

**ZONING ANALYSIS AND RECOMMENDATION
VARIANCE ANALYSIS AND RECOMMENDATION
PLANNED UNIT DEVELOPMENT MAJOR AMENDMENT
Planning and Development Department
UPDATED STAFF REPORT FOR AUGUST 2019 COUNCIL MEETING**

Case No.: 18-11-RZ and 18-06-VAR

County: Barrow County

Applicant: Chateau Elan Resorts, LLC c/o Rochester and Associates, Inc.

Owner: Chateau Elan Resorts, LLC

Location: Barrow County Tax Parcel(s) BR 027 and 027A

PROJECT DATA (BASED ON REVISED PLAN RECEIVED ON JULY 1ST AND DATED JUNE 26, 2019)

Acreage: 47.56

Use Information:

Single-Family Residential

68 Single-Family Attached (Townhomes)

55 Detached Single Family

Proposed Development Standard Information:

Tract 1 (to be developed out of a section of the vineyards in between the Winery and Hampton Inn)

Number of Rear Loaded Attached Single-Family Units – 44

Minimum lot/building width – 26’

Minimum lot depth – 90’

Minimum lot area – 2,340 s.f.

Maximum height at building eave– 29’

Front building setback at private road– 10’

Rear building setback– 20’

Separation between townhome rows – 20’

Minimum heated square footage – 1,200 one story, 1,600 two story

Tract 2 (Spa View)

Number of Rear Loaded Attached Single-Family Units – 24

Minimum lot/building width – 26’

Minimum lot depth – 90’

Minimum lot area – 2,340 s.f.

Maximum height at building eave – 29’
Front building setback at private road– 10’
Rear building setback– 20’
Separation between townhome rows – 10’
Minimum heated square footage – 1,200 one story, 1,600 two story

Tract 3 (On existing Par 3 course off Pinot Noir Drive)

*Significant revision on plan entails eliminating the attached single-family and limiting the residential use to detached single-family

Number of Detached Single-Family Units – 55
Minimum lot/building width – 40’
Minimum lot depth – 115’
Minimum lot area – 4,600 s.f.
Maximum height at building eave– 29’
Front building setback – 15’
Rear building setback– 15’
Minimum heated square footage – 1,600 one story, 2,000 two story

APPLICATION INTENT (BASED ON REVISED APPLICATION JULY 2019)

The applicant requests an amendment to the Chateau Elan PUD Master Plan for the addition of a residential use. The proposed development areas include sections of the resort property currently being used as grape vineyards (Tract One adjacent to the winery), a par 3 golf course (Tract 3), and an existing wooded area off of Pinot Noir Drive (Tract 2).

Per the Town of Braselton Development Code, all attached single-family developments, including PUD zoned properties, are subject to the development standards found in Section 9.1.1 of the Braselton Development code. Since many of the design features proposed in the application conflict with the Town’s development standards for attached single-family, a variance request was submitted in conjunction with this PUD Amendment application (case# 18-06-VAR).

The PUD Amendment is divided into three separate tracts.

The development of tract one will occupy a section of the existing vineyards located in between the Winery and Hampton Inn. Access to this section will be off Golf Club Drive. The Townhomes proposed for tract one have the front of the units facing the remaining vineyards with the rear of the units to be facing the street.

The development of tract two will occupy a wooded area along Pinot Noir drive that is adjacent to the Spa, Hotel Conference Center, and the 9th hole of the existing Par 3 course. The Townhomes proposed for tract two have the rear of the units facing the street.

The development of tract three will occupy the existing Par 3 golf course. Access to this section will be off Pinot Noir Drive. Tract three will contain detached single-family homes.

