

City of Sugar Hill  
Planning Staff Report  
VAR 17-004



**DATE:** May 25, 2017  
**TO:** Mayor and City Council  
**FROM:** Planning Director *KA*  
**SUBJECT:** Variance Request VAR 17-004 | Stream Buffer Variance

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RECOMMENDED ACTION

**Approval provided on-site mitigation efforts successfully compensate for the loss in stream buffer protection area.**

**ISSUE** The City of Sugar Hill received an application dated May 3, 2017 from Home South Communities requesting relief from the 75-foot impervious stream buffer under the Stream Buffer Protection Ordinance to construct a new single family home at 885 Grove Glen Court.

**DISCUSSION**

- Proposed encroachment of approximately 20 feet into the 75-foot impervious stream buffer for installation of a new single family home.
- On-site mitigation may be used to satisfy variance criteria; however, no mitigation activities have been proposed.
- The developer indicates that the house plan used is the smallest house plan available.

**BACKGROUND**

**Applicant / Owner:** Home South Communities, LLC  
**Existing Zoning:** Medium Density Single-Family Residential (RS-100) / Conservation Subdivision District (CSD)  
**Request:** To construct a new Single Family home partially within the 75' impervious setback of the stream protection area.  
**Property Size:** ± 0.24 Acres  
**Location:** 885 Grove Glen Court, Tax Parcel #7-290-517  
**Public Notice:** Sign Posted on 5/24/17. Ad in Gwinnett Daily Post on 5/24/17.

**FINDINGS OF FACT**

The property in question is the site of a single-family home in the Parkside Landing subdivision, zoned RS-100 / CSD.

The rear property line of the lot in question is adjacent to a creek protected by the 75-foot impervious setback of the stream protection area. The applicant proposes encroaching 20' into the setback to allow for construction of a portion of the house and deck. The 50-foot City undisturbed buffer and the State-mandated 25-foot stream buffer will not be encroached upon.

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 vegetated with grass and brush and drops off steeply from the bank shoulder, limiting the usable rear yard area for the homeowners.

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

The stream bank lies behind the boundaries of the parcel.

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

The house and patio will encroach approximately 20 feet into the 75-foot impervious surface area buffer.

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

The developer has indicated that the smallest house plan is being used in order to minimize the intrusion. However, it appears that the minimum dwelling sizes could still be met without impacting the stream buffer.

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

The applicant did not provide a study, but the impact associated with this request is expected to be minimal. However, the cumulative impact of variances such as this will disrupt the integrity of the stream corridor and 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 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.**

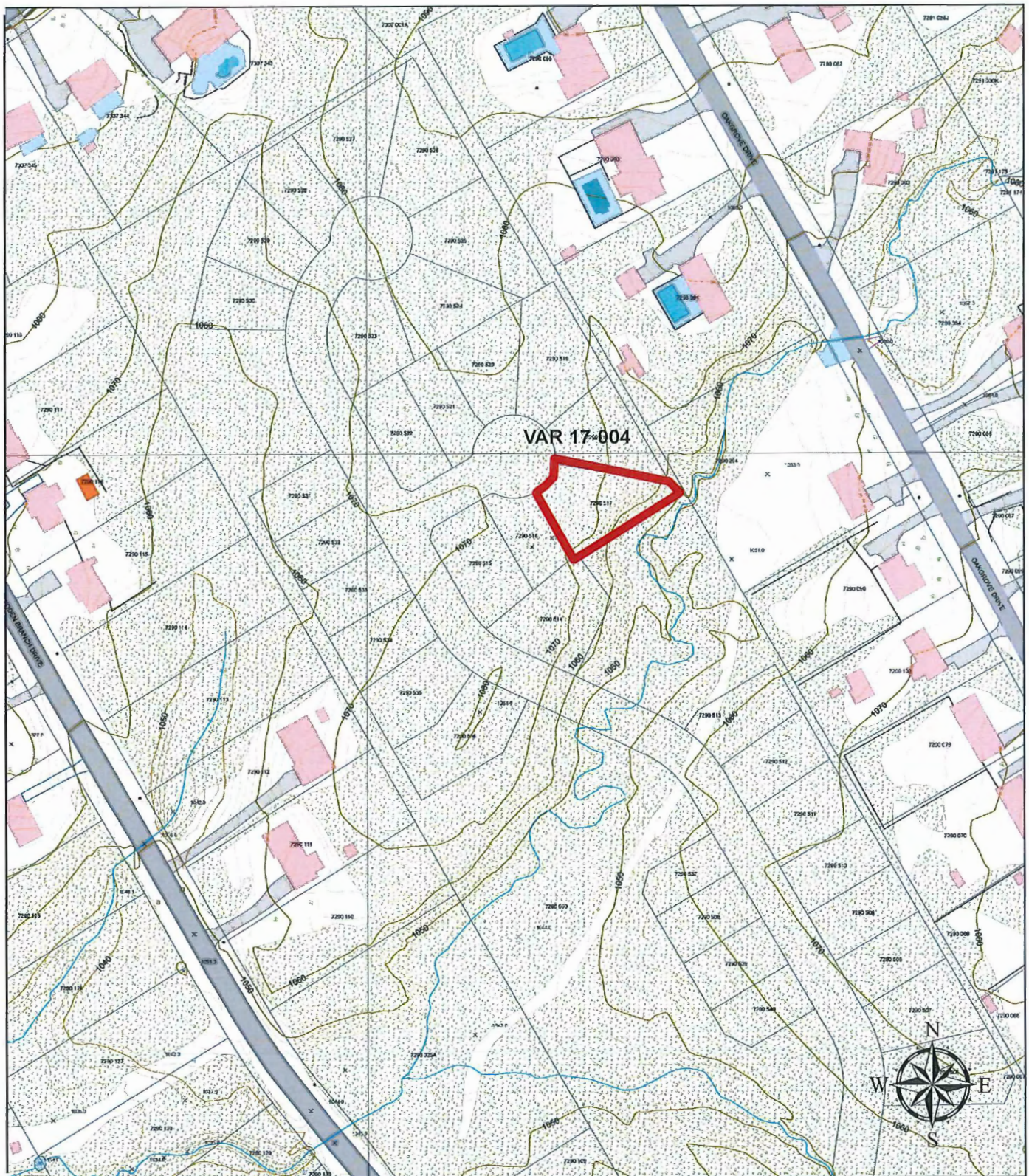
No mitigation activities have been identified.

