



P&Z STAFF REPORT

Board of Appeals Hearing; January 5, 2022

Case: **AP21-00001 – Appeal of Decision**

Staff Contact: Ginger Sottile (gsottile@sandyspringsga.gov)

Report Date: December 22, 2021

REQUEST

To appeal the determination of the Community Development Director that we enforce the determination of the City Engineer to declare a portion of the Nancy Creek Basin as a Sensitive Area, requiring additional water quality

APPLICANT

Property Owners: Lior Biton & Yasmin Benichay-Biton	Petitioner: M. Scott Ball, RA	Representative: M. Scott Ball, RA
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PROPERTY INFORMATION

Location:	102 Belle Isle Road
Council District:	6 – Andy Bauman
Neighborhood	Chastain Park
Road frontage:	Approximately 55 feet
Acreage:	Approximately .26 acres
Existing Zoning:	RD-9
Existing Land Use:	Residential
Character Area:	Protected Neighborhood

SUMMARY

For new development, the City of Sandy Springs requires treatment of the first 1.2 inches of rainfall on the site to prevent soil erosion into the stream. To reduce flooding in the Nancy Creek Basin, a policy change required new development to infiltrate an additional 1.2 inches of rainfall, for a total of 2.4 inches of rainfall. The additional requirement applies only to the portion of the Nancy Creek Basin west of High Point Road.

The petitioner believes that the implementation of the extra stormwater quality requirement is not provided for on the City's Zoning Map and is not part of the City's Zoning Ordinance, therefore the Department of Community Development has no authority to impose such a requirement.

RECOMMENDATION

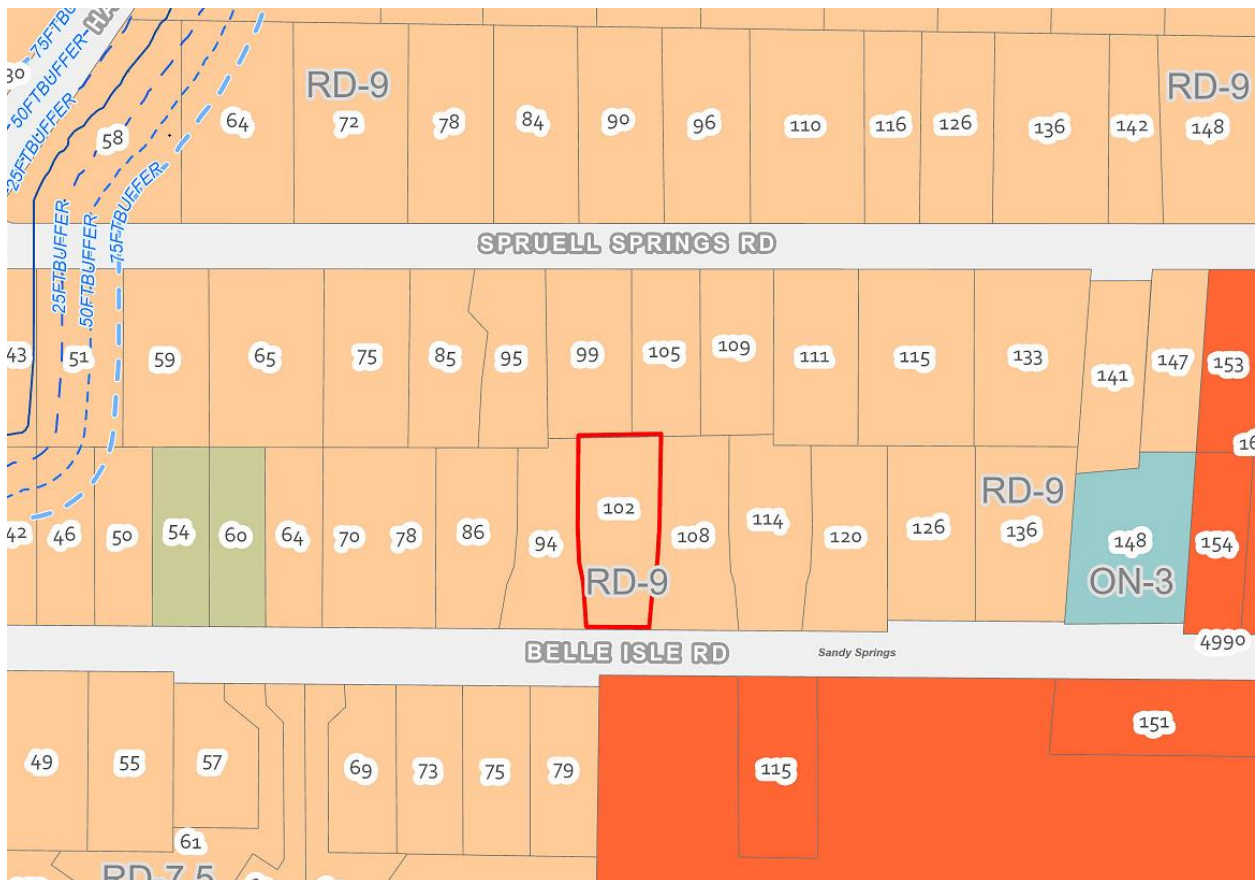
Department of Community Development

Uphold the Community Development director's determination that the property located at 102 Belle Isle Rd is located in the Nancy Creek Declared Sensitive Area and must meet the stormwater Management requirements unique to this area.

AERIAL IMAGE



ZONING MAP



APPEAL CONSIDERATIONS

As per Section 11.1.2. of the City's Development Code, entitled *Director*, it states:

"The Director has those powers and duties expressly identified in this Development Code and the Sandy Springs Technical Manual, including, but not limited to, the following. All other ordinances or regulations referenced in this Development Code such as the fire prevention and life safety codes, building and other technical codes, regulations and ordinances, are administered by the Directors of the Departments responsible for such ordinances, as established by the City Council. The requirements of this Development Code are interpreted by the Director."

The Director of Community Development has the authority to enforce all the regulations relative to zoning matters, building construction and site development, whose regulations are spread throughout the Development Code, as well as the Technical Manual and the City of Sandy Springs Code of Ordinances. Therefore, the enforcement of stormwater management, which is found in the Development Code, is under her jurisdictions and enforceable through the Department's development processes.

The City of Sandy Springs is required to adhere to the Georgia Stormwater Management Manual. The first Section of the Manual states its objective:

“1.1 Objective of the Manual

The objective of the Georgia Stormwater Management Manual is to provide guidance on the latest and best post-construction stormwater management practices available to Georgia communities to minimize the negative impacts of increasing stormwater runoff and its associated pollutants. Building on the previous version, this updated Manual will help Georgia communities take a comprehensive approach to stormwater management that integrates drainage design, stormwater quantity, and water quality considerations. The goal is to provide an effective tool for local governments and the development community to reduce both stormwater quality and quantity impacts and protect downstream areas and receiving waters.”

In Section 5.6 *Adapting the Program to Meet Local Needs and Challenges*, it provides each community the opportunity to modify its rules.

“Description: Georgia communities vary significantly in terms of environment, as well as past and future growth conditions. Therefore, it is important for each community to customize its stormwater management program to meet its local needs and challenges.”

The Nancy Creek watershed experiences recurring flooding during important rain events, which causes damage to private property. While only a very short segment of the creek itself runs through Sandy Springs, nearly 3,800 acres of its basin and several of its tributaries are within city limits.

In 2016, the Sandy Springs City Council adopted the Atlanta Regional Commission’s updates to its Georgia Stormwater Management Manual (the Blue Book), which provides communities with tools for managing stormwater associated with construction activities, and is a required State standard.

In 2017, the City of Sandy Springs Engineer declared a portion of the Nancy Creek watershed as a Sensitive Area, that is to be subject to additional performance and regulatory criteria. The City Council approved these staff recommended changes that exceed the Blue Book standards, to enhance water quality, especially related to residential requirements, for new development and additions to include swimming pools. These apply to all properties located within the area shown on the map below.

The City of Sandy Springs has adopted Development Regulations to guide the development of residential and commercial properties in an environmentally sensitive manner. As per Section 9.4. – Natural Grade Protection, the purpose of this Division is to protect topographic features and natural grades in order to prevent negative impacts, of particular interest is stormwater and erosion-related impacts to environmentally sensitive areas.

The Nancy Creek Basin Alert/Effective Immediately was promptly issued and distributed through our City Website by our Communications Department. The main difference between being located within the Nancy Creek Sensitive Basin, is that all impervious and disturbance must be mitigated with the capture of the first 2.4 inches of rainfall and be infiltrated into an acceptable stormwater management system. In a non-Nancy Creek Sensitive Basin property, the requirement doesn't get triggered until there is 1,000 sq ft of disturbance and/or impervious coverage and then the requirement is only for the first 1.2 inches of rainfall. Please see the announcement below for specific details.

NANCY CREEK BASIN ALERT **EFFECTIVE IMMEDIATELY**

The Sandy Springs Community Development Department is hereby declaring a portion of this Basin a Sensitive Area (See Attached Map) which will be subject to additional performance and/or regulatory criteria as follows:

Single Family Residences:

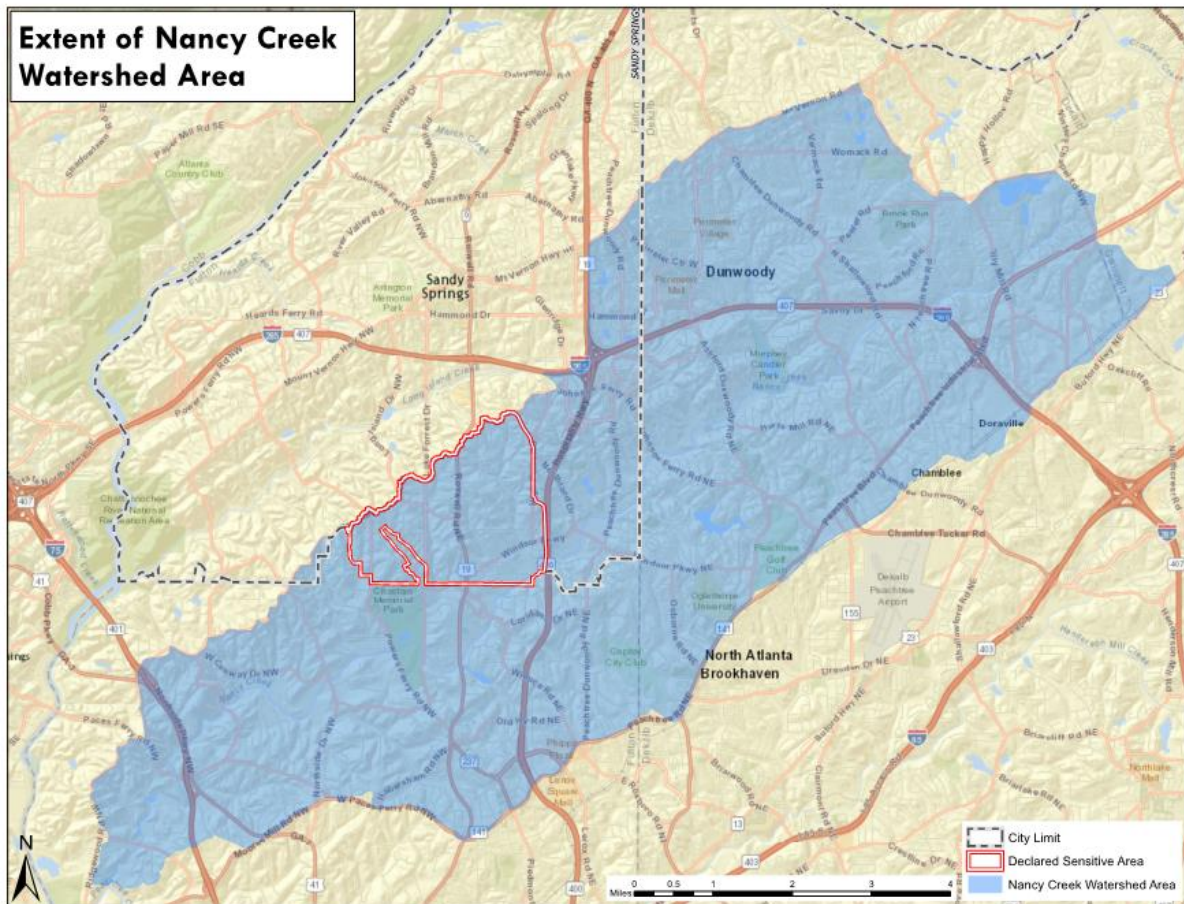
Water Quality in the form of runoff reduction will be required on all new residential construction at the following rates and conditions:

1. Infiltrate the first 1.2 Inch of rainfall falling on Limits of Disturbance Area;
2. Infiltrate an additional 1.2 Inches falling on Impervious Areas (no less than 90% of a Site's Impervious area must be directed to an Infiltration Area unless approved by the Community Development Director);
3. Infiltrate an additional 1.2 Inches falling on Disturbed Stream Impervious Setback or Buffer Areas;
4. Place Infiltration Areas where soils have a minimum Infiltration Rate of 0.5 Inches per Hour.
5. Bottom of the Infiltration Area should be at least 2 Feet above the top of the water table.
6. Infiltration Areas should be placed on Property, except within:
 - a. 10 Feet from Building Foundations;
 - b. 10 Feet from property Lines;
 - c. 100 Feet from private Water Supply Wells;
 - d. 1,200 Feet from Public Water Supply Wells;
 - e. 100 Feet from Septic Systems (placement closer requires approval from the Fulton County Health Department);
 - f. 100 Feet from Surface Waters (placement closer requires approval from the Community Development Director);
 - g. 400 Feet from Public Water Supply Surface Waters.
7. All Infiltration Areas must provide an observation well. For a detail see Figure 4.7-1 in the Georgia Stormwater Management Manual (2016 Edition).
8. Tie all roof downspouts to Infiltration Area and provide some sort of filter or pre-treatment device.

