



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, July 14, 2020

Case: **V20-0001 – 1190 & 1194 Hope Road**
Staff Contact: Madalyn Smith (madalyn.smith@sandyspringsga.gov)
Report Date: June 30, 2020

REQUEST

Request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road.

APPLICANT

Property Owner: Ariadne Nikiforou	Petitioner: Callicott Custom Homes, LCC (contact: Gary Callicott)	Representative: Pete Hendricks
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SUMMARY

The applicant requests a Variance to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road. 1194 is adjacent to 1196 Hope Road, which is in the RE-1 zoning district and Urban Neighborhood Character Area. The application of the code significantly limits density in an area of Sandy Springs where dense infill development is envisioned as appropriate by The Next Ten. 1196 Hope Road is one of two remaining, isolated RE-1 properties on Hope Road. The intent of transition buffers is not to limit development adjacent to isolated single unit detached properties but rather to prevent encroachment and adverse impacts within established single family neighborhoods.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance V20-0001**.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received January 2, 2020
2. Updated Letter of Intent and Variance Analysis, received January 8, 2020
3. Updated application information, received March 10, 2020

Plans:

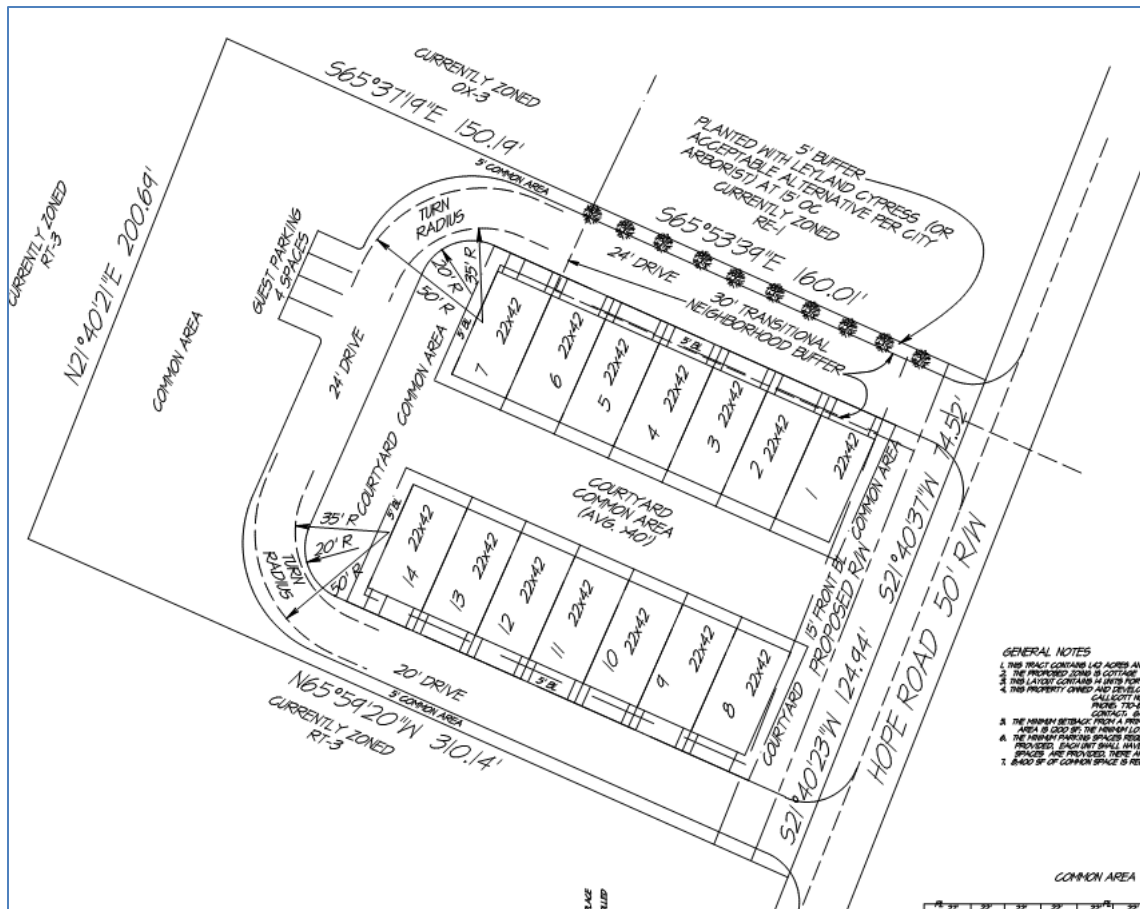
1. "ALTA/ACSM Survey For: Minerva," prepared by LandPro Surveying and Mapping, signed and sealed by James H. Rader, R.L.S., dated August 22, 2014, received January 2, 2020

2. Updated "Hope Road Tract Concept Site Plan," prepared by Cornerstone Design & Development, Inc., dated October 23, 2019, received January 9, 2020
3. Updated "Hope Road Tract Concept Site Plan," prepared by Cornerstone Design & Development, Inc., received March 10, 2020

PROPERTY INFORMATION

Location:	1190 Hope Road (Parcel # 06 036300040376) & 1194 Hope Road (Parcel # 06 036300040244)
Council District:	2 – Soteres
Road frontage:	Approximately 200 feet of frontage on Hope Road
Acreage:	Approximately 1.42 acres
Current Zoning:	RT-3 (Residential Townhouse, 3 stories maximum height)
Existing Land Use:	Single unit detached residences
Previous Zoning Case:	Zoning Map Amendment (Rezoning) RZ19-0001 was approved.
Character Area:	Urban Neighborhood

SITE PLAN (received March 10, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The petitioner applied for a Zoning Map Amendment (Rezoning) of 1190 & 1194 Hope Road from RE-1 to RT-3, which was approved on July 16, 2019.

The applicant proposes to develop the sites with 16 townhomes in the Cottage Court development pattern. This is a development pattern that promotes diverse housing options, encourages density, and requires common greenspace. The development pattern has not yet been utilized in Sandy Springs, but has in other Atlanta Metro cities, such as Marietta.

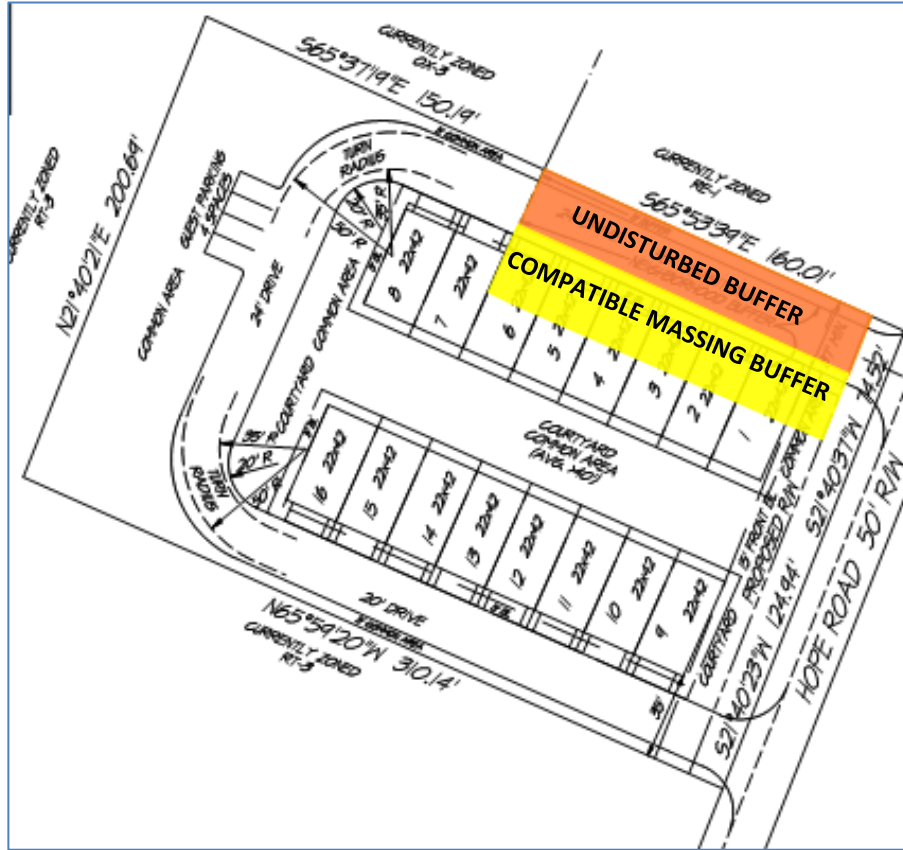


Aerial view of a similar development, Mountain View Townhomes, in Marietta, GA



View of the townhomes around the common greenspace

An adjacent property, 1196 Hope Road is zoned RE-1. Thus, the Protected Neighborhood Transition Buffer applies between this property and 1190/1194 Hope Road. As shown in the figure below, the application of the undisturbed buffer would eliminate several townhomes, reducing the density.



