



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
June 12, 2024
6:00 pm 1
Auburn Way

Call to Order

Approval of the Minutes – March 13, 2024 amended

Approval of the Minutes - May 8, 2024

Approval of the Agenda

Old Business: Presented by Sarah McQuade, City Planner Tabled from May 8, 2024

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 widows required on the street-facing building facade between three feet and eight feet in height for the purpose of constructing six (6) town-homes, on a portion of 0 6th Street (Tax Parcel AU11 121 pt.).

Public Comments

Announcements

Adjournment



Mayor

Richard E. Roquemore

City Council

Robert L. Vogel III

Taylor Sisk

Jamie Bradley

Joshua Rowan

City Administrator

Michael E. Parks

Board of Zoning Appeals
Meeting Minutes
March 13, 2024

Meeting Operating Order was read by Sarah McQuade, City Planner
Meeting Called to order by Chairman Sewell

Staff- Motion to Approve March 13, 2024 Meeting Minutes. Motion, 2nd, vote-approved Staff-
Motion to Approve Agenda for May 8, 2024 motion-2nd, vote-approved

Old Business

1. Chairman Read Case: ZBA 23-006, application made by Chris Henderson to request a variance from Section 17.60.090(A) to permit an accessory building within the front yard and from Section 17.60.090(B) to permit more than one storage building on a residential property. located at 283 Fiddlers Trail, Auburn, Georgia 30011.

City Planner, Sarah McQuade gave a summary of the case being presented due to it being tabled on term shall & the clarification.

The applicant spoke on his behalf and there was nothing he needed to add that was any different from the meeting that was tabled on February 14, 2024.

Ms. Waldrip 292 Fieldview Dr. spoke in opposition. Did not feel like guidelines were followed.

Waldrip heir spoke in opposition.

Mr. Waldrip 292 Fieldview spoke in opposition of the building A& location

A letter from Ann Haven was read by Mr. Waldrip in opposition, no address was announced.

Maria Henderson spoke in rebuttal about the situation, she was unaware of the code for that building, she didn't have any problems before except for chickens & the coop in the back.

Motion had to be restated. *Motion on original request for Section 17.60.090 A, motion to deny, 2nd, approved.

Motion had to be restated to approve 17.60.090(B) granted 5 ft. variance from property line & secondary structure, paint to match & 60-day time period for the completion.

Building location was determined by the Barrow County Department of Environmental Health to avoid being placed on the homes septic system, rear yard either where existing building is or behind the fence in the rear left side.

Motion to adjourn, 2nd, all in favor. *



Mayor
Richard E. Roquemore

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

City Administrator
Michael E. Parks

Board of Zoning Appeals Meeting Minutes

May 8, 2024

Chairman welcomed everyone to the meeting.
Meeting Called to order by Chairman Sewell
Sarah McQuade, City Planner stated that meeting follows Roberts Rules of Order

Chairman asked for approval of items on the agenda, motion made, vote- all approved.
Chair asked for a motion to change the order of the cases specifically #2 ZBA 24-002 Buffer Variance 55 County Line-Auburn Rd to make it the 1st item, and Case ZBA 24-001 was moved to 2nd item, motion was made, vote, all approved.

Chair presented the 1st case ZBA 24-002

Chairman Read Case: 24-002, application made by Johl Kohl to request a variance from Section 17.110.060, to reduce the minimum buffer width from 75ft. to 15 ft. to permit a parking lot in the required buffer on a property located at 55 County Line-Auburn Rd., (Tax Parcel AU10 052). Zoned C-2.

Staff Sarah McQuade provided summary of the case to Board Members: The variance request for a reduction in the required buffer is the result of the proposed site layout for the church campus. The reduction in the buffer will allow for the parking area and building to be located on the northern two-thirds of the site, with the remaining third being utilized for the septic area and a sport field. The strict application of the zoning ordinance would not create an unnecessary hardship. However, the applicant would not be able to develop the site as proposed. Strict adherence to the buffer standards would likely result in the elimination of the playing field to accommodate the required parking spaces.

Applicant speaker was John Kohl, Kevin Goins and Pastor Joseph Cartey, 7th Day Adventist Church, Auburn GA, he had John Kohl applicant present with him & on the phone his architect. Pastor Cartey went over the details of Building the Church and why they are requesting the variance as stated above in staff report. The primary most important thing is that they have the soccer field so in the future that can have a school.

Board Member Gallagher asked if the current location had a septic. Board Member Jackson inquired on the Pecan Trees that are currently on the property, Pastor Cartey advised the trees would have to be removed because that is where the building will be going. Board member Riley inquired about tree buffering on property adjacent to the residential neighborhood. Members inquired about right turn in/right turn out, tree planting. Board Member Kelley inquired about the Education Building Pastor Cartey is speaking about the church would be open more than the Saturday morning & Wednesday evening, Pastor Carter stated this is not going to be a massive educational institution. Chairman spoke about the 2 driveway entrances; more discussion was heard. Chairman recommended that the northern driveway be closed.

Staff also advised Board Members that if approved there could be additional recommendations, Condition #1 is to install and maintain additional screening in the area of encroachment and provide either a berm or tire

Condition #2 provides supplemental planting along the entirety of the required buffer equal to that of the encroachment.

Condition #3 is right in right out.

Motion was made to approve with the additional contingencies, 2nd, vote all in favor.

Chairman overlooked the minute approval from last meeting to amend the minutes of the last meeting to include the requirement set forth by the Environmental Health and Code enforcement. Motion to make said adjustments, vote, 2nd, approved.

Chairman called next 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.).

Chairman recused himself from the hearing due to statements he has made publicly in the past. The meeting was turned over to Co-Chair Jackson.

