

PETITION NUMBER: V24-06

PROPERTY INFORMATION	2455 Bethany Bend
DISTRICT, LAND LOT	2/ 894
OVERLAY DISTRICT	Rural Milton
EXISTING ZONING	AG-1
ACRES	2.3 Acres
EXISTING USE	Single Family Residence
FUTURE LAND USE DESIGNATION	Agriculture, Equestrian, Estate Residential

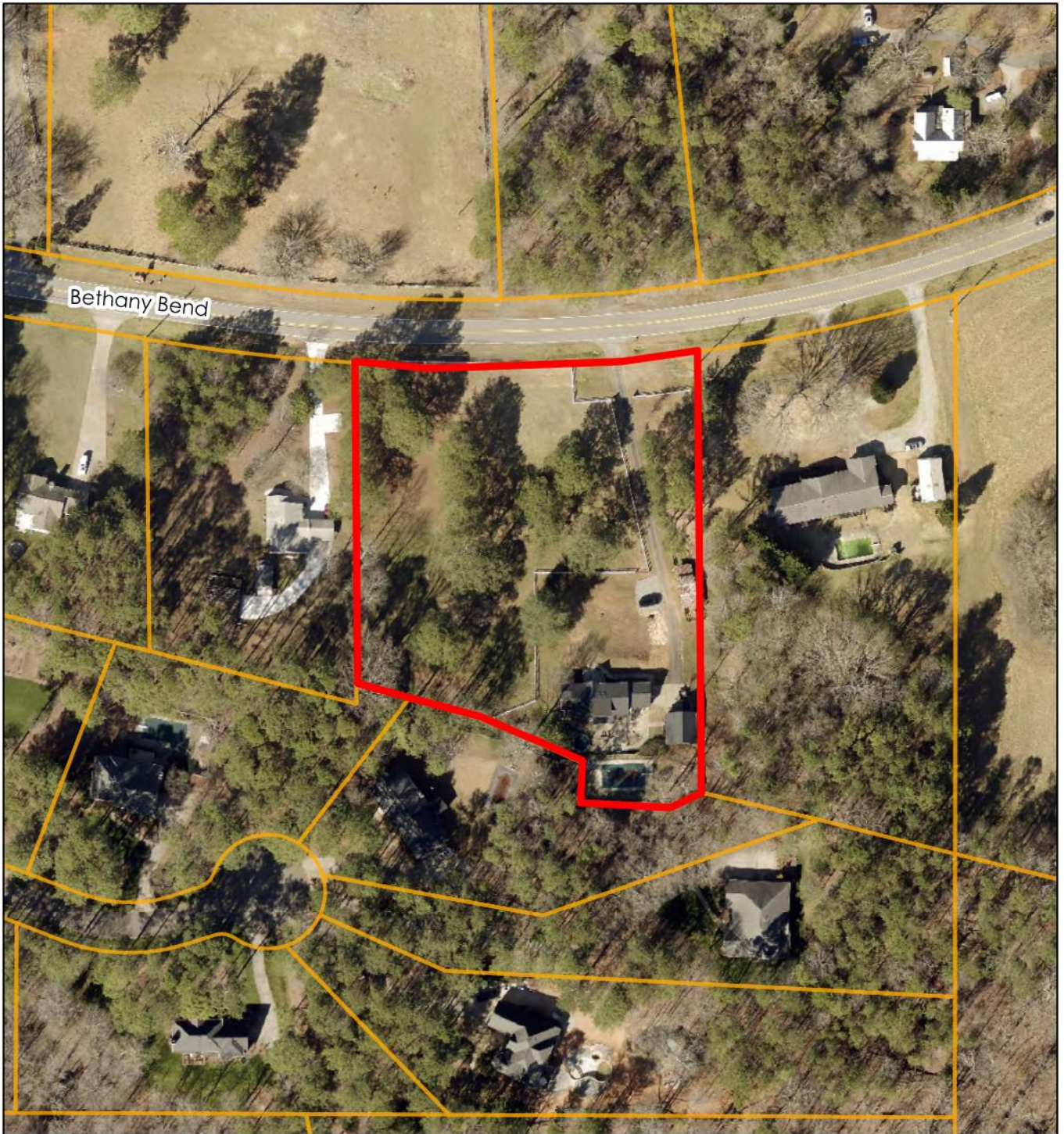
REQUESTED VARIANCE:

Part 1 - To reduce the 50-foot minimum rear yard to 42.3 feet adjacent to the rear property line (Sec. 64-416(d)) and reduce the 25-foot minimum side yard to 5.3 feet adjacent to the east property line for an existing detached garage accessory structure. (Sec. 64-416(c)(1))

Part 2 - To reduce the existing barn housing animals distance requirement from 100 feet to 0.1 foot adjacent to the east property line (Sec. 64-415(a)(4)(a)).