Conceptual Site Plan for 1190 & 1194 Hope Road. The orange delineates the undisturbed Landscape Buffer and the yellow delineates the Compatible Massing Buffer.

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	OX-3 / Office RE-1 / Single unit detached residence	8850 Dunwoody Place NE 1196 Hope Road	0.64 0.17
East	RM-3/8 / Multi-unit residential	8800 Dunwoody Place (Legacy Key Apartment Homes)	18.14
South	RT-3 / Single unit detached residence	1188 Hope Road	0.54
West	RT-3 / Townhouse	56 Huntington Place Drive	0.47
PROPOSED DEVELOPMENT			

--	RT-3 / Townhouse	1190 & 1194 Hope Road	1.42
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AERIAL IMAGE



EXISTING CONDITIONS (All photographs by Alexandra Horst, June 1, 2019)

The following images show the existing conditions of 1190, 1194, & 1196 Hope Road.



View of 1190 Hope Road from Hope Road



View of 1190 Hope Road from Hope Road



View of 1194 Hope Road from Hope Road



View of both 1190 & 1194 Hope Road from Hope Road

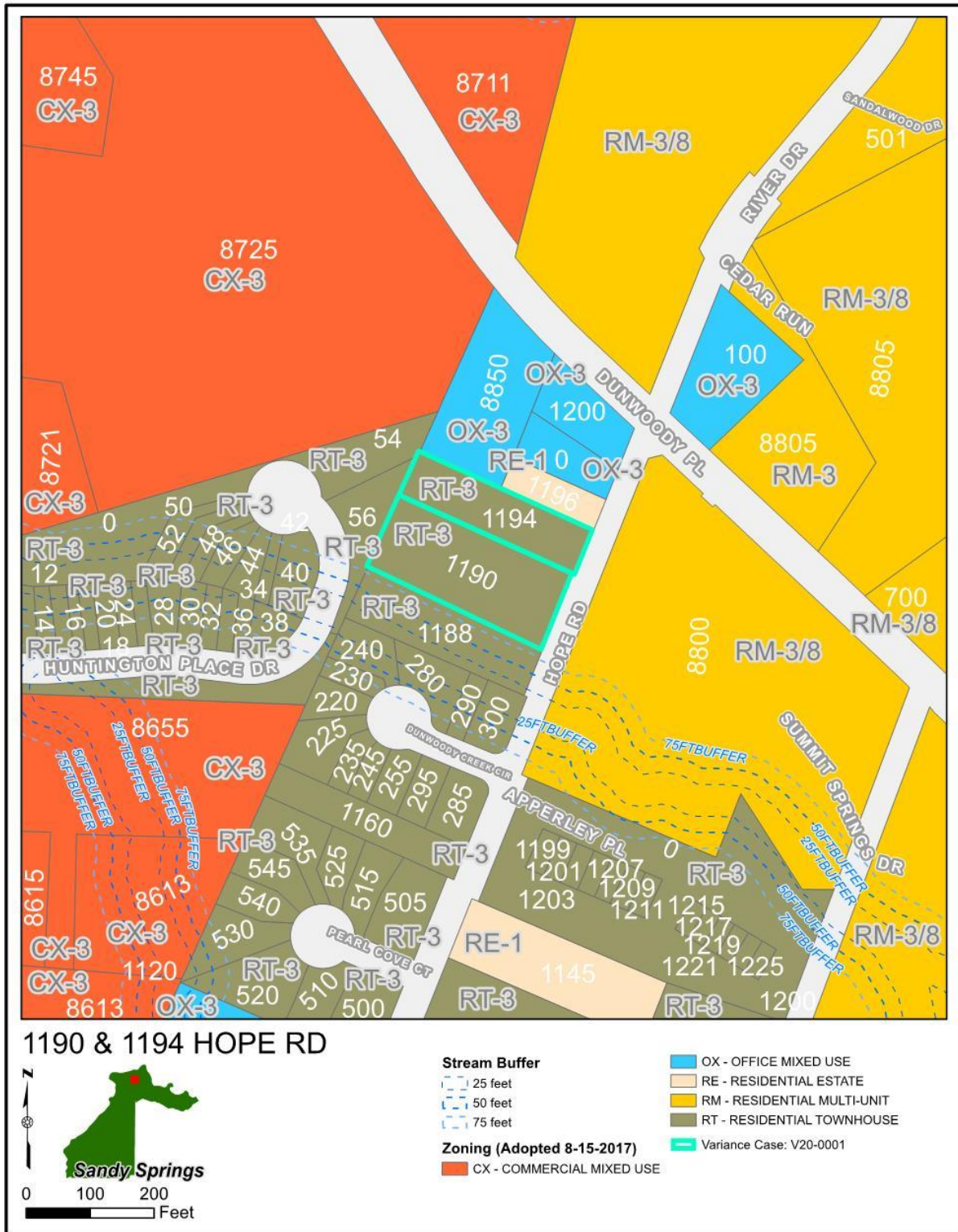


View of both 1194 & 1190 Hope Road from 1194 Hope Road

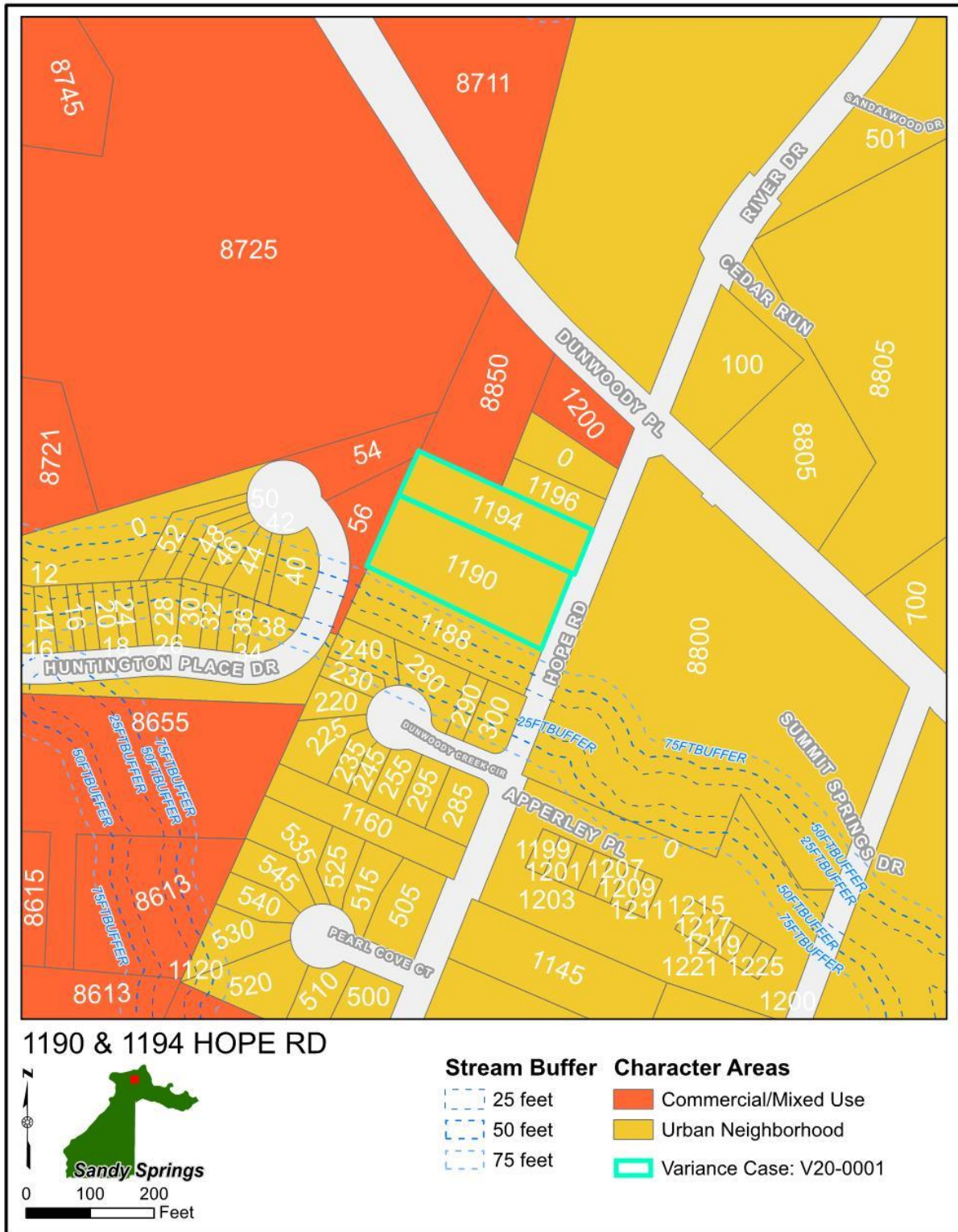


View towards 1196 Hope Road from 1194 Hope Road

ZONING MAP

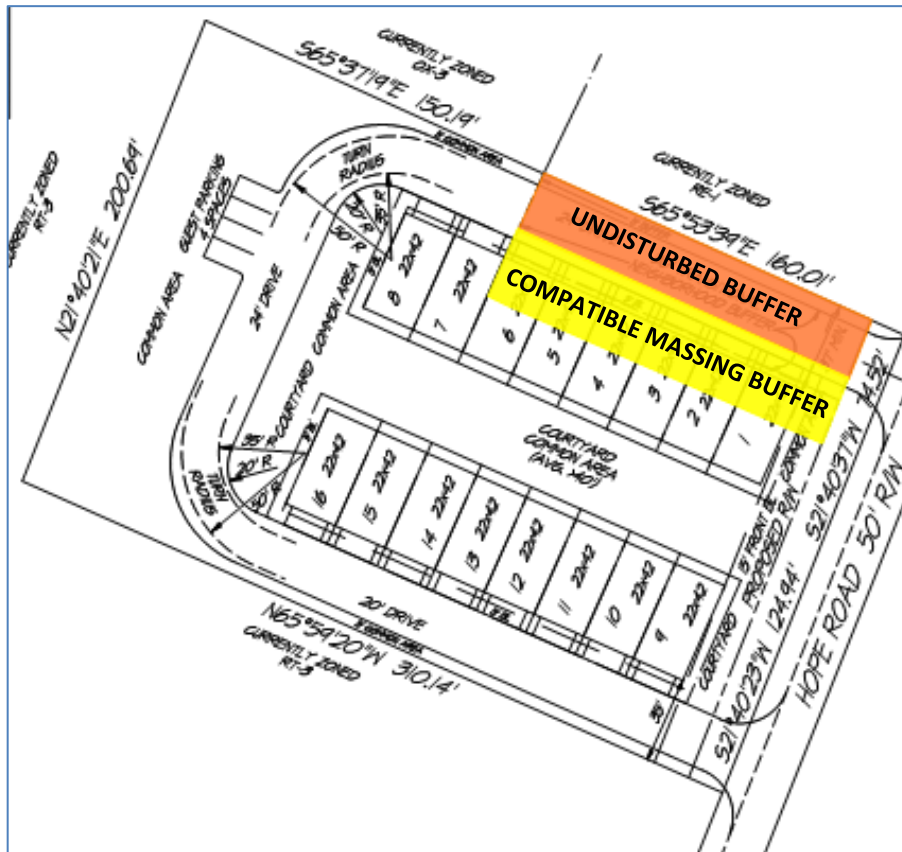


CHARACTER AREA MAP



Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

- Finding:** The application of the full 25-foot Landscape Buffer would require 3,750 square feet of the approximately 62,000-square foot lot to be an undisturbed Landscape Buffer. An additional 30-foot Compatible Massing Buffer restricts the height of development to 28 feet. In total, the Protected Neighborhood transition area is 55 feet in depth and an area of 8,250 square feet.



Community Development

<i>Further, the application must demonstrate that:</i> <i>a. Such conditions are not the result of action or inaction of the current property owner; and</i> Finding: The conditions are not the result of action nor inaction of the current property owner.
<i>b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and</i> Finding: Hope Road is primarily commercial and medium-to-high density residential, save for two isolated RE-1 zoned properties, 1196 and 1145 Hope Road. It is important to note that both of these remnant residential lots are deliberately within the <i>Urban Neighborhood</i> Character Area, not the Protected Neighborhood Character Area, and was envisioned they would eventually be developed in a more intense way. Due to the dimensional requirements for open space in the Cottage Court Development pattern, the required 25 foot transitional buffer eliminates at least six (6) units. The applicant's request to reduce the buffer to five (5) feet would provide relief and the opportunity to maximize the density in one of the few areas in Sandy Springs in which dense infill development is envisioned as appropriate by The Next Ten.
<i>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.</i> Finding: Per Section 1.1.5., the intent of the Development Code is to guide reinvestment in established neighborhoods that enhances their unique characteristics, promote diverse housing options, and provide building and site design standards address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm. This Variance request would better allow the applicant to increase density in an appropriate area that is zoned for urban neighborhoods with residential attached housing units. The location is also in close proximity to transit and retail and the applicant is utilizing the Cottage Court development pattern, which is promoted by the Code. For these reasons, Staff believes the proposal supports the above stated