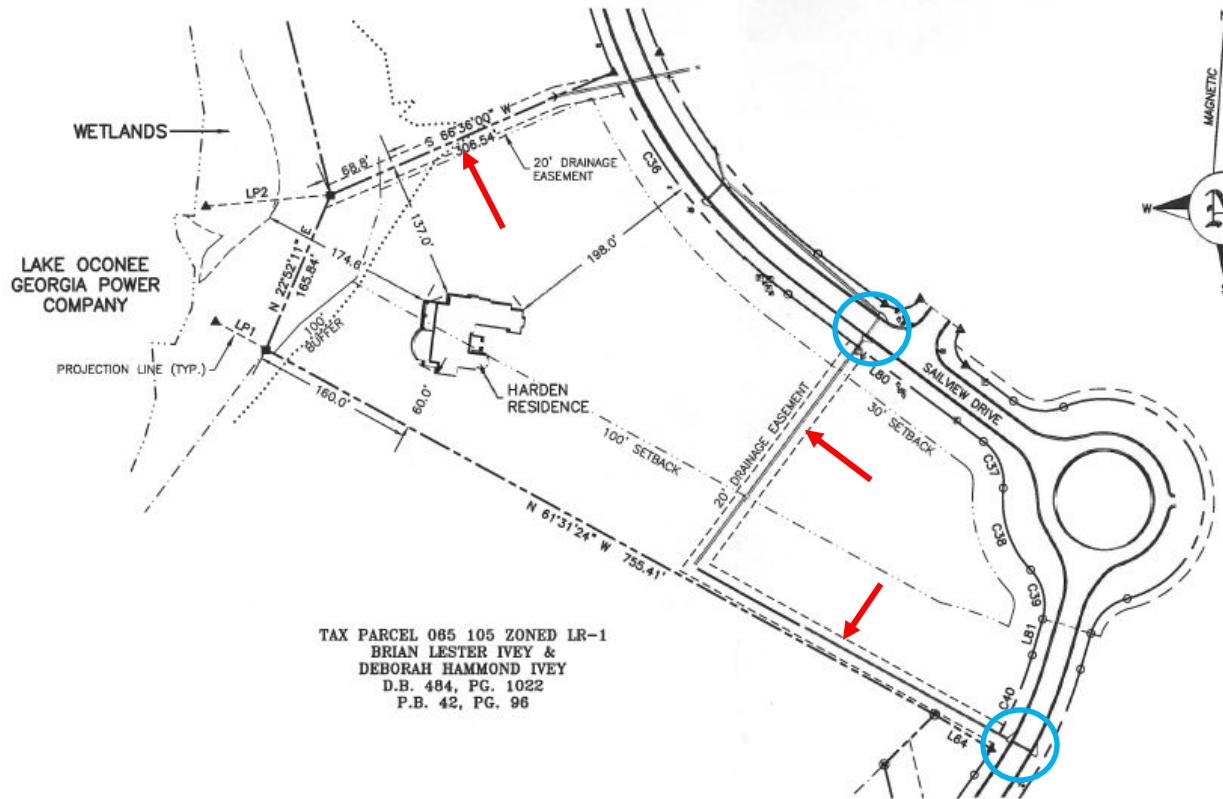
be located within 100 feet of the periphery of the subdivision site or within 250 feet of the right-of-way of an existing road." In other words, the 100' setback is a buffer that surrounds a subdivision.



