

VARIANCE APPLICATION



41 Perimeter Center East | Dunwoody, GA 30346
Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

*** Type:**

Type of Request: Chapter 16-Streams Chapter 16-Other Chapter 20-Signs Chapter 27-Zoning
Code section from which variance is sought: Sec. 16-78; Sec. 27-147
Nature of Request: Stream Buffer reduction; Contextual Setback increase

*** Project:**

Name of Project / Subdivision: None Zoning: R-1 (RLG)
Property Address / Location: 4851 Adams Road
District: 18 Land Lot: 360 Block: _____ Property ID: _____

*** Owner Information:**

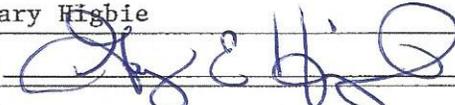
Owner's Name: Gary Higbie
Owner's Address: 1138 Haven Glen Lane, Brookhaven, GA 30319
Phone: (678) 756-1627 Fax: _____ Email: ghigbie@interfix.biz

*** Applicant Information:** Check here if same as Property Owner

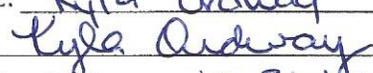
Contact Name: _____
Address: _____
Phone: _____ Fax: _____ Email: _____

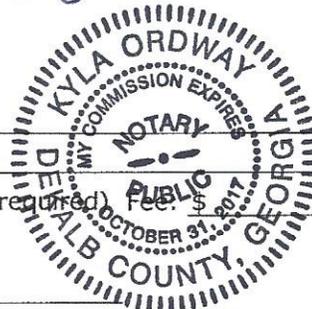
*** Terms & Conditions:**

I hereby certify that to the best of my knowledge, this 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 Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: Gary Higbie
Applicant's Signature:  Date: August 3, 2016

*** Notary:**

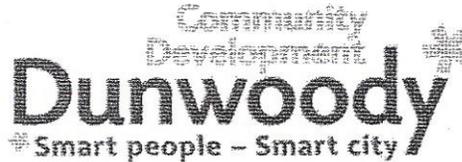
Sworn to and subscribed before me this 3rd Day of August, 2016
Notary Public: Kyla Ordway
Signature: 
My Commission Expires: 10.31.17



*** Office Use:**

Application Fee Paid Sign Fee Paid (\$135 x number of signs required) _____
Payment: Cash Check CC Date: _____
 Approved Approved w/ Conditions Denied Date: _____

Property Owner(s) Notarized Certification

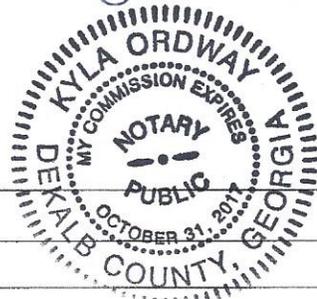


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The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

*** Property Owner (If Applicable):**

Owner Name: Gary Higbie
 Signature: [Signature] Date: August 3, 2016
 Address: 1138 Haven Glen Lane, Brookhaven, GA. 30319
 Phone: (678) 756-1627 Fax: _____ Email: ghigbie@interfix.biz
 Sworn to and subscribed before me this 3rd Day of August, 2016
 Notary Public: Kyla Ordway
my commission expires 10.31.17



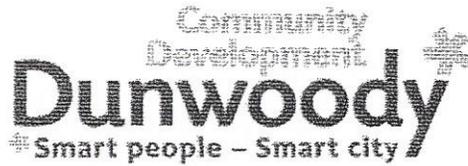
*** Property Owner (If Applicable):**

Owner Name: _____
 Signature: _____ Date: _____
 Address: _____
 Phone: _____ Fax: _____ Email: _____
 Sworn to and subscribed before me this _____ Day of _____, 20____
 Notary Public: _____

*** Property Owner (If Applicable):**

Owner Name: _____
 Signature: _____ Date: _____
 Address: _____
 Phone: _____ Fax: _____ Email: _____
 Sworn to and subscribed before me this _____ Day of _____, 20____
 Notary Public: _____