Jackson asked Staff Sarah McQuade to provide a summary.

Staff presented request relief from standard found within the Ordinance in the Auburn Downtown Overlay District that requires a minimum of 75% percent of the street facing building façade between 3 and 8 feet in height to be comprised of clear windows, the applicant had submitted an application for review per the requirements of the ADOD and went before the Planning and Zoning Commission to seek that site plan approval. As part of that process, it was determined that the applicant did not meet that code requirement of the downtown overlay district specifically related to this requirement. As a result, it was tabled during the Planning Commission hearings so that the applicant could come before the Zoning Board of Appeals to seek the variance before coming back to the Planning Commission.

Applicant representative Attorney Stanton Porter 73 Church St., Winder spoke on behalf of the applicant Sullins Engineering. The representative gave out a few code sections that he wanted the board to look at. Tract 1 (back part of the property). The applicant is seeking to develop 6 townhomes and wants a variance from the glass requirement.

Public opposition comment made by Robert Yoe about the trees on the property, neighbor property owner Alyssa Knaut 1 main concern is about the small set back does not make sense to the set back & does not fit in with the character of street. Also, wouldn't allow for future sidewalk or trees that are shown on the concept plan. Sylvia Barber also spoke on opposition of the townhomes, specifically in regards of this type of development since there is a Commercial Property facing Atlanta Hwy tract 2.

Stanton Porter addressed the opposition comments of the citizens regarding their concern that the 2nd tract would not be developed into Commercial property they would include that if they could get the variance approved. The trees have been surveyed and only 1 is identified as a specimen tree and it would have to be removed.

Representative went back to the case at hand which is only for the variance approval from the glass requirement.

Board members asked their questions of the applicant and his representative. Stanton Porter answered their questions.

Staff Sarah McQuade said that the board could entertain a motion to table that the board understands that a variance would still be needed before they make a final vote.

Staff also wanted to note that the Applicant will have to go back to the Planning Commission for site layout, architectural renderings and landscaping design approval.

Co-chair stated there are 3 options: to table, make a motion to approve the variance or deny the request. Motion was made by Member Riley to table for now to get some percentages for street facing, also to get a mockup of a rear loaded garage would look like and to also do research to find out would this benefit the situation.

Motion was made to table as the plan is proposed as is by Member Riley, 2nd was made all in favor, vote passed.

Motion was made to adjourn, 2nd, all in favor.



COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF AUBURN
1369 FOURTH AVENUE
AUBURN, GA 30011
PHONE: 770-963-4002
www.cityofauburn-ga.org

MEMORANDUM

TO: Zoning Board of Appeals Members
FROM: Sarah McQuade, City Planner
DATE: June 3, 2024
RE: ZBA 24001 – Additional application material

Dear Zoning Board of Appeals Members,

During the May 8, 2024, meeting, the Zoning Board of Appeals voted to table the application (ZBA 24001) until the next regularly scheduled meeting so the applicant could provide updated application materials for consideration and review. Specifically, the board members requested the applicant provide the percentage windows that will make up the first floor of the townhome development, updated renderings showing the proposed façade, and an updated site plan showing the proposed development with a rear loaded site design.

The applicant has submitted the following items for further consideration:

1. 2024-05-20 6th Street Auburn Front Garage Entry Plan window percentage *(Word Document)*
 - a. *In the proposed front entry garage plan the windows comprise **24%** of the street facing façade.*
2. 2024-05-20 6th Street Auburn Rear Garage Entry Plan window percentage *(Word Document)*
 - a. *In the proposed rear entry garage plan the windows comprise **71%** of the street facing façade.*
3. Auburn Level Front *(PDF)*
 - a. *The updated rendering does not provide information regarding the architectural materials or how the proposed product meets the architectural intent of the architectural requirements of the Auburn Downtown Overlay District standards.*

CC: Mayor and Members of City Council
Michael Parks
Jack Wilson

6th Street Auburn Front Garage Entry Plan

Window area of street-facing façade between three feet and eight feet above finished floor elevation.

Auburn Ordinance 17.91.050-Development standards; 2.(b.)(i.)

A minimum of seventy-five percent of the street-facing building façade between three and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

Each dwelling has a width of 26', so the total area for the area for windows to be compared to is, **130** square feet($26 \times 5 = 130$).

The overhead garage door is 16 feet wide, and has a row of glass panels with a height of 1.3 feet. The overhead door contributes **20.8** square feet to requirement noted above.

The front door has two glass panels 1 foot wide each, the sidelight is .83 feet wide. All three of these panels have a height of 3.5 feet within the 3 feet to eight feet height area. The door unit contributes **9.9** square feet to the above noted requirement($3.5 \times 2.83 = 9.91$).

Total window area within three to eight in height is **30.7** square feet($20.8 + 9.9 = 30.7$).

The windows comprise **24%** of the street facing façade in this plan($30.7/130 = .24$).

6th Street Auburn Rear Garage Entry Plan

Window area of street-facing façade between three feet and eight feet above finished floor elevation.

Auburn Ordinance 17.91.050-Development standards; 2.(b.)(i.)

A minimum of seventy-five percent of the street-facing building façade between three and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

Each dwelling has a width of 26', so the total area for the area for windows to be compared to is, **130** square feet($26 \times 5 = 130$).

The triple window unit is 9.42 feet wide and covers the full area between three feet and eight feet in height. This window contributes **47.1** square feet to the requirement noted above($9.42 \times 5 = 47.1$).

The double window unit is 6.46 feet wide and covers the full area between three feet and eight feet in height. This window contributes **32.3** square feet to the requirement noted above($6.46 \times 5 = 32.3$).

