



Administrative Variance Committee Meeting

Clinton Holland, Council Member
Justin Strickland, City Manager
Robin Cailloux, Planning & Development Director

June 11, 2024 | 2:00 PM
City Hall Executive Conference Room

Call to Order

Minutes

Discussion

108 Butternut Lane, Rear Setback Encroachment

206 Gates Entry, Rear Setback Encroachment

220 Creekstone Bend, Rear Setback Encroachment

Adjourn

It is the policy of the City of Peachtree City that all city-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in this meeting or event due to a disability as defined under the ADA, please call the City's ADA Coordinator, Dr. Teaa Allston-Bing at (770) 632-4276 or e-mail tallston-bing@peachtree-city.org at least three (3) business days before the scheduled meeting or event to request an accommodation.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Justin Strickland, Interim City Manager

FROM: Robin Cailloux, Planning Director 6/10/2024

DATE: June 11, 2024

SUBJECT: 108 Butternut Lane, Rear Setback Encroachment

Recommendation:

If the Administrative Variance Committee approves the request, staff does not have any recommended conditions of approval.

Discussion:

The Applicant is requesting relief in the form of an administrative variance from an existing rear setback encroachment requirement [Section 1011.4(h)] of the R-1, One-Family Residential zoning district, which requires a minimum rear building setback of 30 feet. As a condition of the building permit for a front deck replacement, the applicant was required to get an as-built survey. While the front deck complies with the front setback requirements, the survey revealed that the rear corner of the home encroaches into the rear setback by 3.9 feet (3 feet 11 inches). The home was built in 1972 and the current home-owners were not the property owner when this encroachment occurred.

As part of the application, the Applicant has included a justification narrative, letters of support from adjacent property owners, and the as-built survey.

Variance Process Requirements

Section 1204 of the Peachtree City *Zoning Ordinance* lists the requirements for an administrative variance process for an existing rear setback encroachment (underlined text indicates section that is applicable to this request) :

- a. The request pertains to either an existing zoning setback violation provided that the property owner making the request is not the same property owner who was responsible for the violation;
- b. The request is for a rear setback encroachment that would not exceed 50 percent of the required setback provided that the following conditions are satisfied:
 1. *The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and*
 2. *The applicant provides written consent of the Homeowners' Association, if applicable, and all property owners adjacent to the requested property;*

- c. *The request is for a decrease of not more than 25 percent of the minimum building setback, provided that the property line in question and the associated building setback adjoins a publicly-owned property and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback, provided that the following conditions are satisfied:*
 - 1. *The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and*
 - 2. *The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property;*
- d. *The request is for a decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance, provided the applicant identifies on the site plan where this parking would be located if needed in the future;*
- e. *The request is for an increase in the maximum height of a fence or wall; provided that:*
 - 1. *Such wall or fence is justified by reasons of safety and security pertaining to pool barriers or other International Building Code standards as adopted by the city, and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood; or*
 - 2. *Such greater height is justified for topographic reasons, and is not more than a 25 percent increase in maximum height standards per Chapter 18 of the city's code of ordinances, and is not incompatible with the surrounding neighborhood.*

This request complies with requirement (a), such that the request is an existing encroachment and the current property owner is not the same property owner responsible for the violation.

Administrative Variance Review Criteria

Section 1204 states that, "in reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the requires would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance."

For your reference, the full purpose statement of the Zoning Ordinance is:

The purpose of this ordinance is to promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the city; and to assure the development of the city in accordance with the land use and thoroughfare plan as adopted, and as amended from time to time; to protect the population from the danger and inconvenience of traffic congestion; to prevent overcrowding of the land and the undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation and other public requirements; to regulate with reasonable consideration the character of existing and future uses of the

land in order to promote desirable living conditions and neighborhood stability, protect property against blight and depreciation, secure economy in governmental expenditures, and protect against floods and other natural hazards.

Staff has reviewed the request and does not find any evidence that approval of the request would cause substantial detriment to surrounding property owners or the general public, as the encroachment has been in existence since 1972. Nor does the request appear to conflict with the stated purposes of the zoning ordinance.

Budget Impact:

There are no budget impacts associated with this item.