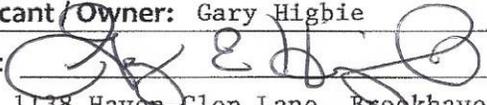
Campaign Disclosure Statement



41 Perimeter Center East | Dunwoody, GA 30346
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Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? YES NO

* Applicant/Owner: Gary Higbie

Signature:  Date: August 3, 2016
 Address: 1138 Haven Glen Lane, Brookhaven, Ga. 30319

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

Written Description – 4851 Adams Road

All that tract or parcel of land lying and being in Land Lot 360, 18th District, City of Dunwoody, Dekalb County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at an iron pin found on the southeasterly right of way of Adams Road (right of way varies), said iron pin being 1,852.86 feet northeasterly from the intersection of said right of way of Adams Road and the northerly right of way of Peeler Road; thence along said right of way of Adams Road the following courses and distances: S 40°29'55" E a distance of 17.74 feet to an iron pin found; thence N 47°08'40" E a distance of 15.42 feet to a 5/8 inch open top pipe found and the **POINT OF BEGINNING**; thence continue along said right of way N 47°14'37" E a distance of 143.40 feet to a point; thence leaving said right of way S 32°47'18" E a distance of 44.86 feet to a point in a 31 inch water oak; thence N 86°56'51" E a distance of 20.37 feet to a point; thence S 75°02'49" E a distance of 30.58 feet to a point; thence S 66°25'55" E a distance of 31.48 feet to a point; thence N 75°48'57" E a distance of 41.38 feet to a point; thence N 57°13'03" E a distance of 69.88 feet to a point; thence N 47°56'34" E a distance of 83.50 feet to an iron pin set; thence S 40°34'27" E a distance of 66.99 feet to an iron pin found; thence S 34°30'47" W a distance of 137.96 feet to an iron pin found; thence S 34°15'52" W a distance of 224.99 feet to a 1.5 inch crimp top pipe found; thence S 89°33'12" W a distance of 129.83 feet to an iron pin found; thence N 14°26'56" W a distance of 77.32 feet to a 5/8 inch rebar found; thence N 02°15'20" E a distance of 41.67 feet to a 1.5 inch open top pipe found; thence N 33°38'32" W a distance of 109.10 feet to the **POINT OF BEGINNING**. Said tract contains 73,748 square feet or 1.693 acres.

August 3, 2016

Steve Foote, Director
Community Development Department
City of Dunwoody, Georgia
41 Perimeter Center East
Dunwoody, GA 30346

Re: Request to Reduce a Stream Buffer (“Variance Request”) Required by Section 16-254-4 of the City of Dunwoody City Code by Gary Higbie Regarding Property located at 4851 Adams Road (the “Property”)

LETTER OF INTENT

Dear Mr. Foote;

I am the owner of the property at 4851 Adams Road and filing this request for a variance to reduce the depth of the City of Dunwoody stream buffer requirements. I have contracted to sell the Property and the proposed buyer anticipates constructing a new single family home on the Property. The reason for our request is that we believe we have a significant hardship due to a number of natural features which currently impact the Property. These features include wetlands, floodplain and stream buffers. When considered together these features severely limit the size and location for the placement of a new home on the property.

Request:

In support of this request please be advised that the Property consists of approximately 1.7 acres. The Property had been developed with lake and a home that was destroyed by fire years ago. What was the lake area is now dry due to the spillway being breached many years ago and the lake draining/returning to its streambed. The Property is currently undeveloped other than the foundation remaining from the previous home.

In December of 2011, a Hydraulics Analysis Report for the Property was prepared by Woodward Consulting, Inc. (the “Analysis”). The Analysis determined that approximately 28,000 square feet of the Property is within the 100 year flood plain as determined by FEMA. A wetlands investigation was undertaken for the property a number of years back and per the attached survey 12,798 square feet of the Property are considered wetlands. The survey also identifies the stream and the associated 75 foot buffers associated there with. The stream buffers account for approximately another 29,000 square feet of the Property.

Per the survey attached to our Application, the Property is also encumbered by utility easements which, when considered in conjunction with the City setback requirements and protection of natural resources further limit areas available on the Property for development.

