ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

BOA No._______________

Applicant and/or Authorized Representative: Boris Jerkunica, Atlanta Silverbacks Park Facility LLC

Mailing Address: 3200 Atlanta Silverbacks Way

City/State/Zip Code: Atlanta, GA 30340

Email: boris.jerkunica@bmarko.com

Telephone Home: 404-723-7780 Business: 404-884-3777 Fax No.:_____________

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Atlanta Silverbacks Park Facility LLC

Address (Mailing): 3200 Atlanta Silverbacks Way

City/State/Zip Code: Atlanta, GA 30340

Email: antony.kountouris@bmarko.com

Telephone Home: 404-884-3777 Business: 404-884-3777 Fax No.:_____________

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3200 Atlanta Silverbacks Way City: Atlanta State: GA Zip: 30340

District(s): __________ Land Lot(s): ___________ Block: __________ Parcel: ________

Zoning Classification: ____________________ Commission District & Super District: ______

CIRCLE TYPE OF HEARING REQUESTED

• VARIANCE (From Development Standards causing undue hardship upon owners of property.)

• SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

• OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: ______________ Fee Paid: ______________
ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 2/21/2017
Applicant:
Signature

DATE: _________________________
Applicant:  __________________________
Signature

DATE: _________________________
Applicant:  __________________________
2/21/2017

Ms. Betsy Stark  
DeKalb County Department of Planning and Sustainability  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

RE: Atlanta Silverbacks Park Indoor Soccer Facility – Zoning Board of Appeals Application for Public Hearing for Floodway Variance

Dear Ms. Stark,

The above referenced project is the 3rd phase of development for the existing Atlanta Silverbacks Park and proposes the construction of an indoor soccer facility and the relocation of two existing soccer fields and drive. The project site is an existing soccer facility with three fields, parking lot, drives, stadium, and associated site amenities. The overall parcel area is approximately 20.51 acres, consisting of mostly pervious surfaces. The site drains west into North Fork Peachtree Creek. Approximately 90% of the total parcel lies within this floodplain.

Detailed Background:

In an ordinary river reach, the “floodplain” is defined generally as areas inundated by the 100 year flood, whereas the “floodway” is generally defined as areas that experience excessively high velocities that would be dangerous for structures built within it.

DeKalb County’s flood ordinance, adopted based on guidance from the Metropolitan North Georgia Water Planning District, indicates that no development is allowed within a floodway except for road crossings and utilities, which still must maintain a “no-rise” condition. This very sensible prohibition in the DeKalb ordinance is to prevent damage to structures due to high velocities experienced within a normally defined floodway. Development within the floodplain, however, is allowable under certain acceptable conditions, which would include compensatory volumetric compensation for fill, and hydraulic analysis of the river reach indicating “no rise” is caused by the development.

According to our detailed review of the current floodplain models developed by Dewberry, which shall be submitted to the Federal Emergency Management Agency (FEMA) by Dewberry and become
“preliminary” later this year, the Silverbacks Park floodplain area has been modeled as a reservoir. This modeling decision accurately shows that backwater from the culvert under Interstate 285 ponds water back into the park, creating a stagnant flooding condition that permeates the park.

Due to internal FEMA floodway rules, the floodway boundary in all areas identified as reservoirs is pushed to the edge of the floodplain. This rule does not indicate that dangerous velocities of water exist in the reservoir. Rather, the rule was put in place to ensure no future filling of the floodplain created a loss in available reservoir storage volume that would invalidate FEMA’s hydrologic model.

This scenario creates a discrepancy between the intent of the DeKalb County ordinance, and the mapping procedures adopted by FEMA. Large portions of the Atlanta Silverbacks Park have no dangerous velocities within them during the 100 year flood, but the DeKalb ordinance prohibits development within them, to protect them from dangerous velocities during the 100 year flood. Because of this discrepancy, the Atlanta Silverbacks Park Indoor Soccer Facility is a relevant and unique candidate for a variance to DeKalb’s floodway regulations. Atlanta Silverbacks Park Facility (Silverbacks) and Campbell Civil Consulting (CCC) request a variance, to permit construction within the floodway, in keeping with the intent of the DeKalb County ordinance, backed by sound science and engineering. Please note, the Silverbacks intend to meet all other aspects of the DeKalb flood ordinance, including volumetric compensation for fill in the floodplain. Volumetric analysis will be shown on the design plans by Breedlove.

For ease of review, our request for variance shall be further broken into two parts. The first explains the engineering efforts and coordination performed to date by Silverbacks and CCC, and the second will address all areas of concern within ordinance number 08-12 Pt. I, section 14-445 through 14-447, which constitute DeKalb County’s ordinance requirements for a floodway variance.

Efforts to Date:

The effective flood model for the site was not available through FEMA, nor through the county, nor the county’s consultant Dewberry. Dewberry does, however, have the newly created model which will be submitted to FEMA presently, and may become preliminary by the end of 2017. CCC based all flood analysis off this model.

