

PETITION NUMBER: V24-05

PROPERTY INFORMATION

**13355 Arnold Mill Road (Parcel ID: 22 348009450690)
& (Parcel ID: 22 348009450708)**

DISTRICT, LAND LOT

2/ 945

OVERLAY DISTRICT

Rural Milton

EXISTING ZONING

AG-1

ACRES

19.02 Acres combined

EXISTING USE

Horse Farm & Future Single-Family Residence

FUTURE LAND USE DESIGNATION

Agriculture, Equestrian, Estate Residential

REQUESTED VARIANCES:

Part 1 - To allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

Part 2 - To reduce the 25-foot minimum side yard to 12.4 feet adjacent to the east property line for an existing wood deck accessory structure. (Sec. 64-416(c)(1))

Part 3 - To reduce the existing barn housing animals distance requirement from 100 feet to 21.7 feet adjacent to the east property line (Sec. 64-415(a)(4)(a))

Part 4: To reduce the existing barn housing animals distance requirement from 100 feet to 45.8 feet adjacent to the east property line (Sec. 64-415(a)(4)(a))

PETITIONER/OWNER

Robert J Moore

ADDRESS

13355 Arnold Mill Road (Parcel ID: 22 348009450690)
& (Parcel ID: 22 348009450708)
Milton, GA 30004

Representative

Robert J Moore

ADDRESS

13355 Arnold Mill Road (Parcel ID: 22 348009450690)
& (Parcel ID: 22 348009450708)
Milton, GA 30004



V24-05

13355 Arnold Mill Road
& Parcel ID 22-348009450708

City of Milton

2024

0 0.03 0.06 0.11 0.17 0.22 Miles

Milton City Limits

Parcels



MILTON
GEORGIA

COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: Michael Cardamon
678.242.2524

Background:

The variance requests include two parcels totaling 19.02 acres on Arnold Mill Road. The two parcels include 13355 Arnold Mill Road (9.9 acres) and parcel ID 22-348009450708 (9.1 acres). If the variance requests are approved by the Board of Zoning Appeals, the two parcels will be required to be combined through a Community Development approved minor plat. The proposed setbacks are shown as the two parcels combined as one parcel totaling 19.02 acres. 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 allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

Part 2 – To reduce the 25-foot minimum side yard to 12.4 feet adjacent to the east property line for an existing wood deck accessory structure. (Sec. 64-416(c)(1))

Part 3 - To reduce the existing barn housing animals distance requirement from 100 feet to 21.7 feet adjacent to the east property line (Sec. 64-415(a)(4)(a))

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The proposed combined 19.02-acre parcel has a depth of 1,468 feet and a width of 843 as shown on the variance site plan in **Exhibit A**. Per the Fulton County Board of Assessors website, the main barn was constructed in 1991. The applicant purchased both properties in 2015 which is currently being used as a horse farm with a total of ten (10) horses on site. The applicant details in his letter of appeal that his daughters are equestrian competition show jumpers, and that the two (2) parcels have been an active horse farm for over 25 years. The riding area is located in the northeast portion of the proposed combined 19.02-acre parcel.

The applicant previously combined both parcels through Fulton County, however, this process was never completed through a City of Milton Community Development approved minor plat. The applicant's plan is to build a new single-family residence on the proposed combined 19.02-acre parcel.

During the City Staff review process of the property for the variance submittals, it was discovered that five (5) of the structures on the property were built without City of Milton approved building permits. This includes the following: one (1) cover deck built in 2016, two (2) horse run sheds built in 2016, and two (2) stables built in 2017 and 2022. The applicant received electrical permits through the Community Development Department for both stables built in 2017 and 2022, and details in his letter of appeal he did not think he needed building permits for the stables, and electrical permits were sufficient from speaking with other farmers. The applicant is currently working with City Staff to submit retroactive building permits for all five (5) structures.