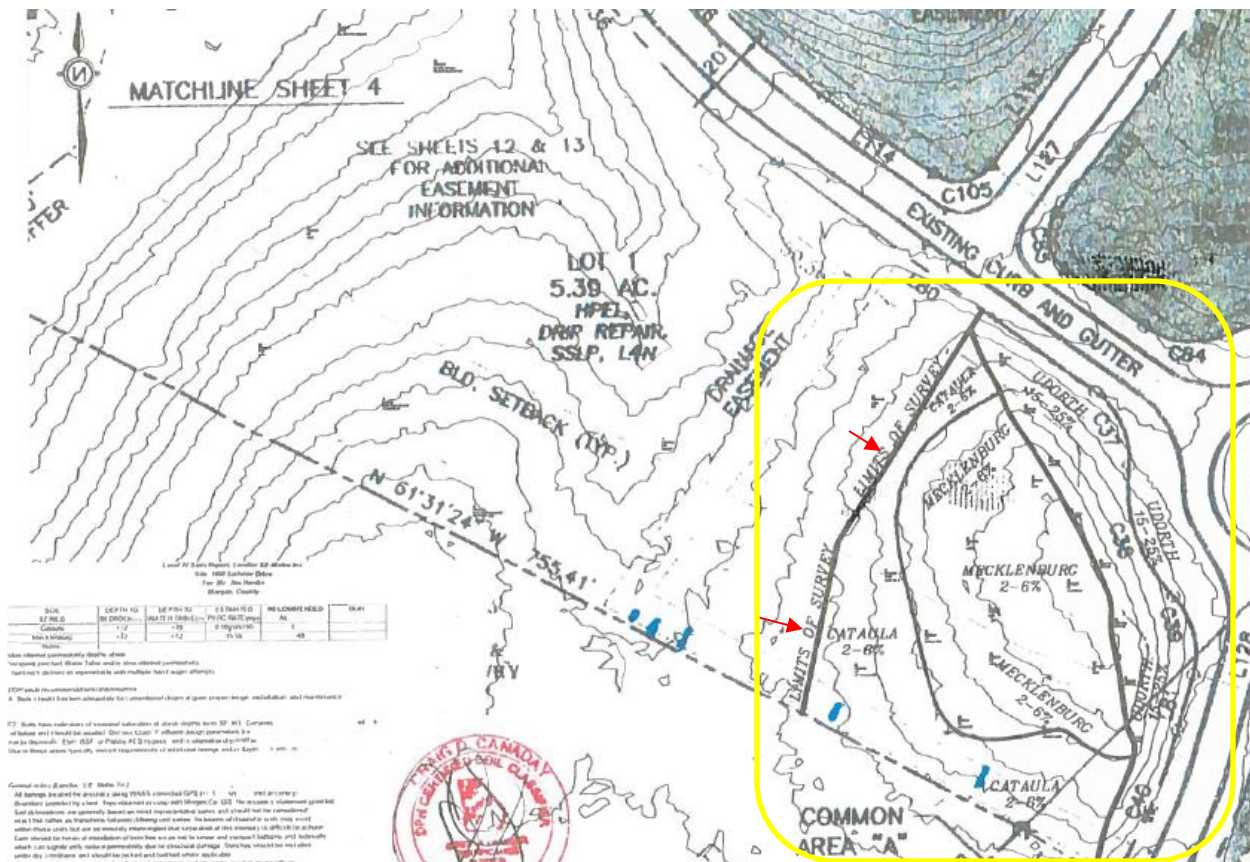
The applicant's site plan shows the proposed placement of the house 40' into the 100' setback. This would leave the periphery setback in this location at 60'.

The applicant's letter states that topography is an issue on the lot, specifically relating to the placement of a basement. The topography map of the property shows a slope going toward the lake and a drainage swale in the center of the lot. If the intent is to orient the house toward the lake and have a daylight basement facing the water, then the slope anywhere on the north/northwest part of the parcel would be appropriate. The spring noted in the applicant's letter is not identified on any of the county maps, so its exact location will need to be verified with the applicant. The topography lines are from before the subdivision was constructed, so the flow of water indicated by the topography map has been interrupted by the road and curb stormwater drainage. However, that water has been diverted to the drainage easement in the center of the property, also mentioned by the applicant in his letter.