STAFF RECOMMENDATION FOR 18-11-RZ and 18-06-VAR

***The term “revised plan” shall mean the plan received 7/1/19 with a revision date of 6/26/19**

Approval of Concept Plan with the following RECOMMENDED CONDITIONS:

1. All attached single-family uses shall meet the requirements of Section 9.1.1 of the Braselton Development Code (Requirements for attached single-family dwellings or Townhouses in all zoning classifications), except for the recommended variance approvals as set forth below for application 18-06-VAR.
2. *The minimum lot size for the detached single-family lots shown on Road “A” shall be 10,000 s.f. The minimum lot width for lots shown on Road “A” shall be 75’. The minimum lot size for lots shown on Road “C” shall be 5,000 s.f. The minimum lot width for lots shown on Road “C” shall be 50’. Lot width is the distance between side lot lines measured at the front building line.
Staff Comment: The minimum requirements recommended for Road “A” lots coincide with the Town standards for the R-3 zoning classification. Out of the Town’s standard single-family oriented zoning classifications, the R-3 permits the smallest lot size and lot widths as compared to R-1 and R-2. The R-3 standards were recommended for this particular section to serve as a transition from the Manor Home lots that range from 25,700 s.f. in area to over three acres, to the lots on Road “C” that staff has recommended approval for a minimum of 5,000 s.f.. It should be noted that the Manor Homes are served by septic tanks that require larger lot sizes than lots served by sanitary sewer.
3. The minimum residential building setbacks for detached single-family homes along Road “A” shall be: Front 25’, Side 10, and Rear 25’ The minimum residential building setbacks for detached single-family homes along Road “C” shall be Front 15’ (with garages having a minimum setback of 20’), 5’ side, and a 20’. The variance recommendations for 18-06-VAR shall dictate recommended setbacks for attached single-family units. Building setbacks are measured from the lot boundary to the building wall.
4. *All residential units shall have two car garages.
Staff Comment: Town requirement in all residential zoning districts.
5. There shall be a 50’ opaque buffer separating the existing Executive Estates and Country Estate lots to the proposed lots in Tract 3.
6. There shall be a 25’ landscape tree planted buffer separating the detached single-family residential units and Pinot Noir drive.

7. The minimum residential heated floor area for attached single-family shall be no less than 1,200 one-story, 1,600 two-story. The minimum residential heated floor area for detached single-family shall be 2,000 s.f.
8. All site plans must be approved by the Barrow County Fire Marshall prior to any plan approval or permit issuance.
9. Streets designated as Road "A", Road "B", Road "C", and Road "D" must meet the dimensional and construction standards set forth in the Braselton Development Code, including a minimum pavement width of 26' B.O.C. to B.O.C. and a total 50' wide access and utility easement width (private ROW). Lots boundaries shall begin outside of the access and utility easement (private ROW). The streets shall also have curb and gutter and a minimum 4 ft. sidewalks along both sides of all streets.
10. The design of Tract One and Tract Two shall provide connecting sidewalks in between buildings connecting the street sidewalk to the proposed sidewalk shown to be located along the front of the residential units (facing the greenspace not the proposed new street).
11. PUD Residential Design Standards set forth in section 7.3 of the Braselton Development Code shall apply.
 - a. All rights-of-way must have a street light system, to be owned and maintained by the homeowners' association. Exception to the ownership and maintenance may be granted if such ownership and maintenance is under the power utility provider.
 - b. There shall be sidewalks located on both sides of all streets. Sidewalks shall be a minimum of 4 ft. in width.
 - c. All residential lots shall have tree plantings along the rights-of-way as follows:
 - i. One large deciduous tree for every 25 feet of right-of-way.
 - ii. Trees may be planted in the right-of-way.
 - iii. Each tree shall be of a species known to reach an approximate height of 40 feet at maturity.
 - iv. Trees shall be installed prior to the issuance of a certificate of occupancy for a residential unit.
 - v. If seasonal or inclement weather are prohibitive to planting, installation can be waived until planting season or when the weather permits installation. The installation shall take place prior to the release of any bonded amount of monies or any other final release of the developer or builder from the Town.