Attachments:

1. Applicant Narrative
2. Letters of Support
3. Survey

To Whom It May Concern:

I am requesting a variance to reduce our backyard setback that will not exceed 50% of the required setback. We purchased our house in 2018 and were not made aware of the setback violation concerning our back patio. Unfortunately, this was not disclosed to us by the previous owner.

My variance request is so that we may build a new front porch on the front side of our house. The current porch has become unsafe to not only myself and my wife but to friends, delivery drivers, and anyone else who is approaching our front door. The warped and dry rotting boards need to be taken out and replaced. Our new proposed porch will not exceed any of the setback standards Peachtree City has set in place. I have enclosed signed letters of support from all neighbors whose property line touches mine.

Thank you for your consideration.

 5/29/24
Seth Yernye

108 Butternut Lane
Peachtree City, GA
30269



To Whom It May Concern:

I TIM CRAWLEY, residing at

101 CHARTER OAK CT, am consenting to Seth Yernye at 108
Butternut Lane to construct a front deck while knowing their back porch is set closer to the
property line than Peachtree City, GA allows. My signature is an acknowledgment and an
agreement to their construction. Should any concerns arise, you may contact me at
770.845.7184.


Signature

5/25/24
Date

To Whom It May Concern:

I STEPHEN T. OJEN, residing at
103 CHARTER OAK CT, PTL 30269, am consenting to Seth Yernye at 108
Butternut Lane to construct a front deck while knowing their back porch is set closer to the
property line than Peachtree City, GA allows. My signature is an acknowledgment and an
agreement to their construction. Should any concerns arise, you may contact me at
678 480 9460.

Stephen T. Ojen
Signature

14 MAY 24
Date

To Whom It May Concern:

I Ramon Babilonia, residing at
110 Butternut Ln.

, am consenting to Seth Yernye at 108 Butternut Lane to construct a front deck while knowing their back porch is set closer to the property line than Peachtree City, GA allows. My signature is an acknowledgment and an agreement to their construction. Should any concerns arise, you may contact me at

_____.

Ramon Babilonia 5/16/24
Signature Date

To Whom It May Concern:

I Anthony J. Tiano III, residing at
106 Butternut Ln. Peachtree City GA, am consenting to Seth Yernye at 108
Butternut Lane to construct a front deck while knowing their back porch is set closer to the
property line than Peachtree City, GA allows. My signature is an acknowledgment and an
agreement to their construction. Should any concerns arise, you may contact me at
678-492-7131.

tt3000fw@gmail.com



Signature

21 May 2024

Date

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Justin Strickland, Interim City Manager

FROM: Robin Cailloux, Planning Director 6/10/2024

DATE: June 11, 2024

SUBJECT: 206 Gates Entry, Rear Setback Encroachment

Recommendation:

If the Administrative Variance Committee approves the request, staff does not have any recommended conditions of approval.

Discussion:

The Applicant is requesting relief in the form of an administrative variance from the rear setback requirement of the LUR-16 zoning district, which requires a minimum rear building setback of 30 feet. The Applicant proposes to construct a roof over an existing patio slab, encroaching into the rear setback by approximately 5.3 feet (5 feet, 4 inches). The existing home is in compliance with other LUR-16 setbacks and the proposed cover will not encroach into the 24-foot drainage easement.

As part of the application, the Applicant has included a justification narrative, site plans/survey showing the proposed improvement in relation to the rear property line, HOA approval letter, and letters from adjacent property owners.

Administrative Variance Process Requirements

Section 1204 of the Peachtree City Zoning Ordinance lists the requirements to qualify for an administrative variance process for a proposed rear setback encroachment (The underlined text is the section that applies to this specific request):

- a. The request pertains to either an existing zoning setback violation provided that the property owner making the request is not the same property owner who was responsible for the violation;
- b. The request is for a rear setback encroachment that would not exceed 50 percent of the required setback provided that the following conditions are satisfied:
 1. The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and
 2. The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property;

- c. The request is for a decrease of not more than 25 percent of the minimum building setback, provided that the property line in question and the associated building setback adjoins a publicly-owned property and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback, provided that the following conditions are satisfied:
 - 1. The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and
 - 2. The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property;_
- d. The request is for a decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance, provided the applicant identifies on the site plan where this parking would be located if needed in the future;
- e. The request is for an increase in the maximum height of a fence or wall; provided that:
 - 1. Such wall or fence is justified by reason of safety and security pertaining to pool barriers or other International Building Code standards as adopted by the city, and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood; or
 - 2. Such greater height is justified for topographic reasons, and is not more than a 25 percent increase in maximum height standards per Chapter 18 of the city's code of ordinances, and is not incompatible with the surrounding neighborhood.

