

PETITION NUMBER: V24-07

PROPERTY INFORMATION	13268 Bethany Road
DISTRICT, LAND LOT	2/ 986
OVERLAY DISTRICT	Rural Milton
EXISTING ZONING	AG-1
ACRES	1.12
EXISTING USE	Single Family Residence
FUTURE LAND USE DESIGNATION	Agriculture, Equestrian, Estate Residential

REQUESTED VARIANCE:

- To allow the lot coverage for an AG-1 zoned property that fronts a public street to increase from a maximum allowed of 20 percent to 24.53 percent for a proposed home addition, pool house and pool. (Sec. 64-1141(d)(1)(b)).

PETITIONER/OWNER ADDRESS Avin Properties LLC
103 E Main Street
Woodstock, GA 30188

REPRESENTATIVE ADDRESS Kevin Weaver
13935 Haystack Lane
Alpharetta, GA 30004

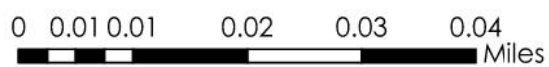


V24-07

13268 Bethany Road

City of Milton

2024



Milton City Limits

Parcels



MILTON
ESTABLISHED 1886

COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: Michael Cardamon
678.242.2524

Background:

The site is a 1.12-acre parcel located on the north side of Bethany Road. 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 a variance to allow the lot coverage for an AG-1 zoned property that fronts a public street to increase from a maximum allowed of 20 percent to 24.53 percent for a proposed home addition, pool house and pool. (Sec. 64-1141(d)(1)(b)).

The existing single-family home was built in 1967. The City of Milton began requiring the maximum of 20 % lot coverage for properties that front public streets in 2012. The lot is triangular in shape with a depth of 246 feet and a width of 350 as shown on the site plan in **Exhibit A**. The applicant purchased the property in September 2023. The existing lot coverage on site is 27.73 %, while the proposed lot coverage is 24.53 %. This is a total reduction of 3.2 %, and 1,569 SF.

Proposed additions:

- 1) New home addition with a master bedroom
- 2) New pool, spa and synthetic turf
- 3) Convert the existing carport into a new enclosed pool house & garage
- 4) New front porch
- 5) Raingarden added for stormwater quality

Proposed removal of impervious surface:

- 1) Remove left driveway
- 2) Remove existing carport
- 3) Remove existing concrete patio

Elevations are shown in **Exhibit B**. New board and batten siding is proposed along with painting the existing brick with Benjamin Moore - Wind's breath white (OC-24). The adjacent neighbor support map is shown in **Exhibit C**. Letters of support are provided in **Exhibit D**. Photos of the property are detailed in **Exhibit E**.

DESIGN REVIEW BOARD (DRB) COURTESY REVIEW:

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

- DRB recommends approval of the variance request. It was recommended by the Board that the applicant get more support letters from bordering property owners. The Board acknowledged that the applicant did a good removing impervious surface from existing conditions. The Board pointed out while the entire left driveway is proposed to be removed, there is a good amount of driveway left behind the rear of the house, if they needed to reduce more impervious surface. The applicant replied that the concrete driveway directly behind the house was left on purpose for future parking, but he may cut out this driveway section in the future. The Board also inquired if the applicant considered reducing the size of the pool. The applicant replied that it was considered during the variance process, but he felt this was the smallest size possible (16' x 32') to accomplish his goal, and if they reduced the pool any smaller it would not blend in with the backyard aesthetics.

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 Variance Site Plan from Pristine Land Services received on March 8, 2024 by the Community Development Department.
- Water quality treatment to be provided for all new impervious surfaces as determined by the City Development Engineer through the permitting process.

Letter of Appeal

RE: Letter of Appeal

Article/Section 64-1141 (d)(1)(b)

13268 Bethany Road,

Alpharetta, Ga. 30009

Dear Board,

We are requesting a variance to the 20% permeable surface ordinance for the remodel of the existing structure of the home at 13268 Bethany Road.

We purchased the reference property back in September of 2023. We have had full building plans drafted and submitted for permitting. We plan to add an addition for the master bedroom on the back left side of the existing structure and add a pool between the master and existing carport. The existing carport will be turned into an enclosed pool house and garage.