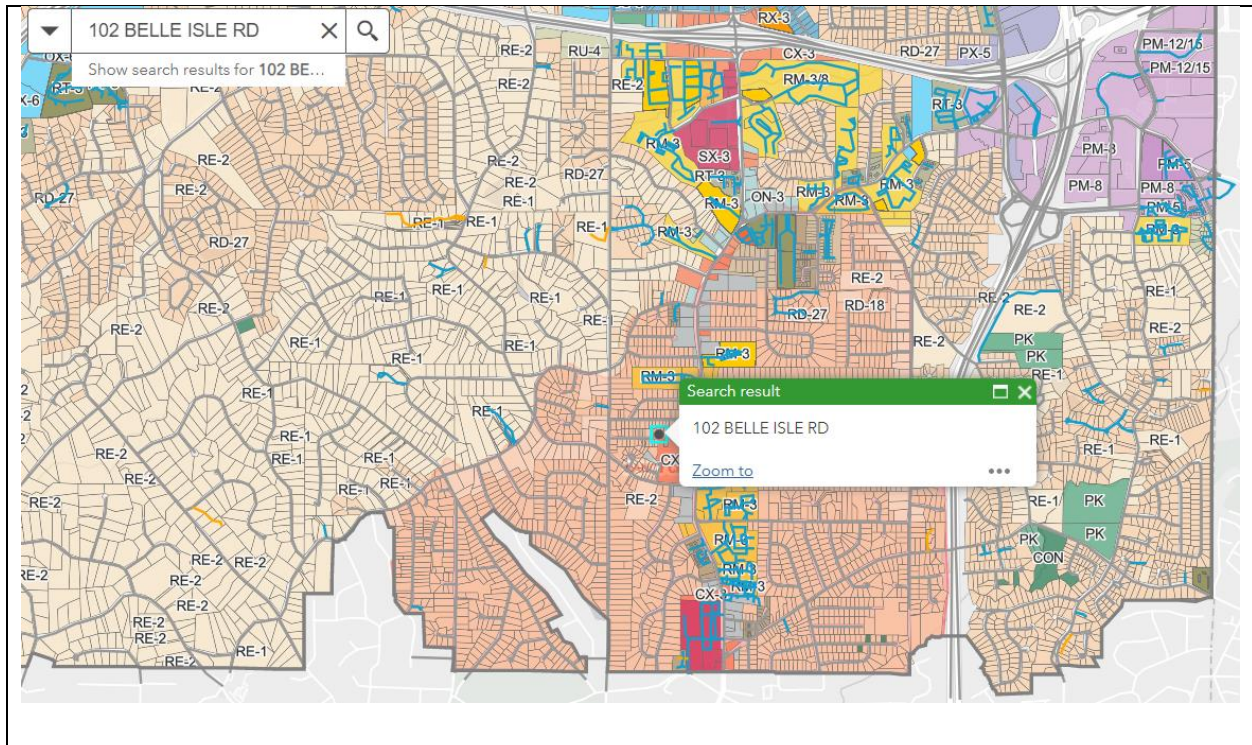
NOTES: 1. Should runoff reduction not be an option for a site due to unacceptable infiltration rates, high water table, proximity of wells, proximity of septic systems, etc., the design professional should offer alternatives acceptable to the City Engineer.
2. For Single Family Residential additions, water quality as per the above should be provided for the added areas.

Commercial projects, residential subdivisions, etc:

A Stormwater Consultation Meeting with Staff is required prior to submittal of Plans.



Please note that the map shown above has a dedicated GIS layer (Hydrology Details) on our Community Development Map, to help identify those parcels affected by this declared sensitive area. Please see snip below of the Zoning Map that has highlighted (pinkish) the section of the Nancy Creek Basin Sensitive Area, and where the subject parcel falls into the boundaries of this area.



COMMENTS FROM OTHER PARTIES

N/A

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff respectfully recommends the Board of Appeals **uphold** the determination of the Community Development Director.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, January 5, 2022

Case: **V21-0035 – 318 Sandy Springs Circle**
Staff Contact: Michele McIntosh-Ross (mmcintosh-ross@sandyspringsga.gov)
Report Date: December 27, 2021

REQUEST

Request for a Variance from Sec. 6.4.2 to eliminate the Compatible Massing Transition Area at rear of the third floor of the building.

APPLICANT

Property Owners: Liel Monaoh	Petitioner: Brooks Hall	Representative: Brooks Hall
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RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V21-0035.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. V21-0035 Application, received November 2, 2021

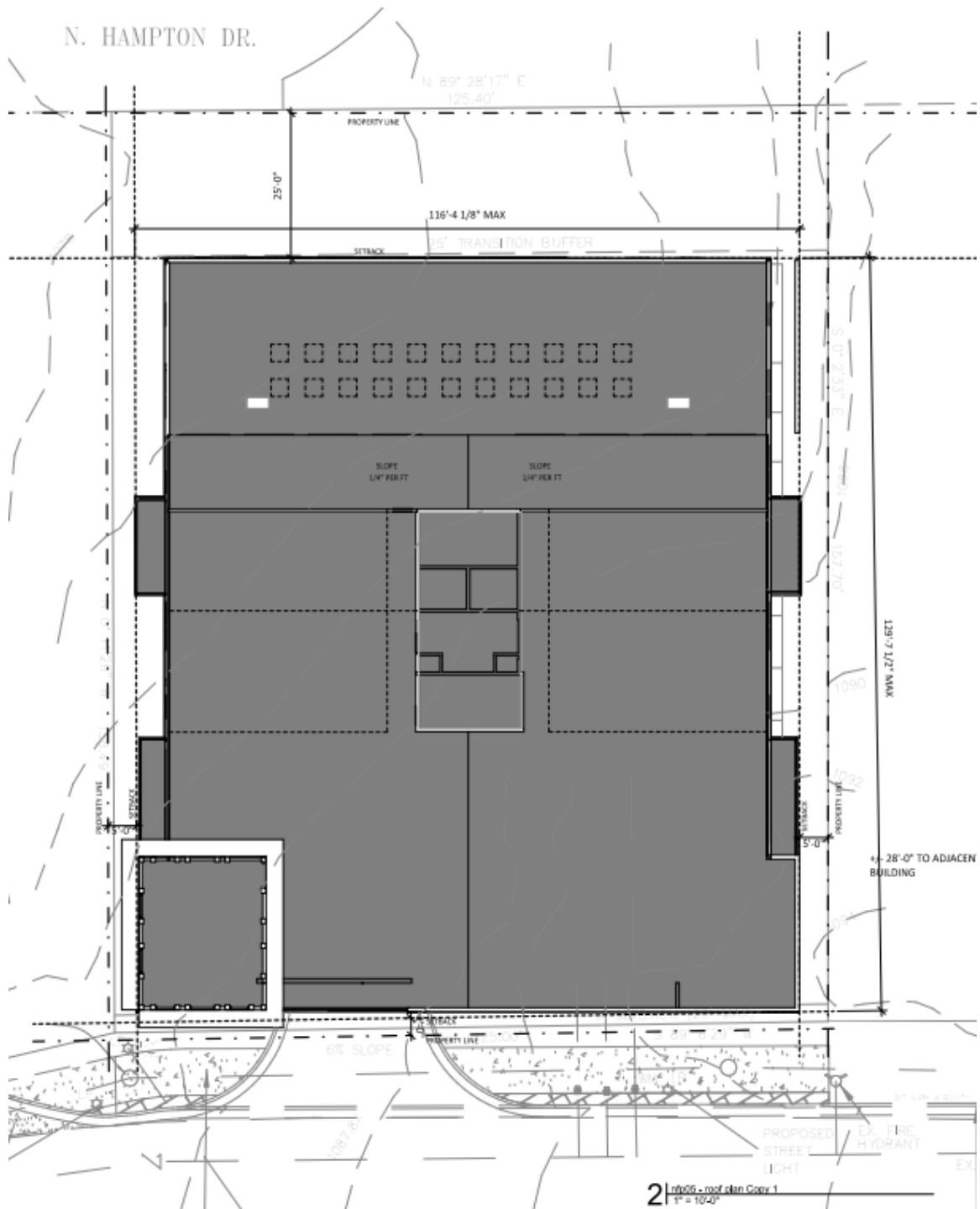
Plans:

1. “*Existing Conditions*,” prepared by Archetype Design, LLC., dated November, 2021. Received November 2, 2021.
2. “*Proposed Design Set for Variance*” prepared by Archetype Design, LLC., dated November, 2021. Received November 2, 2021.
3. “*Variance Application Summary*” prepared by Archetype Design, LLC., dated November, 2021. Received November 2, 2021.

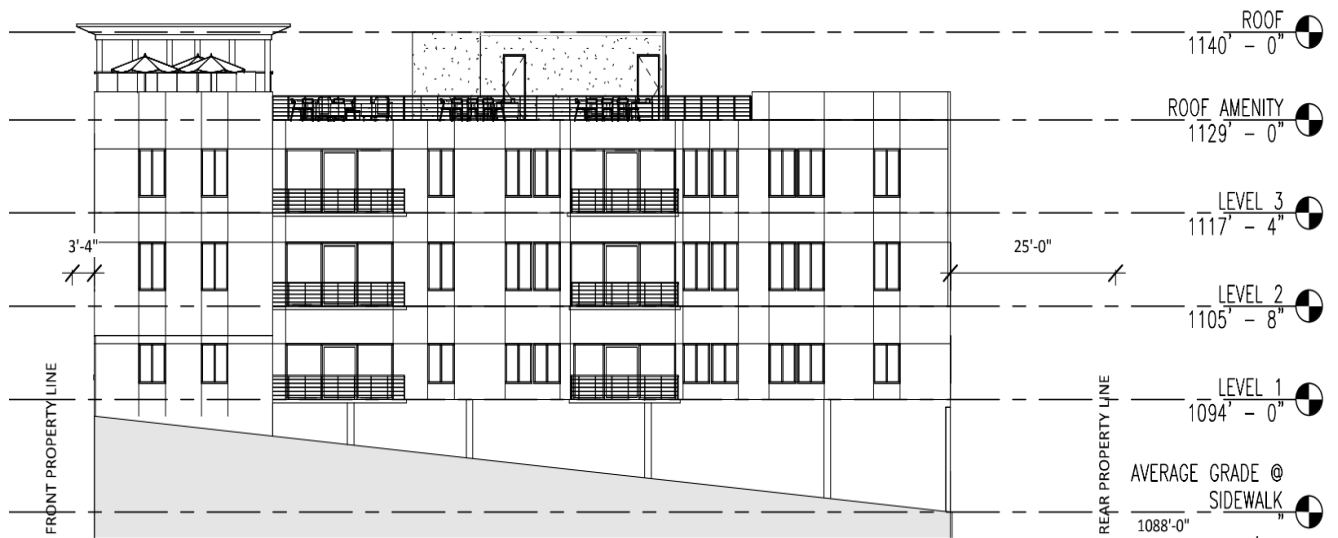
PROPERTY INFORMATION	
Location:	318 Sandy Springs Circle (Parcel # 17 008900020626 and 17 008900020667)
Council District:	3 – Melissa Mular
Neighborhood:	City Springs Adjacent to Protected Neighborhood: Whispering Pines Neighborhood
Road frontage:	Approximately 125 feet of combined frontage on Sandy Springs Circle
Depth:	Approximately 160 feet deep
Acreage:	Approximately 0.45 acre combined parcels (0.14 and 0.31)
Current Zoning:	CS-3 (City Springs – 3 stories)
Existing Land Use:	Vacant Structure previously used as commercial office space for Just 4 Fun
Previous Zoning Cases:	2003Z-0030 Rezone C-1 (Community Business) to C-1 (community Business) Approved (decision date: 06.04.2003)
Character Area:	City Springs

[illegible]

SITE PLAN (received November 2, 2021) (full size Plan in Package)



PROPOSED ELEVATIONS (received November 2, 2021) (full size Plan in Package)



PROPOSED DEVELOPMENT

The 0.45-acre subject property is developed with a single unit structure, and an asphalt paved parking lot of approximately 14 parking spaces. According to HistoricAerials.com a structure existed at this location as early as 1955. According to the Fulton County records, the existing structure and parking lot were built in 1981.

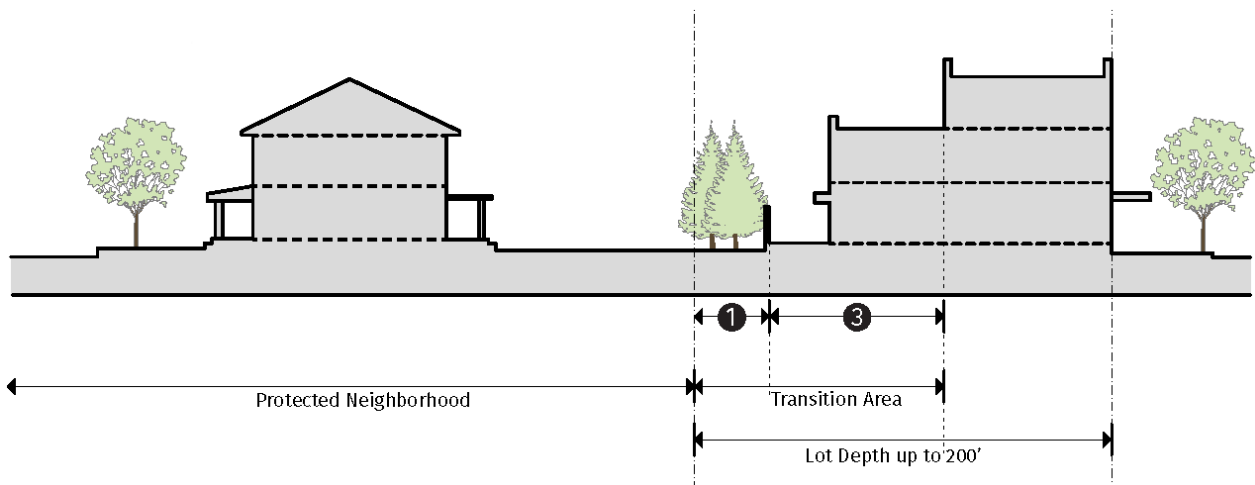
The applicants want to demolish the existing structure and build a new three-story residential condominium building with parking below in the City Springs district (CS-3). The current zoning CS-3 allows for buildings up to three (3) stories, however, for CS-3 properties that abut a protected neighborhood, certain Compatible Massing Transition Area requirements were written into the zoning code to ensure a buffer and transition from the height and intensity of the city springs district to the residential single-unit detached homes in the protected neighborhood district, in this case RD-18 Whispering Pines neighborhood.

The applicants are requesting a variance from Section 6.4.2 to construct a three-story building without the Compatible Massing Transition Area meant to protect the Whispering Pines neighborhood.

Per the Development Code Section 6.4 ***Protected Neighborhood Transitions***, Section 6.4.2 ***Lot Width or Depth Up to 200 Feet***

Compatible Massing Transition Area:

- Intended to restrict the height of development so as to decrease the impact of new multi-story structures
- [The 3-story portion of the building must be] 30 feet minimum [away from adjacent property lines of protected neighborhoods]
- [buildings within *compatible massing transition area* must be] 2 stories/24 or 28 feet maximum [in CS-3]



The subject property is adjacent to other CS-3 zoned parcels on the east, west and south, but abuts RD-18 single unit detached residences (protected neighborhood) to the north. The following images show the existing conditions of 318 Sandy Springs Circle:

(All photographs by Michele McIntosh-Ross, December 25 & 26, 2021)

View looking north from Sandy Springs Circle



View looking northwest from Sandy Springs Circle



View looking northeast from Sandy Springs Circle



View looking northeast from southwest corner of parcel



View looking east from west neighboring parcel



View looking south from cul-de-sac on North Hampton Dr.