The adjacent neighbor support map is shown in **Exhibit B**. Letters of support are provided in **Exhibit C**. Photos of the property are detailed in **Exhibit D**.

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 inquired if the setbacks and all variance distances were referenced as both properties combined as one parcel. Staff replied that is correct, and the applicant will need to combine both parcels through a Community Development approved minor plat.

The Board acknowledged that large acre horse farms are a staple within the City of Milton, and the Board did not want to jeopardize the integrity of both properties that were meant to be a large acre horse farm.

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 Atlas Land Surveying & Mapping received on March 1, 2024 by the Community Development Department.
- A minor plat substantially similar to the variance site plan showing the proposed lot line changes from Atlas Land Surveying & Mapping received on March 1, 2024 by the Community Development Department, shall be approved by the Community Development Department and recorded with Fulton County prior to the Certificate of Occupancy of the single-family home building permit.
- All five (5) structures built after the City of Milton's incorporation shall receive Community Development approved building permits.

Letter of Appeal

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

Dear Members of the Board of Zoning Appeals,

I am writing to respectfully request a variance to zoning ordinance Section 64-416(i), which mandates that accessory structures be located behind the primary single-family home. My girls are accomplished equestrian competition show jumpers, and this property which has been a horse farm for over 25 years is their training grounds. I wish to build a house, so we are closer to the horses. The structure in question is two manufactured Horse Run Sheds that has been a part of the property since 2016 with no complaints and is located at 13355 Arnold Mill Rd Milton, GA 30075 and to reduce the existing manufactured barn housing animals distance requirement from 100 feet to 45.8 feet adjacent to the east property line (Sec. 64-415(a)(4)(a)). To reduce the prior existing barn before I bought the property in January of 2021 housing animals distance requirement from 100 feet to 21.7 feet adjacent to the east property line (Sec. 64-415(a)(4)(a)) and reduce the 25-foot minimum side yard to 12.4 feet adjacent to east property line for an existing wood deck accessory structure built in Jan 2015. I was told these structures did not require permitting from other farm owners, electrical permits were pulled. (Sec. 64-416(c)(1)). To allow four (4) existing accessory structures to remain in front of the primary single-family home. (Sec. 64-416(i)). None of these existing structures can be seen by any neighbors.

The property is currently home to ten horses and has been home to other horses over the course of the 25 plus years the property has been an equestrian facility.

A. Relief, if granted, would not offend the spirit or intent of the Ordinance:

Regarding condition A, this request for variance does not offend the spirit or intent of the Ordinance. The Horse Run Sheds, Barns and Deck serve an essential purpose in the care of the horses, allowing them to seek shelter when needed. Its proximity to the horse barn, a type of structure already permissible in front of the home, is paramount. Furthermore, the city of Milton has a proud equestrian heritage, which these structures contribute to by providing for the health and welfare of our horses.

B. Extraordinary and exceptional situations or conditions:

Regarding condition B, there are indeed extraordinary and exceptional situations and conditions pertaining to this property that would create an unnecessary hardship if the Horse Run Sheds, Barns and Deck were moved or removed. The topography of the property dictates the current location of the Horse Run Sheds, Barns and Deck.

The Horse Run Shed, Barns and Deck serves as essential shelter and care for the horses. To be healthy horses need to be able to move around so they are not in their stalls unless there is bad weather. This barn and shed allows movement and containment as needed.

Moving the shed, barns or deck behind or to the side of the house site would not be possible logistically and is cost prohibited. In addition, it would also severely limit the horses' access to immediate shelter in their primary living area. The main barn is at the front of the property. The strict application of the Ordinance would create a significant, unnecessary hardship, disrupting the horses' routine and potentially their health and safety.

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

Regarding condition C, the Horse Run Sheds, Barns and Deck are not visible to the public, nor does it cause any detriment to the surrounding properties. The sheds are located away from the road and adjacent to a wooded area owned by two different neighbors. The sheds and barns have been there for many years without any complaint. The structures are not visible from their homes and do not obstruct their view or interfere with the use of their property.