The property has three drainage easements, which are legal access ways for the orderly flow of water across a property. Sailview's roads have curb and gutter, which divert water from the roads into storm water pipes beneath the roads. This water must exit the property via drainage easements. A larger version of the site plan above is attached and the storm water drop inlets and pipe under the road can be better seen (see blue circles). The plan indicates that the center and bottom easements contain underground pipes taking water across the property. The top drainage easement shows the water pipe stopping and the water being discharged onto the land, most likely into a ditch. The top easement takes the water to the lake; the bottom two easements take the water to an adjacent property. The applicant's letter indicates his desire to stay away from these drainage easements. While construction cannot occur within the easement for the underground pipes, they could be part of a yard and, as they are covered, would be undistinguishable from the rest of the yard (if installed correctly). The top easement ditch may or may not be unsightly, but many properties in Morgan County contain ditches. While it is understandable that a house may not be wanted right beside the ditch, it does not require a 137' space between the house and the drainage (as shown on the site plan above, and attached).



The applicant's third justification for the setback variance is that their soil tests indicate the proposed placement of the house is most appropriate for septic tank placement. This claim confuses Staff. Based on the soil survey submitted with the application, perc testing was not done on the north end of the property where the house is proposed. The yellow box surrounds where the soil survey was conducted, which is the southeast portion of the lot. The red arrows point out the limits of the survey, which indicate the soil scientist did not test above these lines. Perhaps the applicant has another soil survey and submitted the wrong one.

Criteria for Consideration

From the Morgan County Zoning Ordinance. Section 20.3.1, Required Findings for Variance Approval:

1. There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
2. The literal application of this Ordinance would create an unnecessary hardship;
3. A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
4. A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
5. The special circumstances surrounding the request for the variance are not the result of acts of the applicant;

6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
7. The zoning proposal is consistent with all standards and criteria adopted by Morgan County; The variance is the minimum variance that will make possible an economically viable use of the land, building or structure

Staff Comments

While the proposed placement of the house would provide ideal views of the lake, Staff cannot see issues with topography, drainage easements or soil content that make the placement of the house elsewhere impossible. It is a large parcel and the house could reasonably be placed within the existing setbacks.

James & Stephanie Harden

1050 Sailview Drive

Buckhead, Georgia 30625

October 30, 2020

Morgan County Planning Commission

150 E. Washington Street

Madison, Georgia 30650

Dear Commissioners,

We request a variance for the one-hundred-foot build setback on the southerly side of our property. At the farthest point, the dwelling would be forty feet over the setback.


The setback as it currently exists provides a hardship for these reasons:

- Topography- both the steep slope on the north/northwest side of the property and the presence of a spring abutting that grade precludes placing a basement toward the north side of the parcel.
- Drainage Easements- the northern property line contains a twenty-foot, surface level drainage ditch carries water to the lake. A subterranean level drainage easement divides the property almost in half from north to south. House placement needs to be well away from these watersheds.
- Soil Percolation- the level IV soils survey and prescribed two tank septic system and drain fields will be best placed and accessed with proposed house placement

We have taken the following measures to reduce the impact of the variance:

- Reduced the size of the dwelling by 1,000 square feet and reduced the width 44 feet. The dimensions of the structure are 90' x 80'-6".
- Flipped the plan so less of the structure is beyond the build setback

Our neighbors on Shadow Lake Drive adjacent to the property line with the setback support the requested variance. Given the area topography and old growth forest, the impact on the public is negligible. Thank you for your consideration,