The redesign of this house introduces a fresh aesthetic through a thoughtful combination of exterior finishes. The incorporation of brick and Hardie board and batten creates a harmonious blend that not only enhances the structure's durability but also adds a Milton touch. Careful consideration has been given to selecting finishes that seamlessly integrate with the existing community, ensuring cohesion and visual unity. This renovation provides an indoor/outdoor space with the covered back patio outside of the kitchen area, along with the pool house that has large slider doors opening up to the pool. The master bedroom will also be along the pool side with large slider doors opening up to the pool area. The revitalized of the landscape will further contribute to an improved curb appeal, with strategically placed greenery and updated finishes that complement the architectural elements. This redesign will elevate the overall aesthetic of the house.

It is important to note the property currently has an existing impervious area of 27.73% coverage. Our proposed request decreases the impervious coverage area to 24.53 which decreases the total impervious area by 3.2% coverage on the property. As seen in our variance site plan the areas in red are being removed, areas in blue are being added and green area is the synthetic turf that will surround the pool. In our plan we are

- Removing the entire left side of the asphalt driveway
- Removing the existing concrete patio on the front right side
- Reducing the impervious area from 27.73% to 24.53% or total of 1,569sqft
- Adding in synthetic turf around the pool as a pervious surface area instead of adding in hardscape decking
- Removing an old existing carport that is currently outside the building setbacks – this will bring this issue back into compliance
- Rain garden will also be constructed on site to help with stormwater

Removing additional impervious surface from the property would cause a hardship in the following ways:

- The current layout of the property, being pie-shaped, presents inherent challenges in optimizing space within the setbacks. If we removed any additional driveway it would interfere with its functional purpose. The existing constraints of the lot make it challenging to accommodate the necessary infrastructure while strictly adhering to the current impervious surface area limits outlined in the ordinance off public roads.
- The proposed reduction in impervious surface area is primarily driven by the need to create a functional driveway. Denying this variance would create a significant hardship as it would compromise the usability and accessibility of the property. The existing structure already sits right on the front set back limiting the placement of the home. It cannot be moved to the front anymore to help reduce the driveway coverage. It is our belief that the relief sought is essential to strike a balance between compliance with the ordinance and the practical needs of the property.

Enclosed with this letter, please find detailed plans illustrating the proposed adjustments and the intended use of the space. The reduction in impervious area is carefully considered to address the specific needs of the property while being mindful of the surrounding environment.

We understand the importance of maintaining the integrity of the ordinance and are open to collaborating with the City of Milton to establish conditions that mitigate any potential concerns. Our goal is to contribute positively to the community while addressing the unique challenges posed by the property's configuration.

In our request we have complied with the following 4 conditions required by the City:

A) Relief, if granted would not offend the spirit or intent of the ordinance; and

We are also invested in the spirit of the Ordinance as Milton residence and contractors and appreciate the thoughtful care the city of Milton has taken to preserve lot integrity. We are disrupting as minimal area as possible for the construction of our project and reducing the existing impervious area that has been on this site for the past 60 yrs. It is our firm belief that the reduction in impervious surface area aligns with the broader goals and objectives of the ordinance, particularly in promoting sustainable development.

B) 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; and

With the current pie shape of the lot the existing house is already built on the front set back line with existing driveway to the rear right side. This existing home or any new home would not be able to be shifted closer to the road to reduce the driveway coverage. The existing line lines and setbacks make this lot challenging to adhere to the 20% impervious rule. We have proposed removing existing concrete and installing a synthetic turf to surround the new pool and outside

the additional instead of hardscape. This helps limit the impact of the impervious areas. With our removal of the existing carport, left side of the driveway and large concrete courtyard we are reducing the existing impervious surface area. To meet the literal and strict application would require additional removal of driveway that is needed to enter the existing garage area and would make it

C. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and

It is my contention that the granting of relief, as detailed in the enclosed proposal, would not cause a substantial detriment to the public good and the surrounding properties. Our proposal includes a reduction in impervious area on the existing lot, contributing to improved stormwater management, and environmental conservation for this property and surrounding properties.

D. That the public safety, health and welfare area secured, and that substantial justice is done.

We have carefully reviewed the ordinance and are confident that the relief sought would not compromise the fundamental principles and objectives set forth by the ordinance. On the contrary, the proposed modification aims to enhance the property in a manner consistent with the overarching goals of the community and by city code and all public safety, health and welfare guidelines.

We are also willing to provide any additional information or further discuss our request.