View looking north from east adjacent property

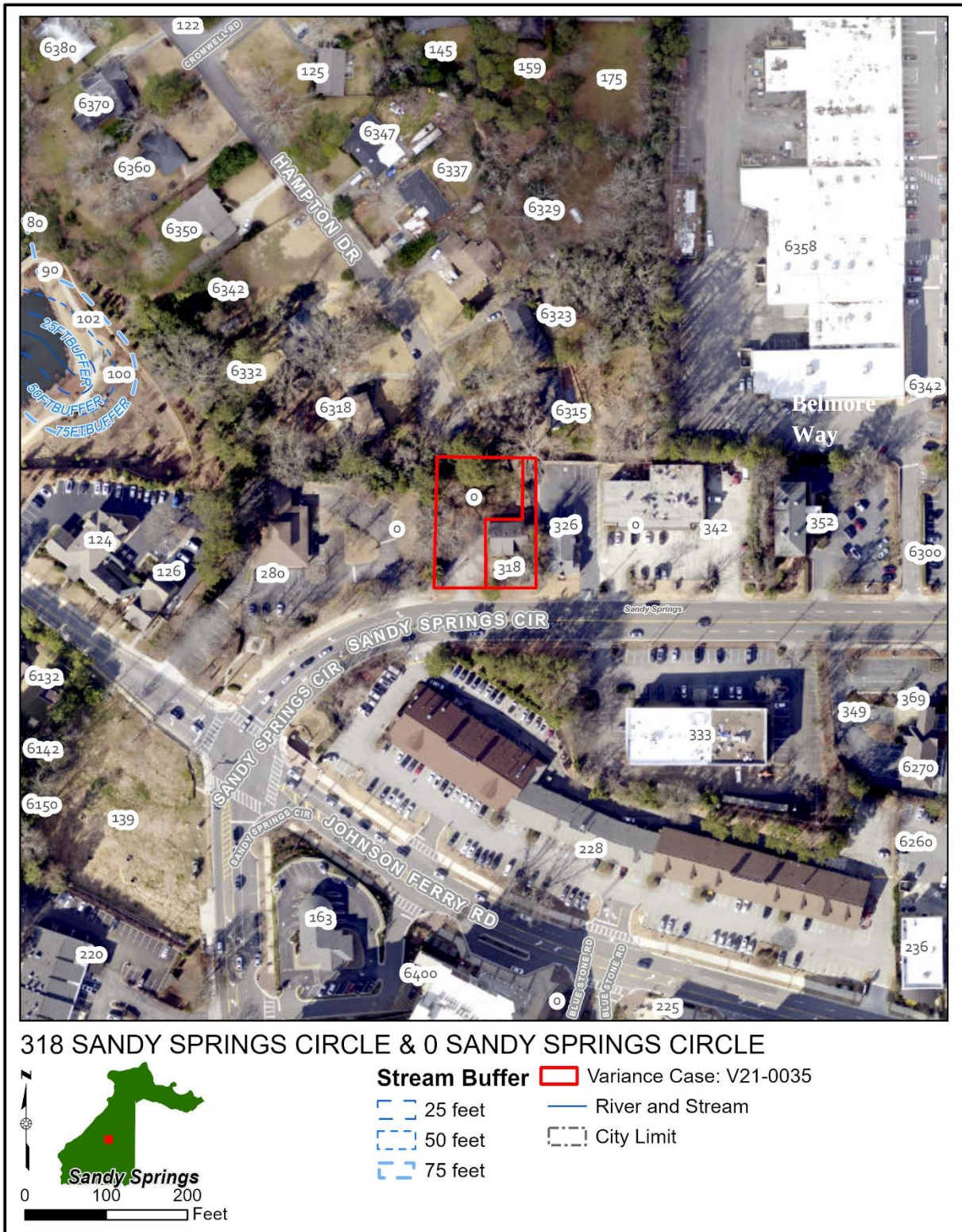


View looking southwest from east adjacent property

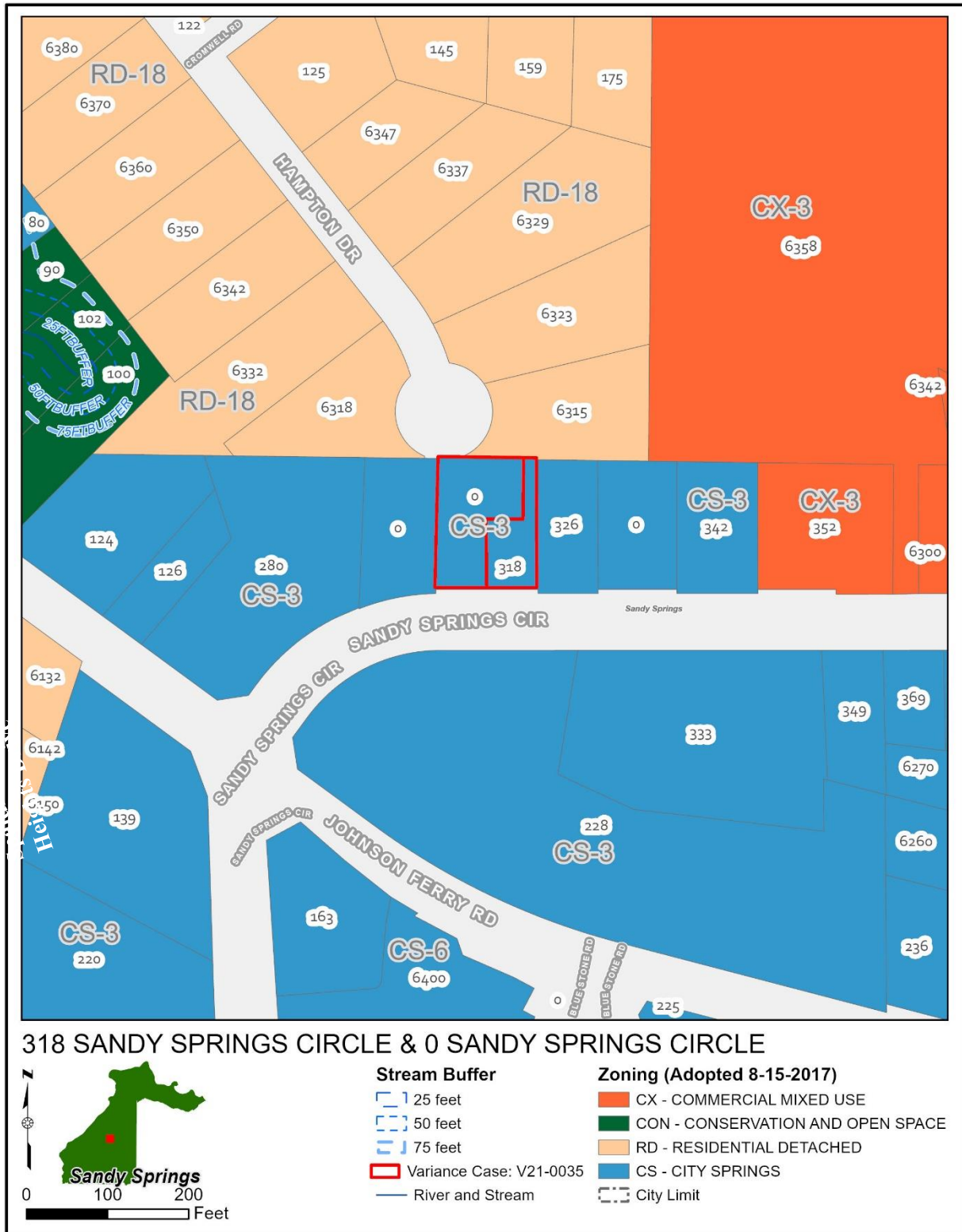


EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North (adjacent)	RD-18 / Single Unit Detached Residence	6315 North Hampton Dr. Ne	0.56
Northwest	RD-18 / Single Unit Detached Residence	6318 N Hampton Dr. Ne	0.44
West	CS-3 / City Springs	Bank Of North Georgia 280 Sandy Springs Cir	1.54
East	CS-3 / City Springs	Beauty Box MD 326 Sandy Springs Cir	0.28
South	--	Sandy Springs Circle	--
South	CS-3 / City Springs	The Springs Shopping Center 228 Johnson Ferry Rd	3.55
PROPOSED DEVELOPMENT			
--	CS-3 / City Springs	318 Sandy Springs Circle	0.45

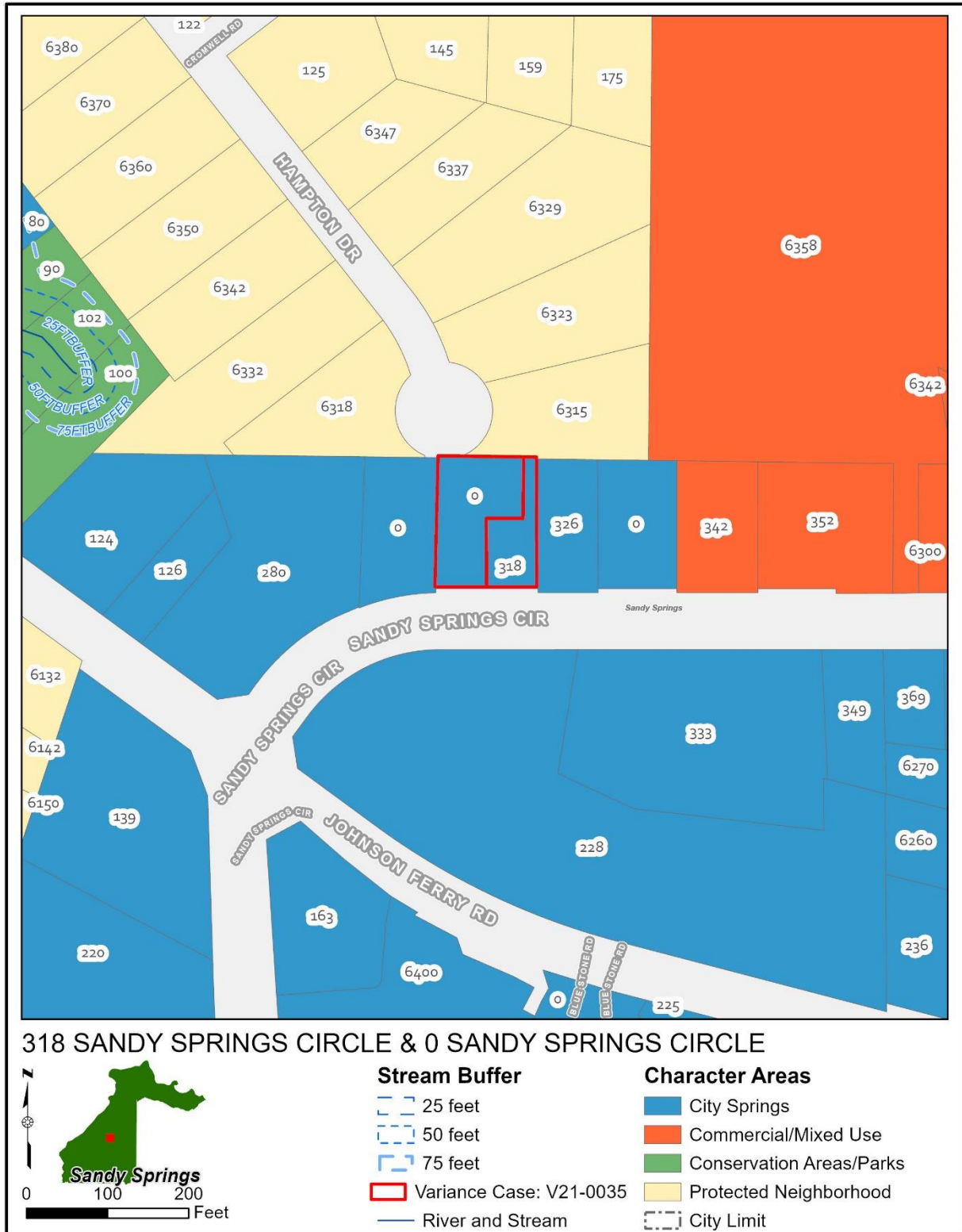
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



V21-0035 VARIANCE CONSIDERATIONS

Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or**

Finding: The application of the Development Code would not create an unnecessary hardship. The extra financial burden of additional square feet of waterproofing is not a consideration.

- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;**

Finding: The subject property is almost square. The grade drops approximately 12 feet from Sandy Springs Circle over approximately 160 linear feet from the front to the back of the property. There are no extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties.



2. Further, the application must demonstrate that:

- a. Such conditions are not the result of action or inaction of the current property owner; and**

Finding: The size, shape, and topography of the subject property are not the result of action or inaction of the current property owners.

- b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and**

Finding: The Variance request would not provide the minimum relief necessary to make possible the reasonable use of the property.

- c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.***

Finding: The Variance request would not result in development that is consistent with the general intent of the Development Code or *The Next Ten*. The Development Code requires a buffer and transition area for buildings in CS that abut protected neighborhoods. A major feature of *The Next Ten* is to protect and preserve the City's neighborhoods, and a way in which that is codified is through building setback and other regulations governing the location of buildings and structures, and particularly the Compatible Massing Transition Area regulation. Thus, the request would not result in development that is consistent with *The Next Ten*, and ignores the safeguards put in place to protect neighborhoods. The request would not be detrimental to the public safety, but may infringe on the welfare and good of the neighbors to the north.

COMMENTS FROM OTHER PARTIES**Sandy Springs Public Works:**

No comment provided.

Sandy Springs City Engineer:

No comment provided.

Sandy Springs Senior Architect:

“...if we assume the requirement has a rational basis generally, in this case, the rear of the property abuts only public right-of-way and the front yards of the existing houses; the building will not be side-by-side or back-to-back with any existing structure so enforcing the requirement would provide no practical benefit.”

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Correspondence Received:

One public comment was submitted in via the Zoning Cases Map.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS

Following review, and based on the findings, Staff recommends **Denial** of **Variance V21-0035**, from Sec. 6.4.2 to eliminate the Compatible Massing Transition Area at rear of the third floor of the building.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, January 3, 2022 4:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case V21-0035

Case ID: V21-0035

Time Submitted: 20220103211819.095000

Citizen Name: Roald Bradstock

Citizen Email: [REDACTED]

Citizen Phone:

Citizen Address: [REDACTED] North Hampton Drive NE

Comment: I am against the variance for multiple reasons. Do I have to sign up to make objections in person at the meeting on January 5th?