The transom over the front door is 4.13 feet wide and .83 feet tall. The transom contributes **3.4** square feet to the requirement noted above.

The front unit door has two glass panels 1 foot wide each, the sidelight is .83 feet wide. All three of these panels have a height of 3.5 feet within the 3 feet to eight feet height area. The front door unit contributes **9.9** square feet to the above noted requirement($3.5 \times 2.83 = 9.91$).

Total window area within three to eight in height is **92.7** square feet($47.1+32.3+3.4+9.9=92.7$).

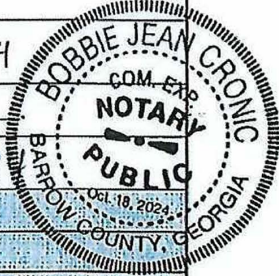
The windows comprise **71%** of the street facing façade in this plan($92.7/130 = .71$).



Zoning/Special
Exception

VARIANCE APPLICATION

| | | | | | |
|---|---|---|--|--|---|
| Type of Request: | <input type="checkbox"/> Zoning/Special Exception | <input type="checkbox"/> Administrative | <input type="checkbox"/> Sign | <input type="checkbox"/> Stream Buffer | <input checked="" type="checkbox"/> Other |
| Applicable Zoning/Sign Code Section: <i>Variance from Sec. 17.91.050(2)(b)(i)</i> | | | | | |
| Nature of Request: | Required | Proposed | Minimum Setback Requirements | Proposed Setback Requirements | |
| <input type="checkbox"/> Setback | | | | | |
| <input type="checkbox"/> Sign | | | | | |
| <input type="checkbox"/> # Parking Spaces | | | | | |
| <input checked="" type="checkbox"/> Other | <i>75% Windows</i> | <i>Not applicable</i> | <i>—</i> | <i>—</i> | |
| Name of Project/Subdivision: <i>2.02AC tract on 6th St.</i> | | | Present Zoning: <i>Downtown/Overky</i> | | |
| Property Address/Location: <i>2.02AC tract on 6th St.</i> | | | Tax Parcel ID: <i>AU11 121</i> | | |
| Briefly describe variance request: <i>This code section is geared towards commercial developments and this particular portion of this overall tract will be residential. See the letter of intent.</i> | | | | | |
| Owner Name: <i>HBC Investments LLC (Amber Halper)</i> | | | | | |
| Address: <i>5615 Golf Club Drive, Braselton GA 30517</i> | | | | | |
| Phone: <i>267-971-5662</i> | | | Email: | | |
| Applicant Name (if different from above): <i>Sullins Engineering LLC</i> | | | | | |
| Address: <i>302 W. May St, Winder GA 30680</i> | | | | | |
| Phone: <i>706-773-3849</i> | | | Email: <i>JAKE SULLINS@GMAIL.COM</i> | | |
| <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> | | | | | |
| Owner/Applicant Signature: <i>[Signature]</i> | | | Date: <i>3-8-24</i> | | |
| Sworn to and subscribed before me this <i>8</i> day of <i>MARCH</i> , 20 <i>24</i> | | | | | |
| Notary Public: <i>Bobbie Jean Cronic</i> | | | Date: <i>3-8-24</i> | | |
| 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, 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

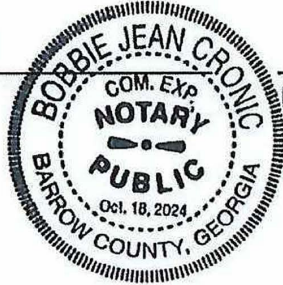
Parcel AU11 121
as shown in the records of Barrow or Gwinnett County, GA.

[Handwritten Signature]
Signature

3-8-24
Date

Appeared before me personally this 8th day of MARCH, 2024.

[Handwritten Signature]
Signature of Notary Public



3-8-2024
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.

Amber Halper

Signature of Applicant

3/4/24

Date

Amber Halper

Signature of Owner

3/4/24

Date

Appeared before me personally this

4th day of MARCH

Appeared before me personally this

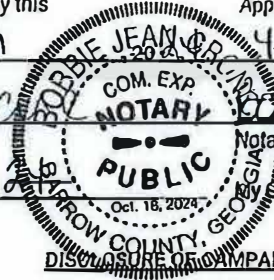
4th day of MARCH

Robbie Jean Cronin
Notary Public

Robbie Jean Cronin
Notary Public

My Commission Expires: 10-24

Commission Expires: 10-24



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: Amber Halper

Name and position of government official(s): N/A

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

Amber Halper

Signature of Applicant

Date: 3/4/24

J. Williams (Sullins Engineering LLC)

Signature of Applicant's Attorney/Representative

Date: 3/4/24



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

6th Street Parcel A111 121

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

[Signature]
Signature

3/4/24
Date

Appeared before me personally this 4th day of March, 2024

[Signature]
Signature of Notary Public

3-4-24
Date





302 West May Street, Winder, GA 30680 * matt@sullinsengineering.com * 706-773-3849

March 8, 2024

RE: Application for a Variance for Parcel AU11 121 in City of Auburn

Letter of Intent

I am writing on behalf of HBC Investments LLC, the owner, to formally request applications for a variance for the above-referenced property, seeking relief from Sec. 17.91.050(2)(b)(i). This property, spanning 2.02 acres, is situated within the Auburn Downtown Overlay District and boasts road frontage along 6th Ave, 6th Street, and Atlanta Highway. Our proposed development divides this parcel into two tracts: tract one (0.59 acres) accommodating six fee-simple townhome units, and tract two (1.36 acres) designated for a commercial drive-through restaurant, as supported by the Auburn Downtown Overlay District.