When taken together, of the 73,748 square feet included in the Property less than approximately 6000 ft.² is available for development of a home. We believe this situation constitutes a hardship worthy of relief from the City's Board of Appeals.

BOA Considerations:

Chapter 16 of the City Code outlines five considerations for the Board of Appeals when responding to an application for a stream buffer reduction. Our responses to these considerations are as follows:

1. Will the Application be as least as protective of natural resources and the environment.

We intend to rely on certain mitigation measures to offset the loss of stream buffer square footage. These mitigation measures include:

- *The removal of existing concrete slabs remaining from the original home. The slabs constitute approximately 6000 square feet of impervious surface that will be removed.*
- *Also to be removed will be an old concrete pool and decking.*
- *As part of the construction of the home proposed for the property, the new homeowner will consider piping downspouts to feed rain gardens, drainage pits, bio swales, etc.*
- *The vast majority of the Property will be left in its natural state.*

The purpose of these improvements will be to (i) eliminate any point source discharge towards the existing creek, (ii) maximize the opportunity for infiltration after rain events and (iii) to minimize the volume and total amount of storm water runoff impacting the existing Creek.

2. Due to exceptional physical conditions of the property not created by the owner there is no opportunity for development without the requested variance.

As stated above, the Property is comprised of more than 73,700 square feet. When applying the stream buffer requirements, floodplain limitations and wetland restrictions along with utility easements and building setback requirements, less than 6000 feet is available for development. This represents approximately eight (8%) percent of the Property. The building envelope is located at the very rear of the Property and only with the requested stream buffer reduction not to exceed 4072 square feet, is there sufficient square footage to accommodate one new home consistent with the price range of homes in the area.

3. The request does not go beyond the minimum necessary to afford relief were granted a special privilege inconsistent with other properties that are similarly situated.

The applicant has agreed that the encroachment into the stream buffer will not exceed 4072 square feet. This will minimize the impact on the stream buffer, and along with the mitigation measures identified above, will afford relief that is not inconsistent with the limitations imposed upon other similarly situated properties. As you may be aware zoning in the area would allow for the subdivision of the property into a number of lots thereby allowing for

the development of more than one house. The applicant is sensitive to the environmental factors impacting the property and as such is agreeing to develop the Property with only one home.

4. The variance will not be materially detrimental to the public welfare or to property or improvements in the area.

We do not believe that the variance requested if granted, when considered with the mitigation measures offered, will have any detrimental impact on the public welfare or the surrounding area.

5. Literal interpretation in strict application of the stream buffer provisions will cause extreme hardship regarding a hardship not created by the owner.

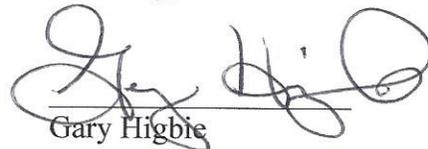
The factors creating the hardship have been identified specifically above. These are all naturally occurring and not the result of any action by the owner or its predecessor. Given lot sizes in the vicinity of the Property, the Property may be of sufficient size to accommodate a number of new homes. However due to the hardship and our sensitivity to the environment we are asking for the minimum reduction necessary to allow for the development of the Property for one home.

Conclusion:

In summary, we are requesting the Board of Appeals to consider reducing the City's required 75 foot stream buffer in an amount not to exceed 4072 square feet for certain portions of the Property. We believe that the natural features of the property create a significant hardship. We further believe that the sale of the property for the construction of one home will minimize is the potential disruption to the current natural features. We also understand that our buyer will implement mitigation factors to further reduce any potential impact on the existing environment. Given these factors we ask for your support of this variance application.

Thank you for your consideration.