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

In terms of condition D, granting this variance will continue to safely promote Milton's proud equestrian heritage, while also directly ensuring the welfare and safety of the horses. There are no public safety, health, or welfare issues that arise from the continued existence of these structures in their current location.

In conclusion, I believe that the granting of this variance request is not only consistent with the spirit and intent of the zoning ordinance but also serves to uphold the long-standing equestrian culture of Milton.

I appreciate your consideration of this request and I am open to further discussion or clarification. I trust in the Board's commitment to preserving both the character and practical functionality of our equestrian community.

Thank you for your time and consideration.

Sincerely,



Jeff Moore

Exhibit A (Variance Site Plan)

[illegible]

Proposed single-family home location - **Pink**

Horse run shed (1) - **light green**

Horse run shed (2) - **dark green**

Horse run Shed (3) - **Purple**

Shed - **brown**

Covered deck - **Orange**

Stable (1) housing horses - **light blue**

Stable (2) housing horses - **dark blue**

Exhibit A (Variance Site Plan Zoomed)

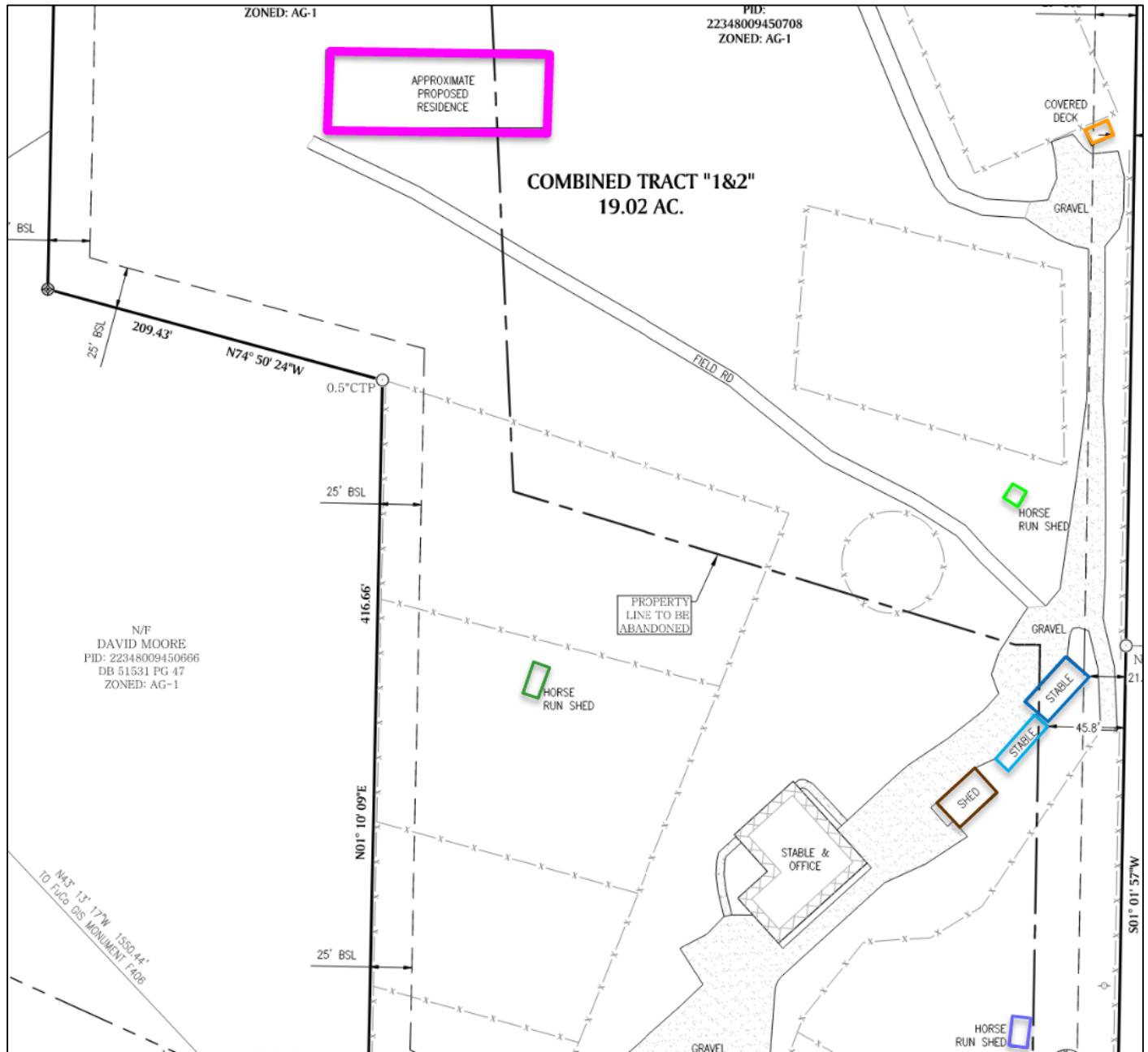


Exhibit B (Adjacent Neighbor Map)

4 support letters: ☒

- 13365 Arnold Mill Rd
- 13415 Holly Rd
- 13425 Holly Rd
- 13325 Holly Rd



Exhibit C (Support Letters)

I have reviewed the site plan and support the variance requests at 13355 Arnold Mill Road and the 2nd adjoining parcel ID # 22 348009450708.

Variance Requests:

Part 1 - To allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