Sec. 17.91.050(2)(b)(i) stipulates that a minimum of seventy-five percent of the street-facing building facade, between three feet and eight feet in height, must comprise clear windows allowing views of indoor space or product display areas.

It is evident that this code section is primarily directed towards commercial retail or restaurant developments. No private residential house typically has such extensive visibility to the interior, and there is usually a maximum window coverage limit significantly lower than seventy-five percent. For instance, the city of Window mandates window coverage on residential structures to range between a minimum of ten percent and a maximum of fifty percent. While townhomes are a supported use in the Auburn

Downtown Overlay District, they would be unable to conform to this window subsection in a typical manner.

We believe our application meets the criteria outlined in Auburn's Zoning Board of Appeals Sec. 17.150.060(A)(3), specifically as follows:

(a), Our property's location within the Auburn Downtown Overlay District introduces unique challenges due to the district's purpose of promoting new infill residential and nonresidential development in a planned format. The requirements imposed by the overlay district, coupled with the irregular shape and topography of our property, make strict adherence to the window requirement impractical and hinder the development of residential units.

(b), Strict application of the zoning code's window requirement would impose undue hardship on our development plans, hindering the feasibility of the townhome units.

(c), The unique characteristics of our property, including its location within the Auburn Downtown Overlay District and its size, contribute to the specific challenges we face in meeting the window requirement.

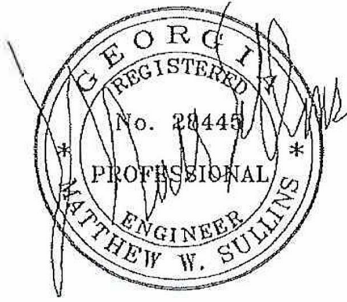
(d), The conditions leading to the hardship are inherent to the property and not the result of any actions taken by HBC Investments LLC.

(e), Granting relief from the window requirement would not detract from the overall objectives of the zoning regulations or negatively impact public welfare.

Thank you for considering our request. We are prepared to provide any additional information or clarification required.

Sincerely,

Matthew Sullins



GA Registration No. 28445



April 15, 2024

Subject: Townhomes, 6th St, Auburn, GA – Parcel AU11 121
AMT, P.C Project No. 23201

To Whom It may concern:

I have reviewed the elevations that I have drawn for the proposed townhomes that will be located at 6th Street, Auburn, GA 30011. As an architect for over 40 years, I contend that the proposed exterior of these townhomes clearly represents a Craftsman style of architecture. The use of board & batten siding with cedar shake accents exterior and some heavy timber gable accents all fit what is commonly thought of as Craftsman style. Also, the use of double hung windows with the top sash having 2/2 lites in conjunction with closed board and batten shutters is classic Craftsman detailing. I have also proposed a classic “carriage house” garage door which carries through the theme of Craftsman architecture. Finally, the use of gabled and shed roof porches with simple square columns and a standing seam metal roof further reinforces the traditional Craftsman style that your community guidelines require.

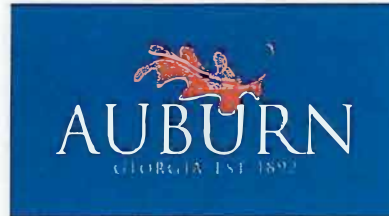
I would be most happy to have a meeting to further discuss this matter and to understand any other features that might be interpreted by your city guidelines that I could possibly incorporate on the front elevations of these townhomes.

Most sincerely,
Armentrout Matheny Thurmond, P.C.

David Matheny, AIA
Principal Architect

PLANS FOR ADMINISTRATIVE REVIEW "AUBURN DOWNTOWN OVERLAY DISTRICT"

| DATE | BY |
|---------|----------------|
| 1/27/11 | PLANNING DEPT. |
| | |
| | |
| | |



TOTAL AREA PROJECT: 1.95 ACRES
TRACT 1 - 0.59 AC.
TRACT 2 - 1.36 AC.

OWNER / DEVELOPER:
HBC INVESTMENTS, LLC
5615 GOLF CLUB DRIVE
BRASELTON, GA 30517
CHRIS AND AMBER HALPER
#267-971-5662

SHEET INDEX:

1. COVER SHEET
2. SITE PLAN
3. ARCHITECTURAL - A100
4. ARCHITECTURAL - A200
5. ARCHITECTURAL - A201
6. LANDSCAPE PLAN
7. TREE INVENTORY & ANALYSIS

FUNDING: PRIVATE



DESIGNED BY:

 **Sullins
Engineering, LLC**
302 WEST HAY STREET
MILLEDGEVILLE, GA 30680
PHONE: (678) 667-6219
CONTACT: MATTHEW SULLINS
CIVIL ENGINEERS ~ LAND PLANNERS