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Received

November 2, 2021, 7:43 PM

**SANDY SPRINGS™**
GEORGIACase No.: V21-0035
Planner's initials: MMR

APPLICATION

VARIANCE (Excluding Stream Buffer Variance and Administrative Variance)

Application Checklist:

Page No.	Item	Completed/ Included in Submittal
2	Project Information Sheet	☐
3-4	Detailed Process and Instructions	N/A
5-6	Authorization Forms	☐
7	Letter of Intent	☐
7-8	Variance Analysis	☐
8	Chattahoochee River Corridor Certificate	☐ or N/A ☐
8-9	8½" x 11" copy of Survey	☐
8-9	8½" x 11" copy of Site Plan	☐
8-9	11" x 17" copy of Survey	☐
8-9	11" x 17" copy of Site Plan	☐
8-9	Two (2) full-scale copies of Survey	☐
8-9	Two (2) full-scale copies of Site Plan	☐
8	8½" x 11" copy of Legal Description (must be in Word format)	☐
	11" x 17" copy of Elevations and/or Sections	☐ or N/A ☐
10	Meeting Schedule	N/A
11	Fee Schedule	N/A
11	Fee Payment	☐
12	Sign Specifications	N/A
	All documents in electronic form (email)	☐

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: MMR



SANDY SPRINGS™
GEORGIA

Case No.: V21-0035
Planner's initials: MMR

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 318 SANDY SPRINGS CIRCLE ATLANTA GA 30328	
	Parcel Tax ID(s): 17-0089-0002-062-6	
	Total acreage: 0.45 AC	Council District:
	Current zoning: CS-3	Current use: OFFICE
	Character Area: City Springs	

APPLICATION	Detailed request (include Code Section No.):	
	(Sec. 6.4.2) Seek a variance to eliminate the "Compatible Massing Transition Area" at rear of third floor of the proposed Condominium building. This transition greatly reduces the efficiency of the project and accomplishes little. The height limit for our site (CS-3) is 42' and the residential height limit to our rear (RD-18) is almost the same at 40'. A 30' setback of the interior space is expensive and makes little sense given the homes to the rear could be the same scale.	
	Petitioner: Brooks Hall	
	Petitioner's address: 1827 Powers Ferry Rd Bldg 25 Ste 300 Atlanta, Ga 30339	
	Phone: 404-579-1392	Email: brooks.hall@archetypedesignllc.com

OWNER	Property owner: Liel R. Monoh	
	Owner's address: [REDACTED] 8	
	Phone: [REDACTED]	Email: [REDACTED]
	Signature (authorizing initiation of the process): 	
	<i>If the property is under contract, provide a copy of the contract</i>	

- TO BE FILLED OUT BY P&Z STAFF -

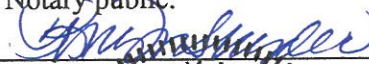
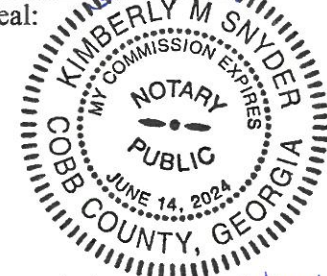
Pre-Application Meeting date: 11/16/2021	Anticipated Application date: 11/30/2021
Anticipated BOA date: 1/5/2022	
ADDITIONAL INFORMATION NEEDED:	



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AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the Authorization Form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this Application.	
Owner's name: Liel R. Monoah	Sworn and subscribed before me this <u>2nd</u> th day of <u>November</u> 20 <u>21</u> Notary public:  Seal:  Commission expires: <u>6/14/2024</u>
Address: [REDACTED]	
City, State, Zip Code: [REDACTED]	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Owner's signature: 	

B- If the Applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement and have it notarized.

Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or ☐ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or ☐ He/she has an estate of years which permits the Applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: Brooks Hall	Sworn and subscribed before me this _____ th day of _____ 20 ____ Notary public: Seal: Commission expires:
Company name: Archetype Design, LLC	
Address: 1827 Powers Ferry Rd Bldg 25 Ste 300	
City, State, Zip Code: Atlanta, Ga 30339	
Email address: brooks.hall@archetypedesignllc.com	
Phone number: 404-579-1392	
Applicant's signature:	



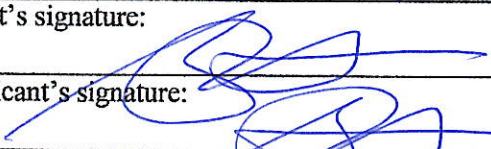
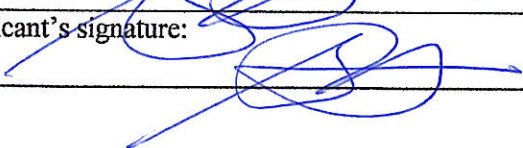
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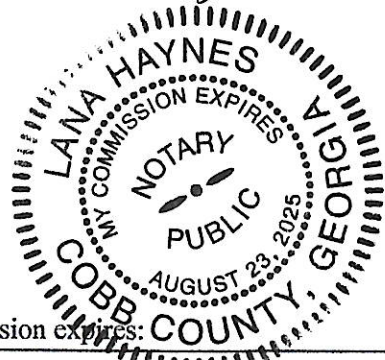
AUTHORIZATION FORM – PART II

C- If an agent or attorney will represent the owner and/or the Applicant:

Fill out the following section and have it notarized.

Agent's name:	BROOKS HALL
Company:	ARCHETYPE DESIGN, LLC
Address:	1827 POWERS FERRY RD Bldg 25
City, State, Zip Code:	SUITE 300 ATLANTA GA 30068
Email address:	BROOKS.HALL@archetype1.com
Phone number:	404 579 1372 design1k.com
Agent's signature:	
Applicant's signature:	

Sworn and subscribed before me this
4 th day of Jan 20 22
Notary public:

Seal:

Commission expires:

Letter of Intent

1.)

The Applicant seeks relief from the “Compatible Massing Transition Area” which requires a project within CS-3 zoning which is adjacent to a protected district (In this case RD-18) to step back 30’ from the rear of the site above the second floor. The height limit for the proposed CS-3 building is 42’ and the height limit for the surrounding RD-18 buildings is 40’, which makes an additional reduction in the proposed building mass unwarranted. This requirement makes the building less compatible with our neighbor’s height requirement which is antithetical to the purpose of the requirement.

The 30’ setback is very costly to build and would be a waterproofing concern for the units below. Furthermore, 30’ is not a good setback distance structurally as it does not consider parking bay dimensions, etc. Lastly, the protected homes to our rear flank a cul-de-sac which is directly behind our project so the proposed building is not impacting homes.

Please remove the required single-story height reduction applicable to 30’ of the rear of our proposed building.

2.)

Facts:

- The Height limit for CS-3 is 42’
- The Height limit for RD-18 is 40’
- The applicant proposes a +/-41’ tall, 3-story residential building over partial basement parking.
- The Proposed building is to be +/-40,411SF and would have +/-20 total units.

3.)

Alternative design explored:

The Architect and developer have looked at complying with the requirement and have found that the added cost and risk of water intrusion from the 30’ upper floor setback have led us to this variance request. We need the additional two units to make this project economically viable and hope the City will help make this beautiful project a reality by removing this impediment.

Variance Analysis:

G. Approval Criteria

1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or

The setback creates an unnecessary waterproofing risk to the future residents given the required roof setback. The 30' setback above the third floor complicates waterproofing above occupied space. This additional roof transition will require rainwater piping above occupied space through the plenum as well as re-routed sanitary lines. This poses a risk of leakage and flooding for all units beneath the transition.

- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties that prohibits the proposed scope of work from being able to comply with the Development Code.

Though this property is located adjacent to a protected district (RD-18), there are no homes immediately adjacent to the property as there is a cul-de-sac immediately behind the proposed building.

The height restriction for the RD-18 homes is 40'. The proposed building on our property (Zoned CS-3) is 40'-41'. The Height restriction for CS-3 is 42'. With such a minor difference between the two height maximums we respectfully ask not to be further restricted by a "compatible massing transition area" as this reduction in height actually would make our project less compatible with the surroundings.

2. Further, the application must demonstrate that:

- a. Such conditions are not the result of action or inaction of the current property owner; and

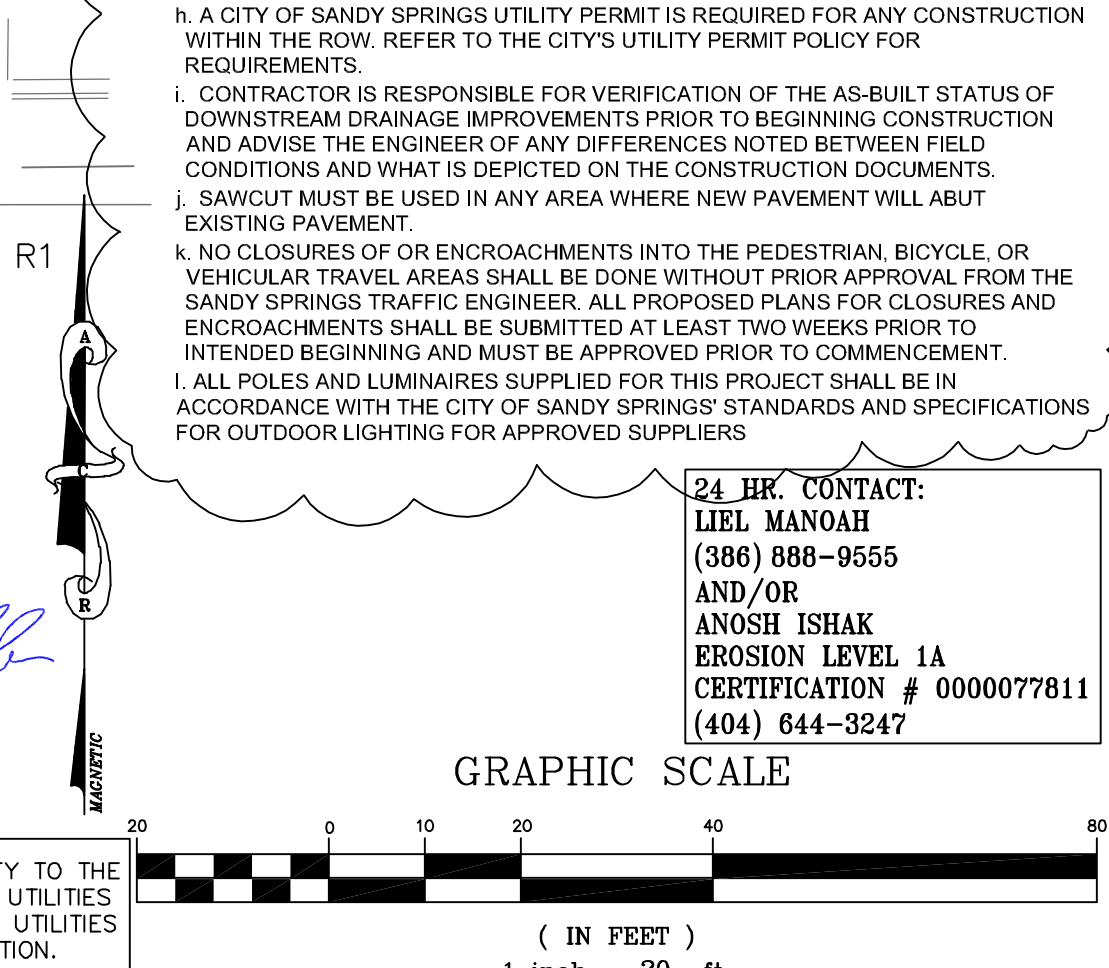
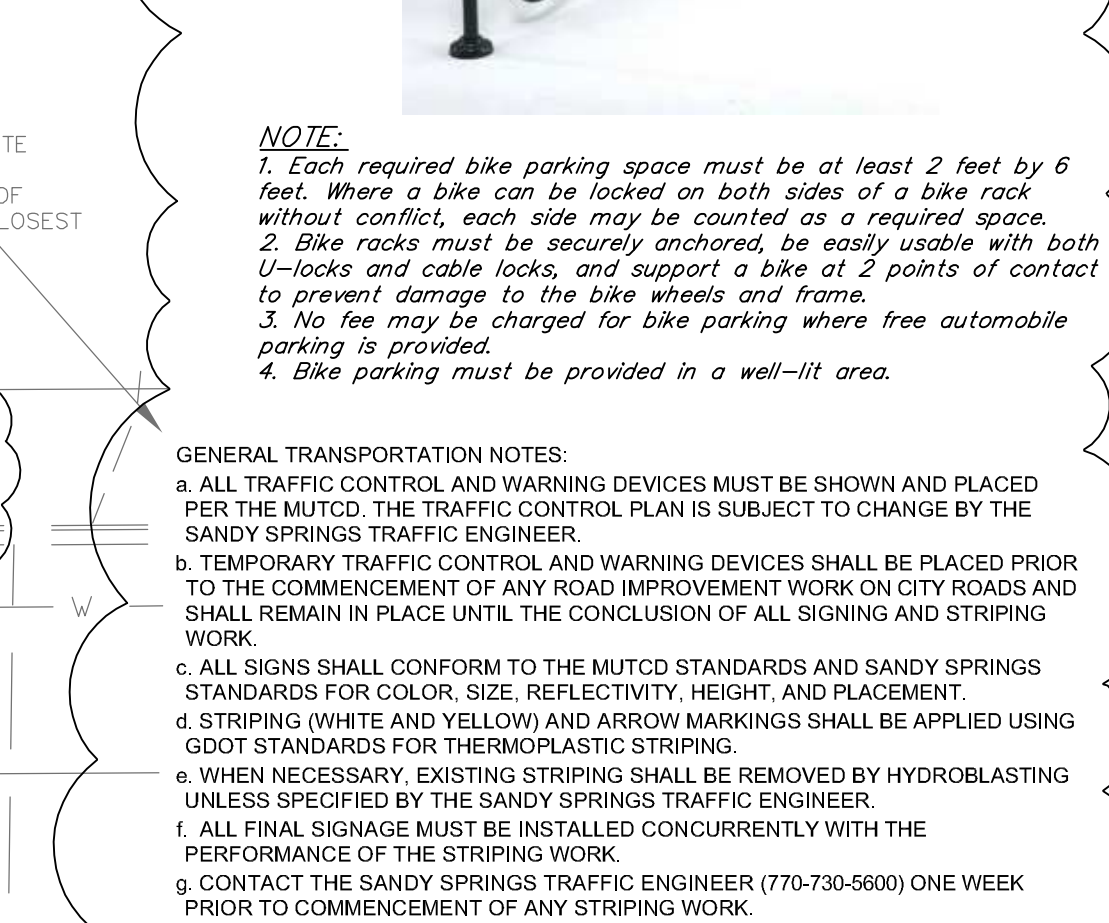
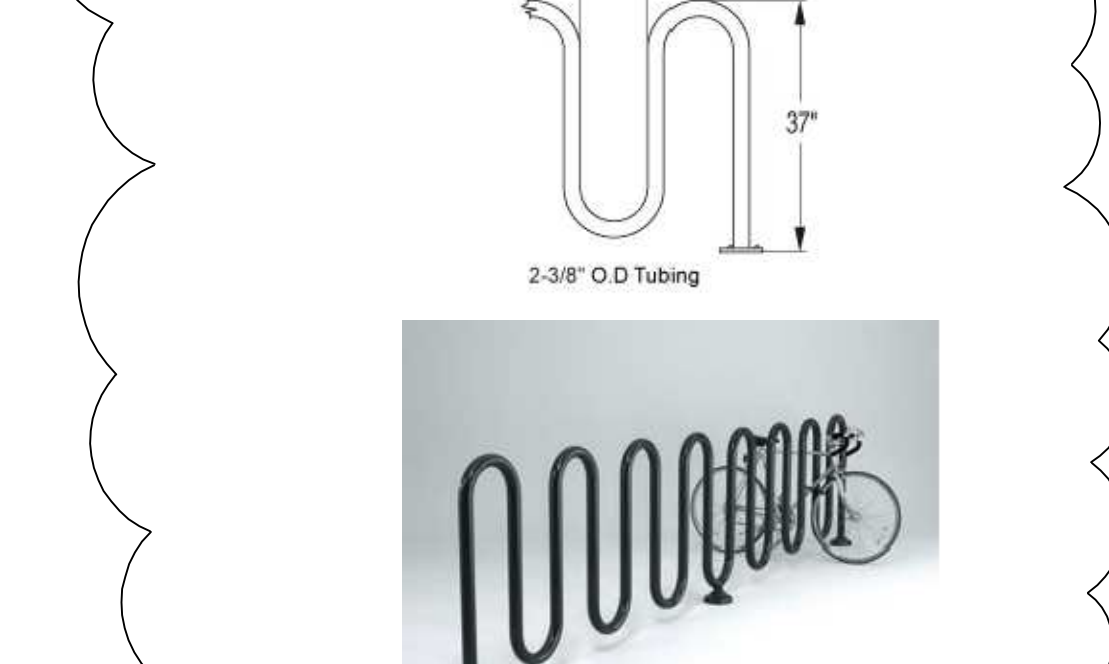
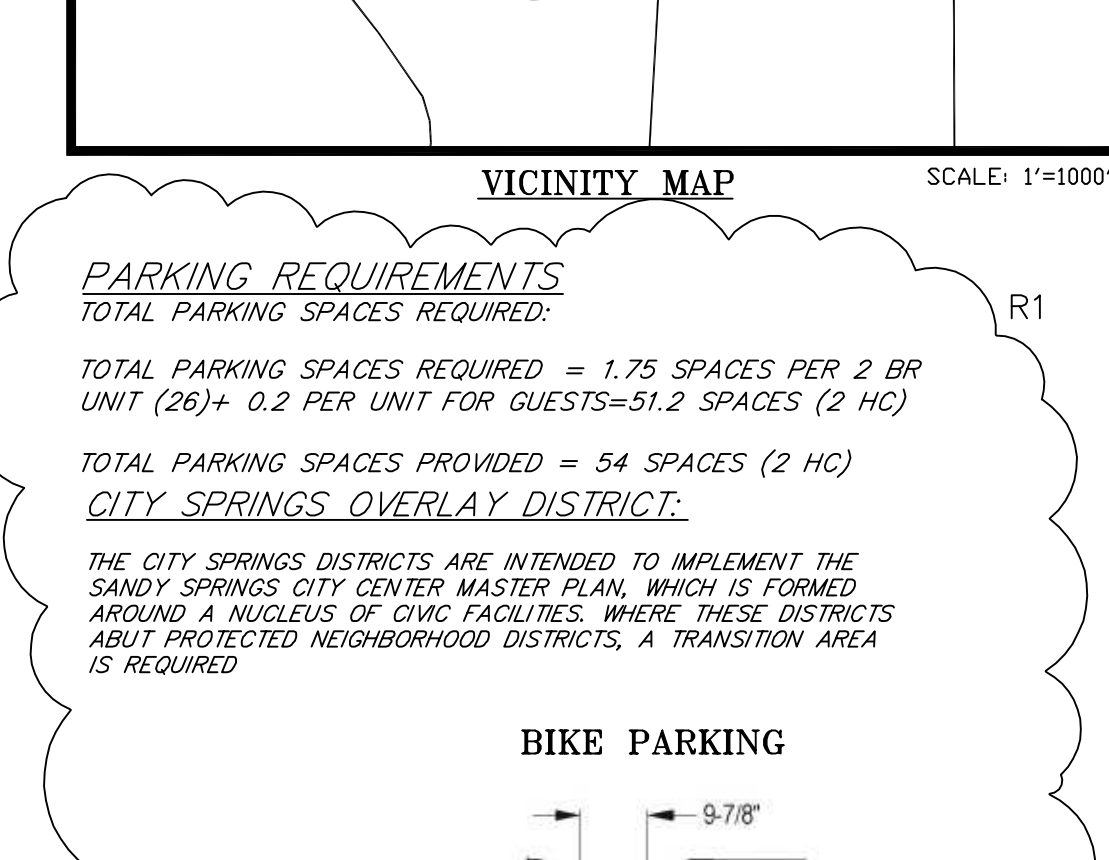
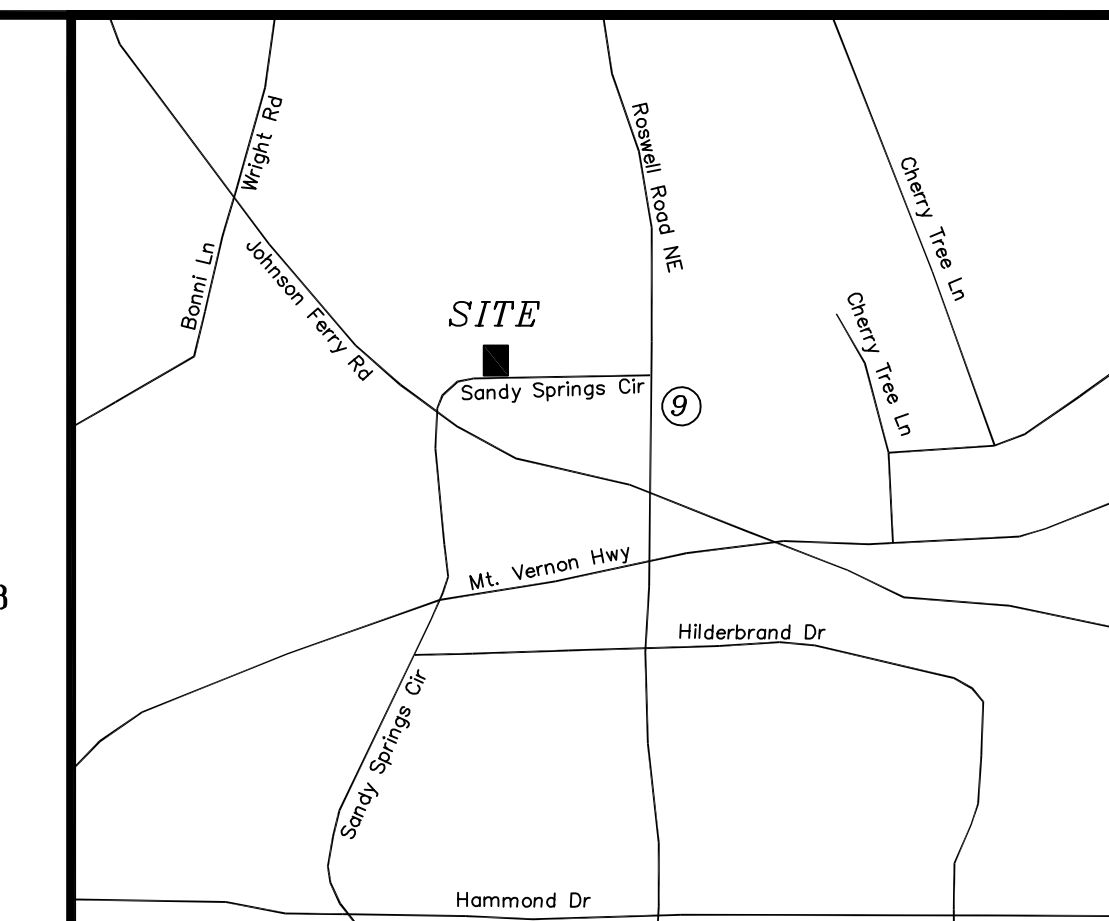
The current property owner had no input into the surrounding maximum height requirements.

