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**Staff Report and Recommendation  
Variance Case: LV-2025-01**

**Date of Report: November 18, 2025  
Report by: Reid Turner, Planner Director  
Special Called Hearing Date: Wednesday, December 3, 2025**

GENERAL INFORMATION

Applicant: Kittle Homes, LLC.  
Owner: Kittle Homes, LLC.  
Size: 3.33 +/- Acre, District 6, Land Lot 111, Parcel 005  
Location: 327 Killian Hill Rd, Lilburn, GA, 30047  
Existing Zoning: MU, Mixed Use

EXISTING LAND USES & ZONING DISTRICTS

To the North:	Residential/Mixed Use	MU
To the East:	Residential/Mixed Use	MU
To the South:	ROW/Residential	R-100
To the West:	Residential	R-100

ZONING HISTORY

The subject parcel fronts Killian Hill Road and is surrounded by a mix of residential and mixed-use zoning. All parcels adjacent to the properties have been developed with residential uses. Parcel R111 005 was zoned MU in 2014 along with parcels R6124 005, R6124 004, and R6111 357, and all parcels except the subject parcel have been developed as a phased mixed-use development known as The Preserve at Killian Hill. The development currently consists solely of attached townhome units. There has been no commercial development on the site to date. As such, Phase 3 of the Preserve at Killian Hill development must satisfy the requirements of the Mixed-Use Zoning District by providing an adequate mix of commercial and residential uses for the project.

The Preserve at Killian Hill development consists of three phases representing a total land area of 14.32 +/- acres. The Mixed Use Ordinance was amended in 2020 (ORD# 2020-551) and 2022 (ORD# 2022-579), prior to ownership or submittal of development plans for Phase 3, as such Phase 3 must meet updated code requirements not in effect during Phases 1 and 2.

Additionally, the development is subject to the conditions imposed upon the property at the time of the rezoning in 2014 (RZ-2014-02, ORD# 2014-469):

**Conditions of ORD# 2014-469**

1. Provide the Planning and Economic Development Department with more detailed renderings prior to issuance of building permits. To be included in the renderings is a mix of materials, textures, and brick & roof colors.
2. To the maximum extent practical, comply with the requirements of the Lawrenceville Highway [29] Corridor Overlay District.
3. Provide 8-foot-wide sidewalks along the Arcado Road and Killian Hill Road frontages.
4. No deliveries from 10 pm to 7 am, nightly.
5. Commercial development must be limited to 5.5 acres or less.
6. Eliminate use of the curb cut on Arcado Road across from Windsong Drive.
7. Limit parking lot light poles and lights to a height of 20 feet, using cutoff luminaries directed toward commercial.
8. Any out parcels not developed after one year of initiating the project shall be reviewed by the Director of Planning and Economic Development. If development is not forthcoming, the Director may require landscaping of those parcels.
9. If the entire site is not developed simultaneously, the residential component must be given priority.

Finally, in 2021 the developer and the City of Lilburn entered into a Development Agreement, entitled “The Preserve @ Killian Hill Phase 2 – Development Agreement”, to provide a path to compliance with the mixed-use zoning district in Phase 2 upon acknowledgment that they did not yet own the parcel intended for Phase 3 for the non-residential component. The Master Concept Plan, as proposed, could not be approved with the requirements of the October 2021 Development Agreement. As such, the Applicant and City had worked to enter into a “Revised Development Agreement” in March of 2023 to accommodate the remainder of the project after review and approval by the Mayor and City Council.

The most recent Development Agreement stipulates conformance with the Development Regulations and provides for a schedule of how many buildings can be completed and issued a Certificate of Occupancy prior to issuance of the Commercial Component’s building permit issuance. A summary of the Development Agreement can be found as an attachment to this application Package.

**APPLICANT’S INTENT**

The applicant is requesting a variance to allow the construction of 5 model homes, an increase from the two model homes permissible in the development regulations. The applicant states that this is in an effort to accelerate the construction of the commercial component of the Preserve, which has been forthcoming for many years.

**ANALYSIS OF VARIANCE REQUEST**

*Article 10. Section 1005.* – *VariANCES* details the criteria to be considered when granting a variance. Staff responses are provided below in red.