 and Stephanie Harden
James and Stephanie Harden

Attachments

MATCHLINE SHEET 4

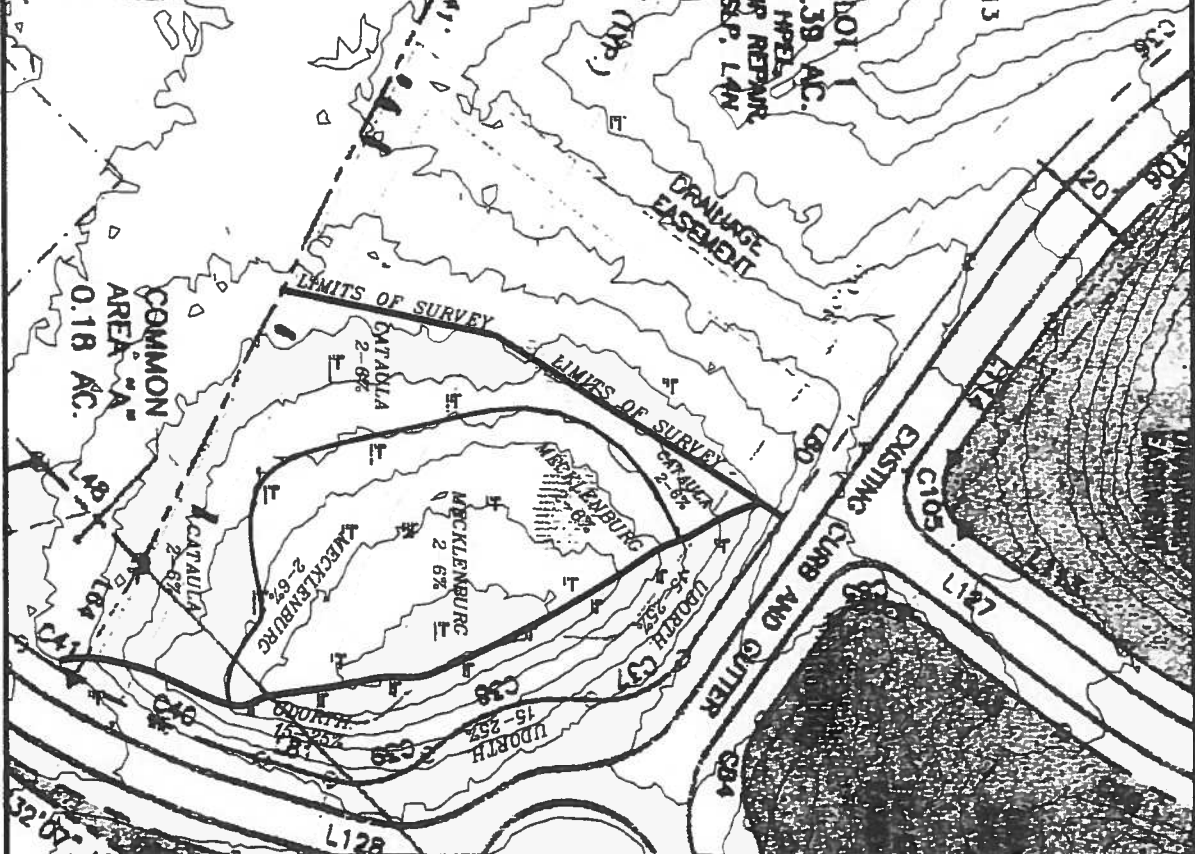
SEE SHEETS 12 & 13
FOR ADDITIONAL
EASEMENT
INFORMATION

DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
01/06	1050 SAILVIEW DR.	W	01/06	1050 SAILVIEW DR.	W
01/06	1050 SAILVIEW DR.	W	01/06	1050 SAILVIEW DR.	W
01/06	1050 SAILVIEW DR.	W	01/06	1050 SAILVIEW DR.	W