intent of the Development Code. It is Staff's belief that the variance request would not be detrimental to the public good, safety, and welfare. The request supports the intent of the Development Code and is also consistent with Comprehensive Plan policies, as explained below: According to page 104 of The Next Ten Comprehensive Plan, "Development outside the edges of protected neighborhoods will be carefully managed to prevent encroachment of non-residential or higher-intensity residential uses into this character area and to ensure compatible transitions between land uses and development intensities." The tool used to implement this portion of The Next Ten are the Protected Neighborhood Transition standards in Sec. 6.4.2. and 6.4.3. of the Development Code. The purpose of this transition is not to protect individual single unit detached residences in an area planned for higher-density development. Rather, it is to prevent encroachment and adverse impacts within established single family neighborhoods. Page 106 of The Next Ten states, "redevelopment within [Urban Neighborhood] will be critical to achieving the Comprehensive Plan goal of expanding the range of available housing options," and "... rather than following the form and development patterns established by existing multifamily and townhome development, redevelopment within [Urban Neighborhood] will result in more compact,

connected and walkable neighborhoods that maximize proximity to mixed use development along Roswell Road, in the Perimeter Center and MARTA station areas.”

The applicant’s proposal to replace two aging single unit detached homes and construct townhomes expands the range of housing options available in Sandy Springs. The applicant’s use of the Cottage Court Development Pattern would be unique along Hope Road, where previous townhomes are centered around driveways and have very little greenspace. Cottage Court also allows a more compact site that is within proximity to transit and Roswell Road. Staff finds the request to reduce the buffer to be in support of the goals and intent of The Next Ten.

COMMENTS FROM OTHER PARTIES

Public Works Department:

1. Streetscape improvements, as required by the Sandy Springs Development Code, shall be constructed and shown on the site plan.
2. Required on-street parking should be shown on site plan.
3. Appropriate ROW (minimum 40-48 feet to centerline) along Hope Road should be shown on site plan/dedicated.
4. Driveways shall meet ADA crossing standards.
5. Driveways shall meet all spacing requirements outlined in Section 3 of the Sandy Springs Technical Manual.
6. The project shall only have one access point. The maximum number of driveways permitted for a single project is one for each 200 feet of property frontage.
7. For the driveway, the radius return must be a minimum of five feet from the property line.
8. The streets serving the residential development shall meet city street and access design standards outlined in Section 3 of the Sandy Springs Technical Manual.
9. The proposed alley on project site should adhere to roadway design and pavement standards, including minimum turning radii and right of way requirements, outlined in Section 3 of the Sandy Springs Technical Manual.
10. Parking shall be provided within the development for residents and visitors.

Correspondence Received:

1 public comment was received in opposition stating

“How many bites at the Apple will this applicant have on Hope RD. This was denied going from no buffer to offering 5 ft. When the rule is 25 ft. Is silly. They need to reduce number of homes or by more land not harass the city for a variance.”

