



Mayor
Richard E. Roquemore

City Administrator
Michael E. Parks

City Council
Robert L. Vogel III
Taylor J. Sisk
Jamie L. Bradley
Joshua Rowan

AGENDA

Zoning Board of Appeals
August 14, 2024 6:00 pm
1 Auburn Way

Call to Order

Approval of the Minutes – June 12, 2024

Approval of the Agenda

New Business: Sarah McQuade, City Planner

1. VA-24005, application made by Blue River Development, LLC c/o LJA Engineering, Inc. to request a variance from Section 18.08.050.A (1), to reduce the minimum buffer width from 50' to 0" for an undisturbed natural vegetative buffer shall be maintained for fifty feet (50 ft) measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

Public Comments

Announcements

Adjournment



Mavor

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City Administrator

Michael E. Parks

Board of Zoning Appeals Meeting Minutes

June 12, 2024

Co-Chair Robin Jackson welcomed everyone to the meeting.

Meeting Called to order by Co-Chair Jackson

Co-Chair Jackson read the City of Auburn Public Hearing Procedures for the Zoning Board of Appeals

Co-Chair asked for a motion to approve the minutes from March 13, 2024, vote taken-all approved

Co-Chair asked for a motion to approve the minutes from May 8, 2024, vote taken-all approved

City Planner noted that Benjamin Riley was on the phone remotely which constitutes a quorum. Mr. Riley made a verbal vote for the March 13 & May 8th minutes.

Co-Chair asked for approval of agenda, motion made, vote- all approved.

Co-Chair read case 1-ZBA 24-001, application made by Sullins Engineering, LLC to request a variance from Section 17.91.050(2)(b)(i), to reduce the percentage of windows required on the street-facing building facade between three feet and eight feet in height for the purpose of constructing six (6) townhomes, on a portion of 0 6th Street (Tax Parcel AU11 121 pt.).

The Co-Chair asked for a motion to remove from table, motion made-all approved.

City Planner Sarah McQuade this item was tabled at the last meeting so that the applicant could provide additional information regarding the requested reduction in the required amount of windows on the 1st (first) floor of the proposed townhomes. Staff Planner provided the members with a memo updating the members with the materials the applicant provided, 3 additional items, 2 related to the percentage of windows on the first floor, one being a front-loaded garage front entry, one with a rear loaded garage entry and the third being a rear loaded townhome product.

City Planner then turned meeting over to applicant representative, Stanton Porter, 73 Church St., Winder, GA 30680. Mr. Porter stated his client believes this code was more for commercial or where residential would be on a second or third story window above a commercial property. The applicant wanted to work with Auburn and go through the process. Mr. Porter brought renderings, 1st being front loading, 2nd rear entry and the 3rd being rear loading. Mr. Porter asked for the variance to go to 24% of glass. He also stated the final design will have to go before another board for the design and placement.

No questions were asked by the members of the Zoning Board of Appeals.

Alysa Kneogh spoke about the traffic, where the sidewalk and driveway would be, Staff spoke it would be greater than 10 feet, is just an estimate.

Co-Chair asked for a motion to close the Public Hearing, motion, all in favor.

Co-chair asked for a motion to approve or deny the request, motion made by Board Member Kelley to deny the applicants variance request of section 17.91.050(2), second by Board Member Gallagher, and Riley had no discussion.

Co-Chair called for the vote to deny the request, all vote, application for variance denied.

Co-Chair asked if there are any additional comments, none. Motion to adjourn made by Co-Chair, motion, 2nd, all in favor.

Meeting adjourned.



CITY OF AUBURN, GA
APPLICATION FOR VARIANCE, WAIVER, OR SPECIAL EXCEPTION

This application applies to: Variances, Administrative Variances, Special Exceptions, and Waivers.

Variances and waivers are modifications of the specific provisions of the City of Auburn Code of Ordinances granted when strict enforcement of the ordinances would cause undue hardship owing to circumstances unique to the individual property on which they are granted.

Instructions: A properly completed application and fees are due at the time of submittal. The submittal deadline is the one month prior to the scheduled meeting date. Variance requests will be considered on the 2nd Wednesday of the following month by the Zoning Board of Appeals (ZBOA). A pre-application meeting is required prior to submitting an application; please contact the Community Development Department to schedule a pre-application meeting at 770-963-4002.