Thank you for your time and consideration. We believe that the requested variance is in harmony with the spirit and intent of the ordinance and will contribute positively to the community.

Thank You,

Avin Properties LLC

Exhibit A (Variance Site Plan)

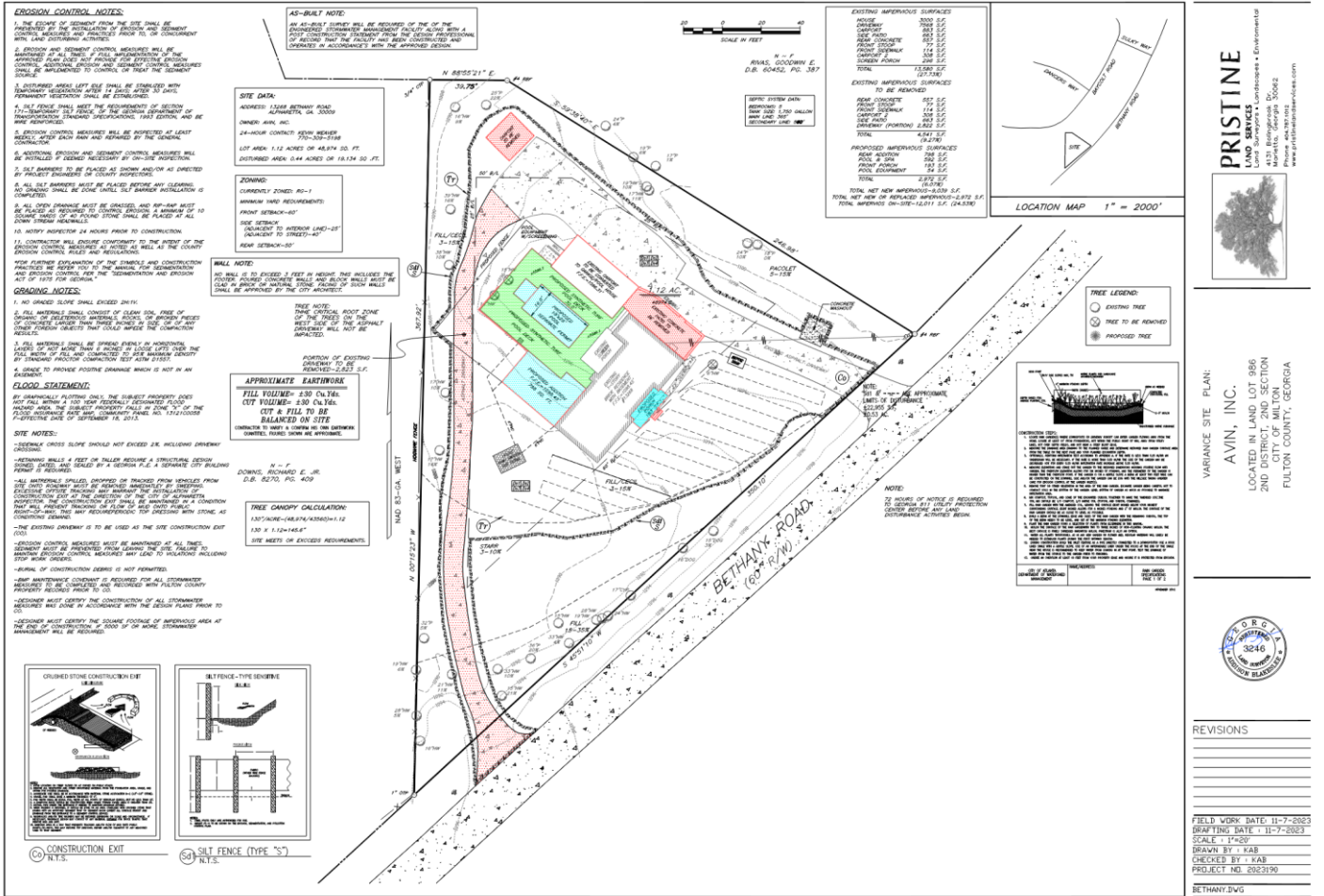


Exhibit A (Variance Site Plan Zoomed)