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Overall, Staff finds that the proposed development offers an opportunity for higher density infill development as envisioned for the Urban Neighborhood Character Area, and the granting of the requested Variance would provide the applicant with relief to more realistically develop according to the Development Code's prescription for a "Cottage Court" product. For these reasons, Staff recommends **Approval** of **Variance** V20-0001, request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet, subject to the following **condition**:

1. The proposed townhome project must utilize the Cottage Court Development Pattern as described in Division 6.3 of the Development Code.



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, July 14, 2020

Case: **V20-0013 – 135 & 145 Cliftwood Drive**
Staff Contact: Madalyn Smith (MSmith@SandySpringsGA.gov)
Report Date: July 7, 2020

REQUEST

Request for a Variance from Sec. 4.7.3.F. to eliminate the required 20-foot minimum upper floors setback at 135 & 145 Cliftwood Drive.

APPLICANT

Property Owner: HDK Properties, LLLP (contact: George D. Steinheimer)	Petitioner: NexCity Development LLC (contact: Gary Unell)	Representative: Nathan V. Hendricks
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SUMMARY

The applicant requests one (1) Variance to eliminate the required upper floors setback. The setback is applied to the building façade adjacent to Cliftwood Drive and requires the fourth (4th), fifth (5th), and sixth (6th) floors to be set back 20 feet from the vertical wall plane of the lower floors.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance** V20-0013.

MATERIALS SUBMITTED AND REVIEWED

Materials:

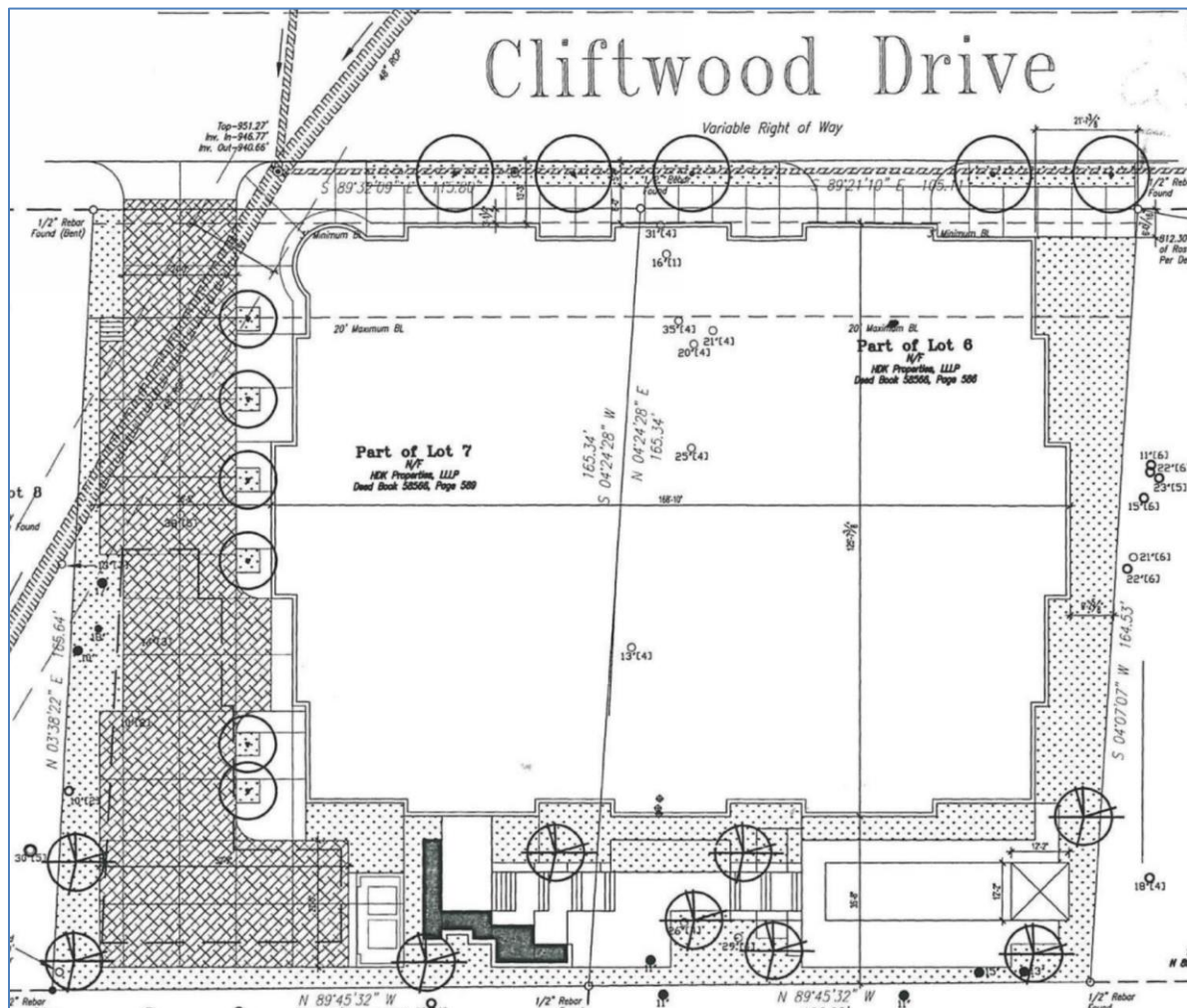
1. Application, received February 28, 2020
2. Letter of support, received March 10, 2020
3. Application Amendment, received June 24, 2020

Plans:

1. “TBD,” prepared by Georgia Land Surveying Co., signed and sealed by John L. Lewis, IV, R.L.S., dated September 9, 2019, received February 28, 2020
2. “Cliftwood Flats” prepared by Archetype Designs, dated November 26, 2019, received February 28, 2020

PROPERTY INFORMATION	
Location:	135 Cliftwood Drive (Parcel # 17 009000030309) & 145 Cliftwood Drive (Parcel # 17 009000030325)
Council District:	3 – Chris Burnett
Road frontage:	Approximately 221.6 feet of frontage on Cliftwood Drive
Acreage:	Approximately 0.4356 acre (135 Cliftwood Drive) + 0.3989 acre (145 Cliftwood Drive) = 0.8345 acre
Current Zoning:	CS-6 (City Springs, 6 stories maximum height)
Existing Land Use:	Commercial land uses in 1950s residential structures
Previous Zoning Case:	RZ19-0006, Request for a Zoning Map Amendment (Rezoning) from CS-3 to CS-6 was approved with a condition on June 16, 2020 ____
Character Area:	City Springs

PROPOSED DEVELOPMENT SITE PLAN (received February 28, 2020)
(full size Proposed Development Site Plan in Package)



PROPOSED DEVELOPMENT

The petitioner's proposed development is a six (6)-story building containing approximately 30 for sale, multi-unit residences.



Rendering of proposed development

The following images show the existing conditions of 135 & 145 Cliftwood Drive:



View of 135 Cliftwood Drive (145 Cliftwood Drive is to the left, and 125 Cliftwood Drive is to the right), facing south across Cliftwood Drive



View of 145 Cliftwood Drive (155 Cliftwood Drive is to the left, and 135 Cliftwood Drive is to the right), facing south across Cliftwood Drive



View of rear of 145 Cliftwood Drive

The following images show the existing conditions of adjacent and nearby properties. 125 Cliftwood Drive is adjacent to the west of 135 Cliftwood Drive. 5920 Roswell Road is across the street to the north from 135 & 145 Cliftwood Drive and developed as the Parkside Shopping Center. 165 & 175 Cliftwood Drive are similar to 135 & 145 Cliftwood Drive in that the 1950s residential structures on these parcels are currently used for commercial purposes. Further to the east, 185 Cliftwood Drive was recently redeveloped as The Cliftwood, an apartment complex. 144 Allen Road is adjacent to the rear and south of 145 Cliftwood Drive and contains the Sterling Place apartment complex.