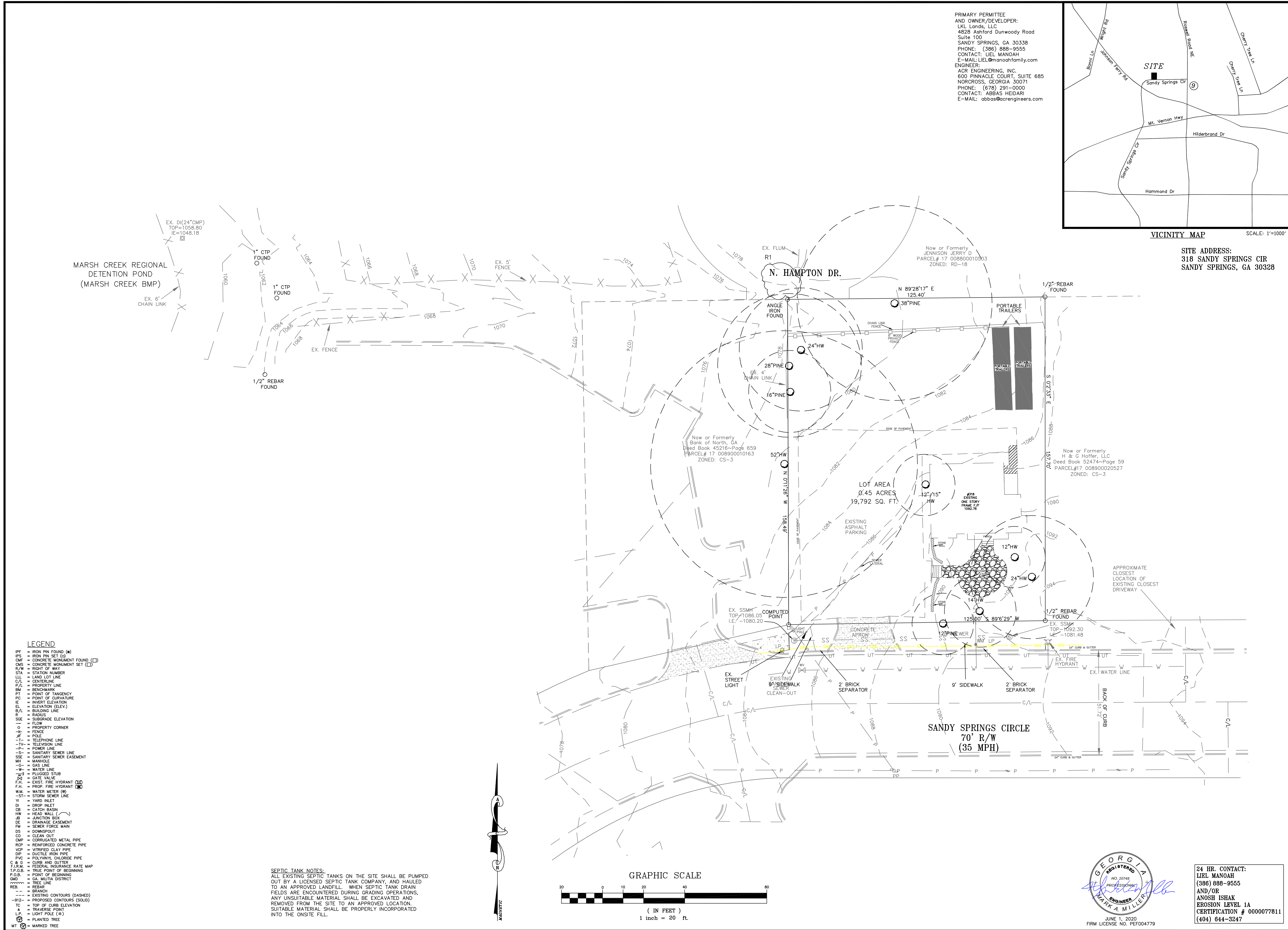
- b. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and

Relief from the 30' upper floor setback would yield a more efficient, water-tight building envelope. The Building presence would be greatly improved verses an arbitrary "wedding cake" step in the façade which we think does nothing to benefit the adjacent properties. This "wedding cake" step will only produce an asymmetrical design criteria which is not desirable.

c. The variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

The building as we currently have conceptually envisioned is very attractive and has been well received. The general intent of the development code and the comprehensive plan is to reinforce an attractive architectural downtown fabric which is varied and reinforces an active walkable downtown area. The requested variance does nothing which is detrimental to intent of these documents and will not be detrimental to the public good, safety and welfare.





ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE ROAD
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

EXISTING CONDITIONS
FOR
RYM
CITY OF SANDY SPRINGS
FULTON, GEORGIA

LKL LANDS LLC

NO.	REVISION	DESCRIPTION	DATE	BY	APPR.
1		COMMENTS	5/29/20	IP	MM

LAND LOT(S): 89	DISTRICT: 17TH	CITY: SANDY SPRINGS	STATE: GEORGIA
COUNTY: FULTON	DESIGNED: IP	DRAWN: IP	

DRAWING: 19027E.DWG	Sheet 2
DATE: OCTOBER 30, 2019	or
SCALE: 1"=20'	11
H: N/A	V: N/A



24 HR. CONTACT:
LIEL MANOAH
(386) 888-9555
AND/OR
ANSHU ISHAK
EROSION LEVEL 1A
CERTIFICATION # 0000077811
(404) 644-3247

318 SANDY SPRINGS CIRCLE
TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89 OF THE 17th DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING BEGIN AT A POINT LOCATED AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF ROSWELL ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF SANDY SPRINGS CIRCLE (HAVING A 70 FOOT RIGHT OF WAY); THENCE RUNNING WESTERLY 732.5 FEET, AS MEASURED ALONG THE CURVING NORTHERLY RIGHT OF WAY LINE OF SANDY SPRINGS CIRCLE, THENCE RUNNING NORTH 00 DEGREES 17 MINUTES EAST ALONG THE RIGHT OF WAY LINE OF SANDY SPRINGS CIRCLE 5.0 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE RUNNING EASTERLY ALONG THE RIGHT OF WAY LINE OF SANDY SPRINGS CIRCLE NORTH 89 DEGREES 06 MINUTES 29 SECONDS EAST A DISTANCE OF 125.00 FEET TO A ½" REBAR FOUND; THENCE DEPARTING SAID RIGHT OF WAY LINE OF SANDY SPRINGS CIRCLE; THENCE RUNNING NORTH 00 DEGREES 02 MINUTES 33 SECONDS EAST A DISTANCE OF 157.70 FEET TO A ½ INCH REBAR FOUND; THENCE SOUTH 89 DEGREES 28 MINUTES 17 SECONDS WEST A DISTANCE OF 125.40 FEET TO AN ANGLE IRON FOUND; THENCE SOUTH 00 DEGREES 11 MINUTES 26 SECONDS EAST A DISTANCE OF 158.49 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 19,792 SQUARE FEET, BEING 0.45 ACRE.