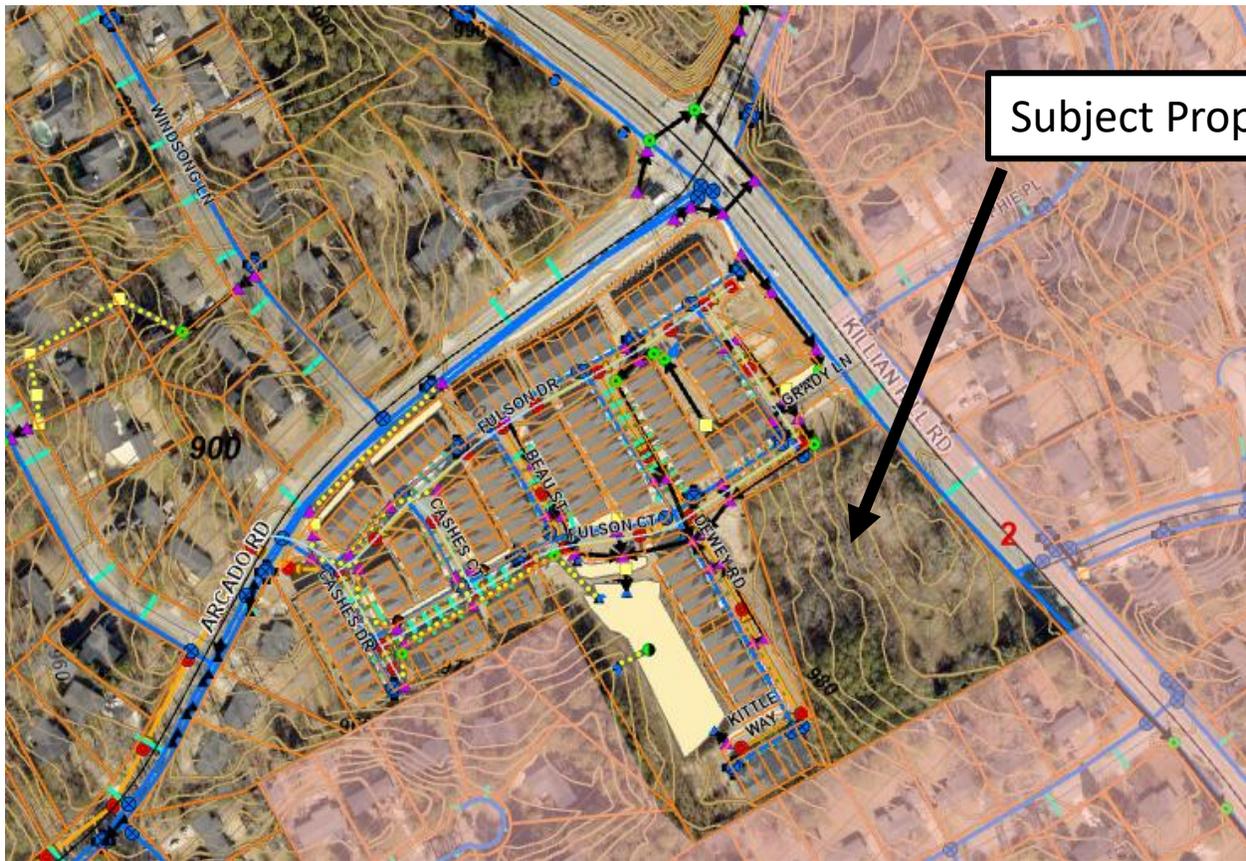
**Variations will be considered only in the following cases:**

- a. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. **There are no specific practical difficulties described or provided in the applicant's letter of intent. Staff is unable to determine any valid hardship that the variance would alleviate beyond being able to build more houses before typical infrastructure is installed and a final plat is recorded.**
- b. A literal interpretation of the provisions of this Article would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located, resulting in unnecessary hardship. **Granting this Variance would allow the applicant to operate outside of the requirements of the Development Regulations, which all subdivisions are developed under, and beholden to.**
- c. Such conditions are peculiar to the particular piece of property involved. **Staff is unaware of any conditions on the property that would require the allowance for additional model homes.**
- d. The special circumstances are not the result of any actions of the property owner. **There are no special circumstances that necessitate the construction of more than 2 model homes on the subject property. According to the Applicant's letter of intent, the granting of this variance would allow them to construct the commercial building sooner, though it should be noted that, while this site is zoned MU, no commercial development has occurred on the property to date which required the formulation of the Development agreement to ensure that the Commercial will be constructed in Phase 3.**
- e. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located. **Granting the Variance request would allow the property owner to build more model homes than allowed by code, prior to recordation of a final plat which would help map infrastructure and ensure building does not outpace site development.**
- f. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare. **While not expressly against the intent of the Comprehensive Plan, the Development Regulations are supported by the Comprehensive Plan and the mechanism with which the Comprehensive Plan's intent is executed.**
- g. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located. **The applicant's letter of intent does not stipulate whether this is the minimum variance necessary. The applicant is not prohibited from building further buildings, if**

