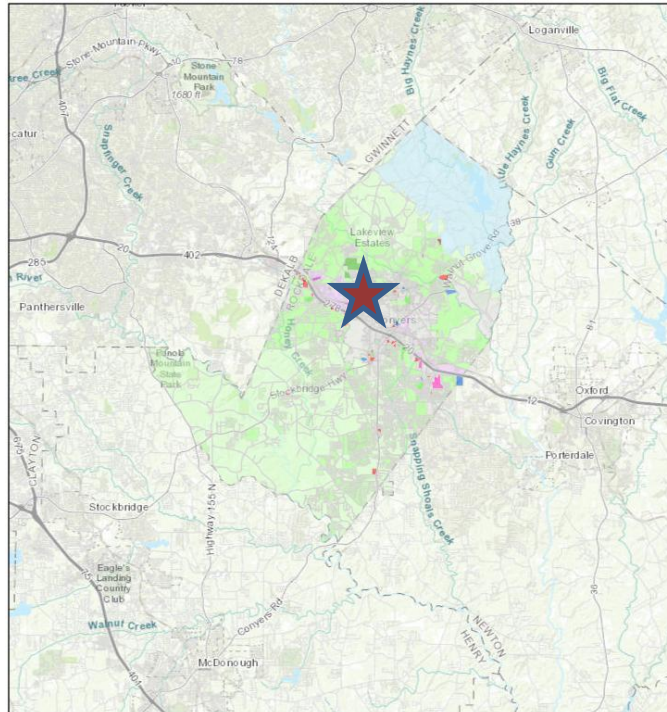


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Zoning History

The subject site is located at 1761 Klondike Road SW and consists of 93.54 acres. In May 2019, an application was submitted to rezone the property from R-1 (Single-Family Residential) to CRS (Collaborative Residential Subdivision) to allow for a proposed 191-lot single-family residential subdivision.

On September 10, 2019, the Board of Commissioners approved the rezoning request with conditions. The approved conditions are as follows:

1. The subdivision shall not exceed 181 single family lots.
2. The conceptual master plan for Hillbrook Preserve prepared by Falcon Design, dated August 21, 2019, shall become the guiding layout and design standard as noted in Exhibit C. The actual location of the water quality area, detention, streets, sidewalks, linear parks, and other depicted improvements shall be subject to actual site conditions and the requirements of the Code of Rockdale County.
3. The required buffer for the eastern boundary line of the proposed development shall be 100 feet wide. The 100 feet wide buffer shall be undisturbed and may require additional planting to create a vegetated screen, as determined by the Planning & Development Department.
4. A decorative fence having a minimum of five (5) feet in height and consisting of black metal shall be constructed along the eastern boundary line of the proposed development (from the northern boundary of the right of way of Klondike Road to the end of said eastern boundary line terminating at the Flood Area shown on Exhibit C). The fence may be located within or outside of the 100 feet wide buffer, as determined by the Planning & Development Department.
5. The emergency access to the development shown on Exhibit C via Leigh Drive shall be restricted in a manner approved by the Rockdale County Fire Marshal and the Planning & Development Department.

Following the rezoning approval, the preliminary plat was approved, followed by the final plat approval in December 2024. No additional special use permits or variances have been issued for the subject property.

Existing Site Conditions

The subject site consists of approximately 93.54 acres located north of Klondike Road SW and east of Smyrna Road SW. Sidewalks are present along the property's road frontages. The site's topography is generally flat, and streams or ponds are present on the property. A majority of the site is currently covered by impervious surfaces and includes several newly constructed single-family homes developed as part of Phase 1. The overall development is planned to occur in two phases. Primary access to the property is provided via a single ingress/egress point from the main entrance located along Klondike Road SW.