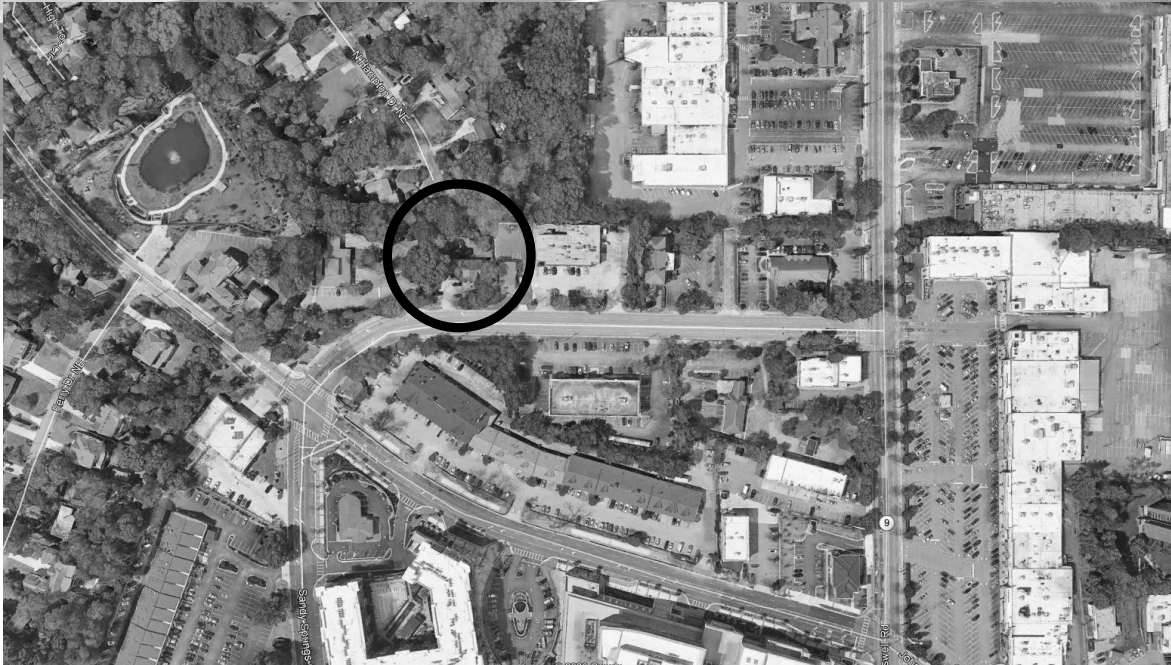
RYM MULTIFAMILY

318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328

PROJECT NO. 219013.00

VARIANCE

NOVEMBER 2021



AERIAL PLAN



LOCATION PLAN

PROJECT CRITERIA & DIRECTORY

A. NAME OF PROJECT:

RYM MULTIFAMILY

B. PROJECT LOCATION:

318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328

C. OWNER:

LIEL R. MANOAH ATTY.
4828 ASHFORD DUNWOODY RD. SUITE 100 DUNWOODY, GA 30338
P/ 404.579.1392

D. ARCHITECT REG. #:

ARCHETYPE DESIGN, LLC ATT: BROOKS ALAN HALL
1827 POWERS FERRY RD BUILDING 25 STE 300 ATLANTA, GA 30339
P/ 404.579.1392
BROOKS ALAN HALL - GA. REGISTRATION NO. 12208

E. OCCUPANCY CLASSIFICATION:

RESIDENTIAL GROUP R2

F. CONSTRUCTION TYPES:

TYPE IA - NON-COMBUSTABLE

G: BUILDING USING AREA
MODIFICATIONS:

LEVEL 1	:	12,933 SF
LEVEL 2	:	13,739 SF
LEVEL 3	:	13,739 SF
TOTAL INTERIOR SF	:	40,411 SF
LEVEL 1 BALCONIES	:	397 SF
LEVEL 2 BALCONIES	:	625 SF
TOTAL	:	1,022 SF
ROOF DECK	:	9350 SF
TOTAL BUILDING	:	50,783 SF

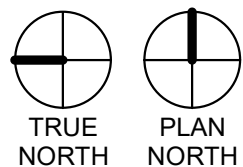
J. PROJECT SCOPE:

THE 318 CONDOMINIUM PROJECT IS PLANNED FOR THE LOCATION AT 318 SANDY SPRINGS CIRCLE IN SANDY SPRINGS, GEORGIA. THE BUILDING WILL CONSIST OF THREE RESIDENTIAL FLOORS (20 UNITS) ABOVE 1-1/2 LEVELS OF PARKING. THE FIRST FLOOR OF THE BUILDING WILL BE ATOP A CONCRETE TRANSFER SLAB WHICH HOUSES LOBBY SPACE AND STORAGE.

APPLICABLE CODES & CODE ANALYSIS

2018 INTERNATIONAL BUILDING CODE (IBC), WITH GA AMENDMENTS
2018 STANDARD FIRE PREVENTION CODE (IFC), WITH GA AMENDMENTS
2018 INTERNATIONAL PLUMBING CODE (IPC), WITH GA AMENDMENTS
2018 INTERNATIONAL MECHANICAL CODE (IMC), WITH GA AMENDMENTS
2018 INTERNATIONAL FUEL GAS CODE (IFGC), WITH GA AMENDMENTS
2018 INTERNATIONAL RESIDENTIAL BUILDING CODE (IRC), WITH GA AMENDMENTS
2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), WITH GA AMENDMENTS
2017 NATIONAL ELECTRICAL CODE, WITH GA AMENDMENTS

ASHRAE/ IESNA STANDARD 90.1-2004 WITH GA AMENDMENTS
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE (LSC) - 2012 EDITION
GA ACCESSIBILITY CODE - GSFC RULES & REGS 120-3-20
U.S. DEPARTMENT OF JUSTICE A.D.A. STANDARDS FOR ACCESSIBLE DESIGN (ADA) - 2010 EDITION



archetype

1827 POWERS FERRY RD.
BUILDING 25, SUITE 300
ATLANTA, GEORGIA 30339
TELEPHONE: 404.579.1392
WWW.ARCHITLLC.COM

PROJECT TITLE

318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328

PROJECT NUMBER

219013.00

PRINTING / REVISIONS

NO	DATE	DESCRIPTION
1	NOVEMBER 2021	VARIANCE

SHEET DESCRIPTION

COVER SHEET

DATE: NOVEMBER 2021

PROJECT STATUS

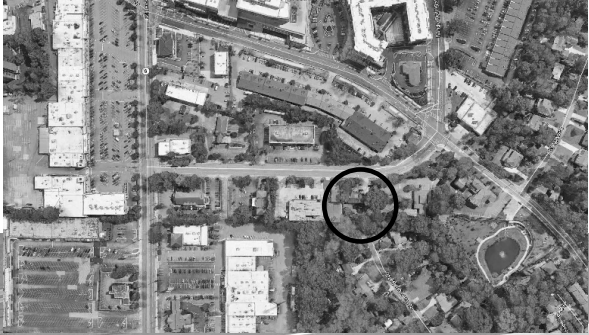
VARIANCE

SHEET NO

G0-00

NOT ISSUED FOR CONSTRUCTION

RYM MULTIFAMILY
318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328
PROJECT NO. 219013.00
VARIANCE
NOVEMBER 2021



AERIAL PLAN



A. NAME OF PROJECT: RYM MULTIFAMILY

B. PROJECT LOCATION: 318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328

C. OWNER: LIEL R. MANOAH ATTY.
4828 ASHFORD DUNWOODY RD. SUITE 100 DUNWOODY, GA 30338
P/ 404.579.1392

D. ARCHITECT REG. #: ARCHETYPE DESIGN, LLC
ATT: BROOKS ALAN HALL
1827 POWERS FERRY RD BUILDING 25 STE 300 ATLANTA, GA 30339
P/ 404.579.1392

E. OCCUPANCY CLASSIFICATION: RESIDENTIAL GROUP R2

F. CONSTRUCTION TYPES: TYPE 1A - NON-COMBUSTIBLE

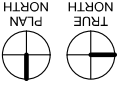
G. BUILDING USING AREA
MODIFICATIONS:

J. PROJECT SCOPE:

THE 318 CONDOMINIUM PROJECT IS PLANNED FOR THE LOCATION AT 318 SANDY SPRINGS CIRCLE IN SANDY SPRINGS, GEORGIA. THE BUILDING WILL CONSIST OF THREE RESIDENTIAL FLOORS ABOVE 1-1/2 LEVELS OF PARKING. THE FIRST FLOOR OF THE BUILDING WILL BE ATOP A CONCRETE TRANSFER SLAB WHICH HOUSES LOBBY SPACE AND STORAGE.

2018 INTERNATIONAL BUILDING CODE (IBC), WITH GA AMENDMENTS
2018 STANDARD FIRE PREVENTION CODE (IFC), WITH GA AMENDMENTS
2018 INTERNATIONAL PLUMBING CODE (IPC), WITH GA AMENDMENTS
2018 INTERNATIONAL MECHANICAL CODE (IMC), WITH GA AMENDMENTS
2018 INTERNATIONAL FUEL GAS CODE (IFGC), WITH GA AMENDMENTS
2018 INTERNATIONAL RESIDENTIAL BUILDING CODE (IRC), WITH GA AMENDMENTS
2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), WITH GA AMENDMENTS
2017 NATIONAL ELECTRICAL CODE, WITH GA AMENDMENTS
ASHRAE/IESNA STANDARD 90.1-2004 WITH GA AMENDMENTS
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE (LSC) - 2012 EDITION
GA ACCESSIBILITY CODE - GSFC RULES & REGS 120-3-20
U.S. DEPARTMENT OF JUSTICE A.D.A. STANDARDS FOR ACCESSIBLE DESIGN (ADA) - 2010 EDITION

PROJECT CRITERIA & DIRECTORY



SHEET NO		GO-00	
SHEET DESCRIPTION		COVER SHEET	
PROJECT STATUS	VARIANCE		
DATE:	NOVEMBER 2021		

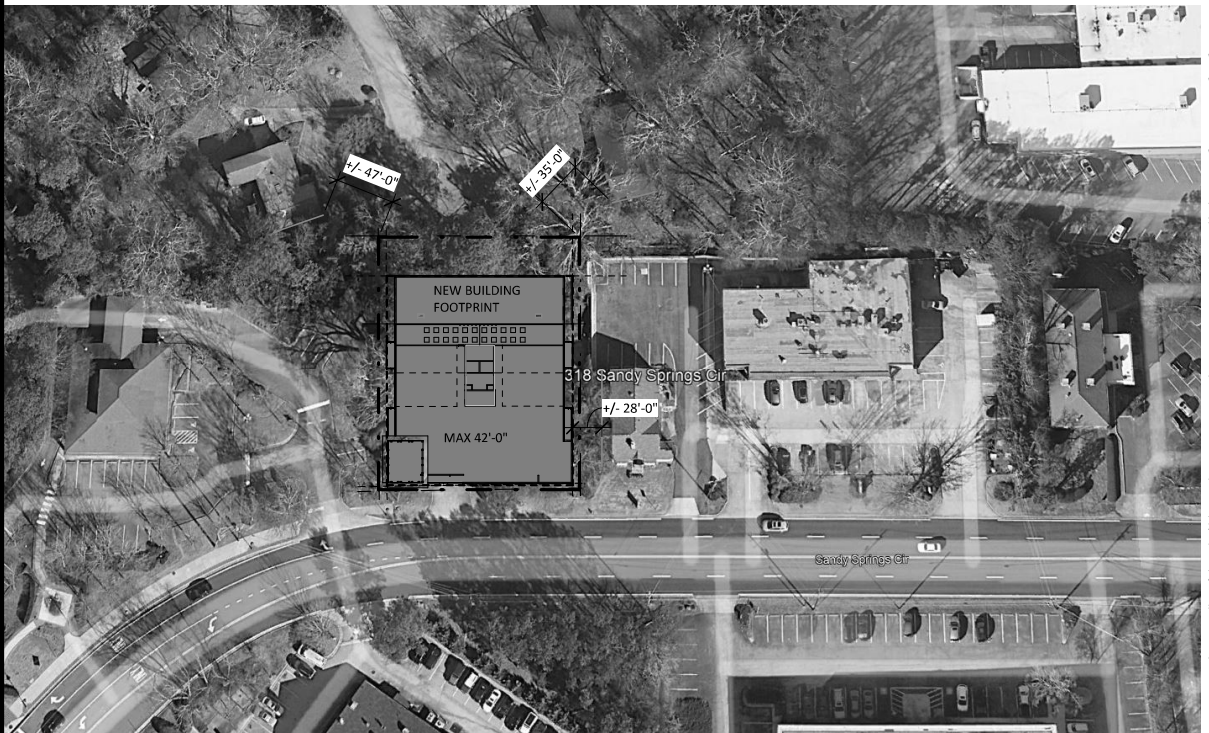
NO	DATE	DESCRIPTION
1	NOVEMBER 2021	NOVEMBER VARIANCE

PROJECT TITLE	
318 SANDY SPRINGS CIRCLE ATLANTA, GA 30328	
CLIENT PROJECT NUMBER	PROJECT NUMBER
	219013.00



archetype

1827 POWERS FERRY RD.
BUILDING 25, SUITE 300
ATLANTA, GEORGIA 30339
TELEPHONE: 404.579.1392
WWW.ARCHTYPE.COM



2 | nfp05 - roof plan Copy 1
1" = 10'-0"

SHEET DESCRIPTION SITE SURVEY	DATE:	NOVEMBER 2021
	PROJECT STATUS VARIANCE	

SHEET NO

A0-00

NOT ISSUED FOR CONSTRUCTION



P&Z STAFF REPORT

Board of Appeals Meeting, June 2, 2021

Case: **V21-0048 & V21-0049 – 1175 Windsor Parkway**
Staff Contact: Alexandra Horst (ahorst@sandyspringsga.gov)
Report Date: May 25, 2021

REQUEST

Request for Variances from Sec. 2.3.2. and Sec. 6.1.2.B. to allow construction of a single unit detached residence to encroach into the primary street building setback (V21-0048) and from Sec. 9.2.4.A. to allow land disturbance and impervious cover encroachment into the undisturbed natural vegetative buffer and additional impervious surface setback (V21-0049).

APPLICANT

Property Owner: Reliance Development Company LLC (contact: Talal Mourad)	Petitioner: Reliance Development Company, LLC (contact: Talal Mourad)	Representatives: William Gwynn III and Nathan V. Hendricks III
--	---	--

RECOMMENDATION

Department of Community Development

Staff recommends **Approval with Conditions** of Variances V21-0048 & V21-0049.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received April 27 and May 11, 2021
2. Rendering, received May 11, 2021

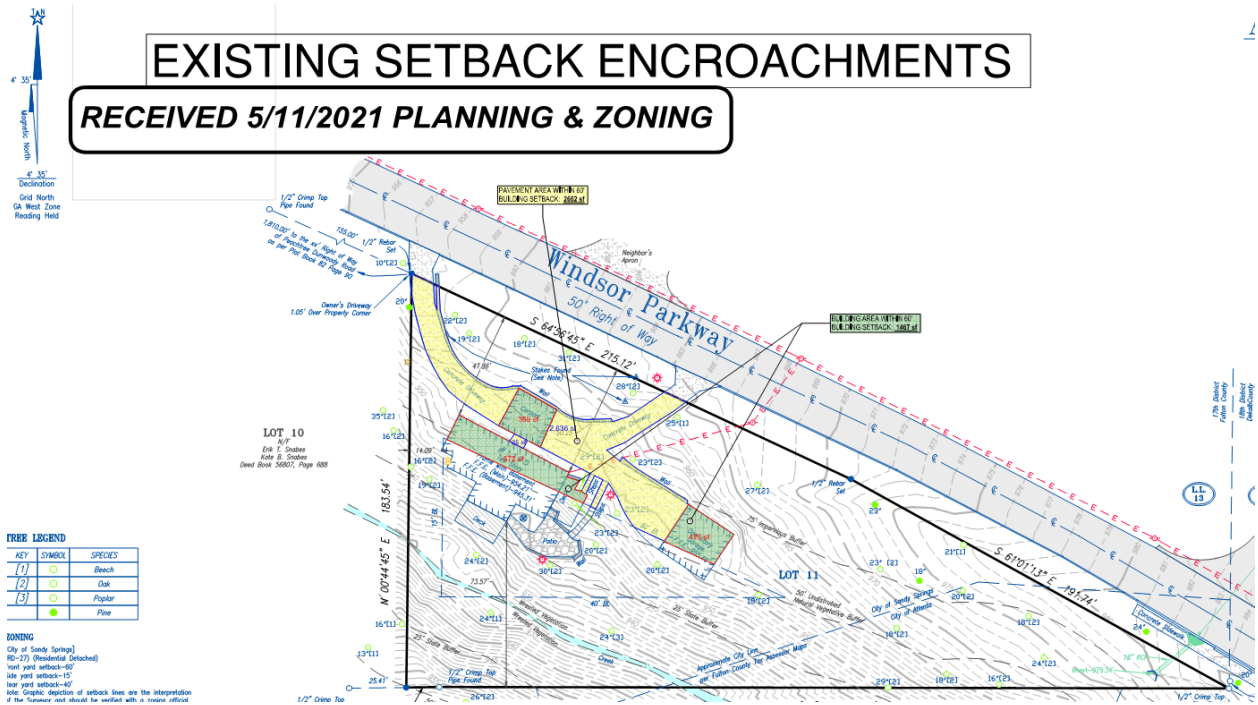
Plans:

1. "Survey Plat for: 1175 Windsor Parkway – Atlanta Georgia 30319," prepared by Georgia Land Surveying Co., signed and sealed by Josh L. Lewis, IV, RLS, dated May 14, 2018, received May 11, 2021
2. "Existing Setback Encroachments," prepared by Petitioner based on "Survey Plat for: 1175 Windsor Parkway – Atlanta Georgia 30319," prepared by Georgia Land Surveying Co., signed and sealed by Josh L. Lewis, IV, RLS, dated May 14, 2018, received May 11, 2021
3. "Site Plan," prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Stuart A. McClimans, P.E., last revised March 17, 2021, received May 11, 2021

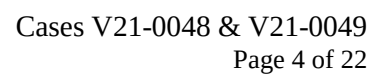
4. “*Site Plan: Proposed Setback Encroachments*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Stuart A. McClimans, P.E., last revised March 17, 2021, received May 11, 2021
5. “*Erosion, Sedimentation and Pollution Control Plan*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Stuart A. McClimans, P.E., last revised March 17, 2021, received May 11, 2021
6. “*Landscape and Stream Restoration Plan*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Grant H. Crowe, R.L.A., last revised March 17, 2021, received May 11, 2021
7. “*400 Foot Overall Topographic Exhibit*,” prepared by Blue Landworks Consulting Engineers & Surveyors, last revised December 14, 2020, received May 11, 2021

PROPERTY INFORMATION	
Location:	1175 Windsor Parkway (Parcel # 17 001300040245)
Council District:	5 – Tibby DeJulio
Road frontage:	Approximately 325.90’ of frontage on Windsor Parkway
Acreage:	Approximately 0.77 acre
Current Zoning: Existing Land Use:	RD-27 (Residential Detached, 27,000 square foot minimum lot size) Single unit detached residence
Previous Zoning Case:	Rezoning 1961Z-0035 was approved
Character Area:	Protected Neighborhood Character Area

EXISTING SETBACK ENCROACHMENTS (received May 11, 2021) (full size Existing Setback Encroachments in Package)

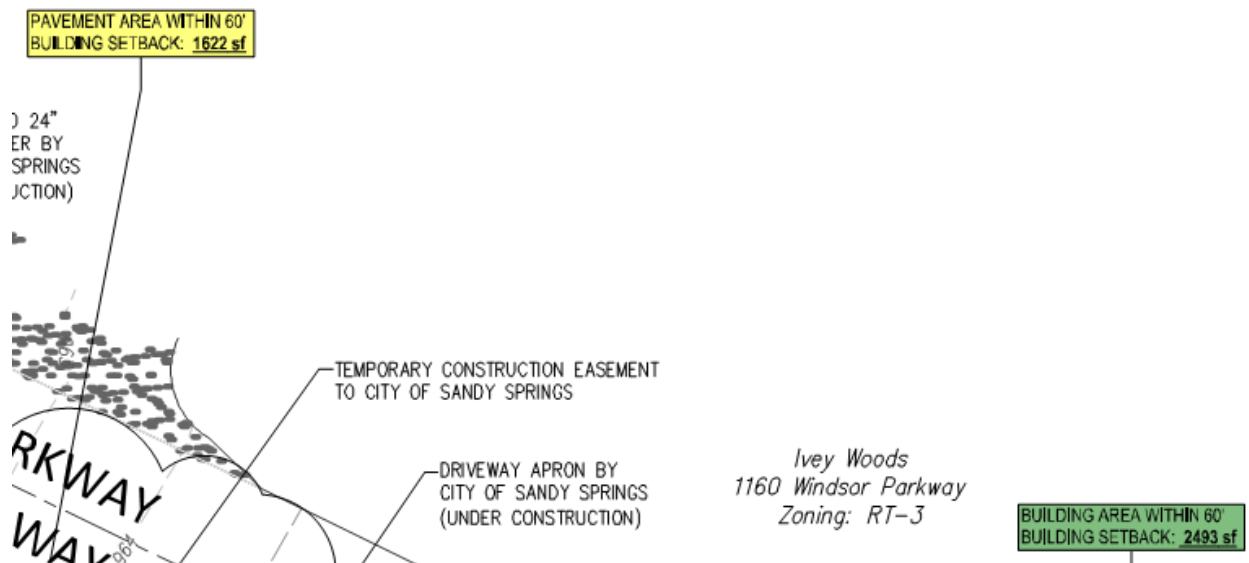
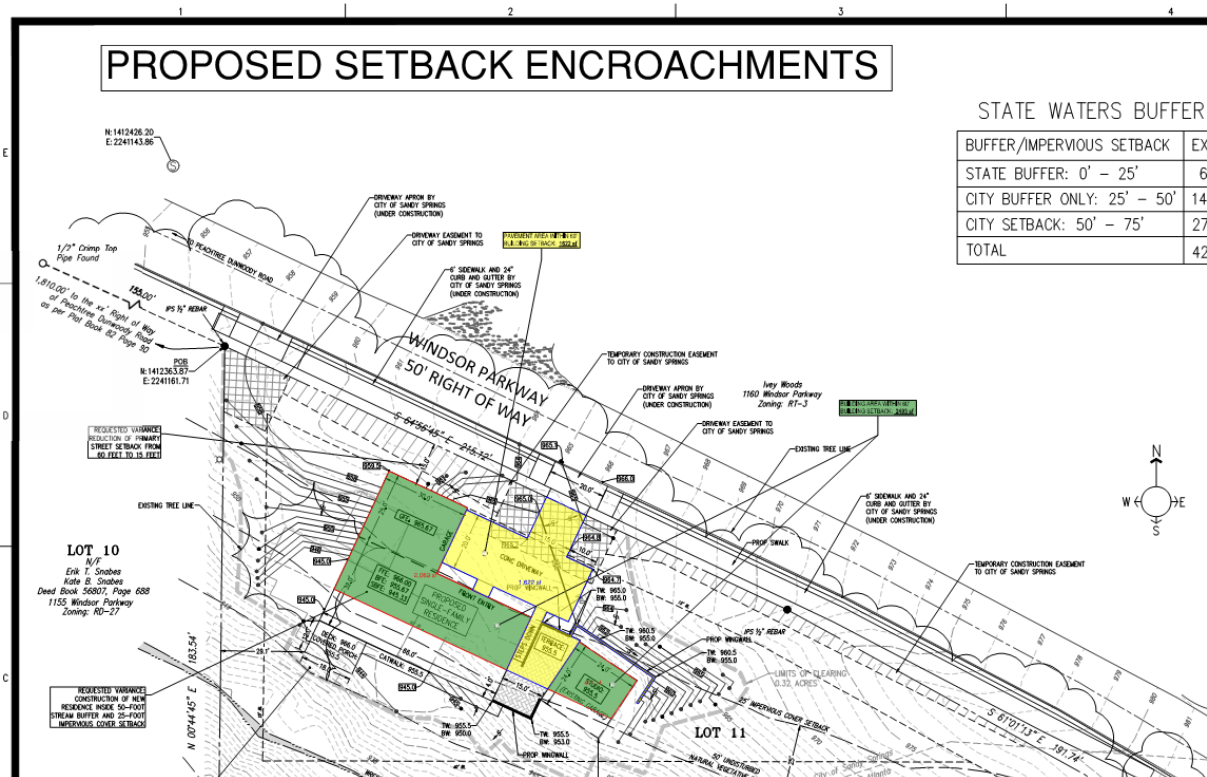


RECEIVED 5/11/2021 PLANNING & ZONING

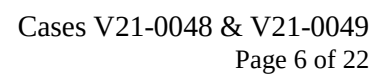


SITE PLAN: PROPOSED SETBACK ENCROACHMENTS (received May 11, 2021) (full size
Site Plan: Proposed Setback Encroachments in Package)

RECEIVED 5/11/2021 PLANNING & ZONING



RECEIVED 5/11/2021 PLANNING & ZONING



RECEIVED 5/11/2021 PLANNING & ZONING



PROPOSED DEVELOPMENT

The 0.77-acre triangular-shaped subject property is developed with a single unit detached residence, carport, decks, patio, detached garage, walls, and other features and improvements. The residence and garage were built in 1968, according to the Fulton County Tax Assessors. The structures on site visually appear to be in very poor shape, and the property is overgrown and looks abandoned.

There have been Code Enforcement cases relevant to the subject property twice in the past two years alone. As part of a 2020 Code case, it was stated that there were numerous violations. The most recent Code case, opened in May of 2021, is a property maintenance case wherein the caller said the residence has not been lived in for years, doors are open, and vines are growing on the residence.

According to the Applicant, the property was purchased in 2016 at auction by the current property owner. A tenant living on the property at the time damaged the residence, then was evicted in 2018. Legal difficulty continued into 2020, and the residence is now unusable.

The subject property contains state waters, state waters buffers, and area of minimal flood hazard Zone X. The existing house, carport, and detached garage on site encroach into the 60' primary street building setback, and much of the existing development encroaches into the 50' undisturbed natural vegetative buffer, both the State's 25' buffer and the City's additional 25' buffer, and the City's additional 25' impervious surface setback. There are significant topographic challenges on site.

The Applicant proposes to construct a new single unit detached residence, deck, covered porch, terrace, studio in the existing detached garage space, and other features and improvements on site. One (1) of the

two (2) existing curb cuts would remain. According to the Applicant, the proposed residence would encroach into the primary street setback, the undisturbed buffer (the City's additional 25' buffer only), and the additional impervious surface setback. The proposed residence would encroach 45' into the primary street setback, getting as close as 15' from the primary street lot line. The total encroachment into the primary street setback would be approximately 2,493 square feet. The proposed development would, however, encroach less into each buffer and the additional impervious surface setback than the existing development does; the total encroachment into these areas would be 3,749 square feet, 547 square feet and 13% less than the existing 4,296 square feet. Lot coverage is proposed to be 16.5%, less than the existing lot coverage of 16.9% and significantly less than the maximum in RD-27 of 30%.

As the state waters and buffers on site cover most of the subject property and the entirety of the buildable area, other alternatives for redevelopment of the subject property would also require Variances.

The subject property is adjacent on the east to another residential parcel in the City of Sandy Springs. A small portion of the property and the area to the south are in the City of Atlanta. To the east is the City of Brookhaven in DeKalb County.

The following images show the existing conditions of 1175 Windsor Parkway.



View south from Windsor Parkway



View east along Windsor Parkway



View southeast



East side of residence



Carport and view northeast



View south



Decks on south side of residence



View east toward garage



View west along Windsor Parkway



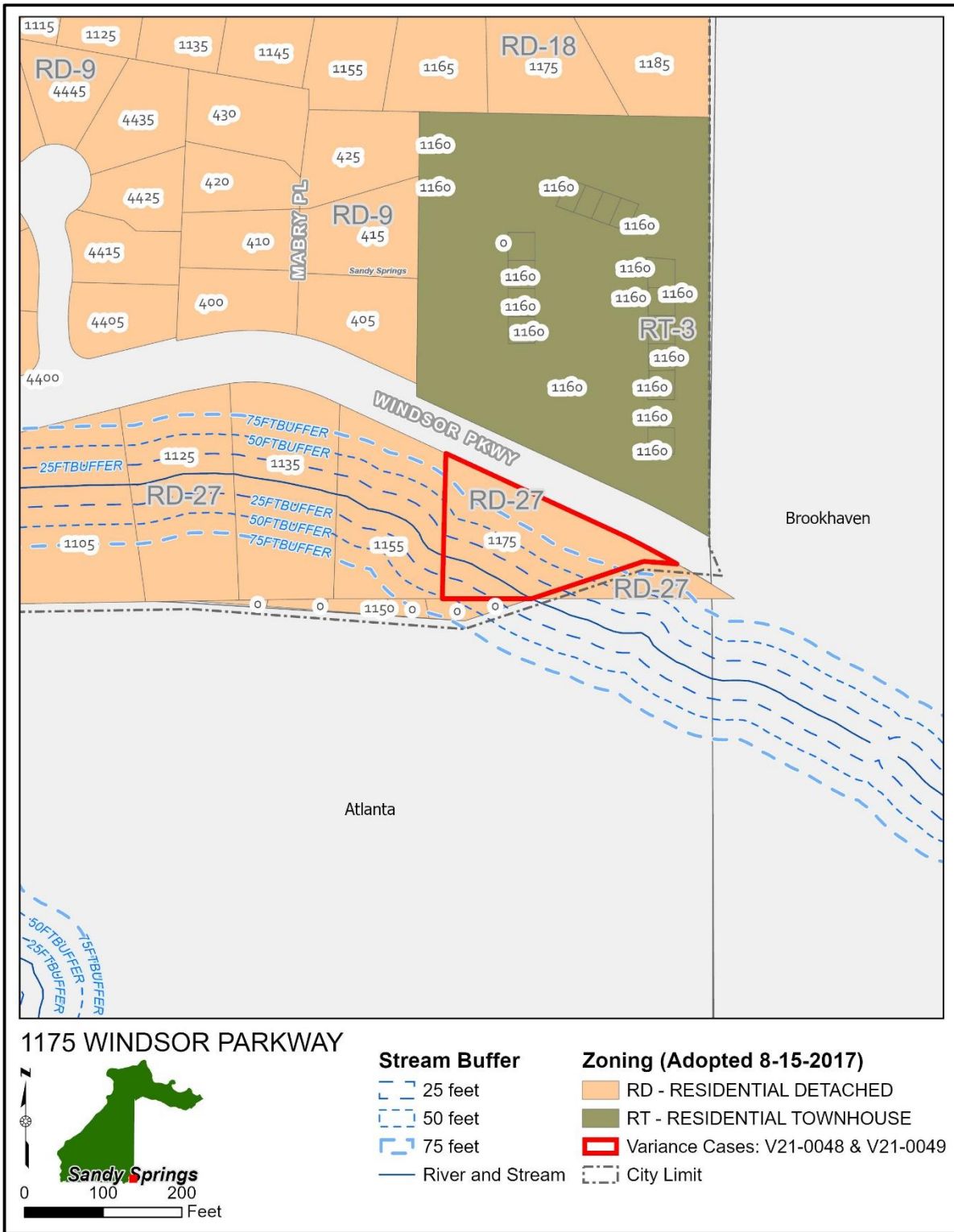
(All photographs by Alexandra Horst, May 15, 2021)

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	RT-3 / Single Unit Attached Residences	1160 Windsor Parkway	3.82
North	--	Windsor Parkway	--
East	--	City of Brookhaven	--
Southeast / South	--	City of Atlanta	--
South	RD-27 / Undeveloped	0 Angelo Court # Rear (Parcel # 17 001300040088)	0.01
South / Southwest	RD-27 / Undeveloped	0 Angelo Court # Rear (Parcel # 17 001300040104)	0.05
West	RD-27 / Single Unit Detached Residence	1155 Windsor Parkway	0.70
PROPOSED DEVELOPMENT			
--	RD-18 / Single Unit Detached Residence	300 Drummen Court	0.51