1050 SAILVIEW DR. (1050 SAILVIEW DR.)

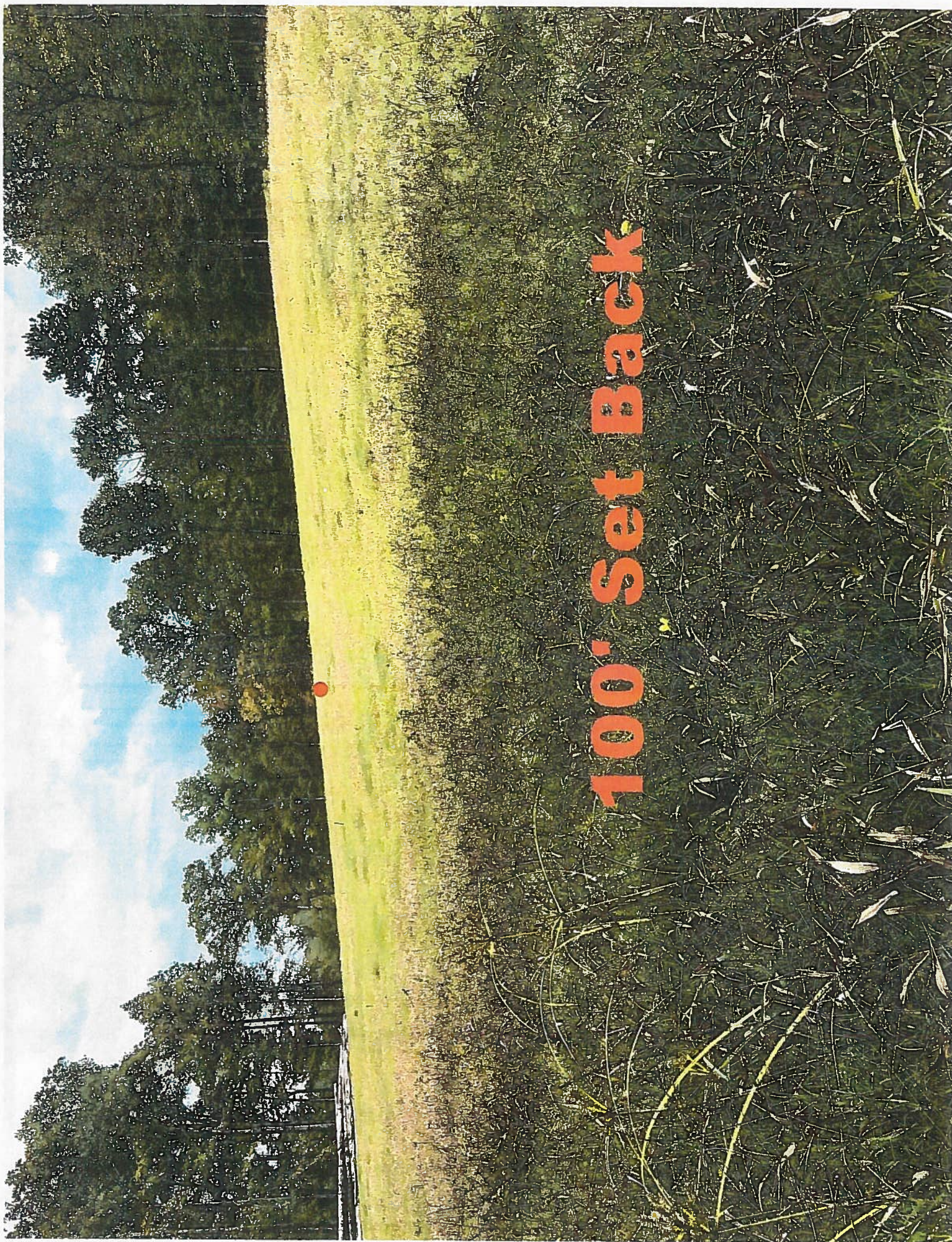