Impervious to be removed - Red

Proposed additions- Blue

Synthetic Turf/ Pool Decking - Green

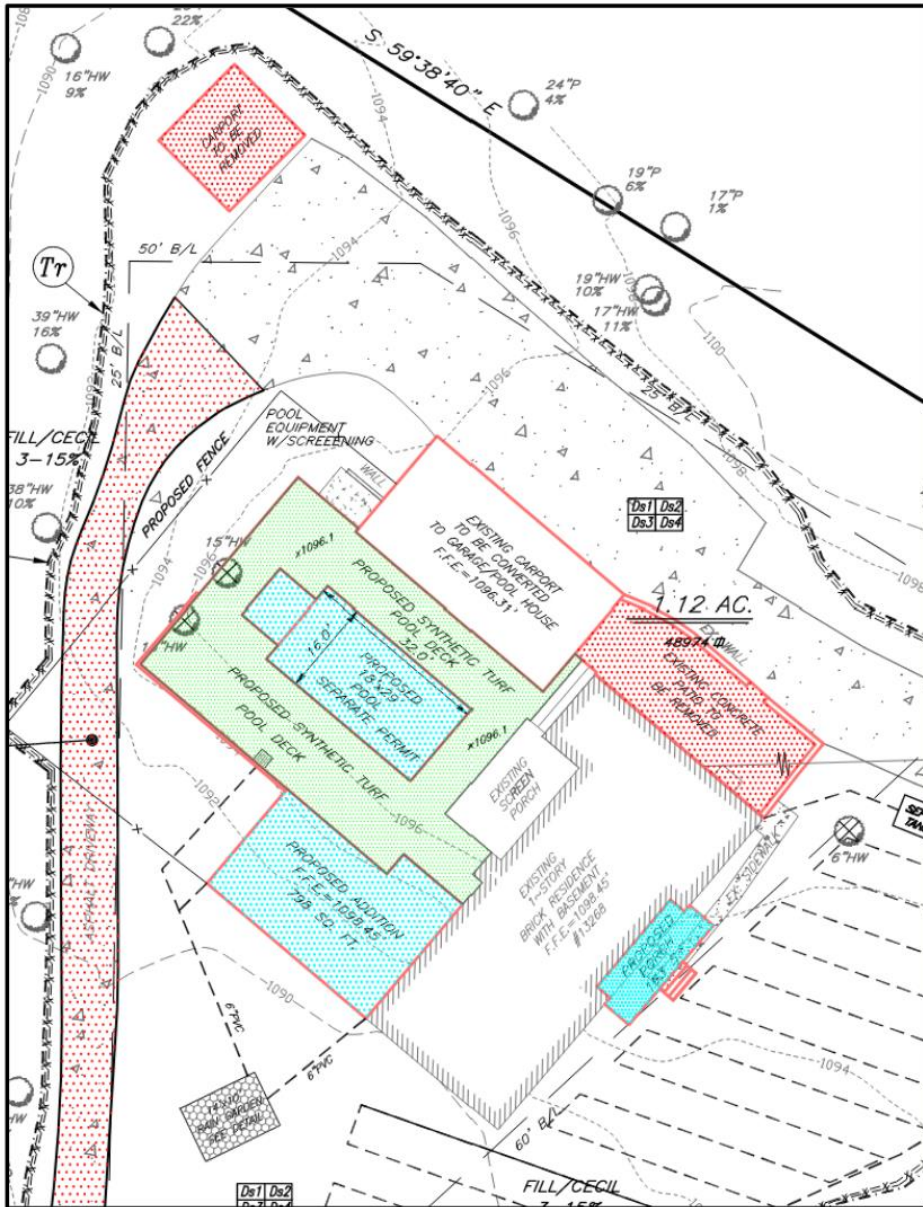
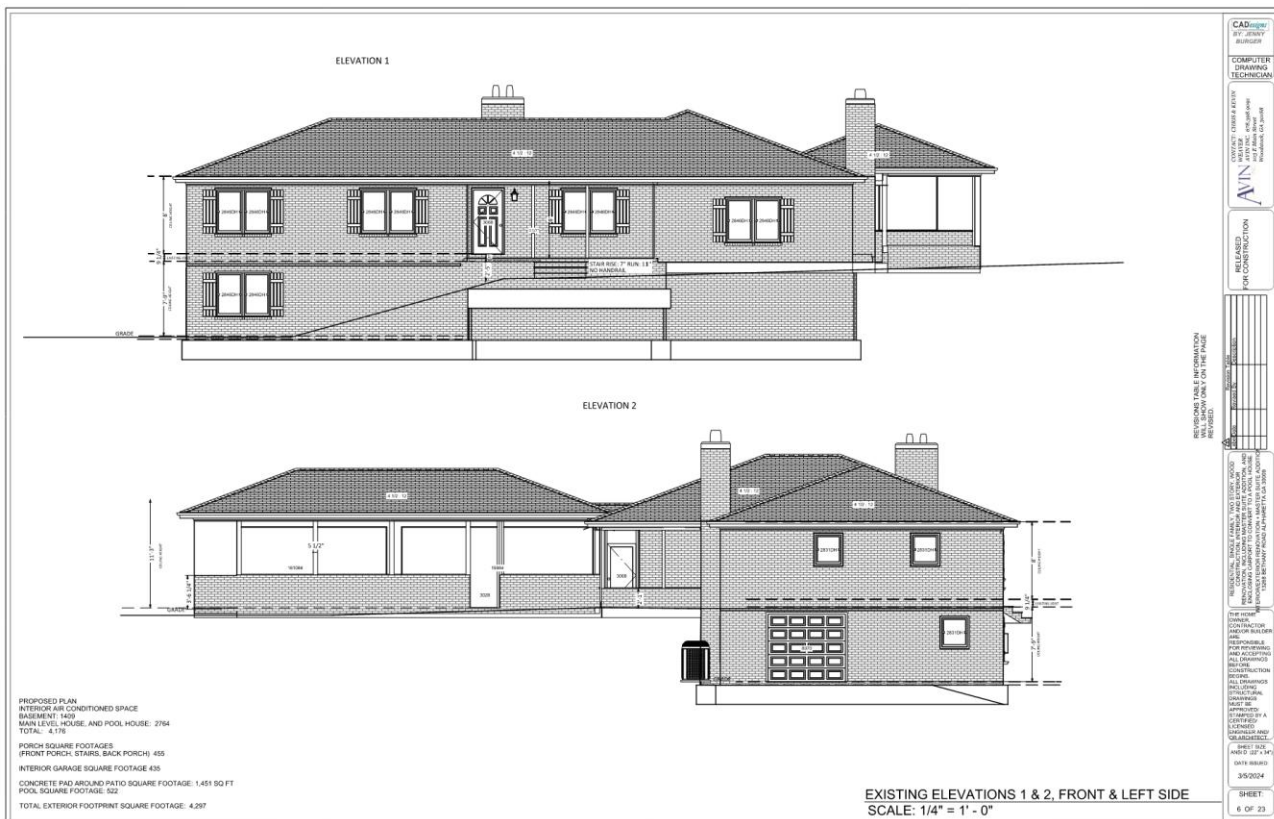