- d. Any design or development criteria not specified in the written report or specified as a condition of zoning shall revert to the nearest comparable residential district and the requirements required for that district.
12. The development shall be in substantial conformance with the submitted application site plan, exhibits, and narrative with such conformance to be determined by the Planning Director. Exceptions shall be granted for any changes necessary to comply with the conditions set forth by Town Council, and for or any requirements set forth from all other applicable Town of Braselton development regulations. Any changes deemed necessary by any other applicable governmental reviewing agency with jurisdiction shall be permitted. All development standards and design elements proposed in the application shall be adhered to with the exception of conflicting development standards set forth as a condition of approval by the Town Council.
 13. A revised and final PUD site plan that meet the conditions of this PUD amendment approval and all other applicable local and state regulations shall be submitted to the Mayor and Council for approval prior to the issuance of any development permit.
 14. All recommendations for the Town Roads and Stormwater Department shall be addressed on the final PUD site plan submitted to the Mayor and Council for approval. In case there are conflicts between recommendations or requirements between Town departments and other agencies, such conflicts may be addressed and resolved by Town staff in the plan review process.

VARIANCE RECOMMENDATIONS AS IT APPLIES TO ATTACHED SINGLE-FAMILY USES IN TRACTS ONE AND TWO.

***The term “revised plan” shall mean the plan received 7/1/19 with a revision date of 6/26/19**

1. Relief from “No more than ten (10) or fewer than three (3) contiguous townhouses shall be built in a row.”
Variance request no longer needed based on revised plan.
2. Relief from “Rear entry, two car garages served by an alleyway located to the rear of the principal structure is required for each unit.”
Approval based on revised plan. Per the revised plan, the rear of dwelling units and garages face the street.
3. Relief from “Minimum lot width is 30 feet.”
Approval for a minimum lot width of 26 ft. This approval only applies to dwelling units with rear loaded garages (per the revised plan, all the attached single-family units are rear loading with the rear of the dwelling units facing the street).
4. Relief from “Yard requirements and building setbacks shall be 10 feet for the front yard, 20 feet for the rear yard, and 20 feet for the side yard on such lots that lay at a corner of intersecting streets. All detached buildings shall have a minimum separation of 20 feet.”

Recommendation – Approval with the stipulation that the following yard requirements shall apply: Facades that contain garage entries shall have a 20’ building setback to the property line. The front yards shall be designated as presented on the revised plan (facing greenspace and not the street).

5. Relief from “All streets in a development containing attached single-family dwelling units shall have an additional seven (7) feet of right-of way and pavement width in addition to the minimum requirements set forth in Article XV for each side of the street that abuts lots containing such dwelling units. Within this additional pavement width, an on-street parking lane shall be designated.”

Recommendation – Approval with the stipulation that the on-street parking spaces and guest parking spaces as shown on the revised plan shall be incorporated into the final design.

**ZONING ANALYSIS AND RECOMMENDATION
 PLANNED UNIT DEVELOPMENT MAJOR AMENDMENT
 (Original Staff Report February 2019)
 Planning and Development Department
 (Variance Requests Identified as Case 18-06-VAR Addressed in Separate Staff Report)**

Case No.: 18-11-RZ

County: Barrow County

Applicant: Chateau Elan Resorts, LLC c/o Rochester and Associates, Inc.

Owner: Chateau Elan Resorts, LLC

Location: Barrow County Tax Parcel(s) BR 027 and 027A

PROJECT DATA

Acreage: 47.56

Use Information:

Single-Family Residential

115 Single-Family Attached (Townhomes)

16 Detached Single Family

Acreage Breakout:

	Total	Open Space	Environmentally Sensitive Areas	Impervious Surface
Tract One -	18.29	14.94	0	3.35
Tract Two -	5.53	2.52	.69	2.32
Tract Three -	23.74	11.39	6.12	6.23

Proposed Development Standard Information:

Tract 1 (to be developed out of a section of the vineyards in between the Winery and Hampton Inn)

Number of Rear Loaded Attached Single-Family Units – 44
Minimum lot/building width – 24’
Minimum lot depth – 90’
Minimum lot area – 2,160 s.f.
Maximum height – 35’
Front building setback – 15’
Rear building setback from edge of alley – 20’
Separation between townhome rows – 10’
Minimum heated square footage – 1,200 one story, 1,600 two story