The request complies with criteria (b) such that the request is to encroach into the rear setback by no more than 50% and they have provided written consent from the HOA and adjacent property owners.

Administrative Variance Review Criteria

Section 1204 states that, "in reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the requires would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance."

The full purpose statement of the Zoning Ordinance is:

The purpose of this ordinance is to promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the city; and to assure the development of the city in accordance with the land use and thoroughfare plan as adopted, and as amended from time to time; to protect the population from the danger and inconvenience of traffic congestion; to prevent overcrowding of the land and the undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation and other public requirements; to regulate with reasonable consideration the character of existing and future uses of the

land in order to promote desirable living conditions and neighborhood stability, protect property against blight and depreciation, secure economy in governmental expenditures, and protect against floods and other natural hazards.

Staff has reviewed the request and cannot find any evidence that approval of the request would cause substantial detriment to surrounding property owners or the general public; nor does the request appear to conflict with the stated purposes of the zoning ordinance.

Budget Impact:

There are no budget impacts associated with this item.

Attachments:

1. Site Plan - Survey
2. Letter of Intent (Homeowner)
3. Letters of Support
4. Pictures of Area

LOT 59
THE GATES, PHASE ONE
PLAT BOOK 47, PAGES 173-179

RESERVED FOR CLERK OF SUPERIOR COURT

NOTES:

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 5801, PAGES 622-624, AND PLAT BOOK 47, PAGES 173-179, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER, GREGORY B. MAYERS AND MARIA ELISE MAYERS PER DEED BOOK 5801, PAGES 622-624 AS OF 04-03-2023.
3. THIS SURVEY WAS AUTHORIZED BY MARIA MAYERS.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. BEARINGS BASED OFF RECORD FRONT CHORD BEARING (S 40°38'59" W) OF LOT 58.
6. ALL ELEVATIONS BASED OFF TOP OF CATCH BASIN CS-58 ELEVATION 781.48 AS SHOWN ON REFERENCED S/D FLAT.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-5-50 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-5-50(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

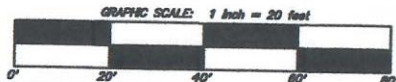
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are available for public review. THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.G.S.A. Section 15-6-57.

Larry C. Shimschick, Co. PLS No. 2343

05-17-2024
Date



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMED SAID PERSON, PERSONS OR ENTITY.