View of 125 Cliftwood Drive and Sandy Springs Circle facing southwest



View of 5920 Roswell Road (Parkside Shopping Center) facing northwest



View of 165 (far right), 175 (middle), & 185 (far left and behind)
Cliftwood Drive facing southeast



View of 185 Cliftwood Drive (The Cliftwood) facing south



View of 144 Allen Road (Sterling Place) facing northeast

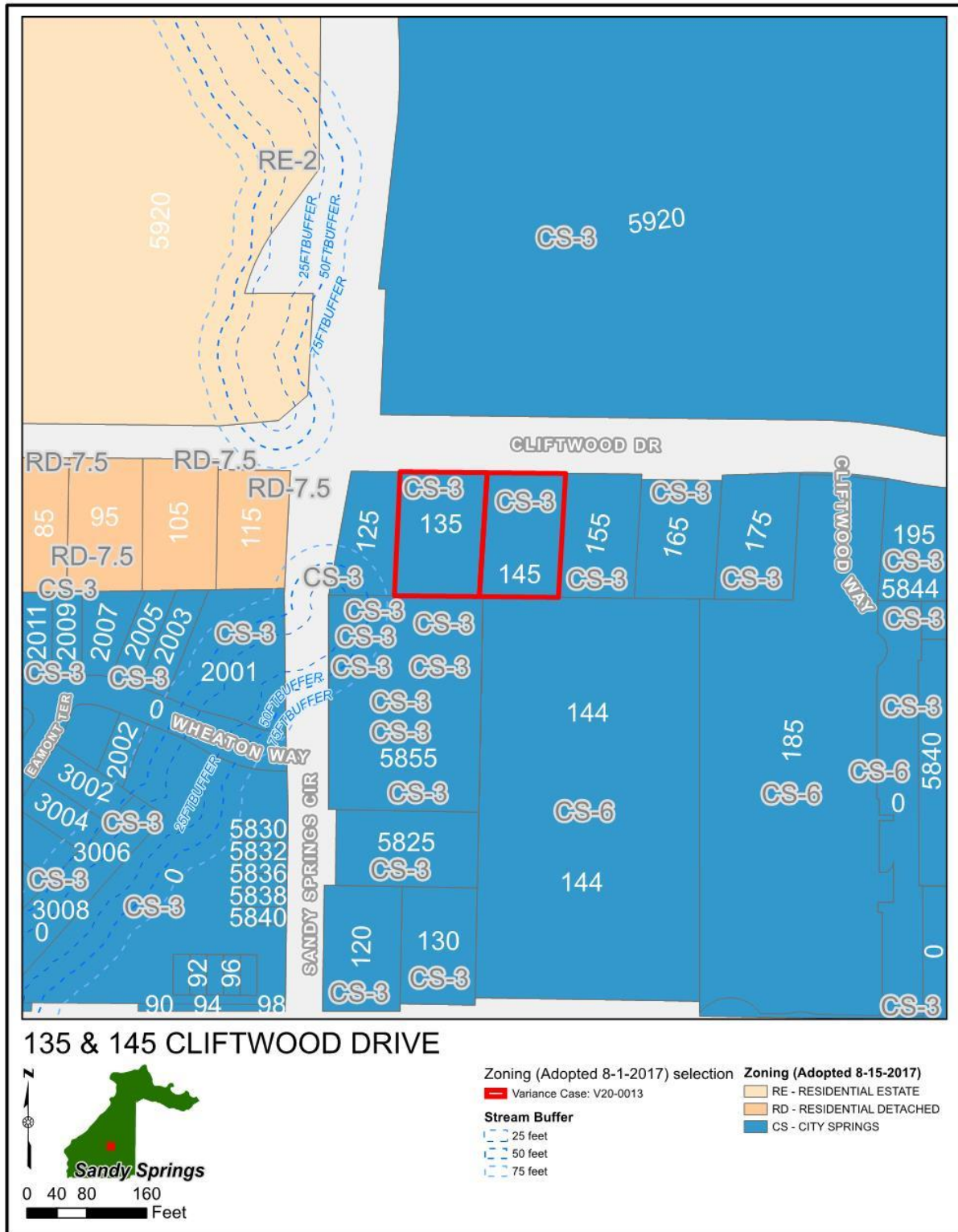
(All photographs by Alexandra Horst, January 15, 2020)

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	CS-3 / Place of assembly and commercial land uses	5920 Roswell Road (Parkside Shopping Center)	12.82
East	CS-3 / Office use in 1950s residential structure	155 Cliftwood Drive	0.40
East	CS-3 / Personal service uses in 1950s residential structure	165 Cliftwood Drive	0.39
East	CS-3 / Animal care use in 1950s residential structure	175 Cliftwood Drive	0.42
East / Southeast	CS-6 / Multi-unit residential	185 Cliftwood Drive (The Cliftwood)	3.67
South / Southeast	CS-6 / Multi-unit residential	144 Allen Road (Sterling Place)	3.75
South / Southwest	CS-3 / Commercial land uses	5855 Sandy Springs Circle	1.34
West	CS-3 / Undeveloped	125 Cliftwood Drive	0.49
PROPOSED DEVELOPMENT			
--	CS-6 / Multi-unit residential	135 & 145 Cliftwood Drive	0.83

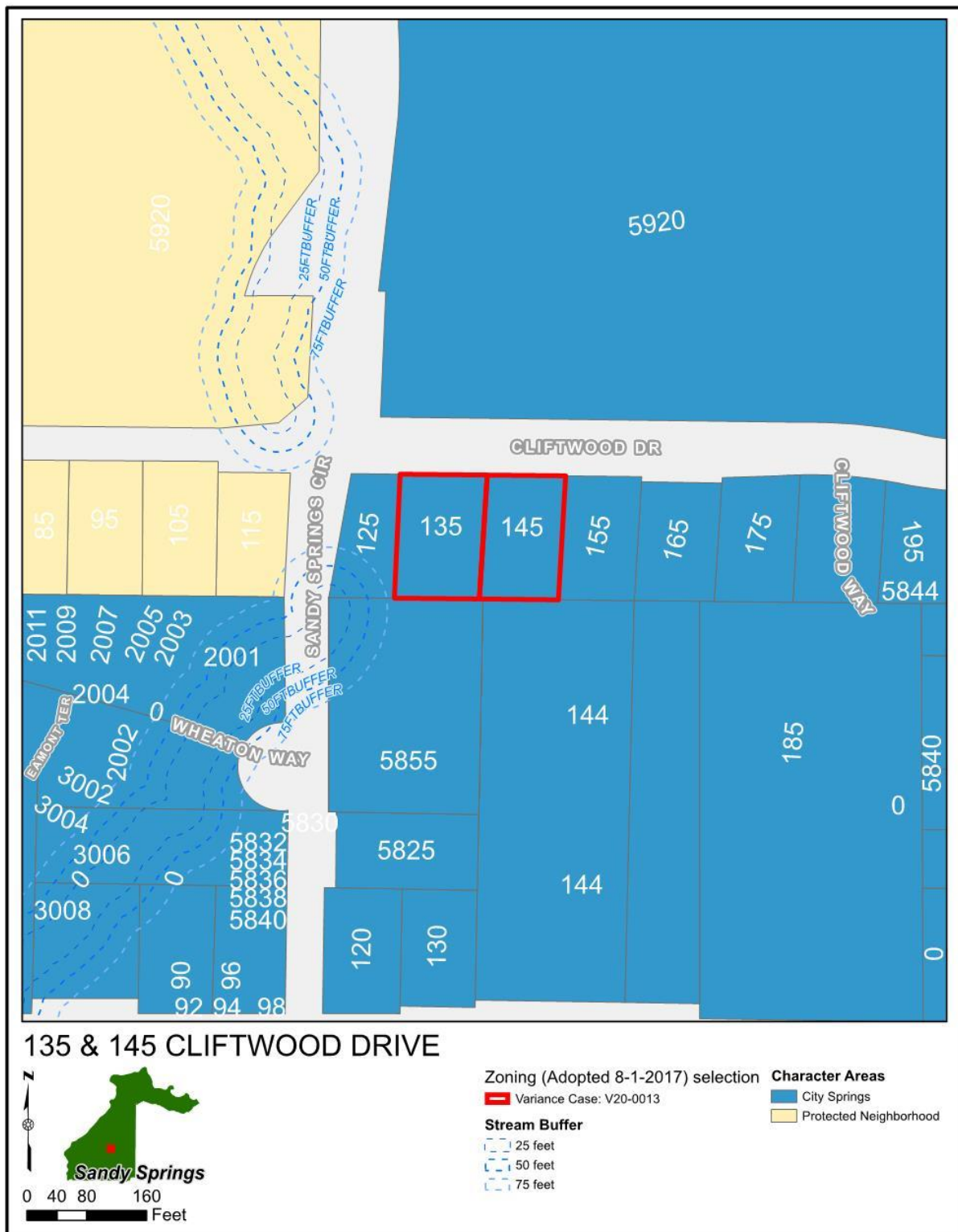
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