If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, they can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of lot coverage, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but such an application may not occur concurrently with a land use map amendment or modification of conditions, and the approval of one does not indemnify the approval of the other. The Zoning Board of Appeals shall determine whether the requested variance or special exception meets the applicable requirements. The Community Development Director shall determine whether the requested administrative variance meets the applicable requirements in accordance with Section 17.130.020.

The variance process for the City of Auburn involves one public hearing before the Zoning Board of Appeals, where the item will be heard and a decision will be made based on the applicant's submittal information and the report generated by city staff. The Zoning Board of Appeals meets the second Wednesday of each month at 6:00 PM in the Auburn Council Chambers, located at 1361 Fourth Avenue, Auburn, GA 30011. The Administrative Variance process does not require a public hearing. The Community Development Director will issue a decision within 45 days for administrative variances related to Stream Buffers and 30 days for general administrative variance requests. The decision date begins after the date of application acceptance by city staff.

Waivers: Waiver requests to the Development Regulations for the City of Auburn are decided by the City Council. The Community Development Director, along with other affected city and county departments, will review the request and forward such comments or recommendations as may be received to the City Council for final action in their normal course of business. The City Council holds meetings every first and third Thursday of every month in the Council Chamber located at 1361 Fourth Avenue, Auburn, GA 30011.

To initiate a request for a Variance, Waiver, Special Exception within the City of Auburn, an applicant must schedule and hold a pre-application meeting with the Planning & Zoning staff, which must take place by the deadline of 4:00pm on the Friday preceding the application submission deadline on the first Wednesday of the month. These meetings are scheduled as needed and the purpose of the pre-application meeting is to establish an expectation on the part of both staff and the applicant for the zoning appeal process. The applicant shall provide preliminary/finalized site plans, a letter of intent regarding the request, and/or other illustrative documents as necessary at the time of the pre-application meeting. The applicant will then provide an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the proposed change and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.



VARIANCE, WAIVER, OR SPECIAL EXCEPTION APPLICATION CHECKLIST

(Incomplete applications will not be accepted)

- Pre-Application Meeting
- Completed Application and fee of \$450.00. Make checks payable to City of Auburn.
- Survey Plat of the subject property in accordance with the attached site plan checklist.
- Signed and notarized affidavits of all property owners. Use additional sheets as needed.
- Signed Campaign Contributions Disclosure Statement.
- Written legal description which includes a narrative of the metes and bounds of the property.
- Relevant site photos.
- Letter of Intent. Please describe your situation and why you are requesting a variance, waiver, or special exception.



SITE PLAN REQUIREMENTS

(All applicable items must be included on the Site Plan; separate sheets may be used)

- Key and/or legend and site location map with North arrow.
- Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- Acres of subject property.
- Location of land lot lines and identification of land lots.
- Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
- Proposed streets on the subject site.
- Current zoning of the subject site and adjoining properties.
- Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
- Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 200 feet of the subject property.
- Location of proposed buildings with total square footage.
- Layout and minimum lot size of proposed single-family residential lots.
- Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- Required and/or proposed setbacks.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- Required and proposed parking spaces; Loading and unloading facilities.
- Lakes, streams, wetlands, and Waters of the State and associated buffers.
- Proposed stormwater management facilities.
- Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
- Availability of water system and sanitary sewer system.
- Location of existing trees and trees to be removed, or a statement that there are none, and whether the trees identified are specimen trees. (A specimen tree is any deciduous (oak, hickories, poplars, etc.) tree with a DBH of 30 inches or greater, coniferous tree (pines, evergreens, etc.) tree with a DBH of 24 inches or greater, or a small understory tree (dogwoods, redbuds, sourwoods, etc.) with a DBH of 10 inches or greater. If no specimen trees exist on the site, note their absence on the plans. If a specimen tree is to be removed, provide a calculation for recompense at 1.5x the diameter.)



ADDITIONAL REQUIREMENTS FOR STREAM BUFFER VARIANCES

Site Plan Requirements:

1. Delineation of the stream buffer (state, 50-foot undisturbed and 25-foot additional setback) and the limits of all existing and proposed land development or land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated in a table as follows:

Buffer area	Existing Encroachment (sq.ft.)	Proposed Encroachment (sq.ft.)
25 foot (State buffer)		
50 foot (City buffer)	0	4022
75 foot (City impervious setback)		

2. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
3. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
4. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
5. Documentation of unusual hardship should the buffer be maintained;
6. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
7. A calculation of the total area and length of the proposed intrusion;
8. A stormwater management site plan, if applicable; and
9. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.



