



CITY COUNCIL OF PEACHTREE CITY
REVISED REGULAR MEETING AGENDA
JUNE 4, 2020
6:30 p.m.

Peachtree City
Mayor & City Council
Vanessa Fleisch, Mayor
Phil Prebor – Post 1
Mike King – Post 2
Kevin Madden – Post 3
Terry Ernst – Post 4

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- I. Call to Order
 - II. Pledge of Allegiance
 - III. Announcements, Awards, Special Recognition
Recognize Supervisor of the Quarter – Quinn Bledsoe, Recreation & Special Events
 - IV. Public Comment
 - V. Agenda Changes
 - VI. Minutes
May 21, 2020, Regular Meeting Minutes
May 21, 2020, Retreat Workshop Minutes
 - VII. Consent Agenda
 - 1. Award Contract for City Hall/Picnic Park Bridge Repairs – Engineered Restorations
 - 2. Award Contract for Line Creek Restroom (SPLOST Project #37) – Modular Connections
 - 3. Revise Fee Schedule to Remove Permit Replacement Fee
 - 4. Relinquish Rights to Purchase 6.328-acre Parcel on Rockaway Road
 - 5. FY 2020 Budget Amendment – CIP/TIP Resurfacing Projects
 - 6. Accept Drainage Easement Acquisition – 1312 Yarborough Drive
 - VIII. Old Agenda Items
 - IX. New Agenda Items
06-20-01 Public Hearing – Variance Request, 211 Masters Drive South (Robin Cailloux)
 - X. Council/Staff Topics
 - XI. Executive Session
 - XII. Adjourn

**City Council of Peachtree City
Meeting Minutes
Thursday, May 21, 2020
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, May 21, 2020. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

There were none.

Public Comment

There was no public comment.

Agenda Changes

There were no changes to the agenda.

Minutes

King moved to approve the April 7, 2020, special called meeting minutes as written. Prebor seconded. Motion carried unanimously.

Quarterly Reports

The reports were accepted as presented.

Consent Agenda

- 1. Non-profit Funding Request – Promise Place**
- 2. Non-profit Funding-Request – Fayette Senior Services**
- 3. FY 2020 Budget Amendment – Public Health and Social Services Emergency Relief Funds**
- 4. FY 2020 Budget Amendment – Public Works Tree Removal**
- 5. Declare Old Fire and Police Motorola Radios as Surplus**
- 6. Accept Multi-use Path Easement from Hoshizaki**
- 7. 2020 Statewide Mutual Aid Agreement – GEMA/Homeland Security**
- 8. Approve Denial of Ante Litem Notice of David Martin-Garcia as Claim Was Presented**

Ernst moved to approve the Consent Agenda. Madden seconded. Motion carried unanimously.

Fleisch thanked Hoshizaki for donating the land for the path easement.

Old Agenda Items

There were none.

New Agenda Items

05-20-01 Public Hearing – Variance Request, 110 Sweetgum

Prebor recused himself from the deliberation on this item. The Mayor opened the public hearing.

Planning and Development Director Robin Cailloux explained that the applicant was requesting a variance in the front setback requirement of the property, which was zoned one-family residential (R-1) in order to construct a garage as part of a home renovation. The zoning district required a setback of 30 feet, and the applicant's general contractor submitted a building permit application that showed the garage would be 30 feet from the front property line. After work had begun, the applicant was told that a foundation survey was required because the proposed building was within five feet of the property line. The survey revealed that the garage encroached into the

setback by approximately 11.5 feet, Cailloux stated. A stop work order was issued, and the applicant applied for a variance. Cailloux went on to say that the project manager on this renovation had since been fired.

According to the Zoning Ordinance, variances could be granted only if the variance was in harmony with the intent of the Zoning Ordinance and if the applications of the front setbacks on this property would create a hardship, Cailloux stated. There must be extraordinary conditions on the property that similarly zoned properties did not have.

Cailloux noted that they were six criteria they looked at when evaluating a variance request, and all must be met. The first asked if there were special circumstances unique to the property, such as topography or location, which meant the strict application of the ordinance would deny privileges enjoyed by other properties in the same zoning district. Cailloux said there were not. Another criterion asked if the denial of a variance would result in unnecessary hardships inconsistent with the intent of the zoning ordinance. Cailloux stated that the application did not list any difficulties. The applicant had created a hardship in that the partially-finished garage would have to be demolished if the variance was denied.

The third criterion asked if there were conditions that applied to this lot that did not apply to others in the subdivision, and Cailloux said there were not. The list of criteria next asked if the granting of the variance would constitute the granting of special privilege inconsistent with others in the same zoning category, and Cailloux said it would.

Another criterion stated that the granting of the variance would not be detrimental to the public's health, safety, or general welfare, and Cailloux said it would not. Finally, the list of criteria stated that the variance must be consistent with the Comprehensive Plan. Cailloux agreed that it was, adding that the Plan encouraged redevelopment in existing neighborhoods.

