



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Alice Wakefield, Community Development Director

**DATE:** April 28, 2014

**SUBJECT:** Variance Request to Section 21.1.8(b) (c) and 21.1.1.9(c) of the Zoning Ordinance. Litchfield Subdivision, Unit Six/Phase 3

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### **Request:**

The Lennar Georgia, Inc. is requesting a variance to the septic buffer setback pursuant Sections 21.1.8(b), (c) and 21.1.1.9(c) of the City of Roswell Zoning Ordinance which required a 150 feet setback from a perennial stream or a flowing stream.

The City Attorney advised that relief may be pursued by petitioning Mayor and City Council to vary the requirements.

### **Background:**

Lennar Georgia, Inc. is proposing to develop 74 lot subdivisions; this development is an extension of Litchfield Subdivision, Unit Six/Phase 3. The proposed development is approximately 144 acres with an average lot size of 1.24 acres. The property is in the Little River Drainage Basin so public sewer is not available. Therefore, the development will have to be serviced by onsite septic. As designated by the State of Georgia, Fulton County is the issuing authority for the review, approval and permitting of private sewage management systems. Both the State of Georgia and Fulton County require a minimum setback of 50 feet. Sections 21.1.8(b) and 21.1.9(c) of the City of Roswell Zoning Ordinance (attached) both require a setback of 150 feet from a perennial stream or a flowing stream. These sections conflict with the State and County Codes related to the distance of septic tanks and septic tank drain fields from a perennial stream or a flowing stream. Because Fulton County is the issuing authority for septic systems, Lennar feels that they should be able to rely on the County regulations for the project. As indicated on the attached request letter, the hardship is the loss of developable lots due to the city imposed 150' setback. The applicant is asking for relief on 39 of the 74 lots as follows:

Variance Request	Number of Lots	Lots*
75" Setback for Primary & Secondary Systems	24	3-6,8,19,21,23,26-29,31-33,25,37-38,40,44-45,60,64,67
75' Setback for Primary system & 50' for Secondary Systems	15	7,20,22,24-25,30,34,36,39,41,65-67,70-71

\*All remaining lots shall comply with the 150' septic setback per Section 21.1.8, (b), (c) and 21.1.9, (c) of City Code

In consideration of this request, attached are the following:

1. Request Letter dated and received April 18, 2014
2. Site Plan for "Lennar Homes" Litchfield Subdivision dated April 18, 2014
3. Survey
4. Preliminary Site Plan dated 2007
5. Section 21.1.8 (b),(c) and Section 21.1.9(c) of the City of Roswell's Zoning Ordinance
6. Excerpts from Fulton County's Chapter 34, Health and Sanitation, Article XI, Sewage Disposal
7. Chapter 511-3-1 (2) and 511.3.1(3) from the Rules of the Department of Public Health
8. Exhibit "A" – Net Area for Approved Septic Permit By Fulton County or State Code
9. Exhibit "B" – Net Area for Approved Septic Permit By Roswell Code
10. Exhibit "C" – 20 acres property yield 18 buildable lost under By Fulton County or State Code
11. Exhibit "D" – 20 acres property yield 0 buildable lost under By Roswell Code

**Staff Comments:**

**Community Development/Planning and Zoning:**

Support the request as submitted.

**Community Development/City Engineer:**

The City Engineer supports the request as presented on the site plan dated April 18, 2014 in concept with the following comments:

#1 A steep slope analysis is approved for this property prior to any additional applications being submitted for this property. It should be recognized by the applicant that the steep slope analysis may increase stream buffers which could impact the lot layout.

#2 Although lot numbers are used to identify specific lots in this variance request, the staff should be given latitude to approve an amended site plan with the percentage of lots remaining consistent for each variance type and recognizing that the lot layout may change somewhat during the preliminary plat and/or LDP processes.

**Environmental and Public Works:**

The Environmental/Public Works Department supports the request as presented on the site plan dated April 18, 2014 for the 75 feet setback for the septic tank and the primary field and 50' for those secondary on those lots shown on the site plan as needing the relief.