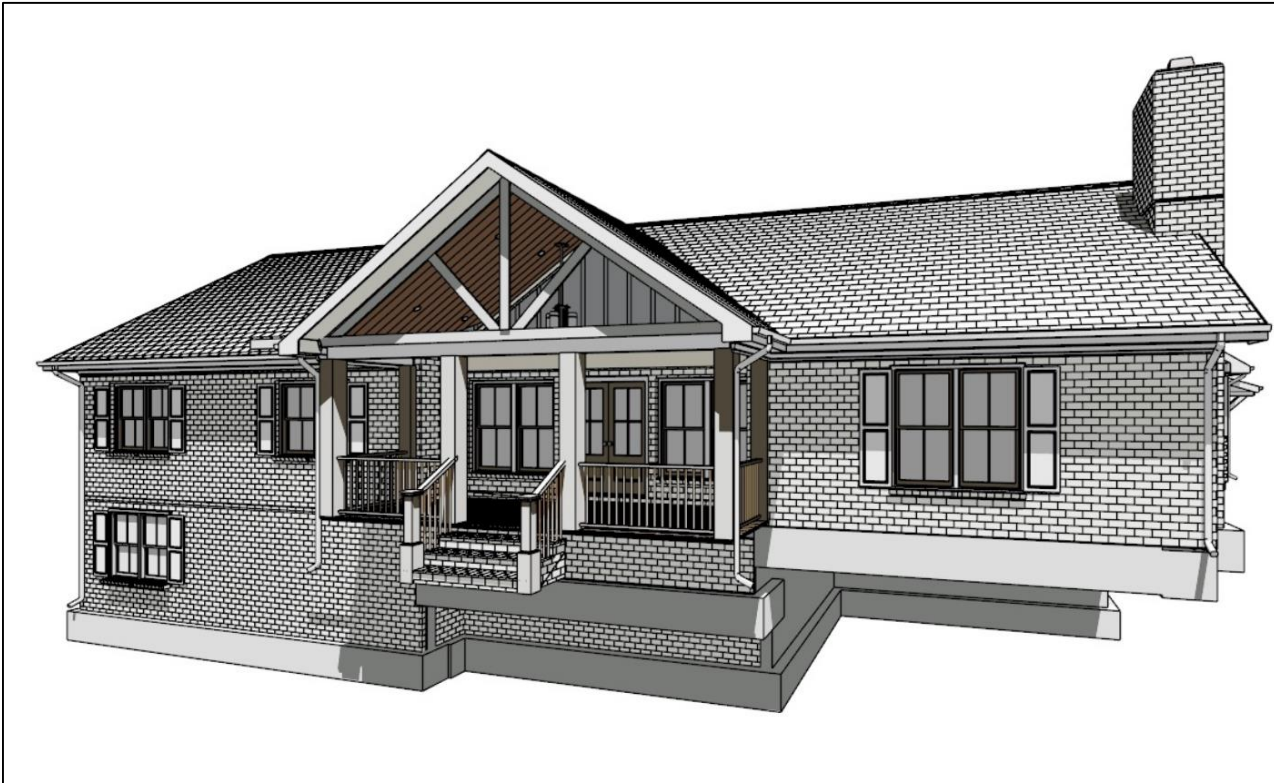
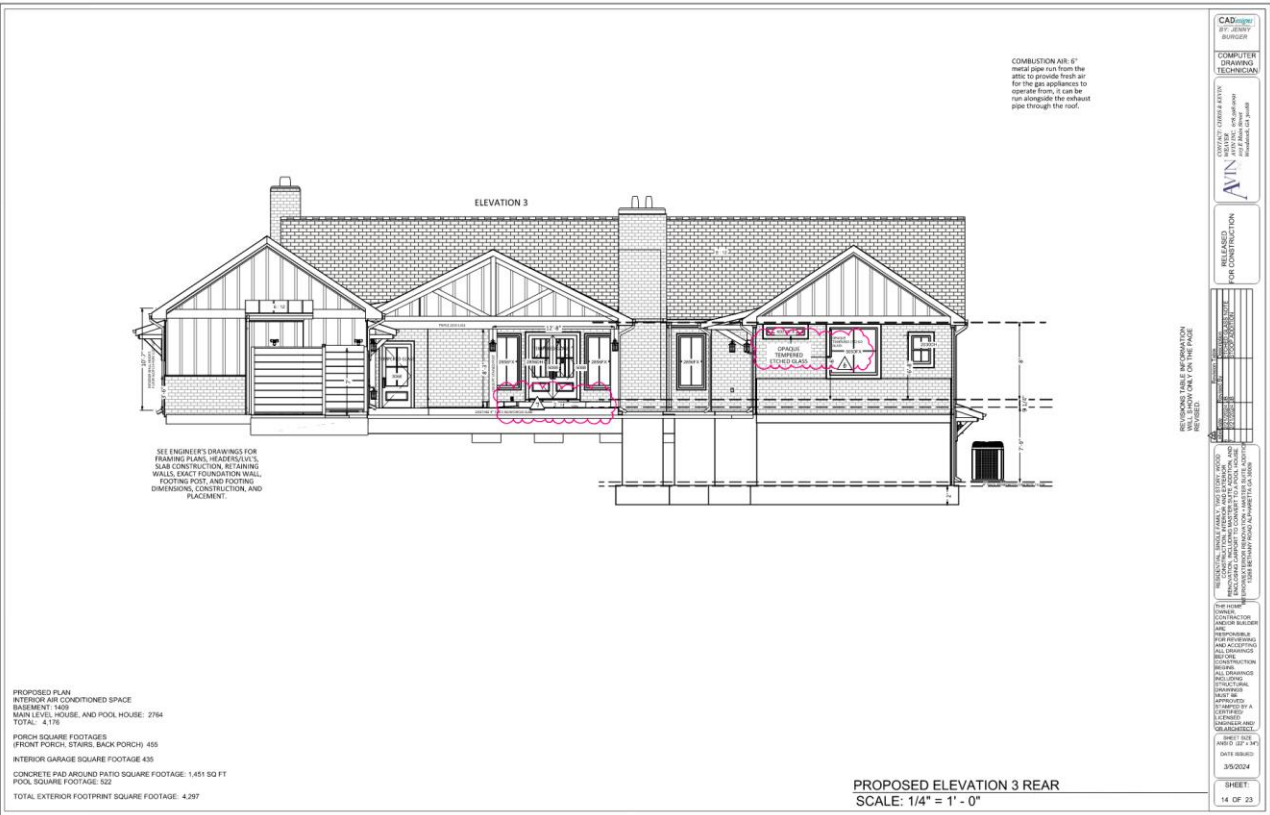