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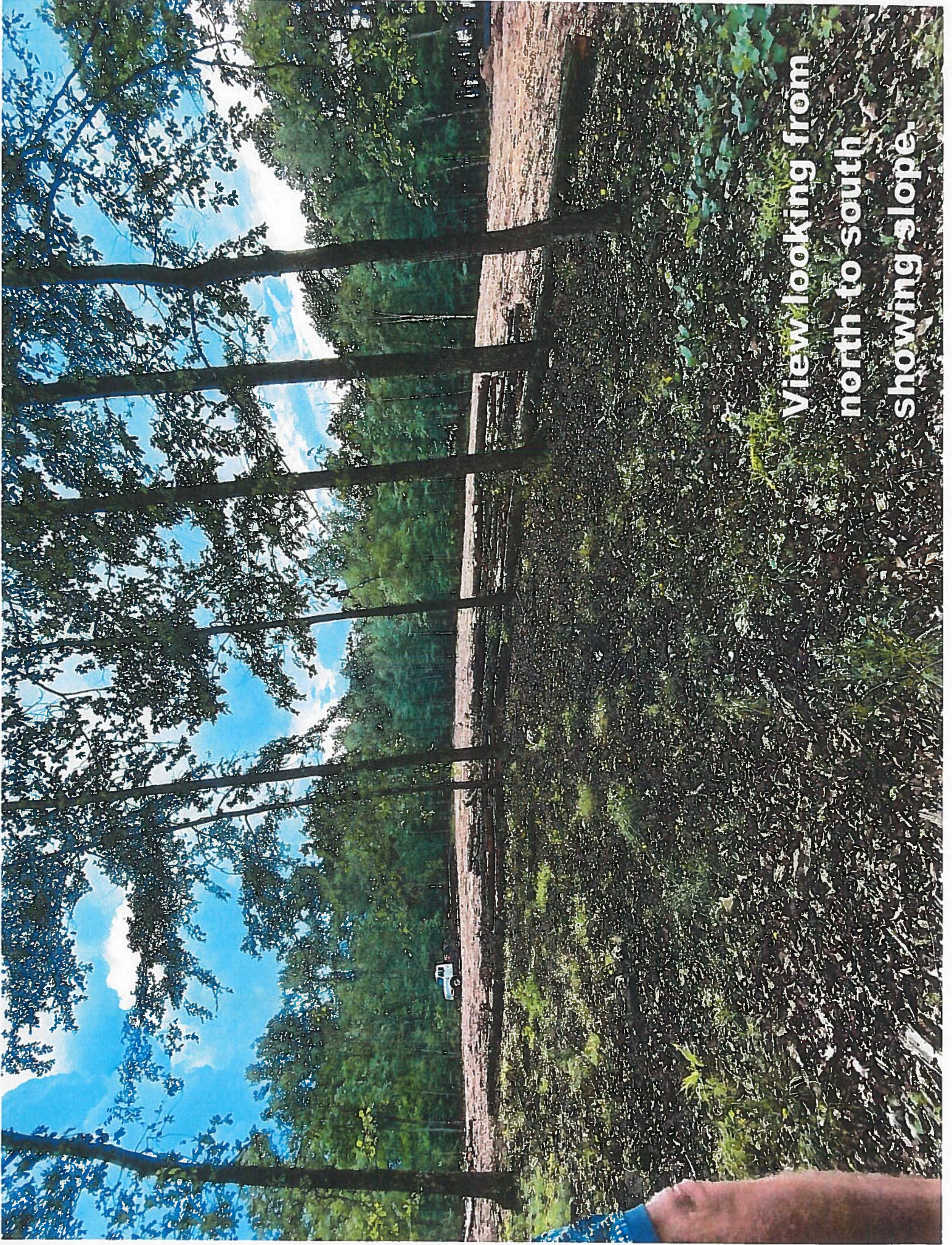