ARC = 118.88' (MEASURED)
TO A 1/2" REBAR & CAP SET AT THE NORTHWEST CORNER OF LOT 58

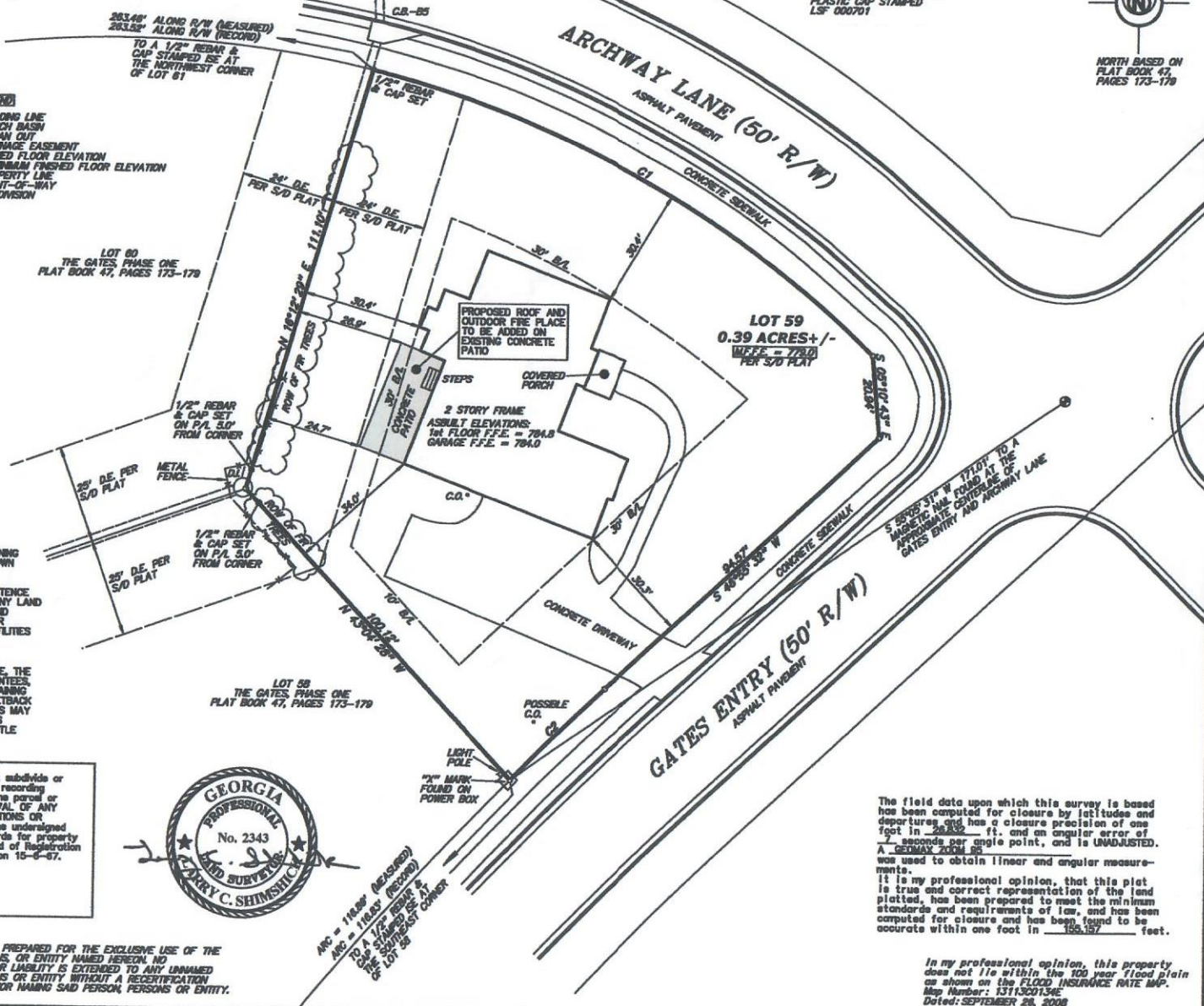
LEGEND

B/L = BUILDING LINE
C.B. = CATCH BASIN
C.O. = CLEAN OUT
D.E. = DRAINAGE EASEMENT
F.F.E. = FINISHED FLOOR ELEVATION
M.F.E. = MINIMUM FINISHED FLOOR ELEVATION
P/L = PROPERTY LINE
R/W = RIGHT-OF-WAY
S/D = SUBDIVISION

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	278.00'	30°58'58"	148.71'	148.90'	78.23'	S 61°07'10" E
2	840.00'	02°17'29"	33.59'	33.59'	16.80'	S 45°48'48" W

NOTE: ALL 1/2" REBARS SET ARE 18" IN LENGTH WITH YELLOW PLASTIC CAP STAMPED LSF 000701



W.D. Gray and Associates, Inc.

LSF000701

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0498

PREPARED FOR:

MARIA MAYERS

LAND LOT: 18

DATE OF SURVEY: 05-16-24

6th DISTRICT

DATE OF DRAWING: 05-17-24

CITY OF PEACHTREE CITY
FAYETTE COUNTY, GA.

REVISED:

SCALE: 1" = 20'

JOB NO. 2404040

LOT 59
THE GATES, PHASE ONE
PLAT BOOK 47, PAGES 173-178

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	275.00'	30°58'58"	148.71'	148.90'	76.22'	S 61°07'10" E
2	640.00'	02°17'29"	33.59'	33.59'	18.80'	S 45°46'48" W

NOTE: ALL 1/2" REBARS SET ARE
18" IN LENGTH WITH YELLOW
PLASTIC CAP STAMPED
LSF 000701



RESERVED FOR CLERK OF SUPERIOR COURT

NOTES:

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 5801, PAGES 622-624, AND PLAT BOOK 47, PAGES 173-178, FAYETTE COUNTY, GEORGIA RECORDS.
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5. BEARINGS BASED OFF RECORD FRONT CHORD BEARING (S 40°38'59" W) OF LOT 58.
6. ALL ELEVATIONS BASED OFF TOP OF CATCH BASIN 09-08 ELEVATION 781.48 AS SHOWN ON REFERENCED S/D PLAT.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-5-09 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-5-09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

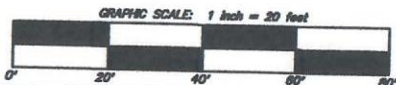
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording of this plat does not constitute an approval of any local jurisdiction, availability of permits, compliance with local regulations or requirements, or suitability for any purpose of the land. Furthermore, the undersigned surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Larry C. Shimshick, Co. PLS No. 2343

05-17-2024
Date



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ARC = 118.00' (MEASURED)
TO A 1/2" REBAR SET AT
THE SOUTHEAST CORNER
OF LOT 58

LEGEND

B/L = BUILDING LINE
C.B. = CATCH BASIN
C.O. = CLEAN OUT
D.E. = DRAINAGE EASEMENT
F.F.E. = FINISHED FLOOR ELEVATION
M.F.F.E. = MINIMUM FINISHED FLOOR ELEVATION
P/L = PROPERTY LINE
R/W = RIGHT-OF-WAY
S/D = SUBDIVISION

LOT 80
THE GATES, PHASE ONE
PLAT BOOK 47, PAGES 173-178

LOT 59
0.39 ACRES +/-
M.F.F.E. = 782.0
PER S/D PLAT

GATES ENTRY (50' R/W)
ASPHALT PAVEMENT

ARCHWAY LANE (50' R/W)
ASPHALT PAVEMENT

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 28,832 ft. and an angular error of 2 seconds per angle point, and is UNADJUSTED. A SUTHERLAND COMPOS was used to obtain linear and angular measurements. It is my professional opinion, that this plat is true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 28,832 feet.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 13113C0134E Dated: SEPTEMBER 26, 2008

W.D. Gray and Associates, Inc.
LSF000701

land surveyors - planners
160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

MARIA MAYERS

LAND LOT: 18	DATE OF SURVEY: 05-16-24
6th DISTRICT	DATE OF DRAWING: 05-17-24
CITY OF PEACHTREE CITY FAYETTE COUNTY, GA.	REVISED:
SCALE: 1" = 20'	JOB NO. 243040

To whom it may concern,

My name is Maria Mayers and I live at 206 Gates Entry. My family and I moved here a little over a year ago. I have a 5 and 6 year old who love to play outside. Since we moved in we have realized how hot Georgia can get. We have a concrete slab patio right now, but when we sit out there in the sun it is unbearable. We have gotten a big umbrella to help shade the area, but unfortunately in the wind it was destroyed. We feel the only way to help us in our situation is to cover the patio. We want to be able to enjoy being outside and a covered patio would benefit our family. I was recently diagnosed with breast cancer and it has been extremely hard this past month being outside in the heat. I need to make sure to stay hydrated and sitting on the patio makes me extremely hot, it is unbearable. This leads to my children not being able to play outside, because I get overheated. For my health I need a covered patio in order to sit outside and let my children play.

Our house was built 10 years ago and where the concrete patio is located it is 24.7 ft from the property line. The set back is 30 feet. We are asking for a 5 ft 3 inch variance in order to cover the existing concrete and make our lives easier. Since we are trying to cover the patio we would also like to get a variance to add a fireplace to the patio. We want the fireplace to be at the edge of the patio which would mean we would need a variance for that too. We have gotten HOA and our neighbors approval. Having a covered patio would change our lives. Please help us get the variance in order to cover the concrete slab. We appreciate your time and consideration.

Maria Mayers

Maria Mayers 5-23-24

The Gates Neighborhood

P.O. Box 143089

Fayetteville GA 30214

(770) 692-0152

(770) 692-0156 Fax

<https://camga.com/>

April 23, 2024

Gregory and Maria Mayers

206 Gates Entry

Peachtree City GA 30269

RE: 206 Gates Entry

Dear Gregory and Maria Mayers:

On behalf of your Architectural Control Committee (ACC), we are pleased to inform you that

Approval to add a covered porch to the existing concrete as well as a fire place with the fireplace to match the existing finishes and existing stone as current as submitted on your modification request form has been granted.