Ernst asked if there were letters from neighbors, and Cailloux said there were.

The applicant, Verena Hayward, presented a packet of letters in support of the project.

Michael Brennan, Hayward's attorney, stated this was an unfortunate circumstance in which the original project manager ignored the requirements and constructed this garage about 12 feet into the setback. However, it would not disrupt the neighborhood to allow this variance, he stated. There were no sightline issues, and the property would remain zoned R-1, single-family home. He added that this was an older neighborhood, and the redevelopment might encourage other homeowners in the area to do the same. The shape of the property did not allow for a garage anywhere else, he pointed out.

Brennan went on to say the hardship was not created by the owner, but by the project manager. He again pointed out the use was not being altered.

Leanne Walker spoke in support of the project, saying she was the previous owner and lived in the house for 15 years. She said the renovations would add to the value of the neighborhood.

No one wished to speak in opposition, and Fleisch closed the public hearing.

Madden wanted to know if there were any penalties for contractors who ignored the City's rules. Cailloux said licensing was a state issue, and the City did not have the ability to deny issuing a permit to any licensed contractor.

Madden asked if the plat revealed the nature of the property. Cailloux showed the original survey, done in the 1970s, which was unclear as to where the front property line was. The contractor thought a solid line represented the road, not the curb line. The depiction was common for the time it was done, she noted.

Madden noted that the neighbors were supportive and asked if Council would have to grant variances if they wanted to do the same thing.

City Attorney Ted Meeker said this case was different; there was a mistake. He noted that variances did not have easy answers.

King asked Hayward how long she had lived in the house, and she replied that her family had not yet moved in. They were living with her mother.

King wondered if the City could require new surveys to replace outdated ones when making permit requests.

Fleisch said banks required surveys for loans years ago, but had stopped in the mid-90s. She said more than one variance had come before Council because of an unclear plat.

Madden said the onus was on the contractor to ensure the requirements were met.

King added they should look at intent, and it was hard to decide.

Each variance request should stand on its own merit, Ernst remarked. The City was in a redevelopment phase, and this would allow the homeowner to improve the property. It could not be done differently, he noted.

Ernst moved to approve New Agenda item 05-20-01, variance request for 110 Sweetgum. King seconded. Motion carried 3-1 (Madden)-1 (Prebor).

Council/Staff Topics

King noted that the City's annual Memorial Day service had been canceled due to the COVID-19 restrictions. He also mentioned that they had missed the annual Police Memorial Day, as well. King said they wanted to thank all first responders for their service.

There being no further business to discuss, a five-minute break began at 7:13, and the Retreat workshop began immediately after the break.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor

**City Council of Peachtree City
Retreat Workshop Minutes
May 21, 2020**

The Mayor and Council of Peachtree City met in retreat workshop session on May 21, 2020, immediately following regular meeting. Mayor Vanessa Fleisch opened the workshop at 7:19 p.m. Council members attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor. The purpose was to discuss the economic impact of the Corona Virus pandemic and Fiscal Year (FY) 2021 priority-based budgeting.

City Manager Jon Rorie opened the discussion by saying this could be a recession or a depression, but what was obvious was that the pandemic would have a negative impact on the City's revenues. He cautioned Council that the full effects were not yet known, and the figures he was sharing were estimates. Rorie quoted George Santayana: "Those who cannot remember the past are condemned to repeat it."

Around mid-April, cities began to see the impact the business shutdown would have on their finances. The Georgia Municipal Association (GMA) conducted a survey of its members to gauge the toll. The most immediate effects were on permit fees, utility fees, sales taxes, and hotel/motel taxes, the cities reported, and they anticipated all departments would be impacted, most especially the Parks/Recreation and Police departments. To cover the shortfalls in revenue, the survey reported the cities would most likely draw down reserves, cut services, increase taxes, and furlough or lay off employees.

The City's fiscal year (FY) 2020 budget called for a revenue stream of \$38,813,908. Budget policy stated that revenue and expenses should be balanced. Sources of revenue were taxes, charges/fees, fines, and debt instruments, while expenses included personnel, services/supplies, capital, and debt services. The five-year financial plan showed they had anticipated bringing a fund balance of \$15,511,559 from FY 2020 to FY 2021. When the shortfall became apparent, Rorie said he immediately took action to keep the finances in check. He canceled a pay/compensation study for \$50,000 and delayed a \$120,000 update to the zoning code. Other cancellations included \$320,000 or more for All Children's Playground and a new hockey rink floor. There would be furloughs in the Recreation Department, Municipal Court, and the Library, and \$45,000 in bridge maintenance work would be eliminated. Each department was asked to cut an additional 2% from its budget.

Prebor asked if eliminating the bridge maintenance project would be more costly in the long run. Rorie said that issue would come up again at a future Council meeting when they voted on the Capital Improvements Program (CIP).