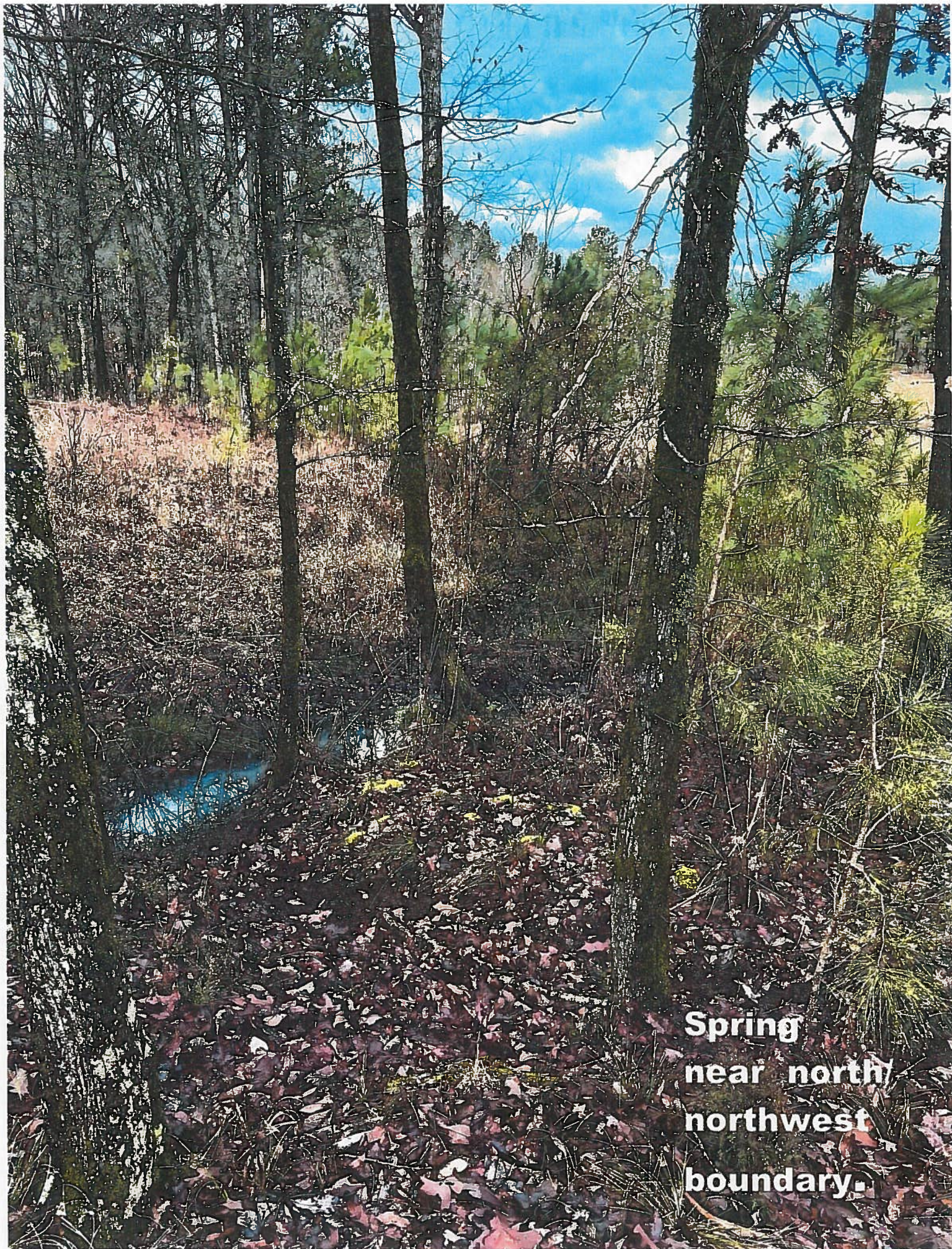
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100' Set Back