As a reminder, the ACC's approval of your plans and specifications is not for engineering or structural integrity, but only within their rights and responsibilities with regards to the Association's Declaration of Covenants, Conditions and Restrictions. Also, you are responsible for obtaining any permits that may be required by your local government authority and for any damage caused to HOA or adjoining property.

The Association reserves the right to make a final inspection of the change to confirm it matches the request you submitted for approval. Please follow the plan you submitted or submit an additional request form if you cannot follow the original plan.

We appreciate you being a responsible homeowner by following the guidelines of the approval process for your community. If we may be of any future assistance, please feel free to contact us.

Sincerely,

COMMUNITY ASSOCIATION MANAGEMENT, LLC

Agent for The Gates Neighborhood

Lee Mason

Lee Mason, CMCA®, AMS®, PCAM®

To whom it may concern:

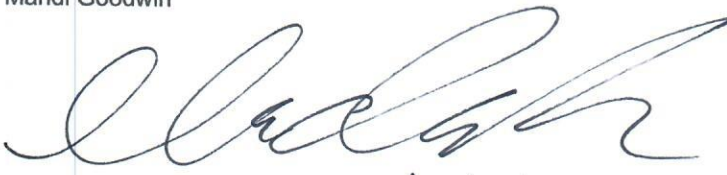
I live next to the Mayers' household at 208 Gates Entry. I am writing this letter to confirm that I have absolutely no objections, hesitations, or reservations regarding the addition of a covered patio to their backyard. We have discussed this project personally, and I have clearly conveyed that there are no issues if it were to proceed.

Matthew Goodwin



5/22/24

Mandi Goodwin

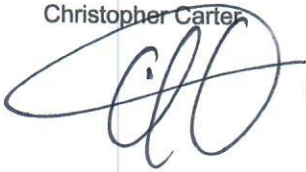


5/22/24

To whom it may concern:

I live behind the Mayers' household at 304 Archway Lane. I am writing this letter to confirm that I have absolutely no objections, hesitations, or reservations regarding the addition of a covered patio to their backyard. We have discussed this project personally, and I have clearly conveyed that there are no issues if it were to proceed.

Christopher Carter

A stylized, cursive handwritten signature of Christopher Carter, featuring a large, looping initial 'C'.

5/22/24

Jordan Carter

A cursive handwritten signature of Jordan Carter, written in a fluid, connected script.

5-22-24





CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Justin Strickland, Interim City Manager

FROM: Robin Cailloux, Planning Director 6/10/2024

DATE: June 11, 2024

SUBJECT: 220 Creekstone Bend, Rear Setback Encroachment

Recommendation:

Should the Administrative Variance Committee approve the request, staff recommends that an as-built survey be required as a condition of approval.

Discussion:

The Applicant is requesting relief in the form of an administrative variance from the rear setback requirement [Section 1001.4(i)] of the R-10, One-Family Residential zoning district, which requires a minimum rear building setback of 30 feet. The Applicant proposes to construct a 288 square-foot shed (12 foot by 24 foot), encroaching into the rear setback by approximately 14 feet. The existing home is in compliance with other R-10 setbacks.

The zoning ordinance allows sheds to automatically encroach into the rear setback on lots of this size if the shed is 100 square feet or less. However, because the applicant is requesting a shed larger than this size, they must proceed with the administrative variance process to allow a building permit to be issued.

As part of the application, the Applicant has included a justification narrative, site plans/survey showing the proposed improvement in relation to the rear property line, and letters from adjacent property owners.

Administrative Variance Process Requirements

Section 1204 of the Peachtree City *Zoning Ordinance* lists the requirements to qualify for the administrative variance process for a proposed rear setback encroachment (the underlined text is the section that applies to this specific request):

- a. *The request pertains to either an existing zoning setback violation provided that the property owner making the request is not the same property owner who was responsible for the violation;*
- b. *The request is for a rear setback encroachment that would not exceed 50 percent of the required setback provided that the following conditions are satisfied:*

1. The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and
 2. The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property;
- c. The request is for a decrease of not more than 25 percent of the minimum building setback, provided that the property line in question and the associated building setback adjoins a publicly-owned property and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback, provided that the following conditions are satisfied:
1. The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and
 2. The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property;
- d. The request is for a decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance, provided the applicant identifies on the site plan where this parking would be located if needed in the future;
- e. The request is for an increase in the maximum height of a fence or wall; provided that:
1. Such wall or fence is justified by reason of safety and security pertaining to pool barriers or other International Building Code standards as adopted by the city, and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood; or
 2. Such greater height is justified for topographic reasons, and is not more than a 25 percent increase in maximum height standards per Chapter 18 of the city's code of ordinances, and is not incompatible with the surrounding neighborhood.