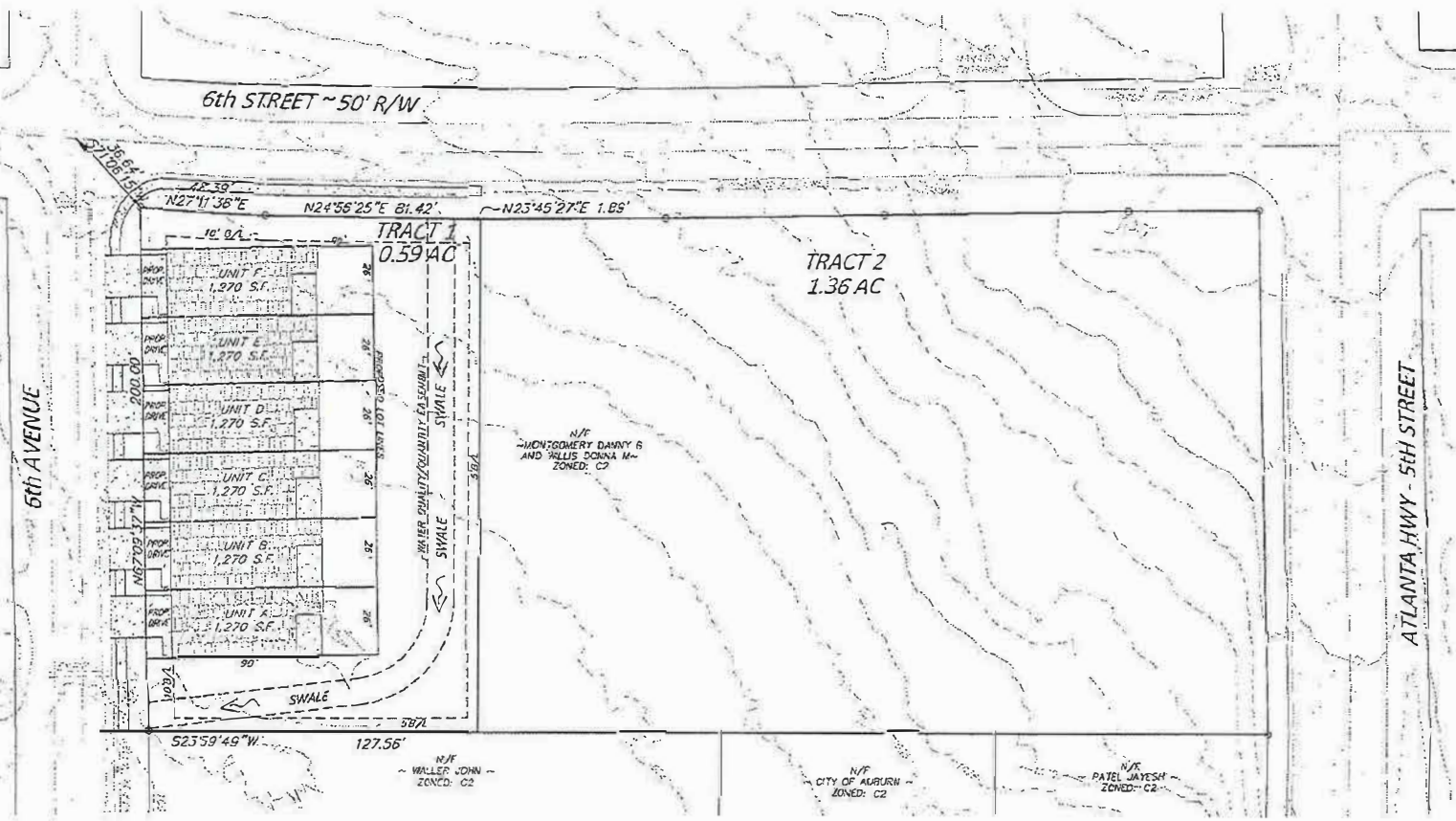
NARRATIVE:
 Tract 1 and Tract 2 to be split off and recorded. Once completed, Tract 1 will have the above proposed landscape development. Each townhome to be 3 1/2' over height approximately 20'00" with the remaining of room space high to be considered to monitor room above and water quality/quantity element.

- NOTES:**
- 1) PROJECT SITE IS PART OF THE AUBURN DOWNTOWN OVERLAY DISTRICT.
 - 2) THIS REVIEW IS ONLY FOR TRACT 1 (0.52AC)
 - 3) 6 TOTAL TOWNHOMES (DENSITY 1011 D015/AC)
 - 4) WATER PROVIDED BY THE CITY OF AUBURN
 - 5) SEWER PROVIDED BY THE CITY OF AUBURN
 - 6) TOWNHOMES SHALL COMPLY WITH THE DEVELOPMENT REQUIREMENTS OF SECTION 1751.020 - DEVELOPMENT STANDARDS
 - 7) TOWNHOMES SHALL COMPLY WITH THE OVERLAY COLOR PALETTE

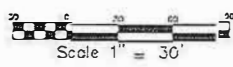
ADDITIONAL SETBACKS:
 FRONT: 10' FROM R/W OF ROAD
 SIDE: 5' FROM PROPERTY LINES
 REAR: 5' FROM PROPERTY LINES

- REFERENCE:**
- 1) SURVEY FOR DD-LLC BY M.T. QUINN AND ASSOCIATES, 12/14/17
 - 2) MGA 1090

TOTAL AREA 1.95 ACRES



- LEGEND**
- DNV - DRAINAGE
 - CP - CENTERLINE
 - M.M. - MANHOLE
 - EL - ELEVATION
 - LP - LIGHT POLE
 - HT - HATCH LINE
 - P - PROPERTY LINE
 - R/W - RIGHT OF WAY
 - BS - IRON PIN SET (1/2" O.D. 18")
 - RF - IRON PIN FOUND (1/2" REBAR)



OWNER / DEVELOPER:
 MONTGOMERY DANNY B
 WILLIS DONNA M AND
 FLYNN WAYNE BRENDAN
 13225 101ST ST LOT 164
 LARGO, FL 33773



| DATE | REVISION |
|------|----------|
| | |
| | |
| | |

ALL TOWNHOMES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF AUBURN DEVELOPMENT STANDARDS AND THE OVERLAY DISTRICT REQUIREMENTS. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUBURN. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO SUCH UTILITIES. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO SUCH TREES. THE DEVELOPER SHALL MAINTAIN ALL EXISTING LANDSCAPE AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO SUCH LANDSCAPE. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO SUCH UTILITIES.