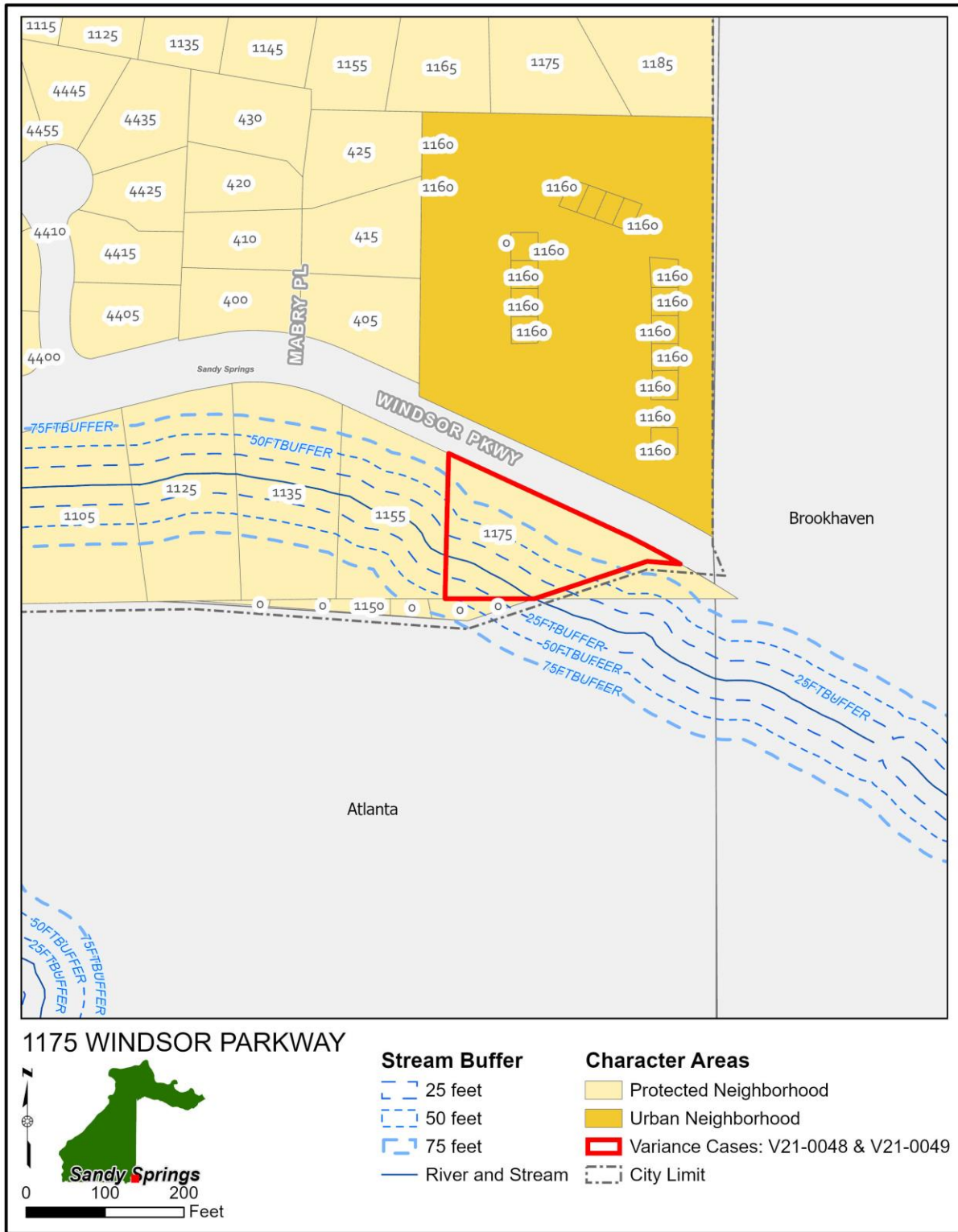
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



V21-0048 VARIANCE CONSIDERATIONS

Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

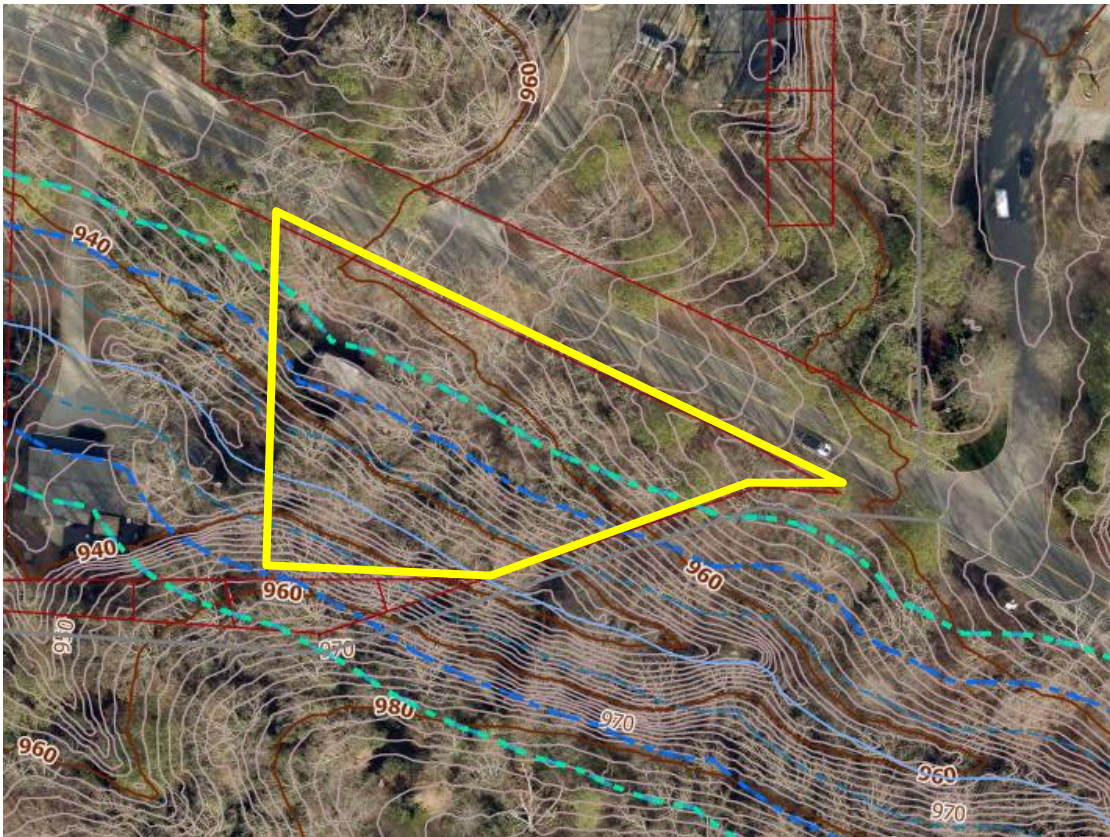
1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or**

Finding: The application of the Development Code would create an unnecessary hardship. The shape of the subject property and the topography and hydrology on site make the property difficult to develop in compliance with the Development Code, and the entirety of the buildable area on site is covered by the state waters and buffers, making compliance with the Development Code impossible.

- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;**

Finding: The subject property is 0.77 acre (33,541.20 square feet) in size, similar to the other RD-27 parcels to the west of the subject property. However, the shape is triangular, and the distance between the primary street lot line and the rear lot line is as little as approximately 169', which is less depth than on many RD-27 properties to the west. There is significant topography; the grade falls approximately 46' from Windsor Parkway southwest to the stream and then goes up in the very rear of the property, as shown in the image below. The topography is particularly focused on the subject property. Additionally, the state waters and buffers on site cover most of the subject property, as can also be seen in the image below, and the entirety of the buildable area. Thus, there are extraordinary and exceptional conditions specific to the subject property.



2. Further, the application must demonstrate that:

a. Such conditions are not the result of action or inaction of the current property owner; and

Finding: The size, shape, and topography of and the hydrology on the subject property are not the result of action or inaction of the current property owner. The residence and garage on site were built in 1968, according to the Fulton County Tax Assessors. The structures appear to be in very poor shape, and the property is overgrown and looks abandoned. According to the Applicant, the property was purchased in 2016 at auction by the current property owner. A tenant living on the property at the time damaged the residence, then was evicted in 2018. Legal difficulty continued into 2020, and the residence is now unusable. The existing house, carport, and detached garage encroach into the 60' primary street building setback, and much of the existing development encroaches into the 50' undisturbed natural vegetative buffer and the additional 25' impervious surface setback.

b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and

Finding: The shape of the subject property and the topography and hydrology on site make the property difficult to develop in compliance with the Development Code, and the entirety of the buildable area on site is covered by the state waters and buffers, making compliance with the Development Code impossible. The existing house, carport, and detached garage encroach into the 60' primary street building setback, and much of the existing development encroaches into the 50' undisturbed natural vegetative buffer and the additional 25' impervious surface setback. Thus, the Variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

Finding: The Development Code requires that all buildings and structures be located at or behind the required setbacks, in the buildable area. The request to allow construction of a single unit detached residence to encroach into the primary street building setback does not comply with Code. A major feature of *The Next Ten* is to protect and preserve the City's neighborhoods, and a way in which that is codified is through building setback and other regulations governing the location of structures. However, *The Next Ten* also prioritizes redevelopment and quality of place. As the entirety of the buildable area on site is covered by state waters and buffers, making compliance with the Development Code impossible, and the request would allow for redevelopment of the subject property, less encroachment into each buffer and the additional impervious surface setback, and less lot coverage, the request would result in development that is consistent with the general intent of the Development Code and *The Next Ten*. Furthermore, the request would not be detrimental to the public good, safety, and welfare. There have been Code Enforcement cases relevant to the subject property twice in the past two years alone. As part of a 2020 Code case, it was stated that there were numerous violations. The most recent Code case, opened in May of 2021, is a property maintenance case wherein the caller said the residence has not been lived in for years, doors are open, and vines are growing on the residence. Additionally, according to the Applicant, a previous tenant living on the property damaged the residence, then was evicted in 2018. Legal difficulty continued into 2020, and the residence is now unusable. Thus, the Variance request would improve the public good, safety, and welfare by allowing for redevelopment of the subject property.

V21-0049 STREAM BUFFER VARIANCE CONSIDERATIONS

Per Sec. 9.2.4.B. of the Development Code, the following list of approval criteria for a Stream Buffer Variance provides guidance for making decisions on approval:

- a. *The property's shape, topography or other physical conditions existing on December 12, 2005 prevent land development unless a buffer or setback Variance is granted;***

Finding: The shape and topography of and the hydrology on the subject property prevents land development unless a Stream Buffer Variance is granted. The shape is triangular, and the distance between the primary street lot line and the rear lot line is as little as approximately 169', less depth than on many RD-27 properties to the west. There is significant topography; the grade falls approximately 46' from Windsor Parkway southwest to the stream and then goes up in the very rear of the property. The topography is particularly focused on the subject property. Additionally, the state waters and buffers on site cover most of the subject property and the entirety of the buildable area.

- b. *Unusual circumstances when strict adherence to the minimal buffer and setback requirements would create an extreme hardship.***

Finding: The state waters and buffers on site cover most of the subject property and the entirety of the buildable area. Therefore, strict adherence to the minimal buffer and setback requirements would create an extreme hardship.

Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.

Finding: The size, shape, and topography of and the hydrology on the subject property are not the result of actions of the current property owner. The residence and garage on site were built in 1968, according to the Fulton County Tax Assessors. The structures visually appear to be in very poor shape, and the property is overgrown and looks abandoned. Per the Applicant, the property was purchased in 2016 at auction by the current property owner. A tenant living on the property at the time damaged the residence, then was evicted in 2018. Legal difficulty continued into 2020, and the residence is now unusable. The existing house, carport, and detached garage encroach into the 60' primary street building setback, and much of the existing development encroaches into the 50' undisturbed natural vegetative buffer and the additional 25' impervious surface setback.

The following factors will be considered by the Board of Appeals in determining whether to issue a Stream Buffer Variance:

- ***The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;***
- ***The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;***

Finding: The subject property is 0.77 acre (33,541.20 square feet) in size, similar to the other RD-27 parcels to the west of the subject property. However, the shape is triangular, and the distance between the primary street lot line and the rear lot line is as little as approximately 169', which is less depth than on many RD-27 properties to the west. There is significant topography; the grade falls approximately 46' from Windsor Parkway southwest to the stream and then goes up in the very rear of the property. The topography is particularly focused on the subject property. Additionally, the state waters and buffers on site cover most of the subject property and the entirety of the buildable area.

- ***The location and extent of the proposed buffer or setback intrusion;***

Finding: According to the Applicant, the proposed residence would encroach into the primary street setback, the undisturbed buffer (only the City's additional 25' buffer), and the additional impervious surface setback. It would encroach less into each buffer and the additional impervious surface setback than the current development on site does; the total encroachment into these areas would be 3,749 square feet, 547 square feet and 13% less than the existing 4,296 square feet. Lot coverage is proposed to be 16.5%, less than the existing lot coverage of 16.9% and significantly less than the maximum in RD-27 of 30%.

- ***Whether alternative designs are possible which require less intrusion or no intrusion;***

Finding: As the state waters and buffers on site cover most of the subject property and the entirety of the buildable area, other alternatives for redevelopment of the subject property would also require Variances.

- ***The long-term and water quality impacts of the proposed Variance; and***
- ***Whether issuance of the Variance is at least as protective of natural resources and the environment.***

Finding: The proposed development would encroach less into each buffer and the additional impervious surface setback than the current development on site does; the total encroachment into these areas would be 3,749 square feet, 547 square feet and 13% less than the existing 4,296 square feet. Lot coverage is proposed to be 16.5%, less than the existing lot coverage of 16.9% and significantly less than the maximum in RD-27 of 30%. Additionally, the Applicant created a "Landscape and Stream Restoration Plan," which has been reviewed and approved by the City's Arborist and Sustainability Manager.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

No comment provided.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

The stream buffer mitigation plan was reviewed and approved by the Arborist.

Sandy Springs Sustainability Manager:

The submitted mitigation plan meets the requirements and is acceptable in regard to sustainability.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Correspondence Received:

No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval with Conditions of Variances** V21-0048 & V21-0049, requests for Variances from Sec. 2.3.2. and Sec. 6.1.2.B. to allow construction of a single unit detached residence to encroach into the primary street building setback (V21-0048) and from Sec. 9.2.4.A. to allow land disturbance and impervious cover encroachment into the undisturbed natural vegetative buffer and additional impervious surface setback (V21-0049), subject to the following conditions:

1. That the encroachments be limited to those shown on the “*Site Plan*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Stuart A. McClimans, P.E., last revised March 17, 2021, received May 11, 2021, and the “*Site Plan: Proposed Setback Encroachments*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Stuart A. McClimans, P.E., last revised March 17, 2021, received May 11, 2021.
2. That the residence’s encroachment into the primary street lot line building setback be limited to no more than 45’.
3. That the land disturbance and impervious cover encroachment into the undisturbed natural vegetative buffer and additional impervious surface setback be limited to the City’s additional 25’ buffer and the additional 25’ impervious surface setback.
4. That mitigation be provided in accordance with the “*Landscape and Stream Restoration Plan*,” prepared by Blue Landworks Consulting Engineers & Surveyors, signed and sealed by Grant H. Crowe, R.L.A., last revised March 17, 2021, received May 11, 2021.