The request complies with criteria (b) such that the request is to encroach into the rear setback by no more than 50%, and they have provided written consent from adjacent property owners.

Administrative Variance Review Criteria

Section 1204 states that, "in reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the requires would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance."

The full purpose statement of the Zoning Ordinance is:

The purpose of this ordinance is to promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the city; and to assure the development of the city in accordance with the land use and thoroughfare plan as adopted, and as amended from time to time; to protect the population from the

danger and inconvenience of traffic congestion; to prevent overcrowding of the land and the undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation and other public requirements; to regulate with reasonable consideration the character of existing and future uses of the land in order to promote desirable living conditions and neighborhood stability, protect property against blight and depreciation, secure economy in governmental expenditures, and protect against floods and other natural hazards.

Staff has reviewed the request and does not find any evidence that approval of the request would cause substantial detriment to surrounding property owners or the general public; nor does the request appear to conflict with the stated purposes of the zoning ordinance. Should the Administrative Variance Committee approve the request, staff recommends that an as-built survey be required as a condition of approval.

Budget Impact:

There are no budget impacts associated with this item.

Attachments:

1. Applicant Narrative
2. Site Plan
3. Support Letters
4. Pictures of Back Yard

To Whom it may concern,

My family and I request a variance which would enable us to add a 12-foot x 24-foot maintenance shed in our back yard, while maintaining the aesthetics of our property and that of our neighbors. Our neighbors Tom and Bonnie Teffeteller and Marilyn Walker, support our request (letter from them attached).

The current city code requires a 30-foot setback in our back yard. We are requesting a variance to reduce that to 16 feet.

The current code would require us to place the shed parallel with the pool, which would obstruct our view of the lawn in the back yard and limit our use of the only grass area we have. (See attached drawing and photos. We propose to put the shed along the property line with our neighbor, parallel with the neighbor's large existing garage, and perpendicular to our pool (see drawing and photos.

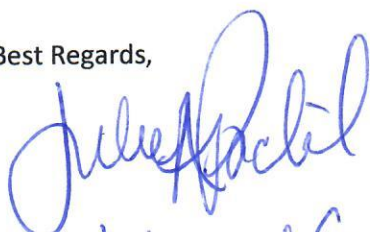
By orienting the shed this way, and allowing the variance, the 12-foot width of the shed would only be 14-feet into the setback area, which is a fallow and seldom used space. We believe this will be more aesthetically pleasing and add value to the property. There is heavy foliage going down to the cart path at the end of our property, so the end of the shed would be minimally visible to people on the path.

There are other extenuating circumstances that support approval of our request:

- The current code would place the shed over a builder's pit that continues to sink despite our efforts to fill it. We believe this sinking would eventually cause structural damage to the shed's foundation.
- The ground where the current code places the shed steeply declines, which would complicate the construction process. The area where we propose to place the shed is flat.

We carefully and conscientiously chose the placement of this shed and believe we fulfilled hardship requirements to enable approval of this variance. We appreciate your time and consideration in this matter. If you have questions please contact

Best Regards,



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Julie and Samuel Pactel + Family
720 Crookston Bend 720-839-2679

IS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE
 ENDS AND OTHER ENCUMBRANCES OF RECORD MAY EXIST BUT MAY NOT BE
 SURVEY. THIS PLAT IS SUBJECT TO ANY FINDINGS THAT A TITLE REPORT MAY