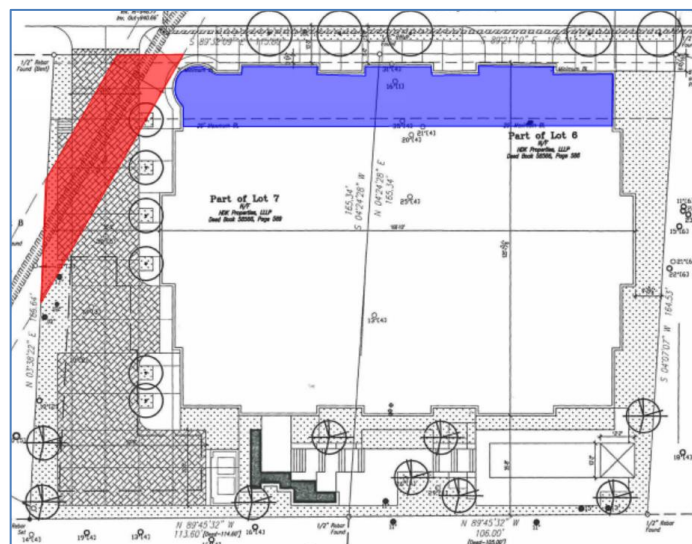
Per Sec. 11.6.2. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

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***
 - 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: On June 16, 2020, the subject properties were rezoned from CS-3 to CS-6, subject to the following condition: For a maximum of 36 residential condominium units that could be constructed within a six (6)-story building that is generally consistent with the conceptual drawings that were provided to the City by the applicant: “*Artistic Rendering: Cliftwood Flats*,” prepared by Archetype Design, dated 2019, received November 26, 2019; and relevant portions of the “*Cliftwood Flats*” plan set, prepared by Archetype Design, dated October 14, 2019, received October 28, 2019.

The petitioner proposes approximately 30 for sale, multi-unit residences. According to the petitioner, the upper floors setback reduces the square footage of the building by about 9,000 square feet, or approximately 10% of the overall building square footage (see below). This would be equivalent to four (4) of the units.

It should be noted that the main purpose for an upper-floor setback is to reduce the imposing, tunneling effect of large developments along narrow roadways or rights-of-way. It is meant to reduce the impact of massing and scale of developments and allow access to sunlight. Cliftwood Drive, however, is a four lane road with an 85-foot right-of-way. In this specific location, for a small, incrementally size development along one of the wider rights-of-way in Sandy Springs, the enforcement of the Development Code would not benefit the pedestrian experience. Rather, it is Staff’s view that it would negatively impact the design of the proposed building; likely decreasing the size of the units rather than the number of units; and negatively affect the feasibility of any similarly proposed project. The upper-floors setback is exceptionally restrictive on such a small site (less than an acre), consequently, reducing the building size by approximately 10% is extraordinary and exceptional, and thus it is Staff’s opinion that application of the setback would constitute a hardship..



Site plan showing the drainage easement in red and the upper floors setback area in blue

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 conditions on the property are not the result of action or inaction of the property owner.
b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and Finding: While the application of the Development Code would not deprive the property owner of reasonable use, in the context of this proposal and the location along Cliftwood Drive, the application of the Code, is extreme. The upper-floor setback is not necessary along this portion of Cliftwood Drive to create a more pedestrian friendly environment, particularly on a building set on a lot of less than an acre in size. The granting of a Variance would allow the applicant to construct a more architecturally appealing structure without negatively impacting the public. Without this variance approval the applicant will lose the equivalent of four (4) units of space or 10% of the overall square footage, which is a significant loss of floor area.
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 “Artistic Rendering: Cliftwood Flats” provided by the applicant shows an attractive building with architectural variation and interest. The building is proposed to contain for sale, multi-unit residences, which would promote homeownership and provide higher density housing in an appropriate district; this development would also support one of the “Key Actions” of The Next Ten to achieve a better housing balance and further intent of the Development Code to promote diverse housing options. Were the Variance to be granted, it would not adversely affect these benefits. The proposed offerings are unique in the City Springs district. This helps to diversify the Sandy Springs housing stock. Thus, Staff finds that the requested Variance would be consistent with the general intent of the Development Code and the Comprehensive Plan policies and would not be detrimental to the public good, safety, and welfare.

Sandy Springs Public Works:

Comment / No comment provided.

Sandy Springs Transportation Engineer:

Comment / No comment provided.

Sandy Springs City Engineer:

Comment / No comment provided.

Sandy Springs Chief Environmental Compliance Officer:

Comment / No comment provided.

Sandy Springs Architect:

On this, I agree with the architect. The purpose of the setback is to assure light and sky view at the pedestrian level and to minimize a claustrophobic “canyon” effect that could come from a street lined with tall buildings. Cliftwood is excessively wide in this segment and, if the pedestrian realm here will suffer from anything, it is the design of the street and not the design or massing of the proposed building.

I do not agree that waterproofing requirements are a valid basis for a variance. Detailing for occupied roofs is pretty typical and we already have quite a few of them in the City. In fact, their rendering shows 12’x24’ porches. Even though they are covered, they will require similar detailing.

Conversely, if they are required to maintain the setback, as I recall, they could convert some of the second level parking to (smaller) dwelling units and maintain the desired unit count.

Sandy Springs Sustainability Manager:

Comment / No comment provided.

Sandy Springs Building Official:

Comment / No comment provided.

Sandy Springs Fire Marshal:

Comment / No comment provided.

Correspondence Received:

14 public comments were received in support of the application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval** of **Variance** V20-0013, request for a Variance from Section 4.7.3.F. to eliminate the required 20-foot minimum upper floors setback at 135 & 145 Cliftwood Drive.

Should the Board of Appeals choose to approve the request, Staff does not recommend any conditions, including that this application be conditioned to the site plan.



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, July 14, 2020

Case: **V20-0020 – 5695 Cross Gate Dr NW**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: June 24, 2020

REQUEST

Request for a Variance from Sec. 6.1.2.B. to allow a roof to encroach into the rear setback at 5695 Cross Gate Drive.

APPLICANT

Property Owner: Dr. Leli G. Matthews	Petitioner: Deck South Inc. (contact: J. Lamar Lea)	Representative: n/a
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SUMMARY

The applicant requests a Variance to allow a roof to encroach into the rear setback by 17' 6" as part of the teardown and replacement of an old deck into a covered deck. Staff does not recognize a hardship or extraordinary conditions due to the size, shape, or topography of the lot.

RECOMMENDATION

Department of Community Development

Staff recommends **Denial** of **Variance** V20-0022.

MATERIALS SUBMITTED AND REVIEWED

Materials:

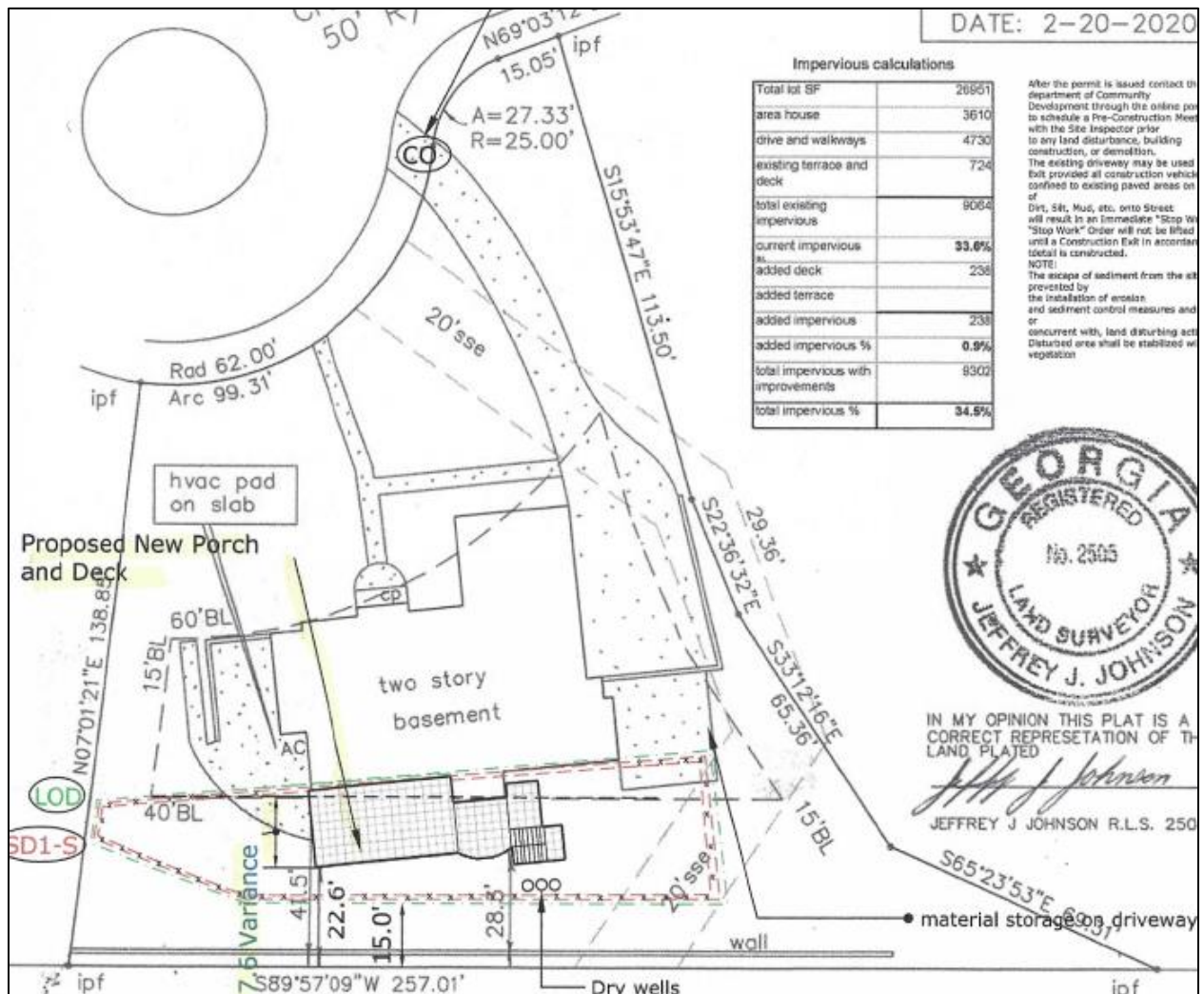
1. Application, received May 27, 2020
2. Letter of support from neighbor

Plans:

1. Site plan prepared by Decksouth, Inc, received May 27, 2020

PROPERTY INFORMATION	
Location:	5695 Cross Gate Drive (Parcel ID # 17 012200050101)
Council District:	6—Bauman
Road frontage:	Approximately 145 feet of frontage on Cross Gate Drive
Acreage:	Approximately .62 acres
Current Zoning:	RD-27 (Residential Detached)
Existing Land Use:	Single unit detached
Previous Zoning Case/Cases:	N/A
Character Area:	Protected Neighborhood

SITE PLAN (received May 27, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The subject lot is part of the Rose Hill subdivision, located off Long Island Drive, and is developed with a single-unit detached house with a deck to the rear. The existing lot, house, and accessory structures pre-date the City's Development Code requirements.

The existing deck, currently uncovered, is aging and in need of replacement. Upon replacement of this deck, the property owner proposes to add a roof. While the Code allows an uncovered deck to encroach into the rear setback, a covered deck is not permitted thus precipitating the variance request. The roof of the deck is proposed to encroach a maximum of 17' 6" into the rear setback, which is 14' 6" greater than what is allowed.

The following images show the existing conditions of 5695 Cross Gate Drive.