Our analysis of this model discovered a slight discrepancy at one section (48896) in the model. CCC and Silverbacks reached out, through the county, to Dewberry to make them aware of the discrepancy, which was related to the section station chosen for the ineffective flow area boundary. Dewberry analyzed this slight discrepancy, and made some minor changes within their own model at a courtesy to Silverbacks, to the County, and to avoid further hassles to them in public comment later this year. CCC and Silverbacks understand that these minor changes will be reflected in the final flood model once it becomes adopted by FEMA.
Pursuant to that discussion, Dewberry agrees with CCC that the portions of the floodway in which the building will be situated do not experience significant velocities, and act “more like a pond/lake that fills up with water.” (Fleming correspondence 2/2/2017, cc:ed to Azimi and Adams at DeKalb)

CCC has received the revised model from Dewberry, and can show “no rise” conditions between that model and a proposed model with the building included, for both the current and future land use 100 year flood.

**Compliance with Variance Criteria:**

**14-445 Appeal Board**

(a) In passing upon requests for variances, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article including all of the following:

1. Danger that materials may be swept onto other lands to the injury of others;

The science and engineering modeling associated with this project indicate that velocities within the proposed area of development shall be negligible, and not sufficient to sweep materials onto other lands to the injury of others.

2. Danger of life and property due to flooding or erosion damage;

The design intent for the buildings themselves is to have them flood vented, such that they will accept and allow water to flow into them during flooding events. The existing buildings on site have similar flood venting, and the flood venting will be vetted as usual during the design process.

3. Susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the existing individual owner and future owners of the property;

See (2) above. Habitable space in the revised plan will be in the second story of the building, which will be connected via a gangway to the existing stadium.

4. Importance of the services provided by the proposed facility to the community;

The existing facility serves approximately 250,000 visitors a year. During the winter months, the number of visitors drops by 40% due to weather. The overwhelming request is the addition of an indoor soccer facility at this location. The proposed facility will retain and increase the amount of soccer fans in DeKalb County throughout the year.
(5) Necessity of the facility to a waterfront location, where applicable;

Not applicable.

(6) Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

The only unused area outside of the floodplain where the building could potentially be built is on a steep hill, requiring expensive civil engineering and work, making the project cost prohibitive.

(7) Compatibility of the proposed use with existing and anticipated development;

The proposed use is an indoor soccer field, which will be part of the overall soccer complex.

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

DeKalb County’s long term plan for the area is moving away from Industrial zoning towards Office Institutional zoning. The proposed facility will incorporate co-working office space allowing for a higher density per unit land. The floodplain management program for the area is unaffected by the proposed facility after a No-Rise letter and a zero net storage capacity letter are submitted.

(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;

The existing emergency access plan to the current floodplain development will be extended to include the proposed facility and follow ordinances relating to floodplain emergency access.

(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

100 year flood waters, according to the modeling by Dewberry, rise to an elevation of 912.55. This is approximately 9.5 ft above grade at the proposed building location. As the building is in an ineffective flow area of the model, no velocity of note is anticipated in the building location. Past experience after Hurricane Ivan indicates that the basin generally takes approximately one day to drain out, once flooded. Based on prior flooding, no appreciable sediment transport is expected into the project site, as the facility has been able to host soccer matches within a day or two of flood waters receding.

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

The existing soccer facility is already built in a floodplain. After the 2009 southeastern floods, the minor damages caused by it were repaired promptly by the owner. Those floods resulted in a 100 year flood
level and as such we would expect similar if not less impactful damages in the next 100 years. No public utilities or facilities were damaged during the 2009 southeastern floods.

14-446 – Conditions for Variances

(a) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

Silverbacks requests the variance based on condition (b) above. The criteria of the article have been met, as shown above. The development will be flood vented to allow flood waters to rise within the building itself. The bottom floor of the building shall be an indoor soccer field, designed to flood, so damage will be negligible. The proposed facility will use the existing stadium catwalk to ensure public safety in case of a flood. The catwalk allows for an exit entirely outside the floodplain level all the way to the upper parking lot.

(c) Variances shall not be issued within any designated or mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

Analysis by CCC indicates no change in flood levels during the base flood event.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

The variance is essential because the floodway designation prohibits all development within areas FEMA has designated as floodway, regardless whether that floodway designation is indicative of areas of high velocity that promote structural damage, or is indicative of a stagnant reservoir.

Yours,

CAMPBELL CIVIL CONSULTING

Robert Campbell
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Dewberry Model prior to CCC peer review
Dewberry model corrected based on CCC review.
CCC modifications to show proposed building:
Silverbacks Park Indoor Soccer Facility
"Corrected" showing Dewberry's Revisions

SCALE IN FEET
1 INCH = 100 FEET IF PLOTTED AT 11X17
PROPOSED NEW BUILDING

Flood Work Map
Silverbacks Park Indoor Soccer Facility
"Revised" showing the proposed development