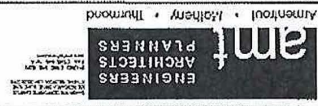
302 WEST WAY STREET
 AUBURN, AL 36830
Sullins Engineering, LLC
 CONTACT: MATTHEW SULLINS
 CIVIL ENGINEER - LAND PLANNERS

SITE PLAN PER
1335 6th STREET TOWNHOMES
 PERIOD: 10/11/17 TO 10/23/17
 PROJECT: 17000000000000000000

STATE OF GEORGIA
 DEPARTMENT OF REVENUE
 DIVISION OF REVENUE SERVICES
 DATE: 10/11/17
 TIME: 10:00 AM
 SHEET 2

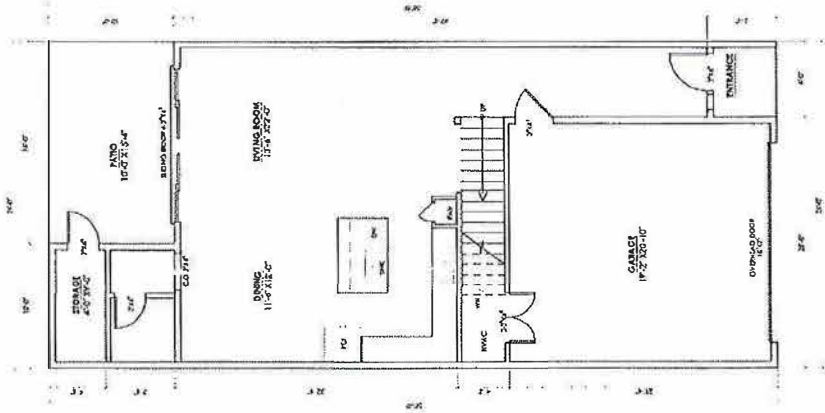
NO. 100
 A100

TOWNHOUSE
 1335 6TH STREET
 AUBURN, GA 30011

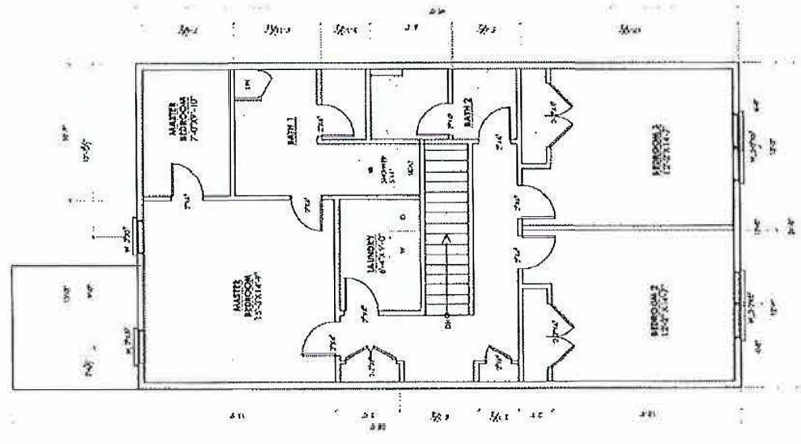


REVISIONS
 NO. 1
 DATE 10/20/11
 BY JSC
 DESCRIPTION
 REVISIONS

FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



THIS SET OF DRAWINGS IS PROVIDED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE.

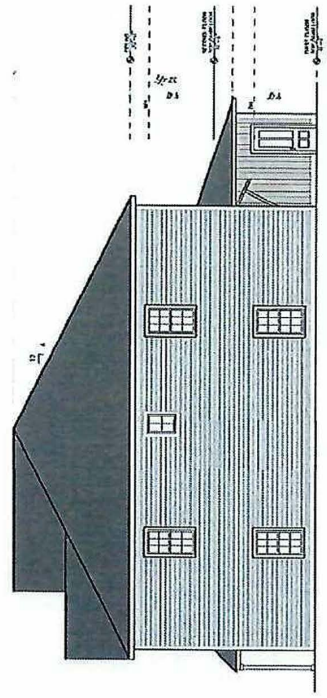
REVISIONS
A201

TOWNHOUSE
1335 6TH STREET
AUBURN, GA 30011

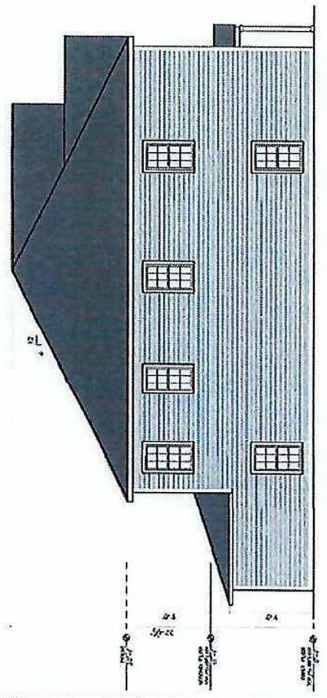
am
ARCHITECTS
PLANNERS
Amenhoff • Kolhny • Thumond

REVISIONS
NO. DATE BY
1 08/11/10 J. BROWN
2 08/11/10 J. BROWN
3 08/11/10 J. BROWN
4 08/11/10 J. BROWN
5 08/11/10 J. BROWN
6 08/11/10 J. BROWN
7 08/11/10 J. BROWN
8 08/11/10 J. BROWN
9 08/11/10 J. BROWN
10 08/11/10 J. BROWN