Part 2 - To reduce the 25-foot minimum side yard to 12.4 feet adjacent to east property line for an existing wood deck accessory structure. (Sec. 64-416(c)(1))

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Owner of 13325 Holly Road

Owner name & address M. Balasubramanian
750 Brookfield Parkway
Roswell GA 30075

Date 03/02/24

I have reviewed the site plan and support the variance requests at 13355 Arnold Mill Road and the 2nd adjoining parcel ID # 22 348009450708.

Variance Requests:

Part 1 - To allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

Part 2 - To reduce the 25-foot minimum side yard to 12.4 feet adjacent to east property line for an existing wood deck accessory structure. (Sec. 64-416(c)(1))

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Owner name & address David Moore 13365 ARNOLD MILL RD

Date 2-26-24

I have reviewed the site plan and support the variance requests at 13355 Arnold Mill Road and the 2nd adjoining parcel ID # 22 348009450708.

Variance Requests:

Part 1 - To allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

Part 2 - To reduce the 25-foot minimum side yard to 12.4 feet adjacent to east property line for an existing wood deck accessory structure. (Sec. 64-416(c)(1))

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Owner name & address Jack Grimes 13425 Holly Rd.
Roswell, Ga.
30075

Date 3-8-24

I have reviewed the site plan and support the variance requests at 13355 Arnold Mill Road and the 2nd adjoining parcel ID # 22 348009450708.

Variance Requests:

Part 1 - To allow four (4) existing accessory structures to be located in front of a proposed single-family home (Sec. 64-416(i))

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Owner name & address Robert Chafin 13415 Holly Rd. Roswell