The 2% budget reversions would save \$175,000, Rorie went on, while freezing position vacancies for four months would save about \$37,000. Laying off part-time employees for five months would result in \$173,000 saved. Delayed programming at \$535,000, plus the cuts for bridge maintenance, zoning code update, pay study, and the playground would equal \$920,000 in savings.

Next, Rorie showed how revenues from April 2020 compared to April 2019. Net tax revenues, budgeted for \$1.2 million, were down by 14.3%, going from about \$574,575 in 2019 to \$492,142 in April 2020. Title ad valorem taxes (TAVT), budgeted for \$250,000, dropped from \$74,145 to \$51,416, a decline of about 31%. Hotel/motel tax collections, listed in the 2020 budget to be about \$300,000, went from \$17,052 in April 2019 to \$8,558 in April 2020, a nearly 50% decline.

Going back to his theme of looking to the past in order to plan for the future, Rorie pointed out that it took 10 years, from 2007 to 2017, for the city to return to pre-recession levels in revenue from local option sales taxes (LOST). Special Purpose Local Option Sales Taxes (SPLOST) collections in the metro Atlanta area also required about 10 years to recover.

Based on the declines for April, Rorie explained that a raw first pass at the budget showed a total drop in revenues of \$1,848,000. This equaled revenues of \$37,377,317, while expenses were \$38,785,260. He proposed using \$1,407,943 in reserve funds to fill the gap.

Priority-based budgeting meant some things had greater importance, but must be balanced with all functions. On the revenue side, they would stabilize the millage rate and adjust for shortfalls through strategic use of fund balance. On the expense side, there would be a strategic reduction in personnel, the base budget adjusted down by 2%, and they would consider the long-term impact of capital purchasing/replacement. Ad valorem tax revenues were anticipated to be about \$15 million, and Rorie said they would adjust for any shortfall with the strategic use of the fund balance. He cautioned against making too many cuts too quickly, saying it was best to wield a scalpel, not an axe. They had spent years building up the fund balance for this reason.

Rorie referred back to December's workshop meeting, when Council and staff established priorities. Some of those projects could help to balance the budget. He noted that they saved \$30,000 by canceling the annual spring cleanup. Removing adult softball would be another savings, he remarked, noting that 65% of the participants were from outside the county. Moving the mulch yard to behind the Police Department was a priority, and he wanted to talk about closing Meade Field and surplus that land for mixed-use development. Replacing the deck at the Kedron pool was listed as a project for the FY 2024 budget at a cost of \$200,000, but they would need to decide what to do about replacing the bubble or installing a roof before making a decision on the deck. The roof or bubble was estimated at \$1 million, but was likely to be much higher. They had added 2.95 miles to the path system and would be looking at the Tennis Center's future.

Police, Fire/EMS, and Public Works accounted for more than half of the City's expenditure, Rorie pointed out. He said they were looking at a doubling of capital projects for the Police in 2023. The Fire Department expenditures would be going up also, as would debt service for Public Works. There would need to be some policy decisions on Fire and Police Department expansion, interparcel access for MacDuff Crossing, sewer on Huddleston Road and the need to increase to the paving allotment in the general fund budget from the current \$1.8 million to \$3.5 million because the SPLOST would expire in 2023. The Kedron pool roof was another decision.

Rorie noted that the cost of the Police and Fire Department expansions would be offset by impact fees. Madden asked if the impact fees could be used for other purposes, and Rorie explained that they had to be spent on the Public Safety departments expansions or on expanding the cart path network. That was their designated purpose.

Fleisch noted that they would get more specific with the budget in the coming weeks as the situation became clearer.

King said they would have to decide over the next couple of months which projects to fund based on priorities. They were facing some hard decisions, such as on the Tennis Center and the pool bubble.

Rorie stated he would present the manager's proposed budget during a June 23 workshop meeting.

Prebor asked how often they received data from the state about LOST revenue. It ran about a month behind, Finance Director Paul Salvatore replied.

Rorie also noted they would be seeing budget amendments regarding the ad valorem tax revenues. The City would also be refunding about \$60,000 in facility use fees, he noted as the budget discussion ended.

Public Health Building

Fleisch said she was concerned about the Fayette County Board of Health, of which she was a member, recommending the County fund a new building to house state and federal health facilities. She said she was the lone dissenting vote. Her concern was with the amount of County money that would be needed to finance the construction of the building next to Fayette Senior Services in Fayetteville. Fleisch asked Council members to contact the County Commission before it took the matter up for a vote the following week.

There was no further discussion, and the workshop concluded at 8:55 p.m.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager *AR*
Paul Salvatore, Financial Services Director *P.S.*
Kelly Bush, Assistant Financial Services Director *KB*
Angela Egan, Purchasing Agent *AE*

FROM: David A. Borkowski, P.E., City Engineer

DATE: May 29, 2020

SUBJECT: City Hall/Picnic Park Bridge Repairs
June 4, 2020, City Council Meeting

Recommendation:

That the City award a contract to Engineered Restorations in the amount of \$89,500 for the repairs to City Hall/Picnic Park Bridge (B-14).