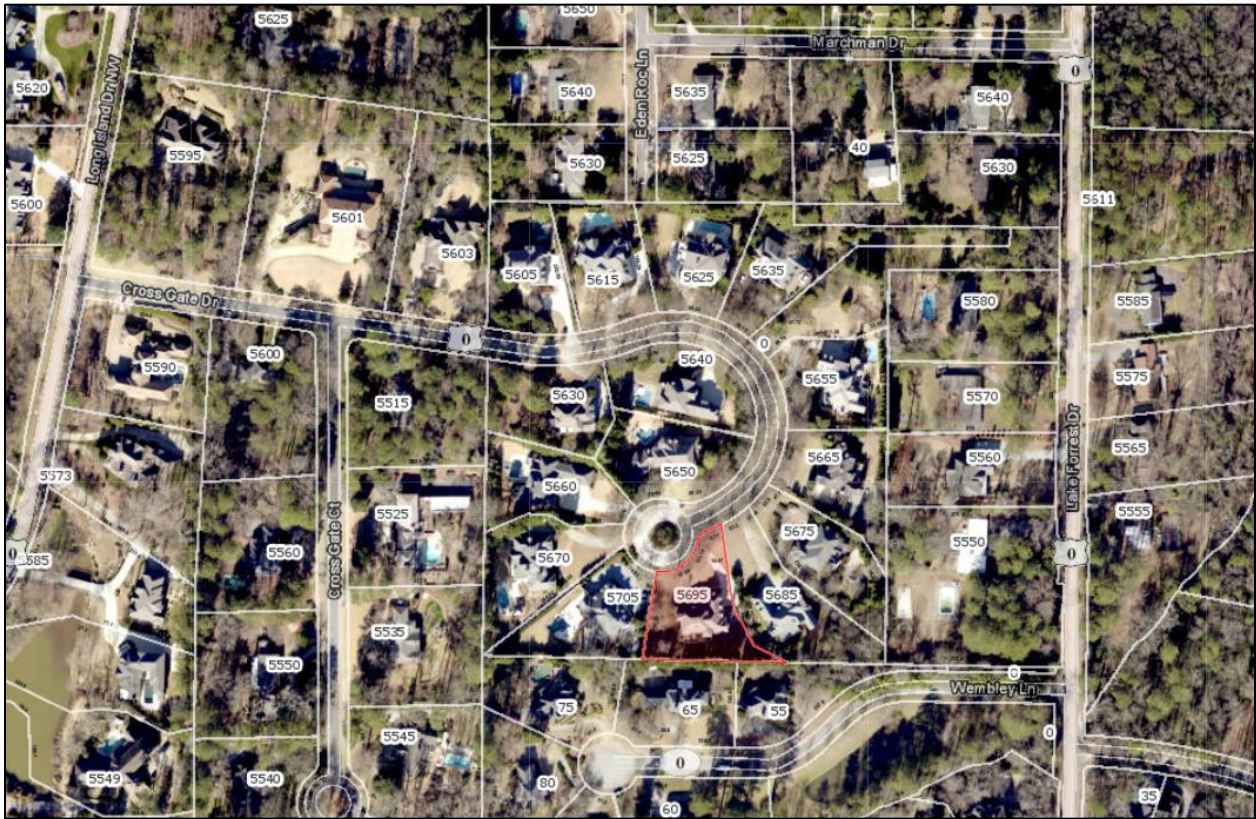




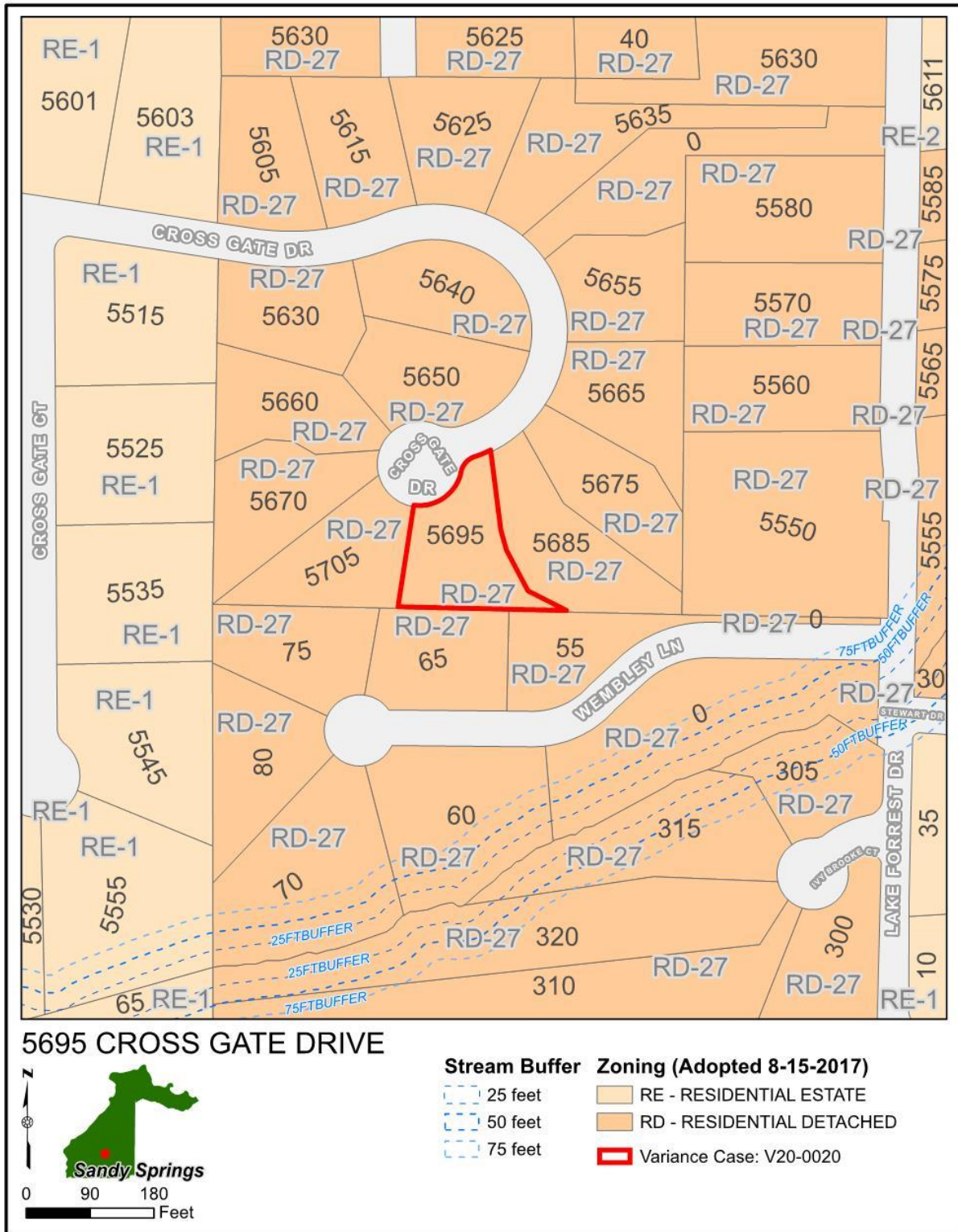
(All photographs by Madalyn Smith, June 19, 2020)

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	Residential Detached (RD-27) / Single Unit Detached	5650 CROSS GATE DR	.62
East	Residential Detached (RD-27) / Single Unit Detached	5685 CROSS GATE DR	.66
South	Residential Detached (RD-27) / Single Unit Detached	65 WEMBLEY LN	.63
West	Residential Detached (RD-27) / Single Unit Detached	5705 CROSS GATE DR	.66
PROPOSED DEVELOPMENT			
--	Residential Detached (RD-27) / Single Unit Detached	5695 CROSS GATE DR	.62

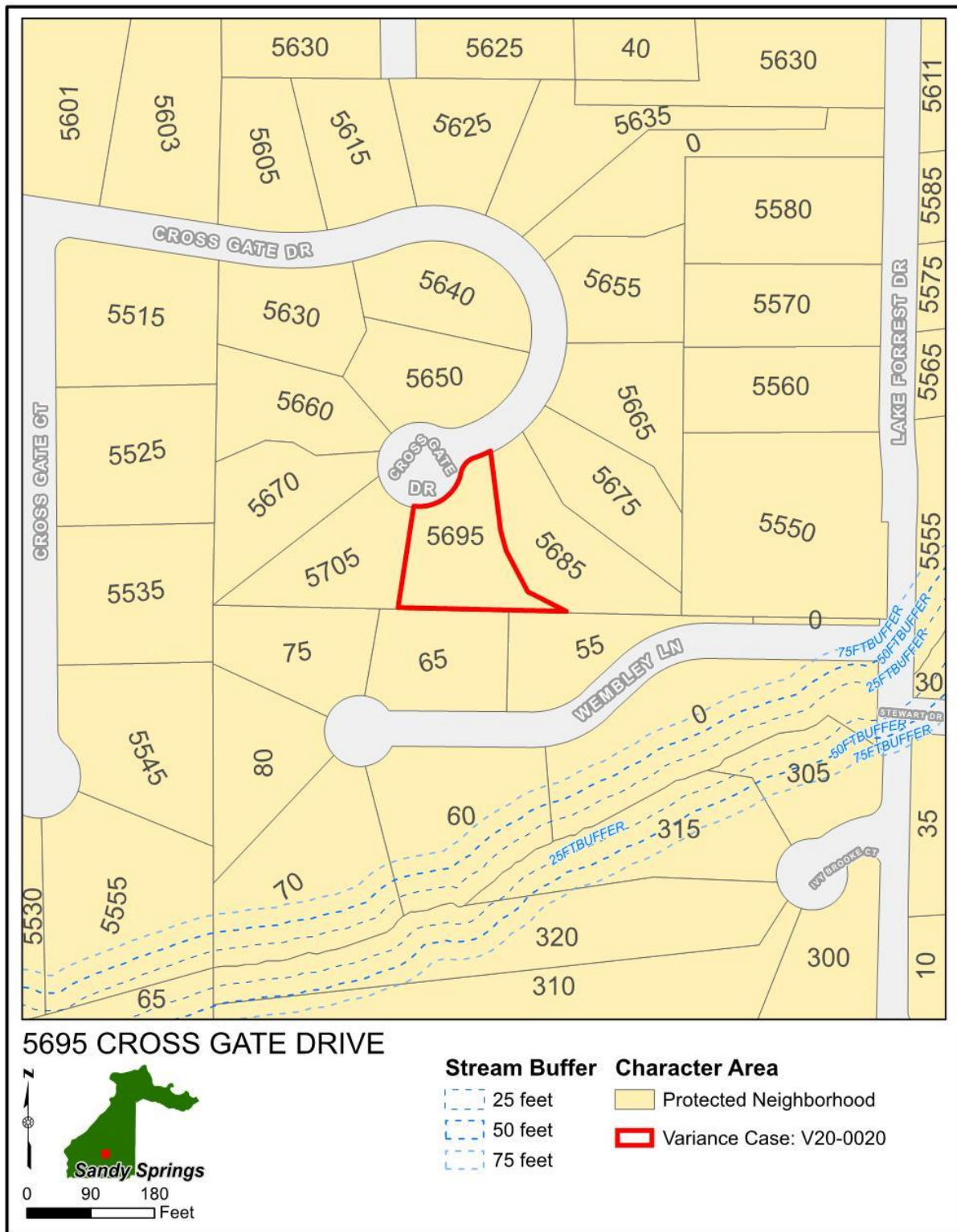
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.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**
- 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: It is Staff's view that there is no hardship; reasonable use and enjoyment of the property can still be had with or without a covered deck. There are many homes in the surrounding area that have covered and enclosed patios and decks, however it is likely that these either meet the required setbacks or are legal nonconforming.

The subject property is approximately 145 feet wide and has a total area of 27,000 SF, meeting the minimum requirements for the zoning district. The maximum depth of the lot is approximately 165 feet, which is the shallowest out of any other lots in the subdivision. However, Staff does not find this to be an extraordinary or exceptional condition. The property is able to accommodate the primary structure and an unenclosed deck.

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: Conditions on the property are not the result of action or inaction of the current property owner.

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

Finding: There is a 60 foot front setback and 40 foot rear setback, and the depth of the buildable area varies from 36 feet to 100 feet deep. The existing home encompasses most of the buildable area and currently matches the character of the surrounding homes. The property also has an existing uncovered deck that can be replaced and upgraded. Staff believes that reasonable use of the property exists without the granting of a variance.

- 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: Staff finds that the presence of a covered deck in the rear yard would be consistent with the general intent of the Development Code, which seeks to encourage reinvestment in established neighborhoods. There are covered and enclosed decks on most properties in the neighborhood and the property owner has received the support of the HOA. Staff does not believe that an enclosed deck would be harmful to the public.

COMMENTS FROM OTHER PARTIES

Correspondence Received:

The property owner submitted a letter of support from the HOA as part of their application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
While it is Staff's belief that there would not be harm in granting Variance V20-0022, to allow a roof to encroach into the rear setback, Staff does not recognize any hardship or extraordinary conditions due to the size, shape, or topography of the lot and therefore recommends denial of the request. Should the Board of Appeals grant the request, Staff would recommend that the variance match the proposed dimensions in the "Site Plan" prepared by Decksouth, Inc, received by Staff May 27, 2020