

City of Sugar Hill
Planning Staff Report
VAR 16-005



DATE: June 27, 2016
TO: Mayor and City Council
FROM: Planning Director *KA*
SUBJECT: Variance Request VAR 16-005 | Stream Buffer Variance

RECOMMENDED ACTION

Denial.

ISSUE The City of Sugar Hill received an application dated April 28, 2016 from Geoffrey Berrios requesting relief from the Stream Buffer Protection Ordinance to construct a 10' X 14' storage shed, retaining walls, pavers, stone stairs, and fire pit at his home located at 227 Woods Creek Drive.

DISCUSSION

- Proposed encroachment into the State's 25' undisturbed buffer, City's 50' undisturbed buffer, and City's 75' impervious setback for installation of a 10' X 14 storage shed, retaining walls, pavers, fire pit, and a fence.
 - Within the States' 25' undisturbed: portion of the shed, pavers, and fence. The City does not have the authority to grant a variance to encroach upon this state buffer with the shed and pavers.
 - Within the City's 50' undisturbed Buffer: shed, pavers, fire pit, retaining walls, stone stairs, and fence.
 - Within the City's 75' non-Impervious setback: retaining walls, stone stairs, and fence.
- The request does not meet the criteria for a variance.

BACKGROUND

Applicant / Owner: Geoffrey Berrios
Existing Zoning: Medium Density Single-Family Residential (RS-100) Subdivision
Request: To construct a 10' X 14' Storage Shed.

Purpose: Accessory Use
Property Size: ± 0.27 Acres
Location: 227 Woods Creek Drive, Tax Parcel #7-254-190
Public Notice: Sign Posted on 5/26/16. Ad in Gwinnett Daily Post on 5/26/16.

FINDINGS OF FACT

The property in question is the site of a single-family home in the Roberts Landing subdivision, zoned Medium Density Single-Family Residential (RS-100).

The lot in question includes a creek, which is protected by the State's 25' undisturbed buffer, City's 50' undisturbed buffer, and City's 75' impervious setback. The applicant proposes to encroach upon all three buffers to construct a 10' X 14' Storage Building, retaining walls, pavers, stone stairs, and fire pit.

VARIANCE CRITERIA (Stream Buffer Protection Ordinance, Section 4.2.4):

The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

The stream bank is heavily wooded and drops off steeply from the bank shoulder.

The locations of all streams on the property, including along property boundaries as determined from field inspection;

The stream bank lies within the boundaries of the parcel in question.

The location and extent of the proposed buffer or setback intrusion;

The shed and pavers will include 486 square feet within the 25' city and 25' state undisturbed buffers. In addition, the stairs will be approximately 100 square feet within the 25' city buffer and 25' non-impervious buffer. The fence will encroach upon approximately 200 linear ft. of all three buffers, and the retaining walls will encroach upon approximately 120 linear feet of non-impervious and city buffers. The existing house was built outside of the buffer; therefore, the property is usable without the variance.

Whether alternative designs are possible which require less intrusion or no intrusion;

The applicant indicates that the shed could not be located elsewhere due to the topography of the lot; however, it appears the shed could be located on the upper portion of the lot nearer to the house or that the fire pit and shed could be located within the 25' non-impervious buffer rather than within the two buffers closer to the stream.

The long-term and construction water-quality impacts of the proposed variance;

The applicant did not provide such a study, but disruption of the stream buffer could potentially impact water quality by reducing the groundwater recharge area.

Whether issuance of the variance is at least as protective of natural resources and the environment;

Issuance of the variance would not help to protect natural resources. Rather, it could contribute to erosion, eliminate riparian wildlife habitat, and reduce the tree canopy, among other impacts.