Discussion:

The City routinely inspects its multi-use path bridges for needed maintenance. B-14 was found to be in need of significant repairs due to rust. Staff had evaluated full bridge replacement against repairs and found repairing the bridge to be the most cost-effective option.

Staff requested three quotes but only received one from Engineered Restorations. In addition to being the lowest/only quote, Staff is recommending awarding the repair contract to Engineered Restorations because they are the brand name vendor for these types of repairs and their high quality of work.

Budget Impact:

Funds for this work are budgeted in Citywide Bridge Maintenance line item 335-1575-541400-CIP-19-06. Adequate funds are available in this account for the work.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager ✓
Paul Salvatore, Financial Services Director P.S.
Kelly Bush, Assistant Financial Services Director
Angela Egan, Purchasing Agent ✓

FROM: David A. Borkowski, P.E., City Engineer 

DATE: May 26, 2020

SUBJECT: Line Creek Nature Area Restroom – SPLOST Project #37
June 4, 2020, City Council Meeting

Recommendation:

That City Council award a contract to Modular Connections in the amount of \$ 60,665 for the purchase of a modular restroom building for the Line Creek Nature Area.

Discussion:

In researching the most cost effective options for a new restroom facility, Staff decided to go with a pre-fabricated concrete structure. Staff requested quotes from three different modular building manufacturers and received one quote from Modular Connections. Staff found the building materials and specifications acceptable. Therefore, Staff and is recommending approval of the building purchase.

Budget Impact:

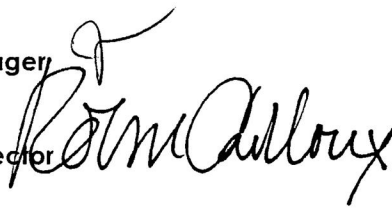
This item is budgeted in SPLOST Project number 37. Adequate funds are available for this purchase in line item 321-6110-541200-SP17-037.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager

FROM: Robin Bechtel Cailloux, AICP
Planning & Development Director 

DATE: May 27, 2020

REQUEST: Fee Revision to remove permit replacement fee
June 4, 2020 City Council Agenda

Recommendation:

To eliminate the \$30 permit replacement fee.

Discussion:

The adopted Fee Schedule for the Building Department includes the following line:

- Replacement of permits, CO's, etc. : \$30

The City must also comply with the Georgia Open Records Act, which requires that the first 15 minutes of staff time dedicated to fulfilling a records request shall be free of charge.

Over the last 3 years, the City has implemented permitting software that improves document retrieval times for permits and Certificates of Occupancy. Where at one time, replacing permits and other Building Department documents may have required more time to pull the paperwork and make copies, today's technology allows staff to quickly send the document as an electronic PDF to an email address.

In addition, the City has undergone a major digitization effort that has resulted in many of the historical paper documents and plans to be easily located and sent via email. In many cases, it can take staff less than 15 minutes to fulfil a replacement document request.

Considering both the technological improvements and the desire to be customer service-oriented, staff recommends that the \$30 replacement fee be removed from the adopted Fee Schedule.

Budget Impacts:

The requested fee revision will have very little to no impact on the budget.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Robin Bechtel Cailloux, AICP
Planning and Development Director 

DATE: May 27, 2020

SUBJECT: Turn down offer to purchase property
June 4, 2020 City Council Meeting

Recommendation:

Staff recommends that the City Council pass a motion to turn down the City's right of first refusal on a 6.329-acre parcel, tax parcel number 0610 006.

Discussion:

This parcel is located on the southeast side of Rockaway Road, adjacent to Meade Fields. (Map attached.) It was zoned to LUC-20 as part of the overall planned development for the Somerby community in 2010. The Development Agreement between the City and Dominion Senior Living (Developer) includes the following language:

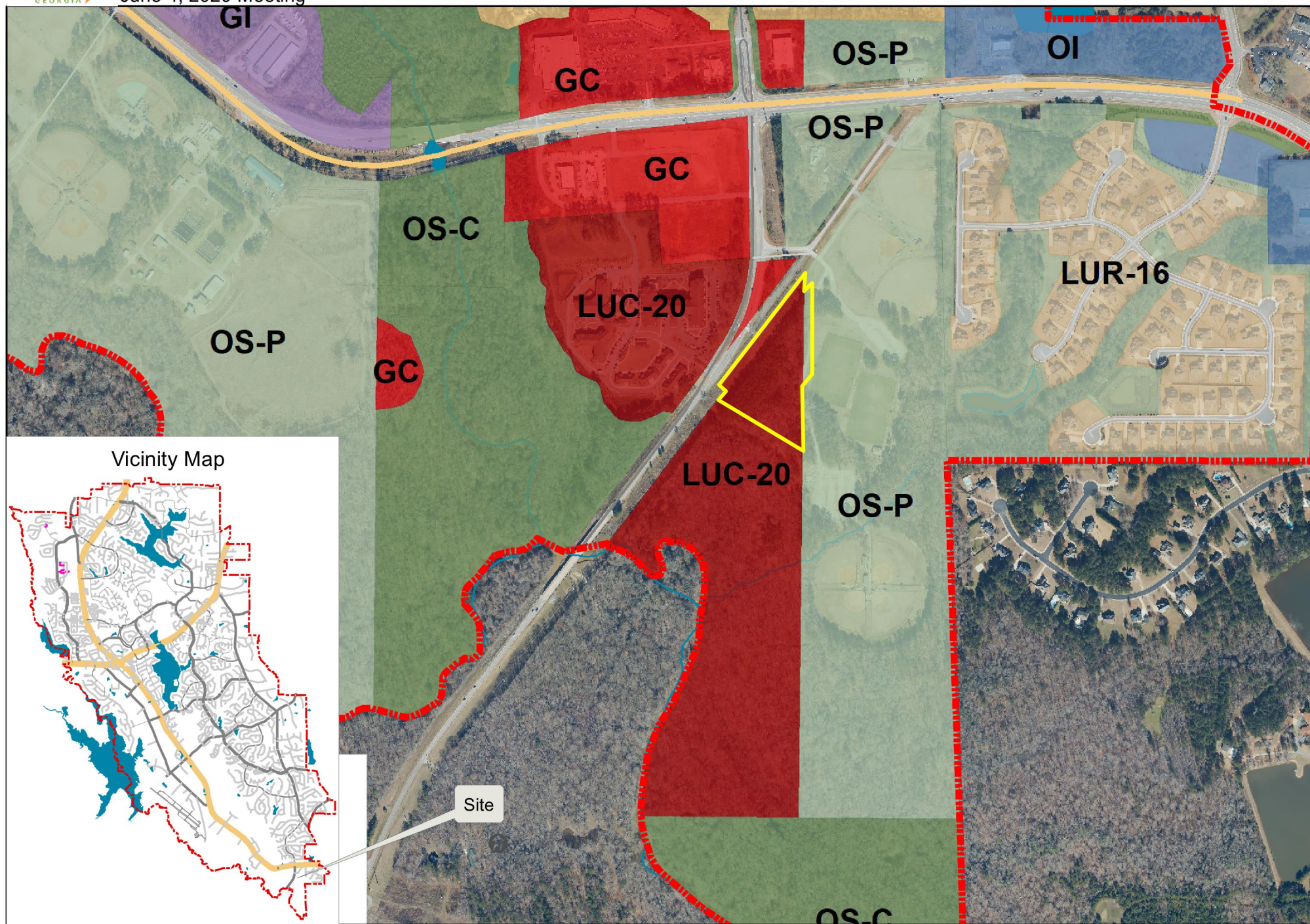
The Developer shall grant a "Right of First Offer" to the City for the 6.329-acre tract prior to any development or sale of this property.

The property owner is starting to plan for development of this parcel, and has offered the City the right to purchase the property. The City has not identified a need for this property.

Budget Impact:

There are no budget impacts associated with this request.

ATTACHMENTS



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Paul J. Salvatore, Financial Services Director 
Kelly Bush, Assistant Finance Director 

DATE: May 28, 2020

SUBJECT: Budget Amendment – Fiscal Year 2020 – CIP/TIP Street Resurfacing
June 4, 2020 City Council Consent Agenda

Recommendation:

That City Council approve the attached budget amendment to the fiscal year 2020 budget resolution.

Discussion:

Attached please find budget amendment 20-14 to move \$1,800,000 budgeted in the General Fund for street resurfacing into the Capital Improvement Project Fund. As paving projects typically span fiscal years, budgeting for this type of activity in the Capital Improvement Project Fund would avoid funds lapsing in the general fund at the close of the fiscal year.

Budget Impact:

The proposed budget amendment will reallocate \$1,800,000 from the General Fund to the Capital Improvement Project Fund.

Attachments

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager 

FROM: Michael Madison, Stormwater Manager 

DATE: May 26, 2020

SUBJECT: 1312 Yarborough Drive Additional Drainage Easement Acquisition
June 4, 2020, City Council Meeting Consent Agenda

Recommendation:

Staff recommends that Council approve the additional drainage easement acquisition on the 1312 Yarborough Drive property.

Discussion:

The residents at 1312 Yarborough Drive experience significant yard flooding during rain events. The property currently contains a drainage easement but a large portion of the easement is located on the side of a hill. Due to the topography, stormwater runoff leaves the easement and flows along the foundation of the residence. This additional easement acquisition enables the City to mitigate the yard flooding and redirect stormwater runoff away from the foundation of the residence. Therefore, Staff is recommending approval of this acquisition.