The following factors will be considered in determining whether to issue a variance:

1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
2. The locations of all streams on the property, including along property boundaries;
3. The location and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

*Variances will not be considered when, following adoption of the ordinance codified in this chapter, actions of any property owner of a given property have created conditions of a hardship on that property.



VARIANCE APPLICATION

Type of Request:	<input type="checkbox"/> Zoning/Special Exception	<input type="checkbox"/> Administrative	<input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Stream Buffer	<input type="checkbox"/> Other
Applicable Zoning/Sign Code Section:					
Nature of Request:	Required	Proposed	Minimum Setback Requirements	Proposed Setback Requirements	
Setback					
Sign					
# Parking Spaces					
Other					
Name of Project/Subdivision: Harmony Farms			Present Zoning: AG and CCD		
Property Address/Location: 6th Street			Tax Parcel ID: AU11 152		
Briefly describe variance request: Reduction from 50' to 0' (See attached Exhibits) Code 18.08.050.A.1					
Owner Name: Blue River Development, LLC					
Address: 3810 Windermere Pkwy, Suite 504					
Phone: 1-800-424-8802			Email: eid@blueriverdevelopment.com		
Applicant Name (if different from above): Blue River Development, LLC c/o LJA Engineering, Inc.					
Address: 299 South Main Street, Alpharetta, Georgia 30009					
Phone: 770-855-2430			Email: cdurnwald@lja.com		
<p><i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Auburn Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Auburn Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.</i></p>					
Owner/Applicant Signature: 			Date: 6/21/24		
Sworn to and subscribed before me this 21st day of June , 20 24 .					
Notary Public 			Date:		
Application Received by:			Case Number:		
Application Fee: <input type="checkbox"/> \$450					
ZBOA Public Hearing Date:					





CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both the owner's and agent's certifications must be completed. If the owner is filing the application, only the owner's certification must be completed.

OWNER'S CERTIFICATION

The undersigned below, hereby declares that they are the owner(s) of the property, located at

Tax Parcel AV11 152

as shown in the records of Barrow or Gwinnett County, GA.


Signature

6.24.2024
Date

Appeared before me personally this 24th day of June, 2024.


Signature of Notary Public

6-24-24
Date





CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, the certifications below must be completed. If the owner is filing the application, only the owner's certification must be completed.

AGENT'S CERTIFICATION

The undersigned below, or as attached, is hereby authorized to make this application by the property owner for the property listed below and located at

Tax Parcel AU11 152
as shown in the records of Barrow or Gwinnett County, GA.

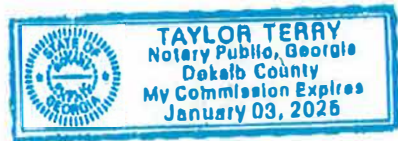
[Handwritten Signature]
Signature

6/21/24
Date

Appeared before me personally this 21st day of June, 2024.

[Handwritten Signature: Taylor Terry]
Signature of Notary Public

06.21.2024
Date





CONFLICT OF INTEREST DISCLOSURE

The undersigned below, making application for Rezoning, Special Exception, Special Use Permit, Variance, etc., has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant: [Signature] Signature of Owner: _____
Date: 6/21/24 Date: _____

Appeared before me personally this 21st day of June, 2024 Appeared before me personally this _____ day of _____, 20____.

Notary Public: [Signature] Notary Public: _____



My Commission Expires: 01-03-2025 My Commission Expires: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one) YES NO Your Name: Geoffrey Reid

Name and position of government official(s): _____

Date and amount (which aggregated \$250 or more) of the contribution(s): _____

Signature of Applicant: [Signature] Signature of Applicant's Attorney/Representative: [Signature]
Date: 6/21/24 Date: 6/21/24


CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both the owner's and agent's certifications must be completed. If the owner is filing the application, only the owner's certification must be completed.

OWNER'S CERTIFICATION

The undersigned below, hereby declares that they are the owner(s) of the property, located at

Tax Parcel A111 068B
as shown in the records of Barrow or Gwinnett County, GA.