Part 3 - To reduce the existing barn housing animals distance requirement from 150 feet to 80.8 feet from an occupied structure adjacent to the east property line (Sec. 64-415(a)(4)(a)).

PETITIONER/OWNER ADDRESS	Andrew Groslimond 2455 Bethany Bend Milton, GA 30004
REPRESENTATIVE ADDRESS	Jason Wieloch 4352 Parkside Place Sandy Springs, GA 30342



V24-06

2455 Bethany Bend

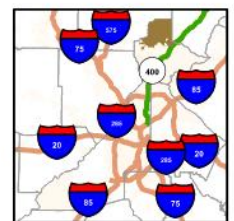
City of Milton

2024

0 0.01 0.02 0.04 0.06 0.08 Miles

 Milton City Limits

 Parcels



MILTON
ESTABLISHED 2006

COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: Michael Cardamon
678.242.2524

Background:

The site is a 2.3-acre parcel located on the south side of Bethany Bend. The property is zoned AG-1 and is located in the Rural Milton Overlay District. Applicable setbacks for the lot are a 60-foot front setback, two (2) 25-foot side setbacks, and a 50-foot rear setback. The applicant is seeking the following variances:

Part 1 - To reduce the 50-foot minimum rear yard to 42.3 feet adjacent to the rear property line (Sec. 64-416(d)) and reduce the 25-foot minimum side yard to 5.3 feet adjacent to the east property line for an existing detached garage accessory structure. (Sec. 64-416(c)(1))

Part 2 - To reduce the existing barn housing animals distance requirement from 100 feet to 0.1 foot adjacent to the east property line (Sec. 64-415(a)(4)(a)).

Part 3 - To reduce the existing barn housing animals distance requirement from 150 feet to 80.8 feet from an occupied structure adjacent to the east property line (Sec. 64-415(a)(4)(a)).

The lot has a depth of 398 feet and a width of 299 as shown on the survey in **Exhibit A**. The owner purchased the property in 2020. Per the letter of appeal, the barn, single-family home and detached garage have been on the property for approximately 30 years. While no horses currently reside in the barn, the owner plans to have horses on the property in the future.

This property is currently under Community Development review for a minor plat subdividing the current 2.3-acre parcel into two (2) lots with a size of 1.03-acre and 1.27-acre as shown in **Exhibit B**. It is the Community Development Department's policy not to approve a minor plat, when there are noncompliant structures on a property. Photos of the property are detailed in **Exhibit C**.

DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:

On April 9, 2024, the DRB met and had the following comments:

- DRB recommends approval of the variance requests. The board acknowledged that the structures pre-dated the incorporation of the city. It was recommended by the Board that the applicant get support letters from bordering property owners, particularly the bordering property owner on the east side (2465 Bethany Bend) who is in the closest proximity to variance requests.

The bordering neighbor to the west (2425 Bethany Bend) did not voice opposition or support, but brought up concerns about the future single family home that would be built after the minor plat is complete. The citizen voiced the following concerns to the Board: 1) worried about the number of horses allowed on the property, 2) stormwater runoff concerns for the new house as his property sits at a lower elevation, and 3) what would happen to the existing well on his property. Staff replied that AG-1 Zoning does not have a maximum number of horses per acre, a stormwater management plan will be required for the single-family home building permit, and lastly, Environment Health Department requires a 100-foot setback around the well that cannot be disturbed. This 100' setback is not under the City of Milton purview.

Standards for Consideration:

The approval of a variance is based on the following consideration(s):

- Relief, if granted would not offend the spirit or intent of the Ordinance.
- There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the Ordinance would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant.
- Relief, if granted would not cause a substantial detriment to the public good and surrounding properties.
- That the public safety, health, and welfare are secured, and that substantial justice is done.

The applicant response:

- Please see the letter of appeal.