Budget Impact:

There is no budget impact from the additional easement acquisition.

Attachments

After recording, please return to:

Theodore P. Meeker, III, Esq.
SUMNER MEEKER, LLC
14 EAST BROAD STREET
NEWNAN, GEORGIA 30263

STATE OF GEORGIA
COUNTY OF FAYETTE

DEED OF EASEMENT

THIS INDENTURE, made and entered into this 13th day of MAY in the year 2020, between David W. Mathis and Ginger R. Waldrop, as parties of the first part, hereinafter referred to collectively as "GRANTOR", and the City of Peachtree City, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" (GRANTOR" and "GRANTEE" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these present does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following:

A perpetual non-exclusive easement over, through, under and across certain property described consisting of approximately 2,679 square feet in area as shown shaded on the plat of the property titled "Yarbrough Drive Drainage Improvements", prepared by Integrated Science and Engineering for the City of Peachtree City, Georgia, dated December 12, 2019, said plat attached hereto and made a part of this deed as Exhibit "A," said easement being more particularly described in the Legal Description attached hereto as Exhibit "B," which Exhibits are incorporated herein by express reference and made a part hereof.

The purpose of the grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to install, construct and maintain a Drainage Easement, together with all necessary and required pipes, conduits and apparatus, over, through, under, and across the subject property. The permanent easement herein granted shall be perpetual in duration.

The Grantor shall assume no liability for injuries or damages to public users of the City's drainage easement, and Grantor shall forfeit no other property rights by virtue of the existence of this easement on his property.

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein and shall inure to the benefit of the successors in interest of the grantee herein.

IN WITNESS WHEREOF, the grantor has hereunto set their hands and seals, or if corporate, have caused this document to be executed by its duly authorized officers and its seal to be hereunto affixed, as of this day and the year first above written.

Signed, Sealed and Delivered

this 13th day of may

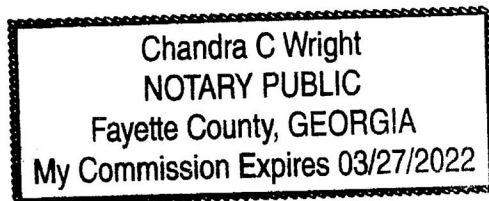
[Signature] (L.S.)
David W. Mathis

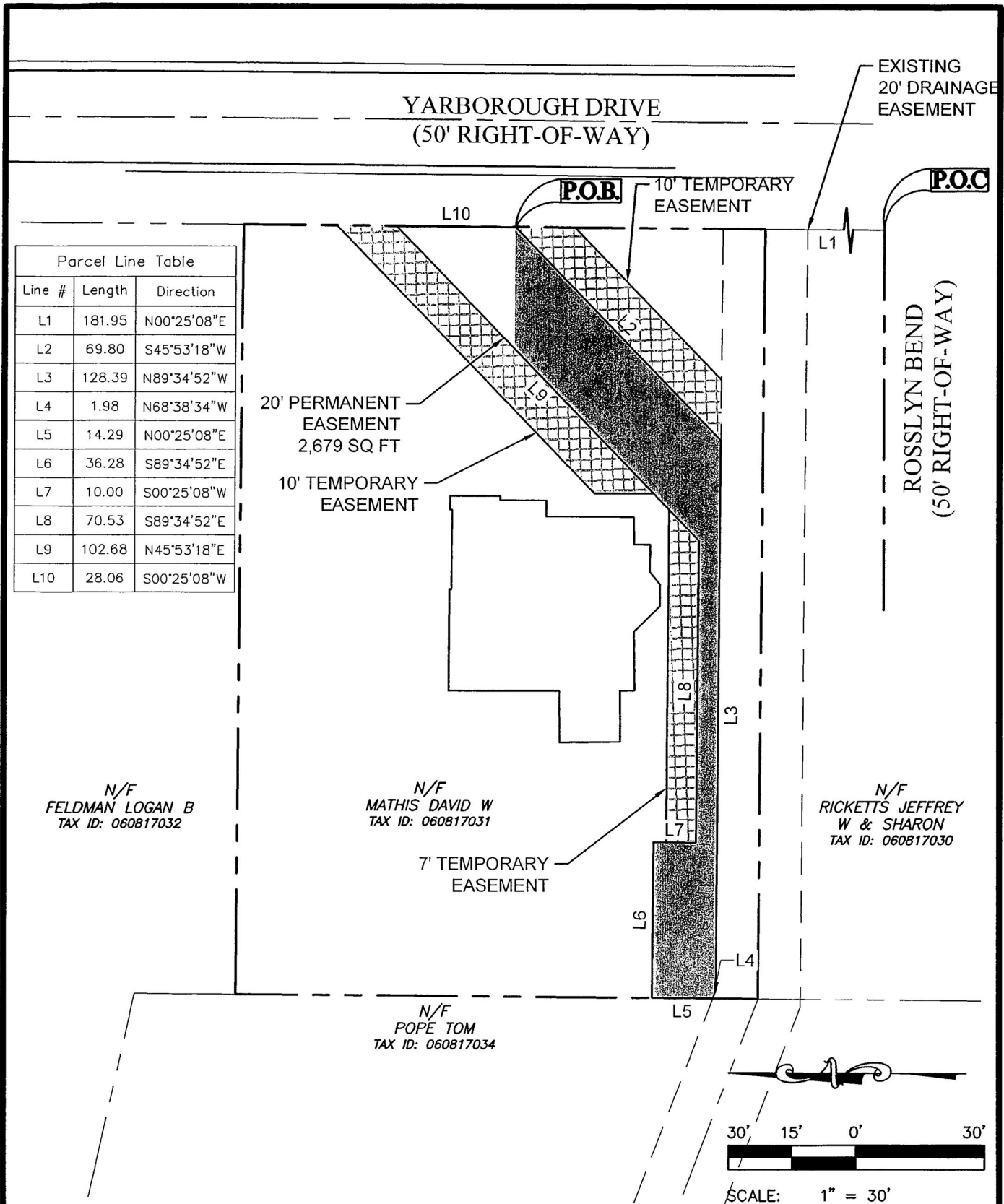
2020, in the presence of:

[Signature] (L.S.)
Ginger R. Waldrop

[Signature]
Witness
Chandra C Wright
Notary Public

My Commission Expires:





12/12/19

EXHIBIT A

YARBROUGH DRIVE
DRAINAGE IMPROVEMENTS

DESCRIPTION OF EASEMENT
20' PERMANENT DRAINAGE EASEMENT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 26, 6TH DISTRICT, CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, CAN BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT FORMED BY THE NORTHERLY RIGHT-OF-WAY OF ROSSLYN BEND (50' RIGHT-OF-WAY) AND THE WESTERLY RIGHT-OF-WAY OF YARBOROUGH DRIVE (50' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY OF YARBOROUGH DRIVE NORTH 0 DEGREES 2 MINUTES 59 SECONDS WEST, A DISTANCE OF 243.00 FEET TO THE **POINT OF BEGINNING**.

THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 45 DEGREES 53 MINUTES 18 SECONDS WEST, A DISTANCE OF 69.80 FEET TO A POINT; THENCE NORTH 89 DEGREES 34 MINUTES 52 SECONDS WEST, A DISTANCE OF 128.39 FEET TO A POINT; THENCE NORTH 68 DEGREES 38 MINUTES 34 SECONDS WEST, A DISTANCE OF 1.98 FEET TO A POINT; THENCE NORTH 0 DEGREES 25 MINUTES 8 SECONDS EAST, A DISTANCE OF 14.29 FEET TO A POINT; THENCE SOUTH 89 DEGREES 34 MINUTES 52 SECONDS EAST, A DISTANCE OF 36.28 FEET TO A POINT; THENCE SOUTH 0 DEGREES 25 MINUTES 8 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 34 MINUTES 52 SECONDS EAST, A DISTANCE OF 70.53 FEET TO A POINT; THENCE NORTH 45 DEGREES 53 MINUTES 18 SECONDS EAST, A DISTANCE OF 102.68 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF YARBOROUGH DRIVE; THENCE SOUTH 0 DEGREES 25 MINUTES 8 SECONDS WEST, A DISTANCE OF 28.06 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,679 SQUARE FEET OR 0.061 ACRES, MORE OR LESS.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Robin Bechtel Cailloux, AICP
Planning and Development Director 

DATE: May 27, 2020

SUBJECT: Public Hearing: Consider Variance Request, GR-12 Zoning Rear Setback Requirement, 211 Masters Drive South
June 4, 2020 City Council Meeting

Request:	Variance from Section 1004.4(h), Zoning Ordinance 5-foot encroachment into 20-foot rear setback
Property Location:	211 Masters Drive South
Current Zoning:	GR-12, General Residential

Discussion:

The Applicant is requesting relief in the form of a variance from the rear setback requirement [Section 1004.4(h)] of the GR-12, General Residential zoning district, which requires a minimum rear building setback of 20 feet. The Applicant proposes to enclose an existing deck, encroaching into the rear setback by approximately 5 feet. The existing home is in compliance with other GR setbacks.

As part of the application, the Applicant has included site plans/ plat showing the proposed improvement in relation to the rear property line, photos of the existing patio, the Home Owners' Association approval letter, and letters of support from adjacent property owners.

The house is built on a slab, and there is an existing patio that the applicant proposes to enclose into a sunroom. The lot backs up to the 12th tee of the Braelinn Golf Course.

Variance Consideration

In accordance with Section 1202 of the Zoning Ordinance, variances shall only be granted if:

- (a) *The request is in harmony with the intent of the zoning ordinance*
- (b) *The application of front setbacks on this property would create a hardship.
There must be some extraordinary conditions on this property (such as size,*

shape, or topography) that similarly zoned properties do not have to contend with.