Signature
DAVID J. SCHMIT, MGR
AUBURN DEVELOPMENT LLC

7.22.2024
Date

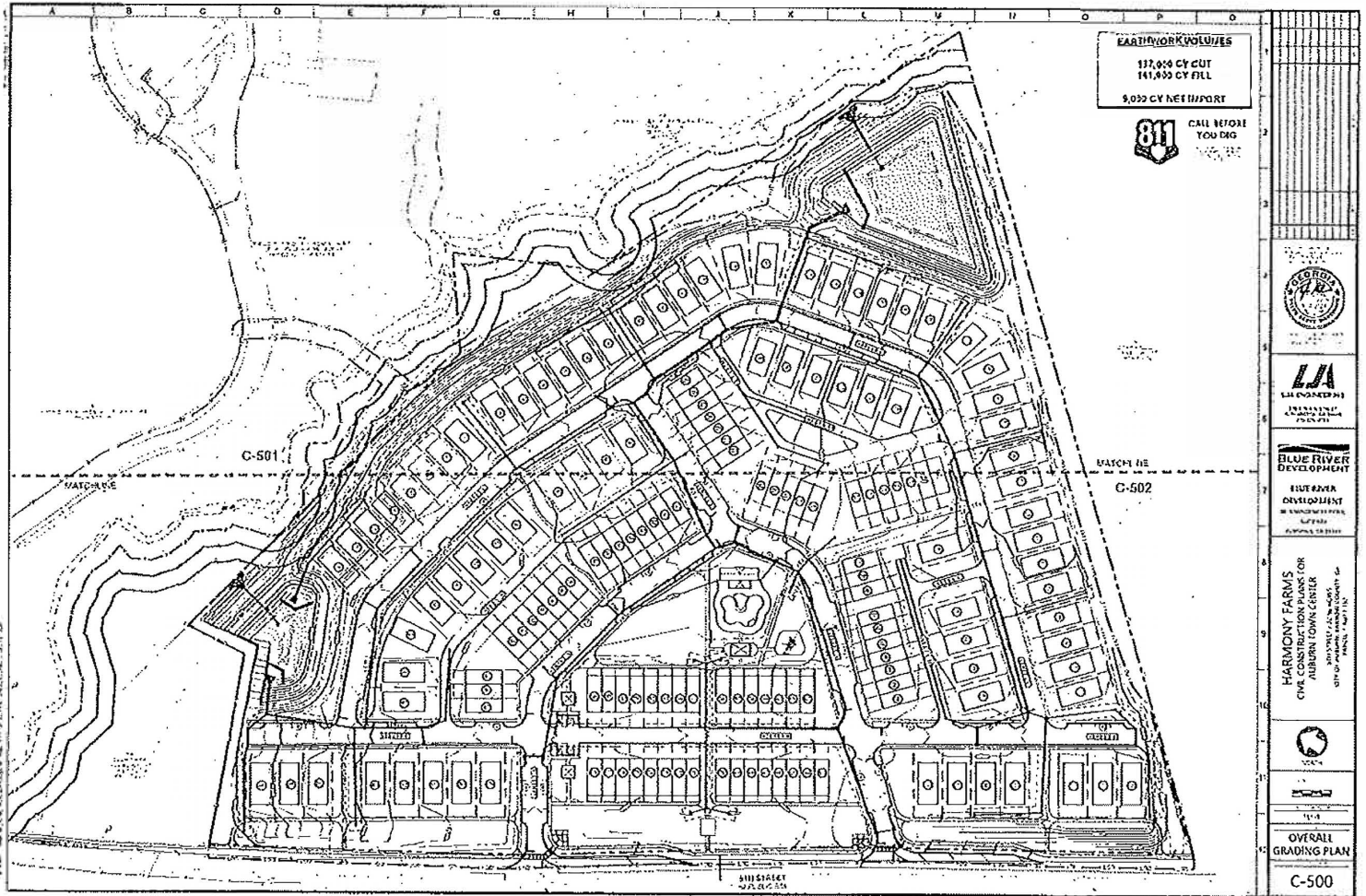
Appeared before me personally this 22nd day of July, 2024


Signature of Notary Public

7-22-24
Date

Exp. 2-7-26





EARTHWORK VOLUMES
 117,000 CY CUT
 141,000 CY FILL
 9,000 CY NET IMPORT



BLUE RIVER DEVELOPMENT
 SUBSEWER DEVELOPMENT
 10000 W. UNIVERSITY BLVD.
 SUITE 100
 AUBURN, ALABAMA 36830

HARMONY FARMS
 CIVIL CONSTRUCTION PLANS FOR
 AUBURN TOWN CENTER
 10000 W. UNIVERSITY BLVD., SUITE 100
 AUBURN, ALABAMA 36830