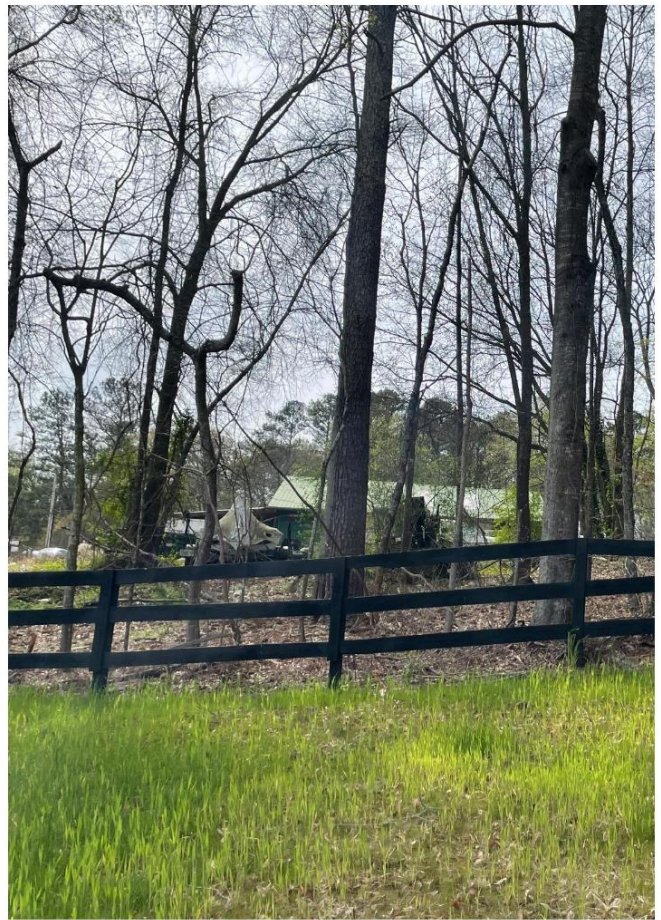
Date 3-8-24

Exhibit F (Site Photos)

View to the East



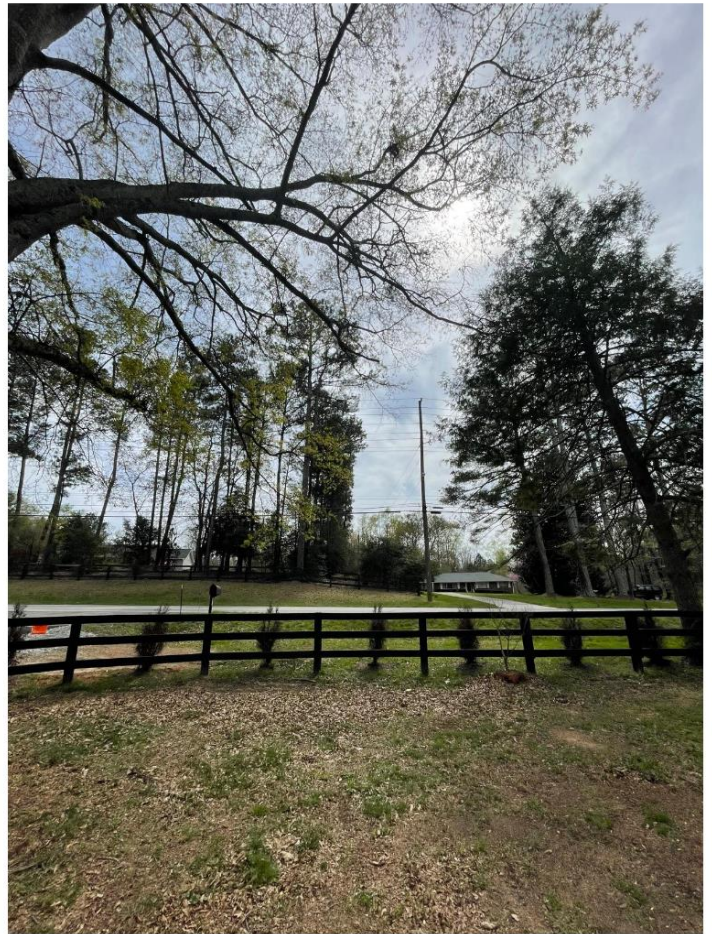
View to the West



View to the North



View to the South (across Arnold Mill Rd)



View from street (Arnold Mill Rd)



Main Barn – no variance required



Horse Run Shed one (1)



Horse Run Shed two (2)



Horse Run Shed three (3)



Covered Deck



Shed



Stables one (1) and two (2)