Tract 2 (On Pinot Noir Drive adjacent to the Spa and across from hole one of the par 3 course)

Number of Rear Loaded Attached Single-Family Units – 24
Minimum lot/building width – 24’
Minimum lot depth – 90’
Minimum lot area – 2,160 s.f.
Maximum height – 35’
Front building setback – 15’
Rear building setback from edge of alley – 20’
Separation between townhome rows – 10’
Minimum heated square footage – 1,000 one story, 1,400 two story

Tract 3 (On existing Par 3 course off Pinot Noir Drive)

Number of Rear Loaded Attached Single-Family Units – 19
Minimum lot/building width – 24’
Minimum lot depth – 90’
Minimum lot area – 2,160 s.f.
Maximum height – 35’
Front building setback – 15’
Rear building setback from edge of alley – 20’
Separation between townhome rows – 10’
Minimum heated square footage – 1,000 one story, 1,400 two story

Tract 3 (On existing Par 3 course off Pinot Noir Drive)

Number of Rear Loaded Attached Single-Family Units – 28
Minimum lot/building width – 24’
Minimum lot depth – 90’
Minimum lot area – 2,160 s.f.
Maximum height – 35’
Front building setback from back of curb – 20’
Rear building setback from edge of alley – 15’
Separation between townhome rows – 10’
Minimum heated square footage – 1,000 one story, 1,400 two story

Tract 3 (On existing Par 3 course off Pinot Noir Drive)

Number of Detached Single-Family Units – 16

Minimum lot width– 60’

Minimum lot depth – 115’

Minimum lot area – 6,900 s.f.

Maximum height – 35’

Front building setback from ROW – 15’

Rear building setback– 15’

Side building setback – 0’ (10’ separation in between houses)

Minimum heated square footage – 1,600 one story, 2,000 two story

Land Use Plan Recommendation: The Future Land Use Plan of the Town of Braselton designates this property as commercial. It is in the Hwy. 211 Gateway Character Area.

COMMENTS FROM OTHER AGENCIES DEPARTMENTS

***Comments from the Barrow County Fire Marshall (*comments only pertain to original submitted plan and not the revised plan submitted 2/20/19).**

“The main access is listed as Alley A. Prints state that Alley A is 24 feet wide. Your structures are listed as 35 feet in height. The International Fire Code states in Section D105 D105.1 Building or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 (Width) Fire apparatus access roads shall have a minimum unobstructed width of 26 feet wide in the immediate vicinity of any building or portion of the building more than 30 feet in height.

D105.3 (Proximity to Building) At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

Your plans call for a dead end turn around at the end of Alley A. IFC Section 101 D103.4 (Dead-ends) Dead end fire apparatus access roads more than 150 feet shall be provided with width and turnaround provisions in accordance with table D103.4 IFC Table D103.4 (Turnarounds required 120 feet hammerhead, 60-foot Y or a 96-foot-diameter cul-de-sac in accordance with figure D103.1.

These blue prints do not have any information on fire hydrant arrangement, type of fire hydrant to be installed or size of water main to service the new development.

The city will have to give the Alley shown a name. For example: (Lighting bug Alley City of Winder) The reason is it has to have a name to get a 911 street address.”