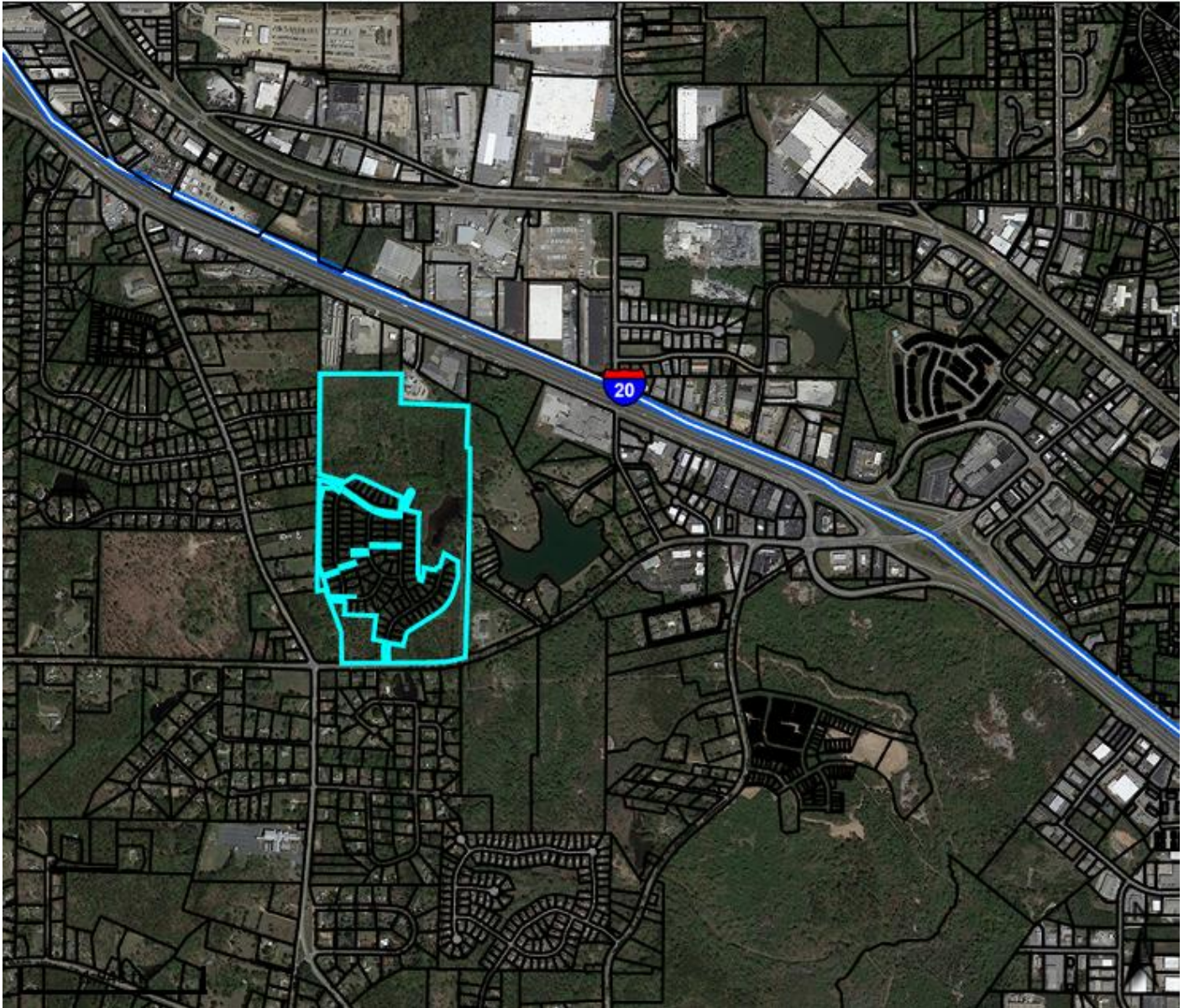
Surrounding Use and Zoning

The subject site is adjacent to a shopping center's parking lot. The following is a summary of surrounding uses and zoning:

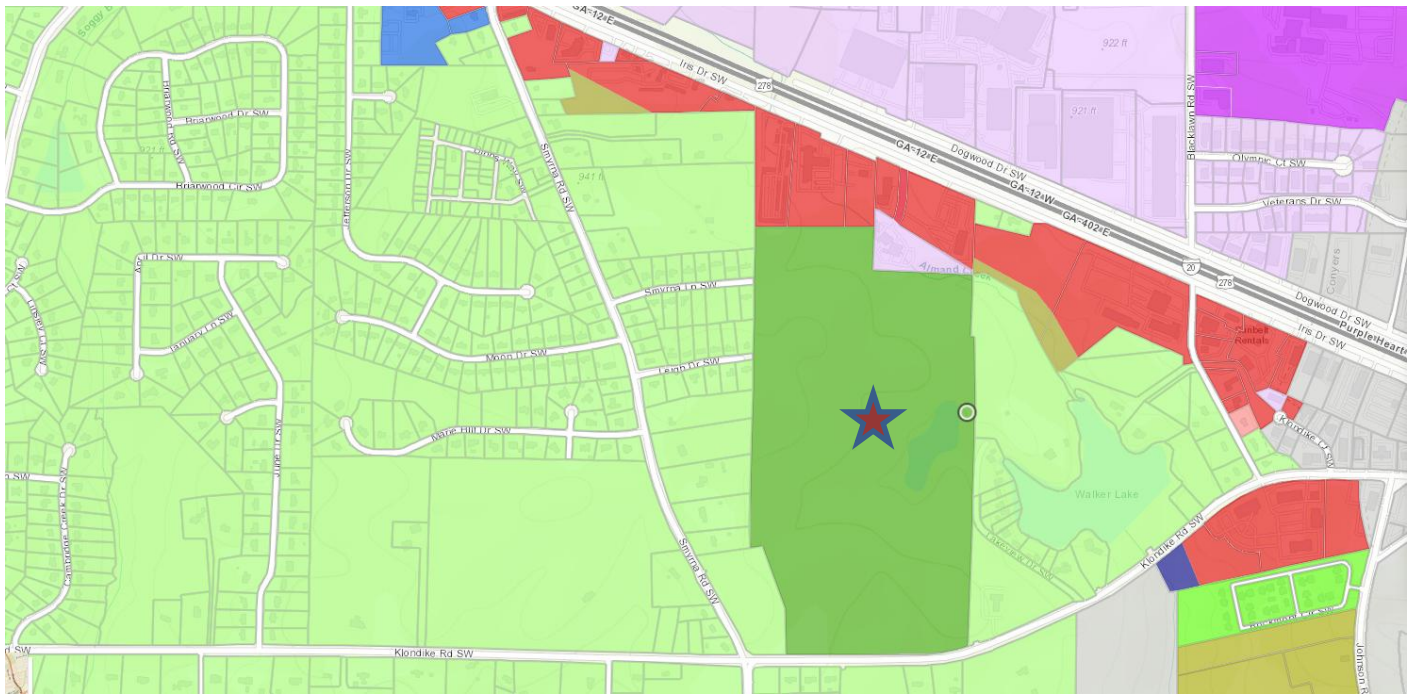
ADJACENT ZONING AND CURRENT LAND USE			
Direction	Address	Zoning District	Current Land Use
North	1800 IRIS DR	C-2	Used Auto sales and Pyro City Fireworks retail location
West	962 SMYRNA RD	R-1	Single-Family Dwelling
South	1154 MARIFRAN DR	R-1	Single-Family Dwelling
East	908 WALKER LAKE RD	R-1	Single-Family Dwelling