Sincerely;



Gary Higbie

September 15, 2016

Steve Foote, Director
Community Development Department
City of Dunwoody, Georgia
41 Perimeter Center East
Dunwoody, GA 30346

Re: Request to Increase a Contextual Site Setback (“Variance Request”) Required by Section 27-397 of the City of Dunwoody City Code by Gary Higbie Regarding Property located at 4851 Adams Road (the “Property”)

LETTER OF INTENT

Dear Mr. Foote;

I am the owner of the property at 4851 Adams Road and filing this request for a variance to reduce the depth of the City of Dunwoody stream buffer requirements. I have contracted to sell the Property and the proposed buyer anticipates constructing a new single family home on the Property. The reason for our request is that we believe we have a significant hardship due to a number of natural features which currently impact the Property. These features include wetlands, floodplain and stream buffers and a large existing lake that has been breached. When considered together these features severely limit the size and location for the placement of a new home on the property.

Request:

In support of this request please be advised that the Property consists of approximately 1.7 acres. The Property had been developed with lake and a home that was destroyed by fire years ago. What was the lake area is now dry due to the spillway being breached many years ago and the lake draining/returning to its streambed. The Property is currently undeveloped other than the foundation remaining from the previous home.

Per a survey from Barton Surveying, the front setback for lot 4825 is 92 feet, for lot 4833 is 42 feet, and for lot 4861 is 48 feet. The average contextual setback range is between 42 feet and 92 feet. The proposed house is 128 feet from Adams Road.

We believe this situation constitutes a hardship worthy of relief from the City’s Board of Appeals.

BOA Considerations:

Chapter 16 of the City Code outlines five considerations for the Board of Appeals when responding to an application for a stream buffer reduction. Our responses to these considerations are as follows:

1. Will the Application be as least as protective of natural resources and the environment.

Yes, the new home will be situated as close as possible to the rear contextual setback, including water quality mitigations shown on a separate buffer variance application.

2. Due to exceptional physical conditions of the property not created by the owner there is no opportunity for development without the requested variance.

In order to place a house within the contextual setbacks, the home would have to be placed in a state stream buffer and destroy onsite wetlands. The applicant is sensitive to the environmental factors impacting the property and as such is agreeing to develop the Property with only one home.

3. The request does not go beyond the minimum necessary to afford relief were granted a special privilege inconsistent with other properties that are similarly situated.

Again, In order to place a house within the contextual setbacks, the home would have to be placed in a state stream buffer and destroy onsite wetlands. The applicant is sensitive to the environmental factors impacting the property and as such is agreeing to develop the Property with only one home.

4. The variance will not be materially detrimental to the public welfare or to property or improvements in the area.

We do not believe that the variance requested if granted, when considered with the mitigation measures offered, will have any detrimental impact on the public welfare or the surrounding area.

5. Literal interpretation in strict application of the stream buffer provisions will cause extreme hardship regarding a hardship not created by the owner.

The factors creating the hardship have been identified specifically above. These are all naturally occurring and not the result of any action by the owner or its predecessor. Given lot sizes in the vicinity of the Property, the Property may be of sufficient size to accommodate a number of new homes. However due to the hardship and our sensitivity to the environment we are asking for the minimum reduction necessary to allow for the development of the Property for one home.

Conclusion:

In summary, we are requesting the Board of Appeals to consider increase the City's contextual setback requirements for the proposed house to 128 feet. We believe that the natural features of the property create a significant hardship. We further believe that the sale of the property for the construction of one home will minimize is the potential disruption to the current natural features. We also understand that our buyer will implement mitigation factors to further reduce any potential impact on the existing environment. Given these factors we ask for your support of this variance application.

Thank you for your consideration.

Sincerely;

 **PE** (Civil Engineer
for Gary Higbie)

Gary Higbie

Photograph Addendum

Borrower	n/a						
Property Address	4851 Adams Rd						
City	Dunwoody	County	Dekalb	State	GA	Zip Code	30338
Lender/Client							