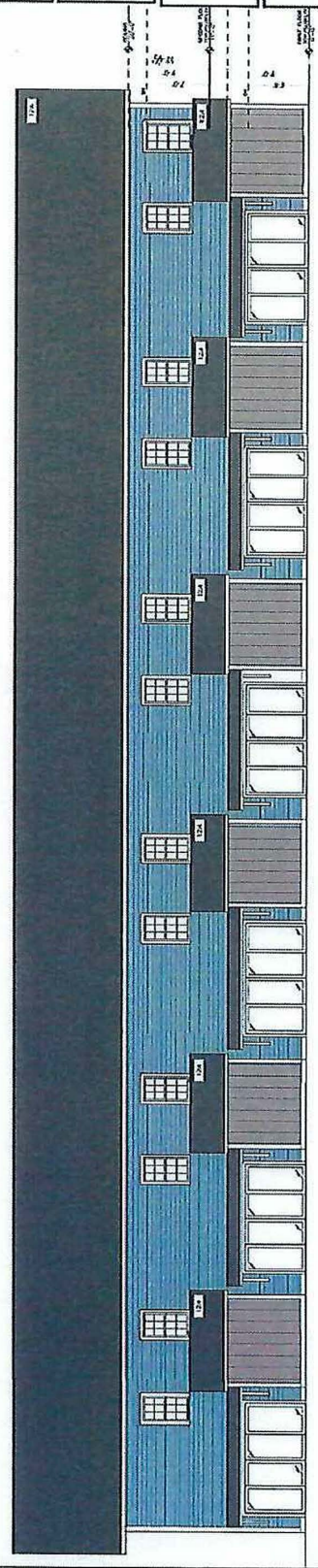
RIGHT SIDE ELEVATION (1)
SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION (2)
SCALE: 1/8" = 1'-0"



REAR ELEVATION (3)
SCALE: 1/8" = 1'-0"

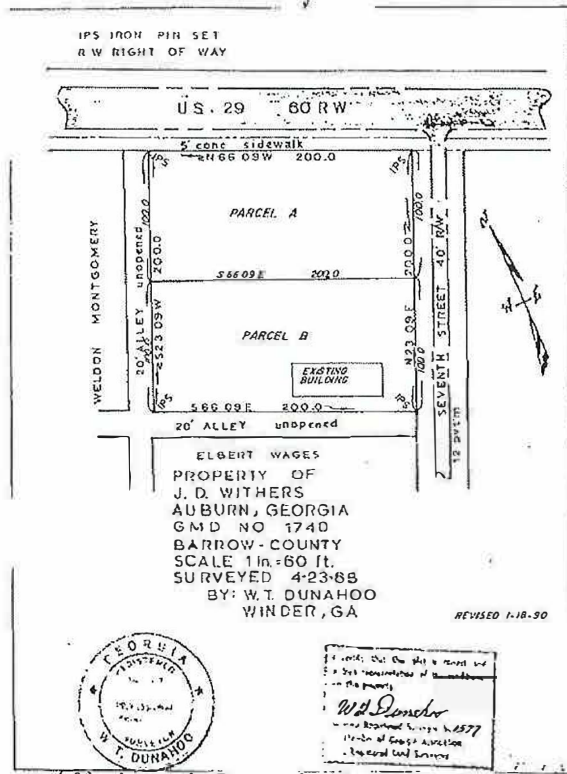


THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION AND IS THE PROPERTY OF AMENHOFF KOLHNY THUMOND ARCHITECTS PLANNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF AMENHOFF KOLHNY THUMOND ARCHITECTS PLANNERS IS STRICTLY PROHIBITED.

All that tract or parcel of land lying and being in GMD 1740, City of Auburn, Barrow County, Georgia, containing 1.95 acres, and more particularly described on that Survey For "CB-4 L.L.C." dated December 19, 2022, prepared by W.T. Dunahoo, Georgia Registered Surveyor Number 1577, and more particularly described as follows:

To find the true point of beginning, begin at an iron pin set at the intersection on the northern right of way of 6th Avenue (50' right of way) with the eastern right of way of 6th Street (50' right of way), this being the true point of beginning.

From the point of beginning thus established, and going along the right of way of 6th Street north 27 degrees 11 minutes 38 seconds east a distance of 48.39 feet to a point; thence north 24 degrees 56 minutes 25 seconds east a distance of 81.42 feet to a point; thence north 23 degrees 45 minutes 27 seconds east a distance of 72.29 feet to a point; thence north 22 degrees 59 minutes 09 seconds east a distance of 84.56 feet to a point; thence north 22 degrees 53 minutes 21 seconds east a distance of 93.96 feet to a point; thence north 23 degrees 31 minutes 38 seconds east a distance of 49.50 feet to an iron pin set on the southern right of way of Atlanta Hwy NW (60' right of way); thence along the right of way of Atlanta Hwy NW south 67 degrees 26 minutes 38 seconds east a distance of 200.00 feet to an iron pin set; thence leaving the right of way of Atlanta Hwy NW and going south 23 degrees 59 minutes 49 seconds west a distance of 430.99 feet to an iron pin set on the northern right of way of 6th Avenue; thence along the right of way of 6th Avenue north 67 degrees 09 minutes 37 seconds west a distance of 200.00 feet to an iron pin set and the true point of beginning.



Filed and Recorded January 24, 1990

**CITY OF AUBURN STAFF REPORT
ZONING BOARD OF APPEALS**

ApplicantJakob Sullins – Sullins Engineering, LLC
Owner(s)HBC Investments, LLC
ContactJakob Sullins
Present ZoningGeneral Commercial (C-2) and Downtown Overlay
RequestRelief from Section 17.91.050(2)(b)(i) requiring a minimum 75% of the street-facing building façade between three feet and eight feet in height be comprised of clear windows
Tax ParcelsAU11 121
Acreage±2.02
Proposed DevelopmentSix fee-simple townhomes

Project Data

The applicant is requesting relief from Section 17.91.050(2)(b)(i), which requires a minimum of 75% of all street-facing building facades between three feet and eight feet be comprised of clear windows to allow views of indoor space or product display areas.