they were to follow the normal subdivision development requirements including recordation of a final plat ensuring proper mapping of infrastructure and establishing the extent of each residential lot.

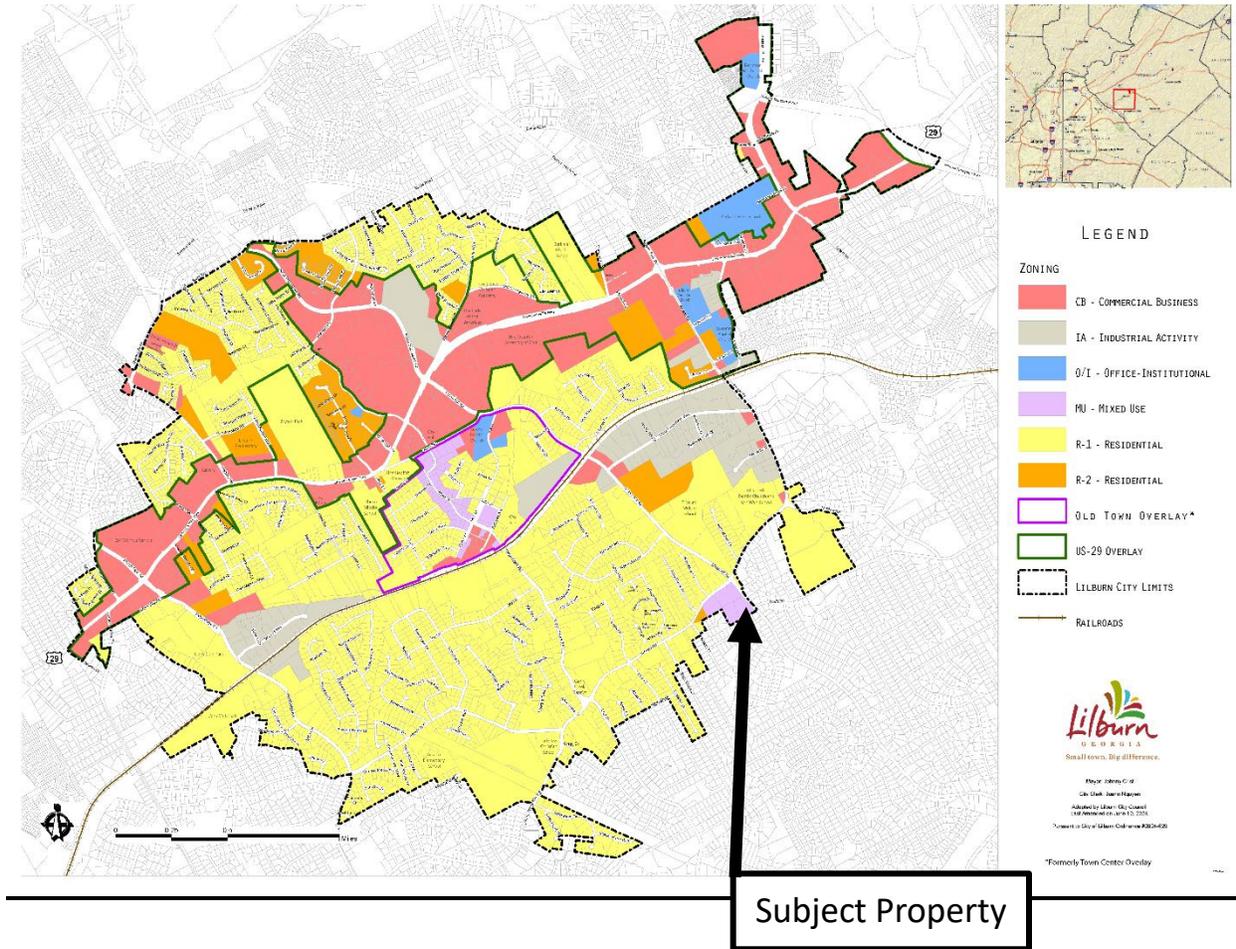
Based on the criteria for approval of a Variance, and in light of the pre-existing Development Agreement between the City and Property Owner, **Staff recommends DENIAL of the requested variance.**