Photograph Addendum

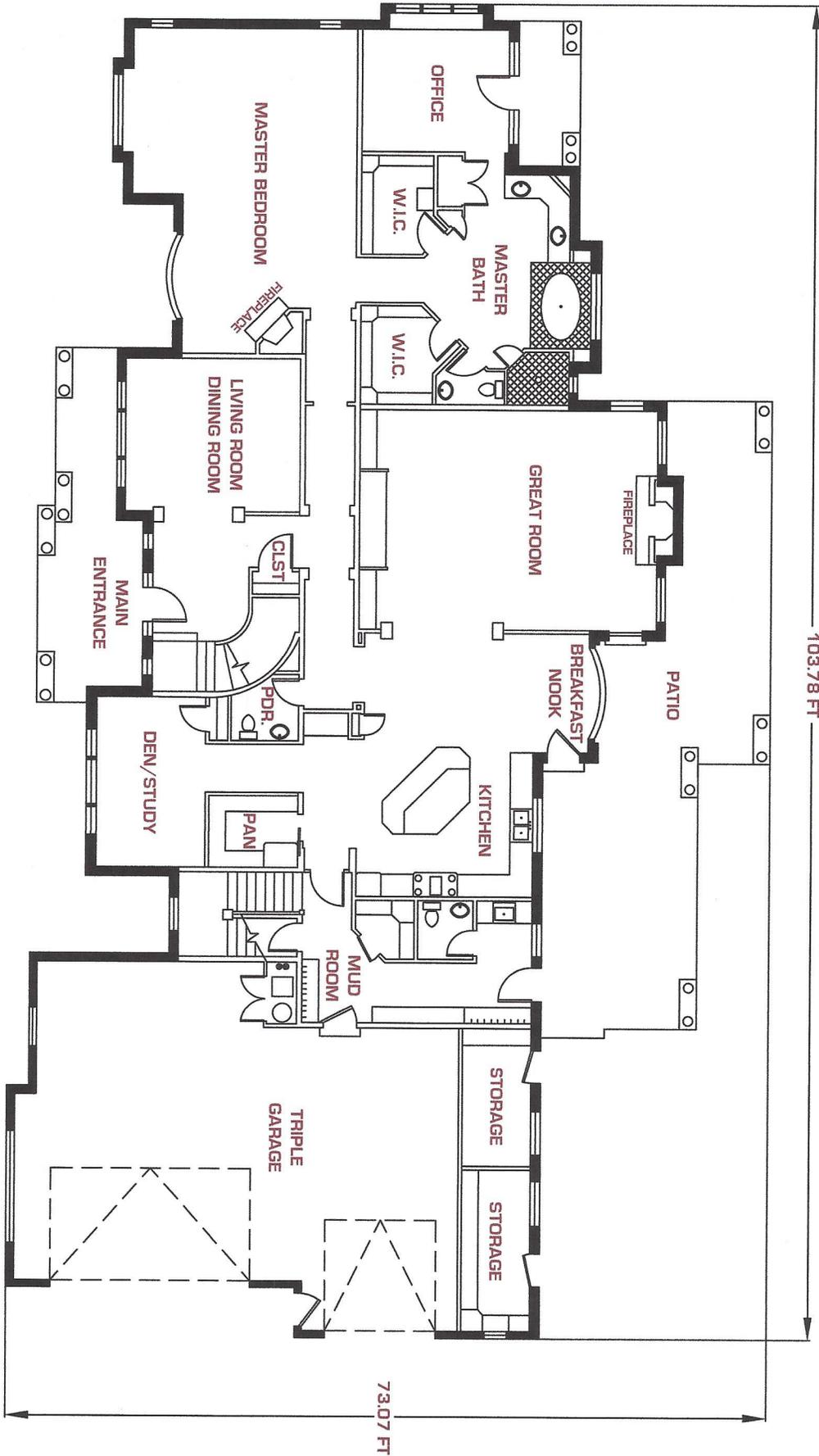
Borrower	n/a						
Property Address	4851 Adams Rd						
City	Dunwoody	County	Dekalb	State	GA	Zip Code	30338
Lender/Client							



Photograph Addendum

Borrower	n/a						
Property Address	4851 Adams Rd						
City	Dunwoody	County	Dekalb	State	GA	Zip Code	30338
Lender/Client							