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 setback is required for protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resource.



**Variance Case**  
**VAR 17-004**

**Applicant:** Home South Communities, LLC  
**Zoning:** RS-100/CSD **Location:** 885 Glen Grove Court  
**Request:** Stream Buffer Variance (75' impervious buffer)



NTS





April 24, 2017

City of Sugar Hill

Planning and Development

Re: Stream Buffer Protection Variance Application - 885 Grove Glen Court

To Whom It May Concern:

We are requesting a Stream Buffer Protection Variance for Lot 19 Parkside Landing subdivision located at 885 Grove Glen Court Sugar Hill, Georgia 30518.

Attached is a copy of the proposed site plan. Home South Communities will be using the smallest house plan in terms of depth to help accommodate this very shallow cul-de-sac lot. We are requesting a reduction of the 75' IMP buffer from 75 feet to 55 feet to help position the house. This will allow us to maintain the street appeal and aesthetics of the community.

Home South Communities, LLC and Spartan Investors I, LLC own all adjacent lots to Lot 19 Parkside Landing and also all lots across the street and behind the subject property.

Please let me know if there is anything else you need for the request.  
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reiner Rietig'. The signature is fluid and cursive, with a large loop at the end.

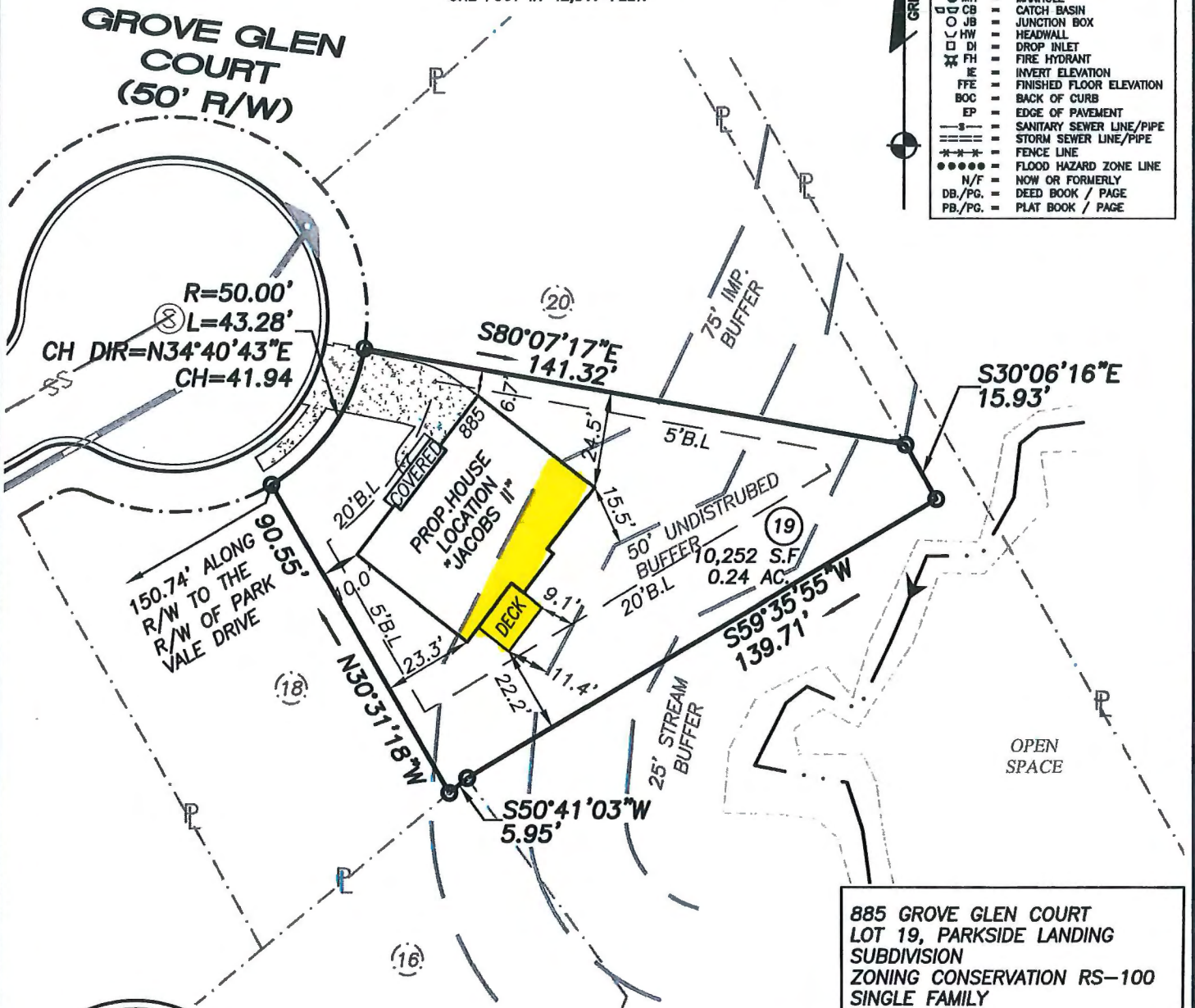
Reiner Rietig  