GIS Aerial of Subject Site

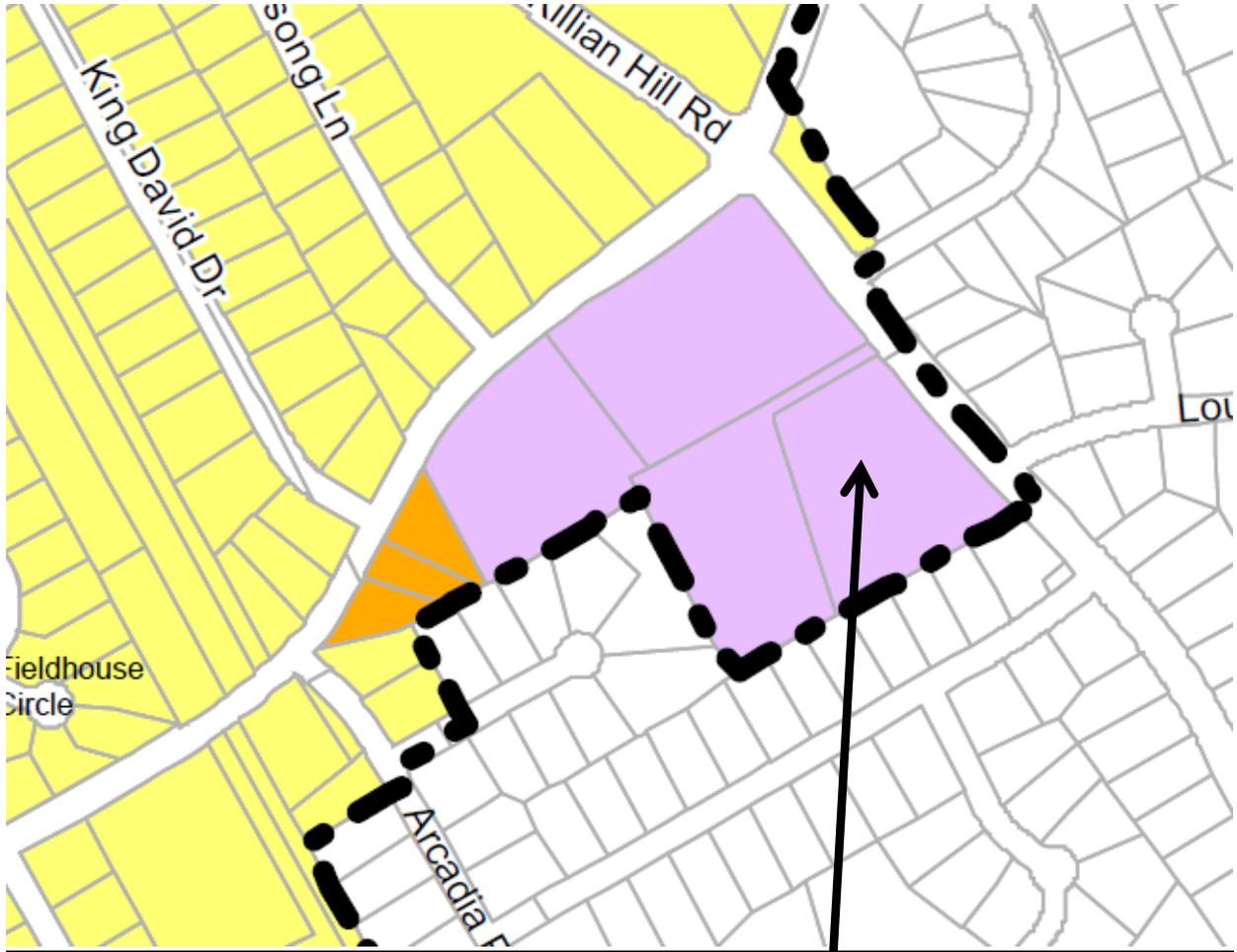


Subject Property

# Official 2024 Zoning Map



Official Zoning Map cont.



Subject Property