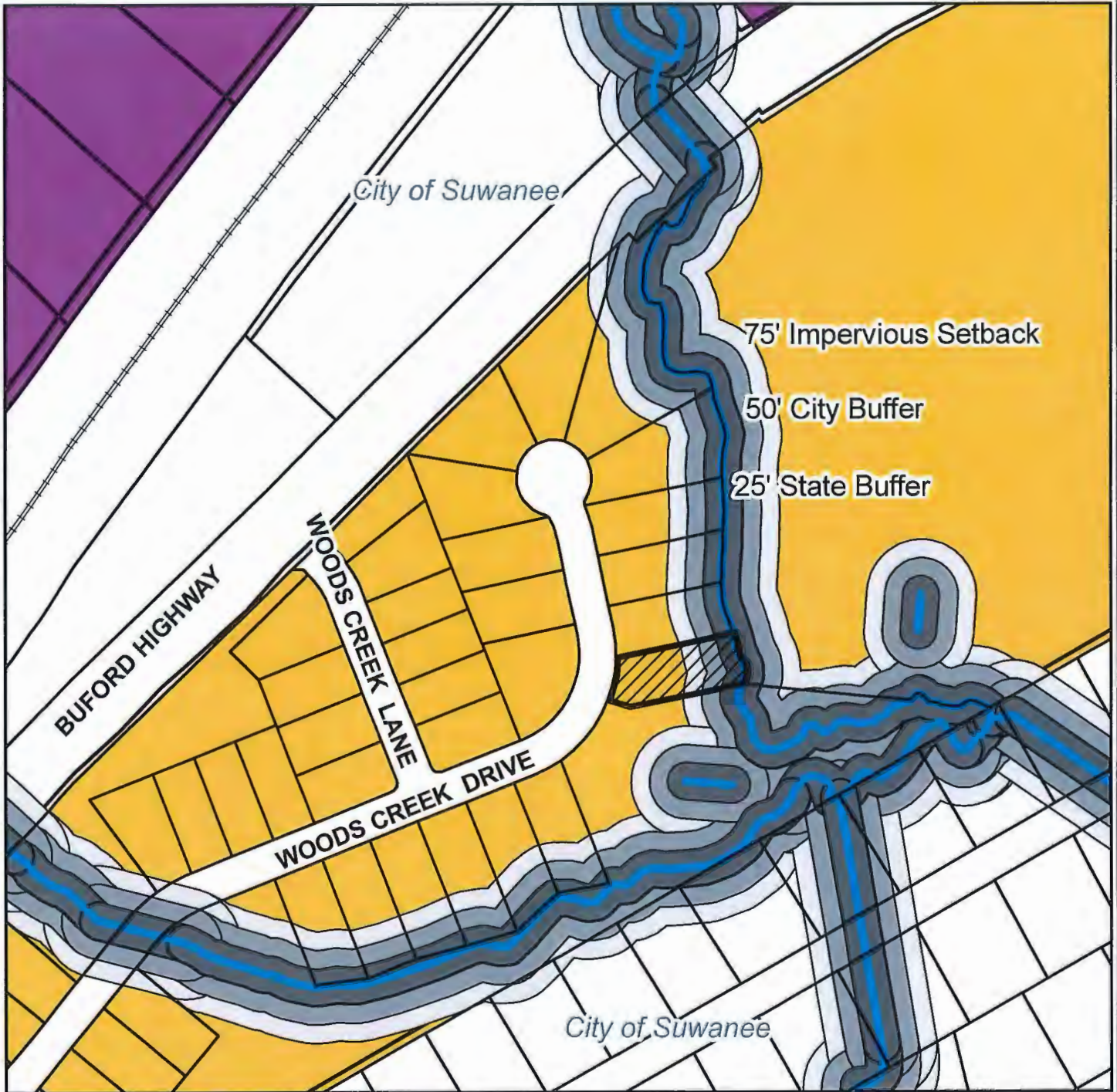
The value of mitigation activities as calculated in accordance with the Gwinnett County Storm Water Design Manual.

No mitigation measures are proposed by the applicant.

The Stream Buffer Protection Ordinance was adopted to minimize public and private losses due to erosion, siltation and water pollution, and to maintain stream water quality. Furthermore, the buffer is required for protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resource.