Variance Criteria

Section 1207 of the Peachtree City Zoning Ordinance states the City Council shall not grant a variance unless all of the following findings can be made

- (a) *There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;*

Staff Comment: Because the lot sits at the end of the cul-de-sac, the house is situated further back on the lot than neighboring houses. The deepest portion of the rear yard is about 25 feet, while neighboring rear yards are closer to 30 feet deep. This has resulted in the applicant requesting the 5-foot variance, where adjacent property owners wishing to construct a similar size addition would not be required to get a variance.

- (b) *The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;*

Staff Comment: No evidence of practical difficulties or unnecessary hardship was presented as part of the application. There has been a history of rear-setback variance requests within this subdivision to enclose or expand rear decks/patios.

- (c) *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;*

Staff Comment: This lot is one of the two cul-de-sac lots in the 55-lot development where, due to the lot configuration on the street curve, the home is pushed further to the rear property line, reducing the available yard for additions.

- (d) *The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district;*

Staff Comment: Granting this variance would not constitute the granting of a special privilege due to the limitation of the lot. The other similarly oriented cul-de-sac lot, 108 Masters Drive, was granted a similar variance in 2005.

(e) *The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and*

Staff Comment: Granting of a variance in this case would not be detrimental to public health, safety, or general welfare. The applicant has the support of the HOA and adjoining property owners that would be most impacted should the addition be constructed as proposed.

(f) *The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.*

Staff Comment: Granting of the variance would not create any significant inconsistencies with the Comprehensive Plan, which encourages the protection of the character of existing neighborhoods as well as the redevelopment and reinvestment within neighborhoods.

Budget Impacts:

There are no budget impacts associated with this request

ATTACHMENTS



VARIANCE APPLICATION

153 Willowbend Rd, Peachtree City, GA 30269
P: 770-487-5731 F: 770-631-2552
WWW.PEACHTREE-CITY.ORG

Admin. Variance Fee: \$25.00
Variance Fee: \$300.00 + \$100
for each additional request

Receipt # _____
Date Filed ____ / ____ / ____
Case # _____
Office Use Only

VARIANCE LOCATION	Street Address <u>211 MASTERS DR S</u> <u>PEACHTREE CITY GA 30269</u>	PROPERTY OWNER	Name <u>WILLIAM R CASE</u>
	Zoning District: ☒ Residential ☐ Multi-Family ☐ Commercial\Industrial\Office Variance Type: ☐ Administrative ☐ Special Exception ☒ Variance (check one below) Variance from which ordinance: ☐ Sign ☐ Fence ☐ Land Development ☐ Zoning		Phone <u>779-207-3314</u>
APPLICANT	Name <u>WILLIAM R CASE</u>	PROPERTY INFO	Email <u>COLORADOBILL CASE @ GMAIL.COM</u>
	Address <u>211 MASTERS DR S</u> City, State, Zip <u>PEACHTREE CITY GA 30269</u> Phone # <u>779-207-3314</u> Email <u>COLORADOBILL CASE @ GMAIL.COM</u>		Subdivision: <u>THE FAIRWAYS</u> Phase: _____ Lot # <u>5</u> <u>PARCEL # 061205005</u>
		SUPPORTING DOCUMENTS	Please submit the following evidentiary items in support of this application and the requested variances. (Please check off the items that are attached to this application) ☐ Site plan (with property lines and proposed work) ☐ A detailed report justifying the requested variance ☐ Letters of support from adjacent property owners ☐ Digital Photographs \ Renderings (CD or Email) ☐ Other Items Demonstrating Need (topo. Survey, etc)

SPECIAL EXCEPTION	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Does the application pertain to a zoning setback?	☒ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☒ No	
	4.) How long has the violation existed?	_____ Years	
	5.) What is the required setback?	_____ Feet	
	6.) How much of a variance is being requested?	_____ Feet	
	7.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

SPECIAL EXCEPTION	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Has property been rezoned or deed restrictions?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) Application for a bldg setback, fence, or parking?	(Circle One)	
	5.) What is the required setback, height, or spaces?	_____	
	6.) How much of a variance is being requested?	_____	

VARIANCE	Please review the ordinances and instructions on the back of this page.		Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	1.) Is a current survey included with the application?	☐ Yes ☒ No	
	2.) How much of a variance is being requested?	<u>5</u> Feet	<u>TO BUILD AN ADDITION ON EXISTING 24X12 PATIO</u>
	3.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	
		<u>N/A</u>	

I hereby certify that I am the owner of the property on which a variance is being requested and that all information provided as a part of this application is true and correct.

Signature of Owner/Agent: [Signature] Date 3/3/20

Signature: _____	☐ Approved
Date of Acceptance: _____	Date of Hearing: _____

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES	This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:	
Signature: _____	Date of Acceptance: _____	Date of Public Hearing: _____