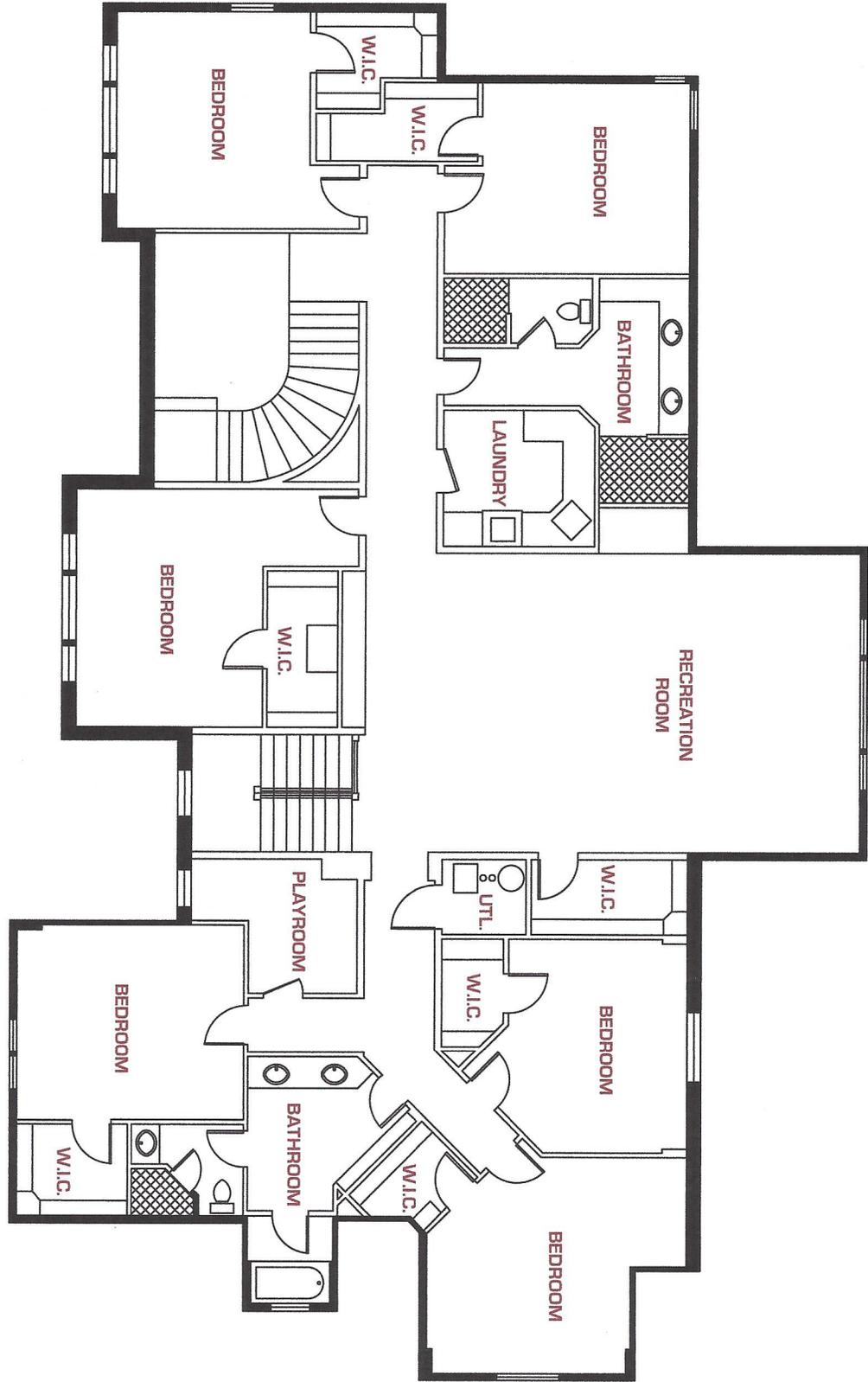
FIRST FLOOR
 SQUARE FOOTAGE
 4645.5399

JOHN RESIDENCE
 PRELIMINARY PLAN - FIRST FLOOR

DUNWOODY
 GEORGIA

SCALE
 NOT TO SCALE

SHEET
B-01



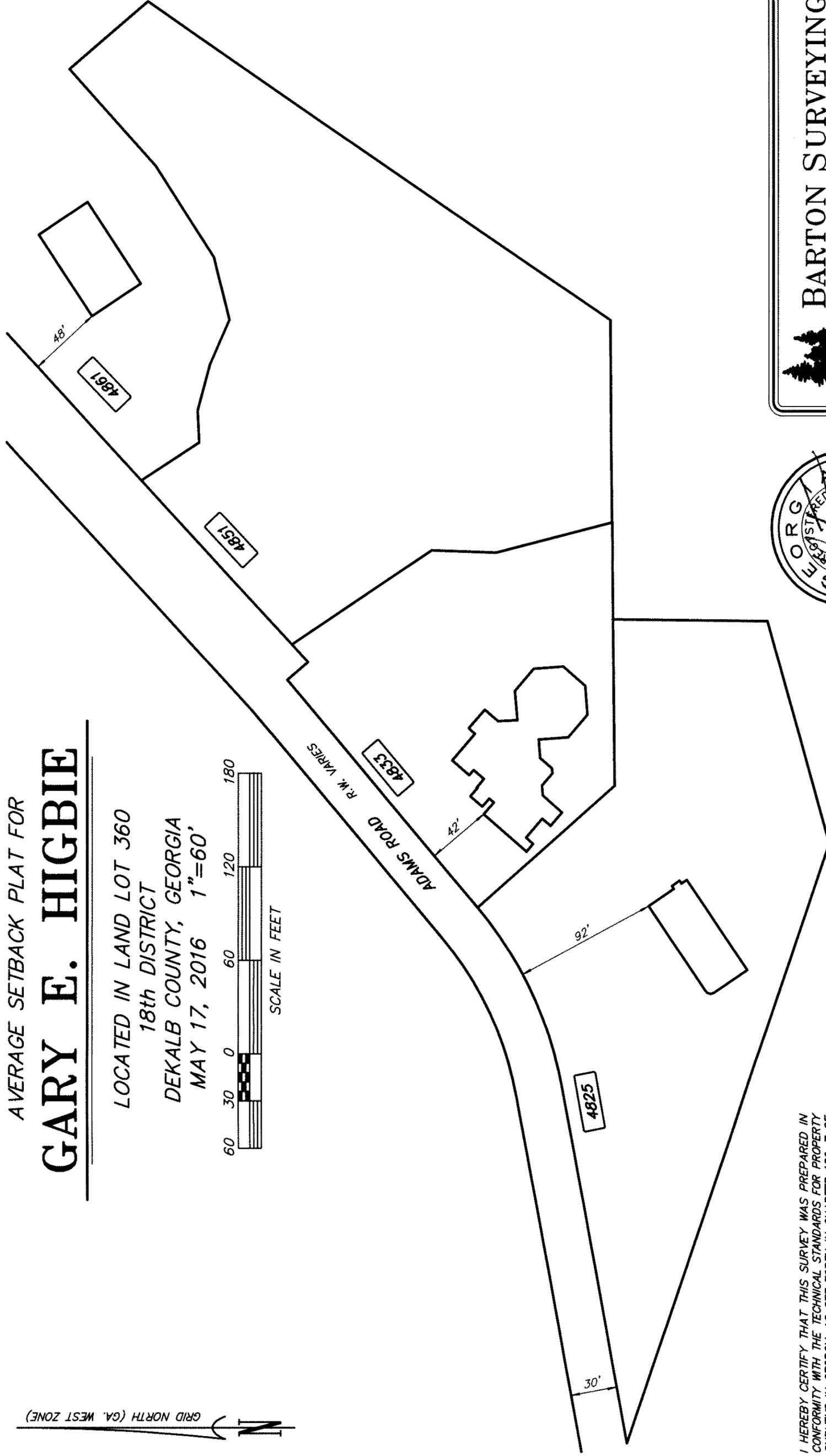
AVERAGE SETBACK PLAT FOR

GARY E. HIGBIE

LOCATED IN LAND LOT 360
18th DISTRICT
DEKALB COUNTY, GEORGIA
MAY 17, 2016 1"=60'



GRID NORTH (GA. WEST ZONE)



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

David Barton
DAVID BARTON, GA. R.L.S. No. 2533



BARTON SURVEYING INC.

P.O. BOX 640
LEBANON, GEORGIA 30146
(770) 345-2810
(LICENSE No. LSF 000151)