**View looking from
north to south
showing slope.**





**Spring
near north/
northwest
boundary.**



REVISED:

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DATE: 10/30/2020
FILE: 2020-133.dwg
SCALE: 1" = 100'
Sheet 1 of 1

SHEARWALL SCHEDULE

GENERAL NOTES:
1. SHEARWALLS SHALL BE CONCRETE OR BLOCKING WITH ALL JOINTS REINFORCED PER THE SHEARWALL SCHEDULE.
2. ALL WALLS REINFORCED PER THE SHEARWALL SCHEDULE SHALL BE OF THE FOLLOWING TYPES AND MINIMUM SIZE OF CONCRETE (28' COMPRESSIVE STRENGTH) OR GALV. BOX (28' COMPRESSIVE STRENGTH) SHALL BE 12" MIN. AND BE TIED TO ALL BOUNDARY MEMBERS WITH ATTACHED HOODING.
3. ALL WALLS SHALL BE TIED TO ALL BOUNDARY MEMBERS WITH ATTACHED HOODING.
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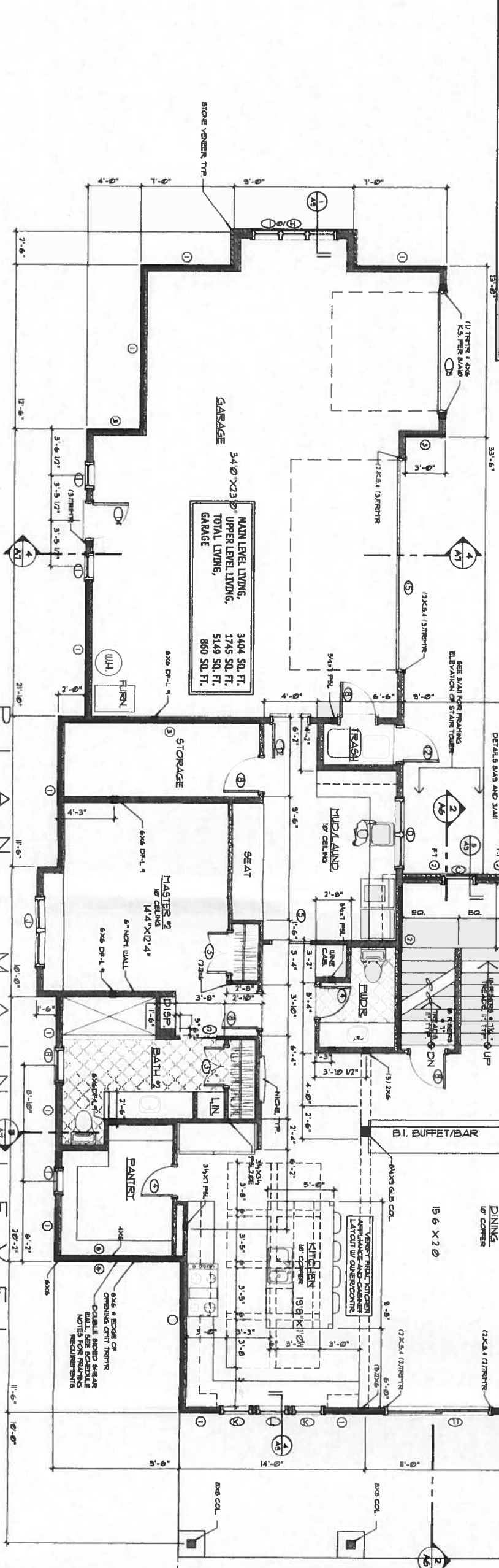
GENERAL NOTES:
1. VERIFY ALL WINDOW AND DOOR SIZES, SELECTIONS, AND LOCATIONS WITH THE ARCHITECT BEFORE ORDERING.
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DOOR/WINDOW SCHEDULE

NO.	TYPE	SIZE	LOCATION	REMARKS
1	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
2	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
3	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
4	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
5	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
6	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
7	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
8	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
9	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM
10	DOOR	3'0" x 7'0"	ENTRY	DOOR WITH TRANSOM

WALL FRAMING NOTES:

GENERAL NOTES:
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MAIN LEVEL PLAN
DATE: 11 NOV 2018
FILE: CS56827-220WP.DWG
SHEET NO: A2
SCALE: 1/4" = 1'-0"