Comments from Town of Braselton Roads and Stormwater

Roads

- With respect to dead end streets, circular turn arounds are the preferred treatment because, if designed properly, they allow for cars, garbage trucks, and delivery trucks to make a U-turn instead of having to back-up. AASHTO 5.3.2.10
Circular turn arounds are the most common application for dead end streets throughout Chateau Elan and other nearby neighborhoods.
- Consideration may be given to requiring a setback from the SR 211 right of way line to the back of curb of any portion of a street, with setback being equal to or greater than the depth of one townhome. If L-type or T-type turnarounds are utilized, then they should be situated so that they are independent of any parking or driveway maneuvers.
- If on-street parking is allowed along Pinot Noir Drive (For “Spa View” homes), consideration should be given to the following:
 - horizontal and vertical curvature of the road may require additional length or width of parking stall
 - vehicles would have to drive past the development and turn around at some point to be properly oriented to use the on-street parking.
 - Prohibiting on-street parking along Pinot Noir between SR 211 right of way and along the Pond View home section because of the proximity to the SR 211 right of way and considering Pinot Noir Drive functions as a collector road
- Consideration should be given to mail kiosk locations and the provision for short-term parking that does not conflict with resident or visitor parking.
- A typical street and utility cross section developed specifically for this development would clarify whether proposed rights of way are sufficient to accommodate the required components including, but not limited to, street lights, street trees, on-street parking, sidewalks on both sides, and utilities.
- Golf cart paths, if any, should be identified on future plans.

- Narrative summary could describe whether or not permanent parking/storage of golf carts will be permitted at the residences.

Stormwater

- If Road “A” is to discharge to the SWM area behind Lots 10 & 11, consider incorporating the conveyance into the common area and not within an easement of a lot. In other words, the common area could extend from the pond to the road right of way with an appropriate width to accommodate the underground pipes and allow for equipment access and future inspections.
- For any lot or townhome proposed to be located between the road and stormwater management area or between the road and the floodplain, consideration should be given to situating curb cuts to avoid or minimize runoff flowing down driveways into garages or front entry ways.
- Future plans should show the proposed location of the stormwater management facilities for all neighborhoods.

APPLICATION INTENT

The applicant requests an amendment to the Chateau Elan PUD Master Plan for the addition of a residential use. The proposed development areas include sections of the resort property currently being used as grape vineyards (Tract One adjacent to the winery), a par 3 golf course (Tract 3), and an existing wooded area (Tract 2).

Per the Town of Braselton Development Code, all attached single-family developments, including PUD zoned properties, are subject to the development standards found in Section 9.1.1 of the Braselton Development code. Since many of the design features proposed in the application conflict with the Town’s development standards for attached single-family, a variance request was submitted in conjunction with this PUD Amendment application (case# 18-06-VAR).

The PUD Amendment is divided into three separate tracts.

The development of tract one will occupy a section of the existing vineyards located in between the Winery and Hampton Inn. Access to this section will be off Golf Club Drive. The Townhomes proposed for tract one have the front of the units facing the remaining vineyards with the rear of the units to be facing the street.

The development of tract two will occupy a wooded area along Pinot Noir drive that is adjacent to the Spa, Hotel Conference Center, and the 9th hole of the existing Par 3 course. The Townhomes proposed for tract two have the rear of the units facing the street.

The development of tract three will occupy the existing Par 3 golf course. Access to this section will be off Pinot Noir Drive. Tract three contains a section of detached single-family units that abut the existing lots in the Manor Homes section of Chateau Elan along with attached single-family homes to be located on the opposite side of the pond.

STANDARDS OF OFFICIAL ZONING MAP AMENDMENT

Review of applications is made based upon the “Standards Governing Exercise of the Zoning Power” as provided by the Town of Braselton.

Will the rezoning requested permit a use that is suitable in view of the existing use or usability adjacent or nearby property? In terms of the addition of a residential use in general, the PUD amendment will permit a use that is suitable in view of the existing use or usability of adjacent property. However, the design as proposed in the PUD Amendment plan does not comply with Town regulations for attached-single family developments. The design standards proposed also appear to conflict with the existing residential character and standards of both the abutting and greater Chateau Elan community.

Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby property? In terms of the addition of a residential use in general, the PUD amendment would may affect the existing use or usability of adjacent property. Proper buffering, screening, and density transitions between the the existing residential areas and proposed residential areas would provide a better land use transition. The lot sizes, setbacks, and minimum heated floor area proposed are inconsistent with other conventional subdivisions in the area.

Does the property for which the rezoning is requested have a reasonable economic use as currently zoned? The properties are currently utilized as part of the overall Chateau Elan Resort property. Other than providing aesthetic value and amenities to visitors to the Resort, the economic use of the vineyards and golf course does not have as high an economic use than the development proposed in this amendment application.