Recommended Condition from staff:

If approved, Staff recommends the following condition(s):

- Per the survey from Survey Land Express, Inc received on March 4, 2024 by the Community Development Department.

Letter of Appeal

February 26th, 2024

Board of Zoning Appeals for the
City of Milton 2006 Heritage Walk
Milton, GA 30004

RE: Variance Request – Letter of Hardship in Support
Applicants: Jason Wieloch
Address: 2455 Bethany Bend, Milton GA 30004

Dear Sir or Madam,

I recently had the opportunity to potentially purchase a portion of Andrew Groslimond's property at 2455 Bethany Bend. It is a beautiful piece unused portion of his property that I intended to subdivide into a conforming lot that I could build a new custom home on. However, during the minor plat application process, it came to my attention that there were a few setback ordinances which would be violated and require variances. Here is a summary of those proposed variances below, as well as my reasons for requesting relief from the city.

Zoning Ordinances

This property is zoned AG-1 and located within the rural Milton overlay. The relevant ordinances for which variance is sought are:

1. To reduce the 50-foot minimum rear yard to 42.3 feet adjacent to the rear property line (Sec. 64-416(d)), and reduce the 25-foot minimum side yard to 5.3 feet adjacent to the east property line for an existing detached garage accessory structure (Sec. 64-416(c)(1)).
2. To reduce the existing barn housing animals distance requirement from 100 feet to 0.1 foot adjacent to the east property line (Sec. 64-415(a)(4)(a)).
3. To reduce the existing barn housing animals distance requirement from 150 feet to 80.8 feet from an occupied structure adjacent to the east property line (Sec. 64-415(a)(4)(a)).

First, I'm requesting relief for each of these ordinances since they are related to the portion of Andrew's property which he will retain and continue to live on and enjoy. The subdivided parcel which I'm proposing would also not be subject to any zoning ordinance violations. Most importantly, all of the structures in question including the detached garage, existing concrete patio, and barn have been part of the property for approximately 30 years, well before Andrew became the current owner or the City of Milton was established.

With regards to each specific structure, if we had to remove the concrete patio, it would directly affect the swimming pool which it serves and it would take away from the current or future owner's ability to enjoy the improvement. With regards to the barn house, removing or moving it would be costly and there's also not

an ideal spot to place it without potentially obstructing the view of the home or creating a similar setback issue on the other side near the proposed property line. It also brings character to the property and stays true to Milton's mission of being an equestrian community. Lastly, the detached garage would face a similar challenge in that it doesn't have a logical alternative location or would hinder the owner's benefit of having covered parking.

I kindly ask the Design Review Board and Board of Zoning Appeals to consider these requests as a means of allowing Andrew and any future owner of his property to continue to enjoy it to its fullest and to relieve him of costly work to remove structures which existed long before he become the owner. Thank you for your consideration.

Sincerely,

Jason Wieloch

Exhibit A (Survey)