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AERIAL



ZONING MAP

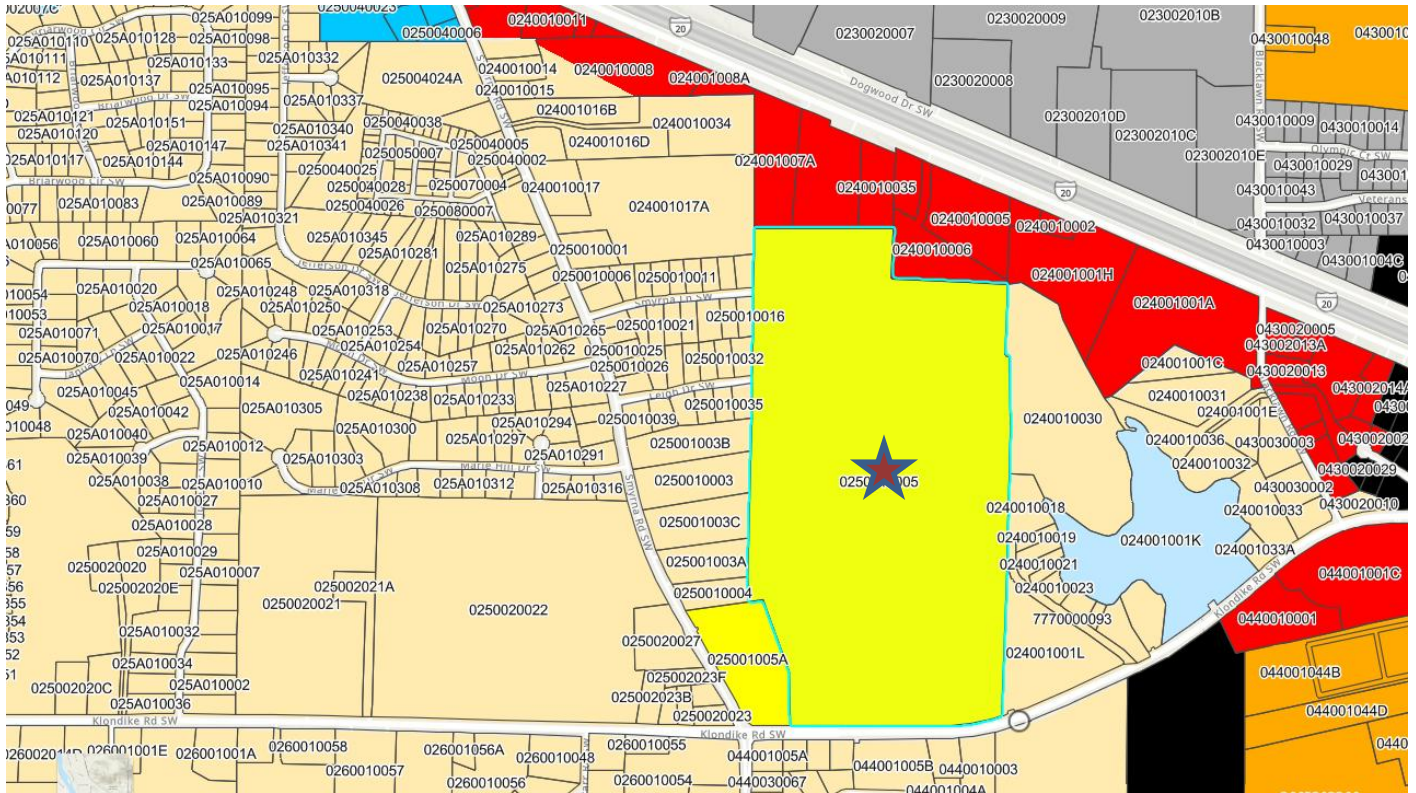


Zoning Map

- CRS - Collaborative Residential
Subdivision District

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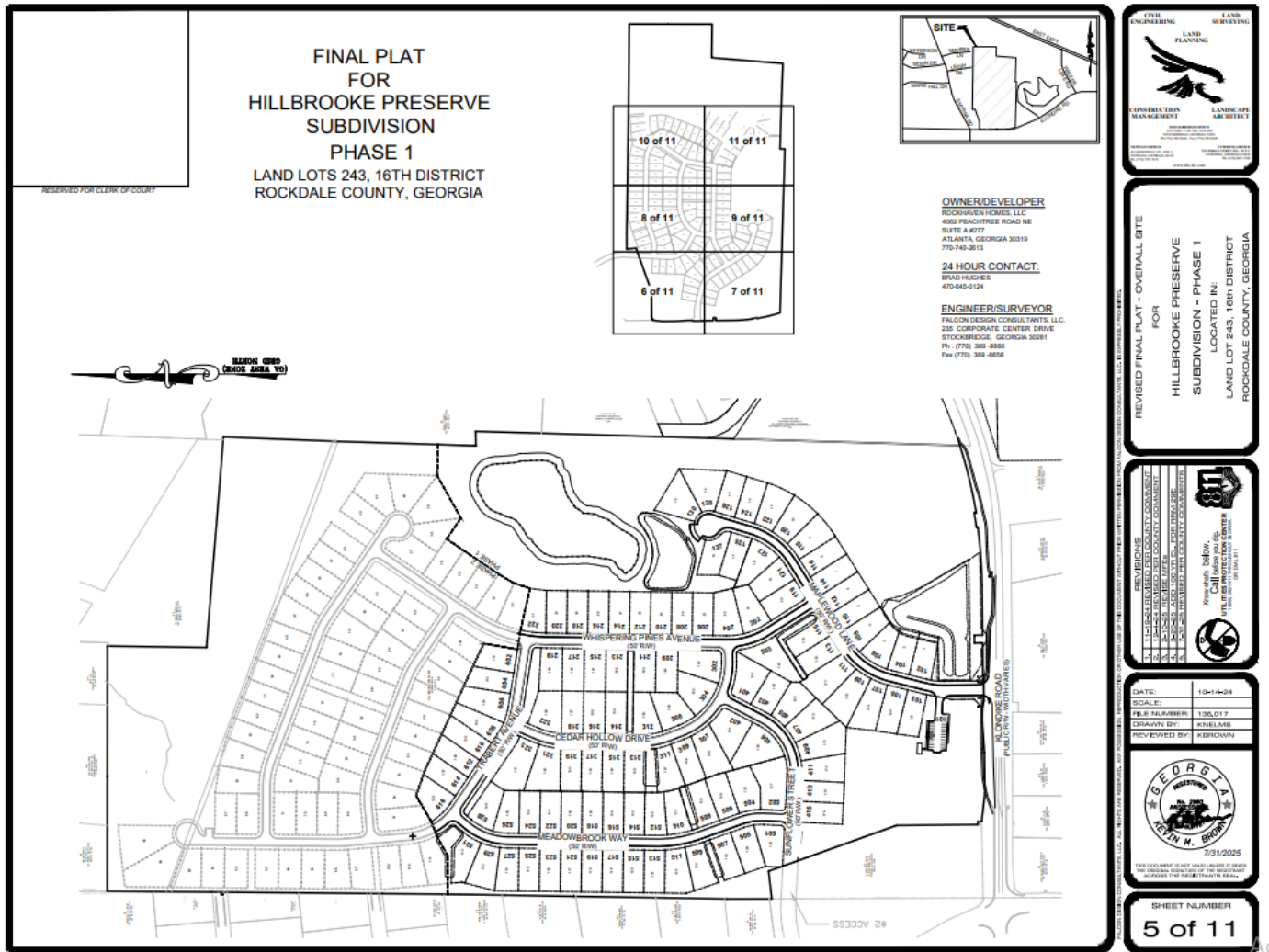
FUTURE LAND USE MAP



Future Land Use Map

Low Density Residential/Agriculture

PROPOSED SITE PLAN



EVALUATION OF THE VARIANCE REQUEST

Sec. 238-9 (h) *Standards for granting variances (1) Granting variances.* The board of adjustment shall not grant a variance unless it has, in each case, make specific findings of fact based directly upon the evidence presented supporting written conclusions that the variance meets each of the following criteria:

A. Arises from a condition that is unique and peculiar to the land, structures and buildings involved.

The applicant's request does not arise from any unique or peculiar physical condition of the land, structures, or existing buildings. The subject property contains no unusual topographical, environmental, or dimensional constraints that prevent compliance with the maximum 25% impervious surface requirement. The need for increased impervious surface is based solely on the applicant's preference for a one-story building design, which is a self-imposed condition and not a characteristic inherent to the property.