Variance Case
VA 16-005

Applicant: Geoffrey Berrios
Zoning: RS-100 Location: 227 Woods Creek Drive
Request: Stream Buffer Variance



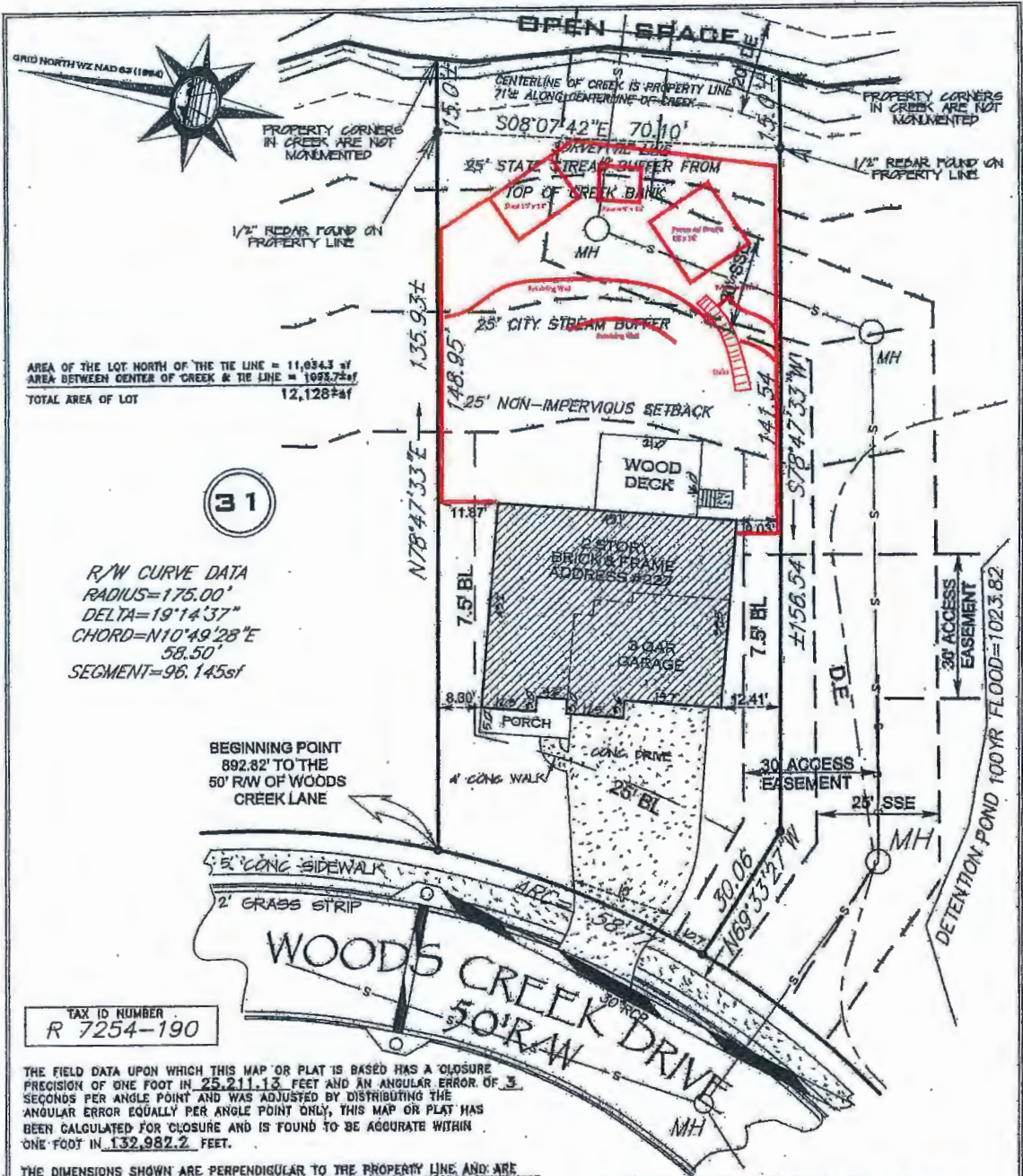
1 inch = 200 feet

Legend

Zoning District

- | | | |
|---|--|------------------------------|
| AF- Agricultural - Forest | RS100-Medium Density Single Family Residential | HSB-Highway Service Business |
| RS200-Low Density Single Family Residential | RM-Residential Multi-Family Residential | BG-General Business |
| RS175-Low Density Single Family Residential | CSD-Conservation Subdivision Residential | LM-Light Manufacturing |
| RS150-Low Density Single Family Residential | MH-Mobile Home Park | HM-1-Light Industry |
| | OI-Office - Institutional | HM-2-Heavy Industry |





AREA OF THE LOT NORTH OF THE TIE LINE = 11,034.3 sf
 AREA BETWEEN CENTER OF CREEK & THE LINE = 1023.72sf
 TOTAL AREA OF LOT = 12,128.02sf

31

R/W CURVE DATA
 RADIUS=175.00'
 DELTA=19°14'37"
 CHORD=N10°49'28"E
 58.50'
 SEGMENT=96.145sf

BEGINNING POINT
 892.82' TO THE
 50' RAW OF WOODS
 CREEK LANE

TAX ID NUMBER
 R 7254-190

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 25,211.13 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY DISTRIBUTING THE ANGULAR ERROR EQUALLY PER ANGLE POINT ONLY. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 132,987.2 FEET.

THE DIMENSIONS SHOWN ARE PERPENDICULAR TO THE PROPERTY LINE AND ARE MEASURED TO THE FOUNDATION WALL LINE OF THE STRUCTURE UNLESS OTHERWISE SHOWN TO THE EAVE LINE. THE LOT SHOWN CONTAINS 12,128.02 SQUARE FT.