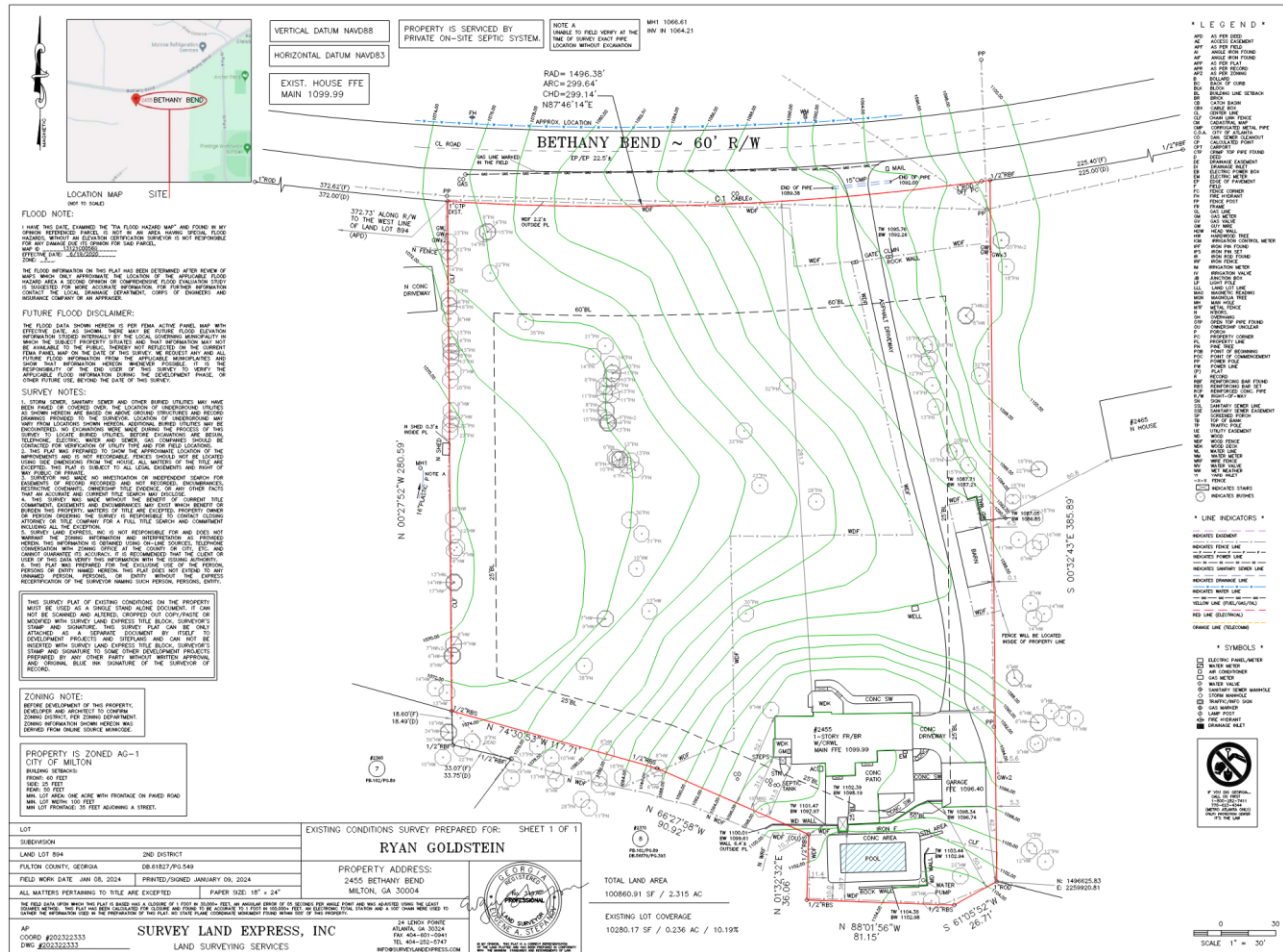


Exhibit A (Survey Zoomed)