B. Is necessary because the physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.

The request does not satisfy this criterion. The subject property does not exhibit any physical or topographical characteristics that prevent development in accordance with the 25% impervious surface standard. The lot sizes and overall layout were previously approved through the preliminary and final plat processes, demonstrating that the subdivision can be developed while meeting existing ordinance requirements. The applicant's difficulty arises from choosing a one-story building product for 124 lots, which increases impervious surface needs. This condition is self-created and does not stem from the property itself; therefore, it does not constitute an unnecessary hardship under the UDO.

C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

This criterion is not met. The condition prompting the variance request is that the applicant's preference to construct one-story homes that exceed the permitted impervious surface, does not stem from any circumstance that is uncommon or unusual within the CRS zoning district. Properties within this district are regularly developed in compliance with the 25% impervious surface standard. The need for additional impervious surface is the result of the applicant's chosen building design, not a condition unique to this zoning classification. Therefore, the situation is not one that is ordinarily absent from other CRS-zoned properties.

D. The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.

The condition necessitating the variance is self-imposed by the applicant's choice to develop one-story homes on 124 lots, rather than arising from the requirements of Title 2 of the UDO. The impervious surface limitation exists to manage stormwater, protect the environment, and maintain consistency across the zoning district. The applicant's preference for a specific building design, which exceeds the permitted 25% impervious surface, is the result of their own actions and not a regulatory burden. For staff to recommend approval, more iterations of the site plan should be presented that demonstrate a need for the increase and a topographical hardship, or hardship that are imposed by the size, shape, or surroundings of the property.

E. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

Allowing an increase in impervious surface from 25% to 30% for 124 lots could increase stormwater runoff, which may impact adjacent properties and local infrastructure. While direct impacts on light, air, or street congestion may be minimal, the cumulative effect of the increased impervious coverage could alter drainage

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patterns and potentially affect property values in the surrounding neighborhood. Therefore, granting the variance could have adverse effects on nearby properties and would not fully align with the purpose of the UDO.

F. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.

The requested increase in impervious surface from 25% to 30% represents a deviation from the UDO standard and is not necessary to allow a reasonable use of the property. The subdivision can be developed in compliance with the existing impervious surface limit, and the proposed one-story home design is a preference of the applicant, not a requirement for reasonable use. Therefore, the requested variance exceeds what is necessary and does not represent the minimum relief needed under the ordinance.

G. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.

Approving an increase in impervious surface from 25% to 30% across 124 lots would be contrary to the objectives of Title 2 of the UDO, which seeks to regulate development intensity, manage stormwater, and protect environmental and neighborhood quality. The variance would also be inconsistent with the Comprehensive Plan's goals for sustainable development and maintaining the character of residential communities. Because the request arises from a design preference rather than a demonstrated necessity, it would conflict with the overall intent of the zoning regulations and planning framework.

PLANNING & DEVELOPMENT STAFF RECOMMENDATIONS

Staff recommend **Denial** of the variance request from Sec. 214-1 Table 1 1 to increase impervious surface from the maximum 25% to 30% to accommodate a one-story building plan for the remaining 124 lots. The applicant's justification is based solely on a preference for one-story home designs, which is a self-imposed design choice and does not meet the variance criteria in Sec. 238-9(h).

The subdivision can be fully developed while complying with the existing 25% standard, as demonstrated through the approved preliminary and final plat. A variance granted to increase the impervious surface across all remaining 124 lots would represent a significant departure from the intent of the CRS zoning district and could lead to greater stormwater runoff and cumulative environmental impacts. It would also set an undesirable precedent, encouraging similar subdivision-wide requests that undermine uniform application of the UDO.

The variance is not the minimum necessary to allow reasonable use of the property and is inconsistent with the Comprehensive Plan's goals related to neighborhood character, environmental protection, and sustainable development.

If the Board of Adjustments chooses to Approve the Request, Staff Recommends:

- A. Limiting increase to no more than 20% (30 lots).
- B. Submit a revised hydrology report to verify that the stormwater management facilities can hold the new impervious surface
- C. Requiring individual review and approval of each of the 30 lots by the Director of Planning & Development. Ensuring each lot independently shall meet the criteria of Sec. 238-9(h)