OVERALL GRADING PLAN

C-500

1/1
 LAWRENCEVILLE HIGHWAY
 PROPERTIES LLC
 PARCEL CA01 006
 DB 2109, PG 350
 PB 3, PG 232

PROPERTY LINE

25 FT STATE BUFFER

50 FT CITY BUFFER

75 FT CITY IMPERVIOUS SETBACK

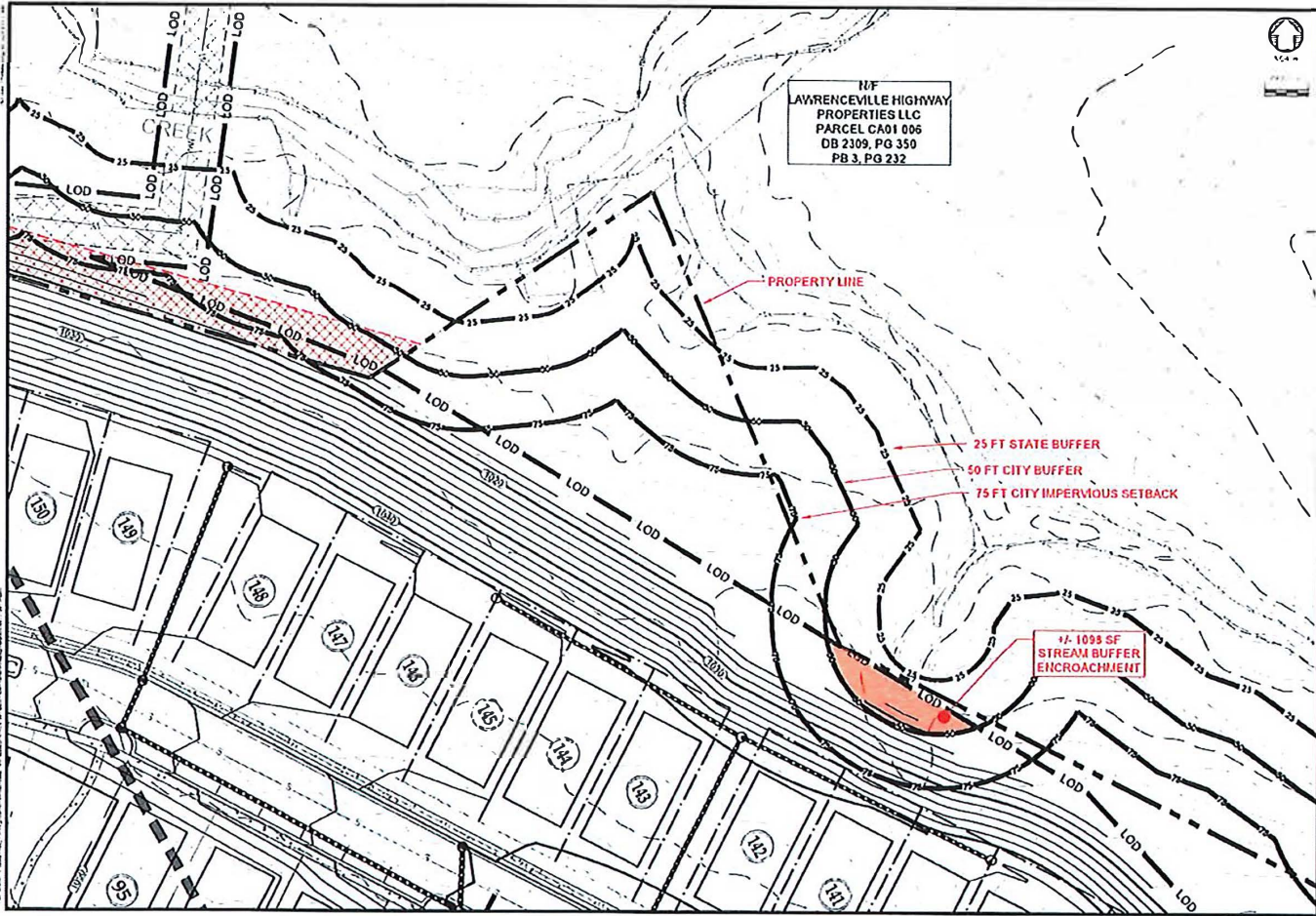
17,109 SF
 STREAM BUFFER
 ENCROACHMENT

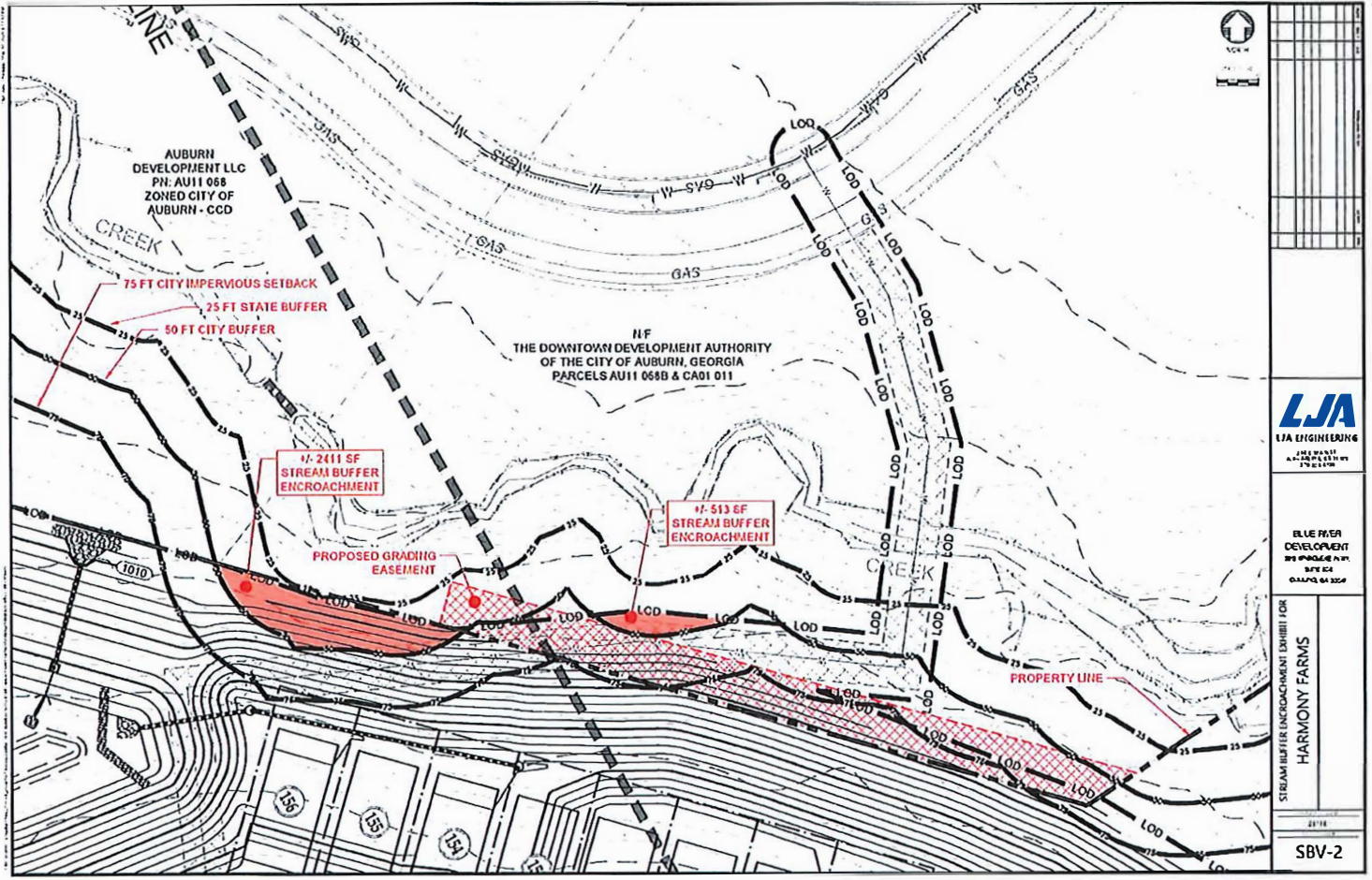


BLUE RIVER
 DEVELOPMENT
 2019 PRELIMINARY PLAN
 SITE 04
 QUANTITY BOOK

STREAM BUFFER ENCROACHMENT EXHIBIT FOR
 HARMONY FARMS

SBV-1





AUBURN
DEVELOPMENT LLC
PH: AU11 068
ZONED CITY OF
AUBURN - CCD

THE DOWNTOWN DEVELOPMENT AUTHORITY
OF THE CITY OF AUBURN, GEORGIA
PARCELS AU11 068B & CA01 011

17,241 SF
STREAM BUFFER
ENCROACHMENT

17,513 SF
STREAM BUFFER
ENCROACHMENT

PROPOSED GRADING
EASEMENT

PROPERTY LINE



BLUE PLYER
DEVELOPMENT
2000 BRANTLEY AVE
SUITE 200
AUBURN, GA 30817

STREAM BUFFER ENCROACHMENT EXHIBIT FOR
HARMONY FARMS

SBV-2