Barn - Green

House on bordering property (less than 150' distance) - Red

Detached garage - Blue

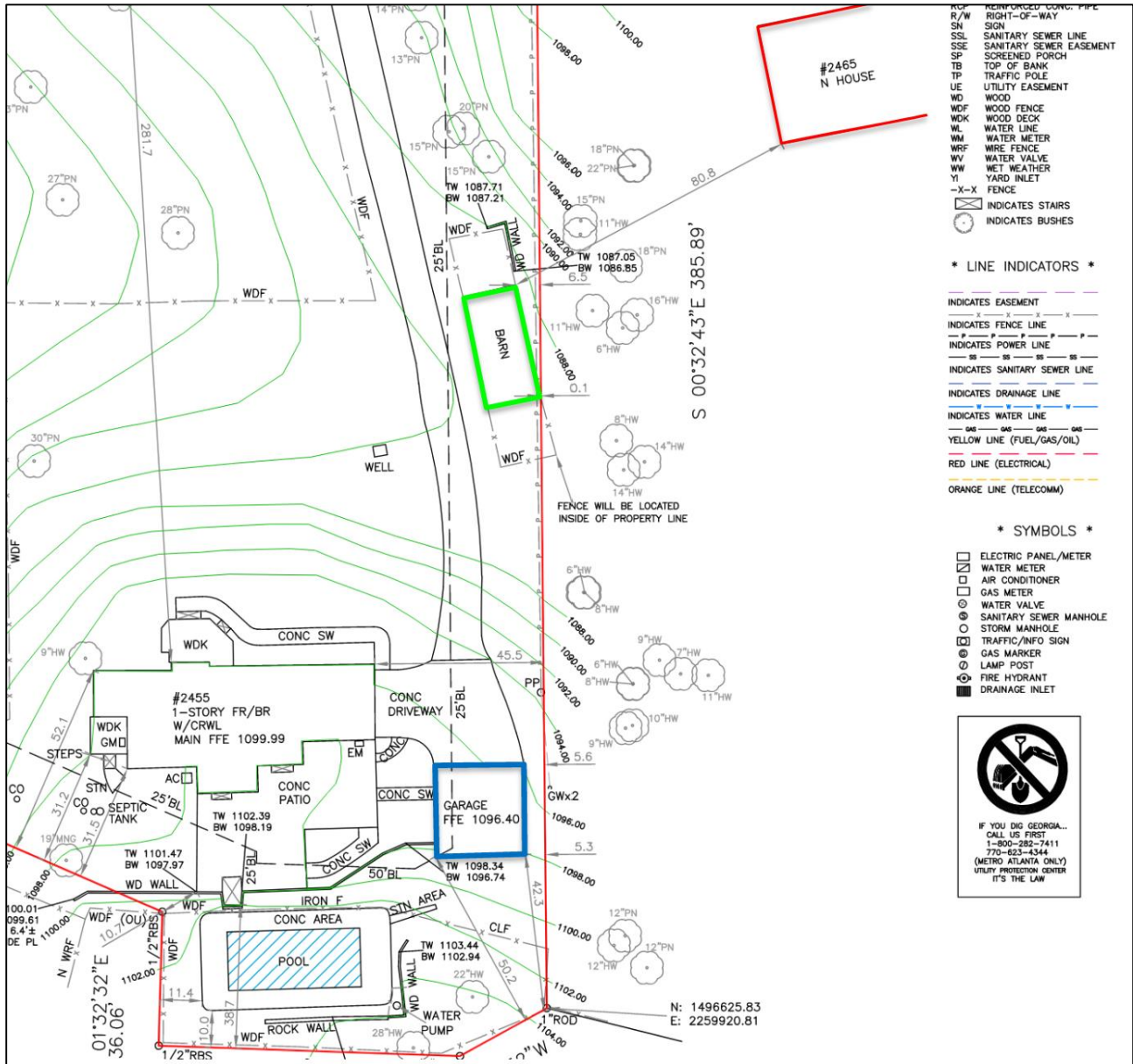


Exhibit C (Proposed Minor Plat)