Is the subject property suitable for the zoned purposes?

The property may be suitable for a residential use in general. To meet Town standards for attached single-family developments, the proposed plan would have to undergo revisions.

Will the rezoning requested result in a use that could cause an overcrowding condition with respect to the existing streets, utilities, or schools?

The applicant will need to undertake all necessary water and wastewater system improvements that will be required for this proposed development.

With the planned SR 211 widening improvements that includes providing additional lane capacity, intersection improvements, the external transportation infrastructure will be in place once these improvements are completed to accommodate the additional traffic. The SR 211 improvements also show a traffic signal to be installed at the intersection of SR 211/Pinot Noir Drive entrance.

It is recommended that the internal private street system, as proposed in the application, meet Town street standards for local streets. This includes an overall 50’ wide street easement/ROW that includes curb and gutter and sidewalks on both sides of the street that run parallel to the street. As with any residential development, there can be an impact on schools.

Does the rezoning requested conform to the Town of Braselton Future Land Use Map?

The Town of Braselton Comprehensive Plan designates this property as commercial. According to the policy written for the Hwy 211 Gateway, “Chateau Elan is one of Braselton’s most significant and well known destinations. Future expansion of the winery and resort should be consistent with the development’s master plan”. Given the current character and natural features of the tracts in question, a lighter residential use may be more appropriate than any new commercial building development.

Does the hardship imposed upon the individual property owner under the current zoning conditions outweigh the benefits to the public in maintaining those zoning conditions?

The benefit to the public is to encourage development and uses that are economically viable that are consistent with the land use and development policies established in the Town and do not adversely impact the character or quality of the community.

Will the rezoning request have a significant impact on the environment, including, without limitation, soil erosion and sedimentation, flooding, air and water quality and water quantity?

The proposed development could potentially present an adverse impact on the environmental factors noted above. All development activities shall meet local and state environmental regulations as it pertains to soil erosion, stream buffer protection, and stormwater management. Protected buffer areas along streams should be located outside of private lots to the greatest extent possible. This will minimize the risk of potential buffer intrusions because of future builder and homeowner lot improvement activity.

Will the rezoning request have a significant adverse impact on the aesthetics of the property or the surrounding area?

The proposed development could have an adverse impact on the surrounding area. A residential development consistent with existing standards can help minimize any adverse aesthetic impacts to the area.

ADDITIONAL CRITERIA FOR PUD ZONING DISTRICTS

- 1. The proposed use(s) and intensities would not be detrimental to surrounding properties or uses.* The proposed use may be detrimental to surrounding properties or uses. It is recommended that the proposed development standards and design show more consistency with established Town development standards and Chateau Elan design standards. Any development should also attempt to minimize, to the greatest extent possible, the vineyards located at the entrance of the resort and which contributes to the overall aesthetic value of the resort property.
- 2. Mitigation of impacts are proposed and are considered to be adequate with regard to the protection of surrounding properties.* The proposed development does show a proposed buffer to be located in between the detached single-family product in Tract 3 and the existing homes in the Executive Estates/Manor Homes section of Chateau Elan.
- 3. The proposed use is compatible with surrounding uses.* It is recommended that the proposed development standards and design show more consistency with established Town development standards and Chateau Elan design standards.
- 4. The proposed use or proposed density is not out of character with the Comprehensive Land Use Plan.* The Comprehensive Land Use Plan designates these properties as commercial, consistent with its current use related to the resort property. Given the current character and

natural features of the tracts in question, a lighter residential use may be more appropriate than any new commercial development.