The applicant has requested relief from this standard as part of the review process required by the Auburn Downtown Overlay District (ADOD) ordinance, Section 17.91.050. The applicant is proposing to develop 0.59-acres of the 1.95-acre parcel with six (6) single-family attached townhome units. The second lot is proposed to be 1.36-acres and the applicant did not provide any development plans for that proposed lot.

The proposed townhomes will be oriented towards 6th Avenue and are proposed to be 26 feet in width and approximately 60 feet in depth. The application materials state that the townhomes are proposed to be subdivided into six (6) fee-simple lots that will be 26 feet in width and 90 feet in depth (2,340 square feet / 0.054 acres). The townhomes will be front loaded with driveways accessing 6th Avenue.

Existing Land Use:

The subject parcel, (AU11 121), is 1.95-acre in size and falls within the Downtown Overlay District, Section 17.91. The parcel is undeveloped, mostly wooded, and has road frontage on 6th Street, 6th Avenue, and 5th Avenue / Atlanta Highway.

This property contained an abandoned single-family home at the corner of 6th Street and Atlanta Highway. The abandoned structure was demolished in 2017 and the only portion of the lot that is not wooded is the area where the previous structure existed.

The two parcels to the west along 6th Street consist of a single-family home and a Marathon gas station that also has frontage on Atlanta Highway.

To the east, there are four parcels with two of those parcels being vacant. There is one single-family home and the J.D. Withers Building on the last parcel.

Comprehensive Plan Future Land Use:

The future land use designation of the Comprehensive Plan identifies the parcel as General Commercial. The General Commercial future land use anticipates commercial uses which require a location accessible to large numbers of people and that serve substantial portions of the community. Typically situated along major roads and thoroughfares. Includes civic space.

Wetlands, Streams, and Floodplain

There are no wetlands, streams, or floodplain located on the property.

Development Review

The development shall be subject to the regulations described in The Auburn Georgia Municipal Code and apply to and provide guidance for the development of lands within the incorporated areas of the city.

Approval of an erosion control plan from the Georgia Soil and Water Conservation Commission is required prior to land disturbance activity.

Approval of sewer plans from Barrow County Wastewater Department required, if any modifications to the existing system is necessary.

Approval of site plans from Barrow County Fire Marshal required.

Transportation

No traffic study was conducted as part of this application.

Zoning Analysis

Per Section 17.91.030, the purpose of the Auburn Downtown Overlay District (ADOD) is to foster a strong viable downtown as a commercial, civic, residential, and cultural art center with its own unique identity and to provide a mechanism to establish special land use regulations, standards, or procedures in a defined area with unique land use, site planning, building design, or environmental resource issues.

Section 17.91.070, states that the planning commission shall review each application for compliance with all requirements of the Auburn Downtown Overlay District. The commission and the city planner will evaluate whether the proposed improvements, additions, or modifications adhere to the Downtown Overlay District regulations and design requirements. Upon decision by the commission that said plans comply with the requirements of the Auburn Downtown Overlay District, the applicant shall then be able to apply for a building permit.

The site plan has been reviewed for compliance with the requirements of the Auburn Downtown Overlay District (17.91) and staff has identified the following deficiencies:

- Facade Design [17.91.050(2)]:
 - Front, side, and rear façade style shall be in accordance with one of the following architectural styles: Victorian, Arts and Crafts (Craftsman), or Art Deco. These styles contribute to the historic nature of the downtown area. [17.91.050(2)(a)]
 - The submitted architectural renderings are not in accordance with the above referenced styles. *See supplemental memo from CPL in relation to the architectural renderings submitted as part of this request [Note: this memo is forthcoming].*
 - A minimum of seventy-five percent of the street-facing building façade between three feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas. [17.91.050(2)(b)(i)]
 - The submitted architectural renderings do not appear to meet this requirement.

Variance Analysis

Per the requirements of Section 17.150.060, powers of the zoning board of appeals (ZBA), the ZBA may authorize such variances from the terms of this zoning title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this zoning title shall be observed, public safety and welfare secured and substantial justice done. The variances may be granted in the individual cases of unnecessary hardship upon a finding by the zoning board of appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;**
There does not appear to be any extraordinary or exceptional condition(s) pertaining to this particular property in question due to size, shape, or topography of the lot.
- b. **The application of this title to this particular piece of property would create an unnecessary hardship;**
The strict application of Section 17.91.050(2)(b)(i) would not create an unnecessary hardship. It is not common for residential development to have 75% clear windows on the front façade between three and eight feet. However, it does appear that the intent of the Downtown Overlay District is to have commercial spaces along the frontage of streets within the overlay with ground level retail beneath residential spaces.
- c. **Said conditions are peculiar to the particular piece of property involved;**
These conditions are not peculiar to this particular piece of property, as these conditions are applied to all properties within the Downtown Overlay District. This is the first such application for a new residential use within the ADOD.

- d. **Said conditions are not the result of any actions of the property owner; and**
These conditions are a direct result of the applicant/property owner's desire to have townhomes fronting 6th Avenue within the Downtown Overlay District.

- e. **Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this title.**
Relief, if granted, would not cause substantial detriment to the public good. However, if granted, it would impair the purpose and intent of the Downtown Overlay District development standards.

Staff Recommendation

Staff recommends DENIAL of the variance request from Section 17.91.050(2)(b)(i) because the application fails to establish that an unnecessary hardship has been imposed upon the development as a result of the requirements of the Auburn Downtown Overlay District standards (Section 17.91)