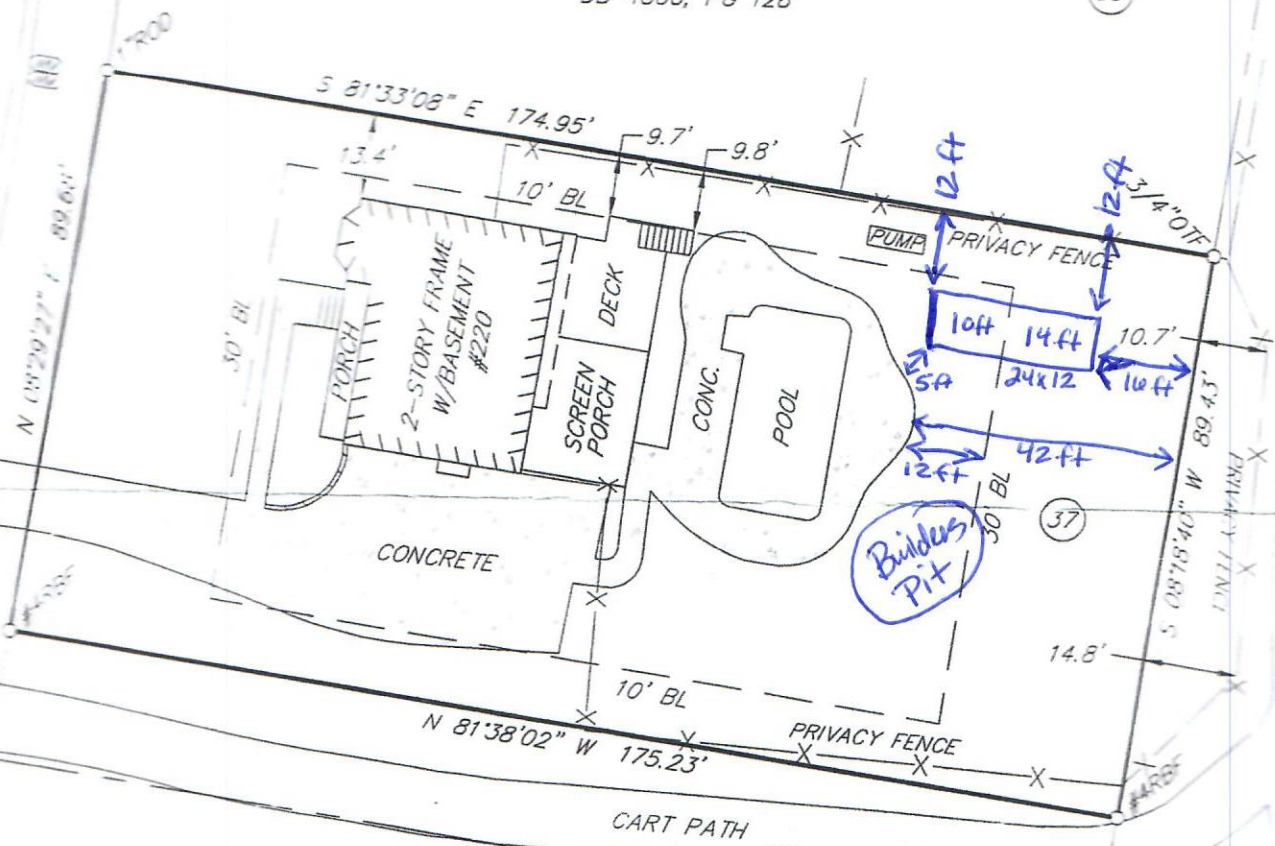
UNITES SHOW

- POWER POLE
- SEWAGE
- LIGHT POLE
- WATER METER
- POWER BOX
- CABLE TV PEDESTAL
- TELEPHONE PEDESTAL
- OVERHEAD POWER
- FENCE

N/F
 THOMAS T. &
 BONNIE A. TEFFETELLER
 DB 4800, PG 128

36

50' R/W
 CREEKSTONE BEND



N/F
 MARILYN L. WALKER

38



5/17/24

Peachtree City Building Dept.,

We give our approval for the setback
variance for The factos to
build a 12x20 shed.

Bonnie Teffekeller

Bonnie Teffekeller
222 Creekstone Bend
Peachtree City, GA 30269

May 17, 2024

To Whom it May Concern:

I am the property owner of 218 Creekstone Blvd. I have no objection to the Pactor's request for a reduced setback variance to build their 12x24 shed.

If you have any questions please feel free to give me a call.

Sincerely,
Marilyn L. Walker
770-487-2042