Exhibit B (Elevations)









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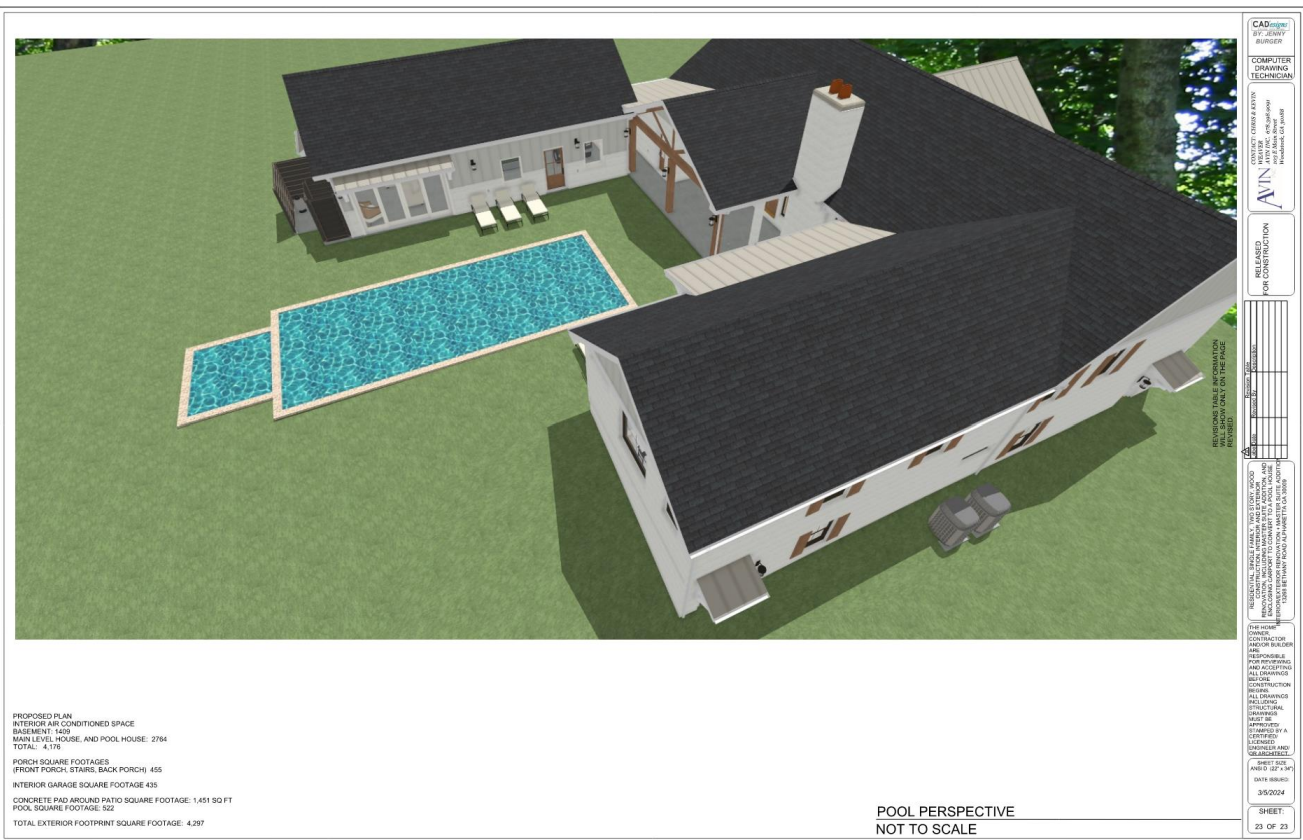
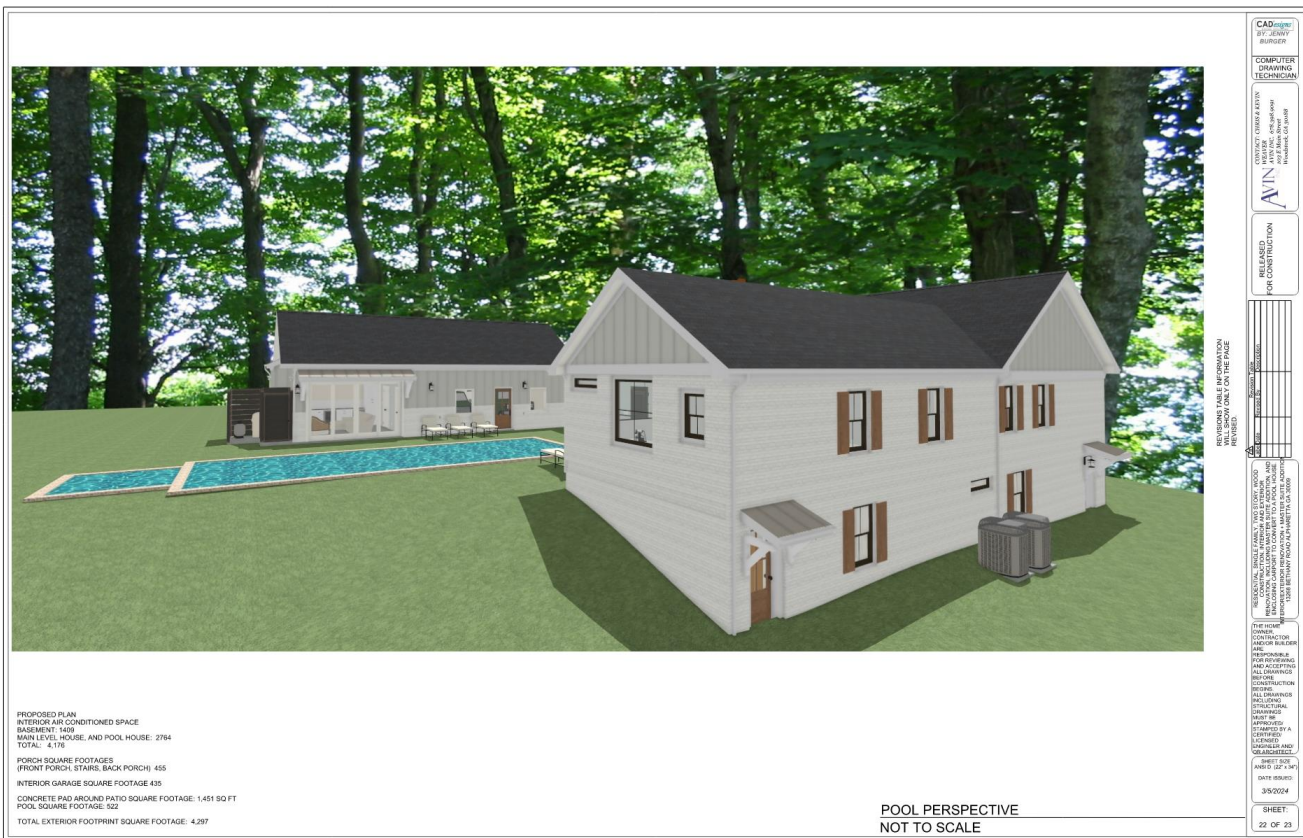


Exhibit C (Adjacent Neighbor Support Map)

1 support letter: 

- 13265 Bethany Road



Exhibit D (Letter of Support)

I have reviewed the site plan and support the variance request at 13268 Bethany Road to reduce the total allowed lot coverage from 20 % to (24.53) % for a new home addition, pool house and a pool. The existing lot coverage for the property is (27.73) and I have proposed reducing it to (24.53), a total reduction of (3.2) percent. (Sec. 64-1141) (d)(1)(h)

Owner name & address

Date 4/9/24

Bernard Kahan
13268 Bethany Rd
Milton 30008

Exhibit E (Site Photos)

View to the South (Bethany Road)



View to the North



View to the South (Bethany Road)



View to the North



View of House





View of driveway to be removed



View of carport to be removed