Home South Communities, LLC  
Spartan Investors I, LLC

NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A") AS DESIGNATED ON F.I.R.M. FLOOD PANEL NO. 13135C 0014G, DATED MARCH 4, 2013, GWINNETT COUNTY, GEORGIA.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 42,817 FEET.

# LEGEND

IPS	1/2" REBAR PIN SET
RBF	REBAR PIN FOUND
OTF	OPEN TOP PIPE
CTP	CRIMP TOP PIPE
LLL	LAND LOT LINE
P	PROPERTY LINE
C	CENTERLINE
B	BUILDING LINE
R/W	RIGHT-OF-WAY
SSE	SANITARY SEWER EASEMENT
DE	DRAINAGE EASEMENT
LL	LAND LOT
MH	MANHOLE
CB	CATCH BASIN
JB	JUNCTION BOX
HW	HEADWALL
DI	DROP INLET
FH	FIRE HYDRANT
IE	INVERT ELEVATION
FFE	FINISHED FLOOR ELEVATION
BOC	BACK OF CURB
EP	EDGE OF PAVEMENT
S	SANITARY SEWER LINE/PIPE
SS	STORM SEWER LINE/PIPE
---	FENCE LINE
.....	FLOOD HAZARD ZONE LINE
N/F	NOW OR FORMERLY
DB./PG.	DEED BOOK / PAGE
PB./PG.	PLAT BOOK / PAGE



885 GROVE GLEN COURT  
LOT 19, PARKSIDE LANDING  
SUBDIVISION  
ZONING CONSERVATION RS-100  
SINGLE FAMILY

0.24 ACRES (10,252 S.F.) CITY OF SUGAR HILL, GA

HOUSE LOCATION PLAN FOR:  
**HOME SOUTH COMMUNITIES**  
**PARKSIDE LANDING S/D**

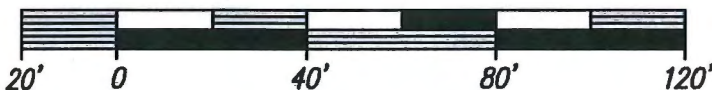
**dp** DEVELOPMENT  
planning & engineering, inc.  
5074 BRISTOL INDUSTRIAL WAY, SUITE A  
BUFORD, GEORGIA 30518  
PHONE (770) 271-2868 / FAX (770) 271-0779

Date: 04/12/17	Land Lot: 290	District: 7TH
County: GWINNETT, GA	Scale: 1"=40'	Sheet No.
Drawn By: CDW	Checked By: CCB	1 OF 1
Job Number: 16-001	File Number: 16-001	



04/12/17

Graphic Scale: 1" = 40'



L.S.F. #000757