SEE PLAT BOOK 126 PAGE 256-259 FOR THE ORIGINAL CLOSURE PRECISION OF THE SUBDIVISION PLAT ON WHICH THIS LOT IS SHOWN ALONG WITH OTHER INFORMATION NOT SHOWN ON THIS SITE PLAN.

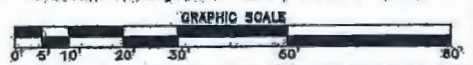
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-2 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. 15-6-57

- - 1/2" DIAMETER (REBAR) A SOLID STEEL ROD FOUND AT THE PROPERTY CORNER UNLESS OTHERWISE SHOWN.
- - 1/2" DIAMETER (REBAR) A SOLID STEEL ROD SET AT THE PROPERTY CORNER UNLESS OTHERWISE SHOWN.
- M.H. - SANITARY SEWER MAN HOLE
- P.P. - POWER POLE
- BTOB - BACK TO BACK OF CURB
- F.H. - FIRE HYDRANT
- C.B. - CATCH BASIN
- D.E. - DRAINAGE EASEMENT
- J.B. - JUNCTION BOX
- S.S.E. - SANITARY SEWER EASEMENT
- B.L. - BUILDING SET BACK LINE
- + - OVERHEAD WIRE (TELEPHONE OR POWER)
- - - - - DIRECTION OF SURFACE DRAINAGE FLOW



LEVEL II, BSWD #4439
 FOR THE FIRM OF
PLANNING AND DEVELOPMENT PC
 CERTIFICATE #000000000
 REGISTERED #100000000
 ATLANTA (404) 916-1266

THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY MAP FOR THIS AREA. COMMUNITY PANEL #131580 0024 F DATED 09-28-06



CLOSING SURVEY FOR
GEOFFREY & AMNERIS BERRIOS

SUBDIVISION: ROBERTS LANDING
 UNIT - - LOT NO. 30 BLOCK -

LOCATED IN:
 LAND LOT - 254
 DISTRICT - 7th
 CITY - SUGAR HILL
 COUNTY - GWINNETT, GEORGIA

DRAWN BY: F.L.B.
 CHECKED BY: [Signature]
 REVISIONS:

SCALE 1" = 20' DATE 01-28-13

Rec 5-15-16