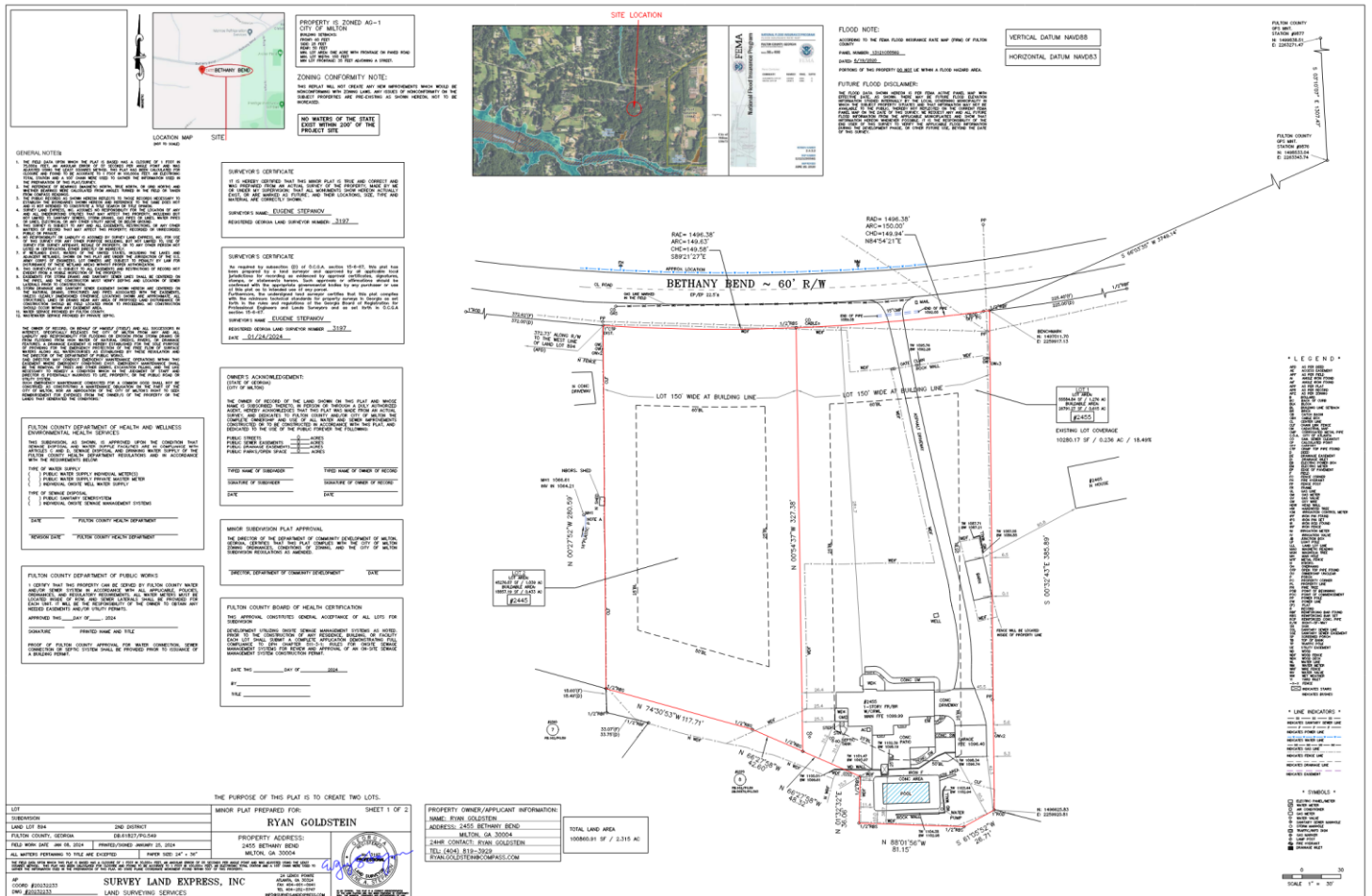


Exhibit D (Site Photos)

View to the East



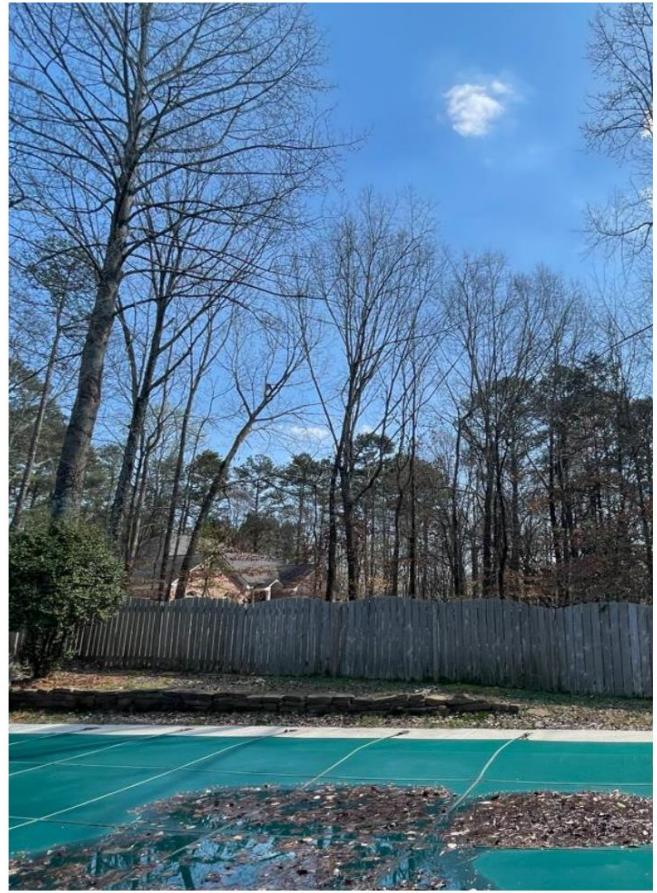
View to the West



View to the North (Bethany Bend)



View to the South



View of house & detached garage



View of pastureland/ front yard



View of house & detached garage



Detached Garage







Barn







View of 2465 Bethany Bend (Neighbor within the 150' distance from barn housing animals) and Barn.





View of 2465 Bethany Bend (Neighbor within the 150' distance from barn housing animals)



View of barn from the property of 2465 Bethany Bend