5. *The proposed development would not otherwise be accommodated by a typical zoning district.* The development standards as proposed would not be accommodated in a typical zoning district. This request is not for a change in zoning district, but an amendment to the existing PUD zoning. The standards as set forth in the Development Code for attached single-family uses would apply even with the property's PUD zoning designation.
6. *There are substantial design and use concepts that make the proposed development distinct and unique.* The development standards and design as proposed would be considered unique in comparison to existing development patterns in the Town and specifically the existing residential developments in the Chateau Elan community.
7. *Impacts to surrounding properties is mitigated with the use of open space and buffering.* Approximately 61% of the site is set aside as open space.
8. *Environmentally sensitive areas are protected to the standards set forth in this Ordinance and Code.* Stream buffer corridors and wetland areas are protected in accordance Town of Braselton standards per the submitted site plan
9. *The proposed development would not encumber or exhaust Town infrastructure*
The applicant will need to undertake all necessary water and wastewater system improvements that will be required for this proposed development. Overall, the Town has sufficient wastewater and water capacity to serve the project.

With the planned SR 211 widening improvements that includes providing additional lane capacity and intersection improvements, the transportation infrastructure will be in place once these improvements are completed to accommodate the additional traffic.

**TOWN OF BRASELTON PLANNING AND DEVELOPMENT
DEPARTMENT**

**VARIANCE APPLICATION ANALYSIS
(Original Staff Report February 2019)**

CASE NUMBER: 18-06-VAR

REQUEST: Request for variances from Section 9.1.1 (Requirements for attached single-family dwellings or Townhouses in all zoning classifications) of the Braselton Development Code. The specific variance requests are as follows: 1) Relief from the requirement of no more than 10 or fewer than 3 contiguous townhouses should be built in a row, 2) Relief from requirement requiring rear entry two car garages served by an alley way, 3) Relief from requirement requiring a minimum lot width of 30 ft., 4) Relief from minimum yard and building setback requirements, 5) Relief from requirement that all streets shall have an additional 7 feet of right-of-way and pavement width for on-street parking spaces.

LOCATION: Barrow County Tax Parcel(s) BR 027 and 027A

ZONING: PUD (Planned Unit Development)

DEVELOPMENT: Attached Single-Family (Townhomes)

APPLICANT: Chateau Elan Resorts, LLC c/o Rochester and Associates, Inc.

PROPERTY OWNER: Chateau Elan Resorts, LLC

APPLICATION INFORMATION

Chateau Elan Resorts, LLC requests variances from Section 9.1.1 of the Braselton Development Code (Requirements for attached single-family dwellings or Townhouses in all zoning classifications). The content of Section 9.1.1 is as follows:

- A. No more than ten (10) or fewer than three (3) contiguous townhouses shall be built in a row.
- B. Rear entry, two car garages served by an alleyway located to the rear of the principal structure shall be required for each unit.
- C. All attached, single-family units shall have access from an internal local street. No unit or lot shall have direct automotive access to a collector or arterial street.
- D. Minimum lot width is 30 feet.
- E. Yard requirements and building setbacks shall be 10 feet for the front yard, 20 feet for the rear yard, and 20 feet for the side yard on such lots that lay at a corner of intersecting streets. All detached buildings shall have a minimum separation of 20 feet.
- F. All streets in a development containing attached single-family dwelling units shall have an additional seven (7) feet of right-of way and pavement width in addition to the minimum requirements set forth in Article XV for each side of the street that abuts lots containing such dwelling units. Within this additional pavement width, an on-street parking lane shall be designated.

The specific applicant variance requests are described below:

<i>Section 9.1.1</i>	<i>Applicant Requested Variances</i>
A. No more than ten (10) or fewer than three (3) contiguous townhouses shall be built in a row.	A. No more than ten (10) or fewer than three (3) two (2) contiguous townhouses shall be built in a row.
B. Rear entry, two car garages served by an alleyway located to the rear of the principal structure shall is required for each unit.	B. Rear entry, two car garages served by an alleyway located to the rear of the principal structure shall is required for each unit. Front entry, two car garages served by a street shall be allowed in Tract 3, as shown on the Rezoning Plan.
C. All attached, single-family units shall have access from an internal local street. No unit or lot shall have direct automotive access to a collector or arterial street.	C. All attached, single-family units shall have access from an internal local street. No unit or lot shall have direct automotive access to a collector or arterial street.
D. Minimum lot width is 30 feet.	D. Minimum lot widths is 30 feet shall be as shown on the Rezoning Plan.
E. Yard requirements and building setbacks shall be 10 feet for the front yard, 20 feet for the rear yard, and 20 feet for the side yard on such lots that lay at a corner of intersecting streets. All detached buildings shall have a minimum separation of 20 feet.	E. Yard requirements and building setbacks shall be 10 feet for the front yard, 20 feet for the rear yard, and 20 feet for the side yard on such lots that lay at a corner of intersecting streets. All detached buildings shall have a minimum separation of 20 feet. shall be as shown on the Rezoning Plan.
F. All streets in a development containing attached single-family dwelling units shall have an additional seven (7) feet of right-of way and pavement width in addition to the minimum requirements set forth in Article XV for each side of the street that abuts lots containing such dwelling units. Within this additional pavement width, an on-street parking lane shall be designated.	F. All streets in a development containing attached single family dwelling units shall have an additional seven (7) feet of right-of way and pavement width in addition to the minimum requirements set forth in Article XV for each side of the street that abuts lots containing such dwelling units. Within this additional pavement width, an on-street parking lane shall be designated. All driveways shall be a minimum length of twenty (20) feet measured from back of sidewalk to face of garage.

STANDARDS GOVERNING THE GRANT OF A VARIANCE

The Town of Braselton’s Zoning Ordinance grants the Town of Braselton the authority to grant variances. The Town is authorized to grant variances from the terms of the Development Regulations that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the regulations will, in an individual case, result in an unnecessary hardship to a property owner. The Standards governing the grant of a variance are outlined below with the findings of the Town of Braselton Planning Director provided for each standard.

1. There are extraordinary and exception conditions pertaining to the particular property in question because of its size, shape, or topography.

In general, there are no extraordinary or exceptional conditions pertaining to the property due to its size, shape, or topography that may not otherwise apply to other properties generally. However, to encourage minimal disturbance of the vineyards area located in front of the winery along with the pond area in Tract 3, staff believes a waiver of the alley requirement should be considered only in those specific areas.

2. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.

The application of the zoning ordinance to the particular piece of the property would not create an unnecessary hardship. The intent of the code requirements is to apply uniformly throughout the jurisdiction. Only in unique circumstances where the application of the ordinance would make the property unbuildable, unusable, or create negative impacts to adjacent properties or to the interest of the public can a hardship argument be made. A hardship is not created if the application of the zoning ordinance simply does not permit a landowner to develop property to their specific preferences or to a certain desired yield.

3. Such conditions are peculiar to the particular piece of property involved.

As it relates to most of the variance requests, there are no conditions that are particular to this piece of property that would not also apply to other properties in the jurisdiction desiring to develop a similar use.

4. Such conditions are not the result of any actions of the applicant or property owner.

The applicant has identified certain sensitive areas, both environmentally and aesthetically, as a condition to warrant relief from certain requirements. Staff has taken those in consideration as it relates to the variance recommendations. However, staff has not identified any overall hardship or property conditions to warrant blanket approval of the variances requested.

5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Ordinance.

Section 9.1.1 of the Braselton Development Code is a policy adopted by the Mayor and Council of the Town of Braselton intended to apply to all future attached single-family developments. In a variance case, it is not the role of staff to make judgements on the appropriateness or the merit of a Town adopted regulation generally. The role of staff in a variance case is to determine if special or unique characteristics apply to the property in question that would create a hardship if the regulation is applied. Or, an approval may be warranted if a variance would be in promotion of the general public interest. The grant of variances for specific projects solely on the reasons that the regulations conflict with the design preferences of a developer may impair the purposes and intent of the ordinance.

Such an action may cause precedence's that may cause difficulties in the enforcement of the regulations in the future.

6. The variance is not a request to permit a use of land, buildings, or structures that is not permitted by right or by conditional use permit in the district involved.

The variances apply to a land use which is under consideration for approval in the form of a PUD Amendment. The PUD Amendment is to be considered in conjunction with these variance request.