



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, February 11, 2020

Case: **V20-0003 – 1625 Sunnybrook Farm Road & 0 & 1220 Tynecastle Way NE**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: January 29, 2020

REQUESTS

Requests for a Variance from Sec. 9.2.4.A. at 1625 Sunnybrook Farm Road & 0 & 1220 Tynecastle Way NE:

1. Intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for access in order to complete a lake dredging project.
2. Intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for the disposal of dredged materials.

APPLICANT

Property Owners: Gadi Gal, Andrew & Naomi Taylor, and The Living Trust of Andrew & Naomi Taylor	Petitioner: Lake Northridge Inc. (contact: David Centofanti)	Representative: N/A
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SUMMARY

Request #1 for Intrusion into the 50-foot undisturbed natural vegetative buffer (50-foot buffer) and additional 25-foot impervious surface setback (25-foot setback) for access in order to complete a lake dredging project:

- This request is necessary for the completion of the lake dredging project, there is no alternative that would negate intrusion within the buffer and setback.
- The impact of the project can be mitigated with additional plantings of native trees and shrubs.

Request #2 for Intrusion into the 50-foot buffer and additional 25-foot setback for the disposal of dredged materials:

- This request is not necessary for the completion of the project. Soil can be disposed of off-site. The reasoning behind the request, as stated by the applicant, is financial.
- This request would permanently alter the 50-foot buffer, 25-foot setback, and a wetland. The impact of this project could not be effectively mitigated because naturally occurring wetland areas are not easily replaced or replicated.

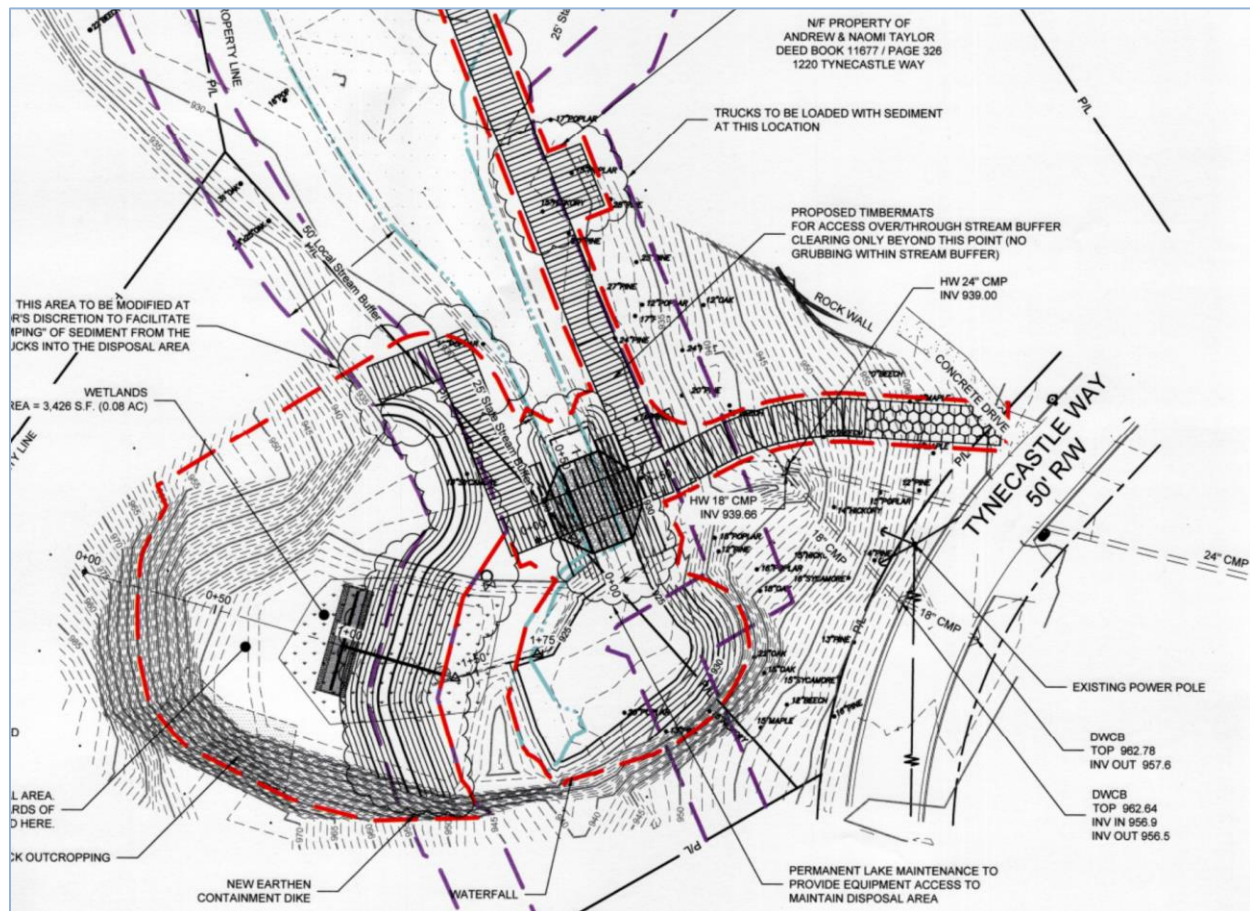
RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance** V20-0003 Request #1.
Staff recommends **Denial** of **Variance** V20-0003 Request #2.

MATERIALS SUBMITTED AND REVIEWED	
Materials: 1. Application, received January 7, 2020 Plans: 1. “<i>Sediment Removal & Disposal Plans</i>,” prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020	
PROPERTY INFORMATION	
Location:	1625 Sunnybrook Farm Road (Parcel # 06 0361 LL0159), 0 Tynecastle Way NE (Parcel # 06 036100060012), & 1220 Tynecastle Way NE (Parcel # 06 036100060020)
Council District:	1 – Paulson
Road frontage:	Approximately 142.5 feet of frontage on Sunnybrook Farm Road & 238.3 feet of frontage on Tynecastle Way NE
Acreage:	Approximately 4.92 acres
Current Zoning: Existing Land Uses:	RE-2 (Residential Estate, 2 acre minimum lot size) Single unit detached residences (1625 Sunnybrook Farm Road & 1220 Tynecastle Way NE) and vacant (0 Tynecastle Way NE)
Previous Zoning Case:	Variance V08-044 was approved for intrusion for dredging of materials and disposal of material on site. The work was never conducted and the variance expired under the old code.
Character Area:	Protected Neighborhood

SITE PLAN (received January 7, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The applicant's requests are two-fold. First is the request for intrusion into the 50-foot buffer and additional 25-foot setback, which would be required in order to access Lake Northridge for the dredging process. Second is the request for permanent alteration of the 50-foot buffer and additional 25-foot setback in order to allow the disposal of dredged sediment in a former quarry and current wetland.

The applicant has obtained the proper approval from the Army Corps of Engineers and the National Park Service for the dredging activities and to fill in an existing .08 acre wetland with the dredged material.

In 2008, the applicant was granted a variance for a similar request, which involved both dredging and filling the wetland. The work was never conducted and per Section 22.13.15. of the legacy Zoning Ordinance, variances expired within 36 months of the approval date.

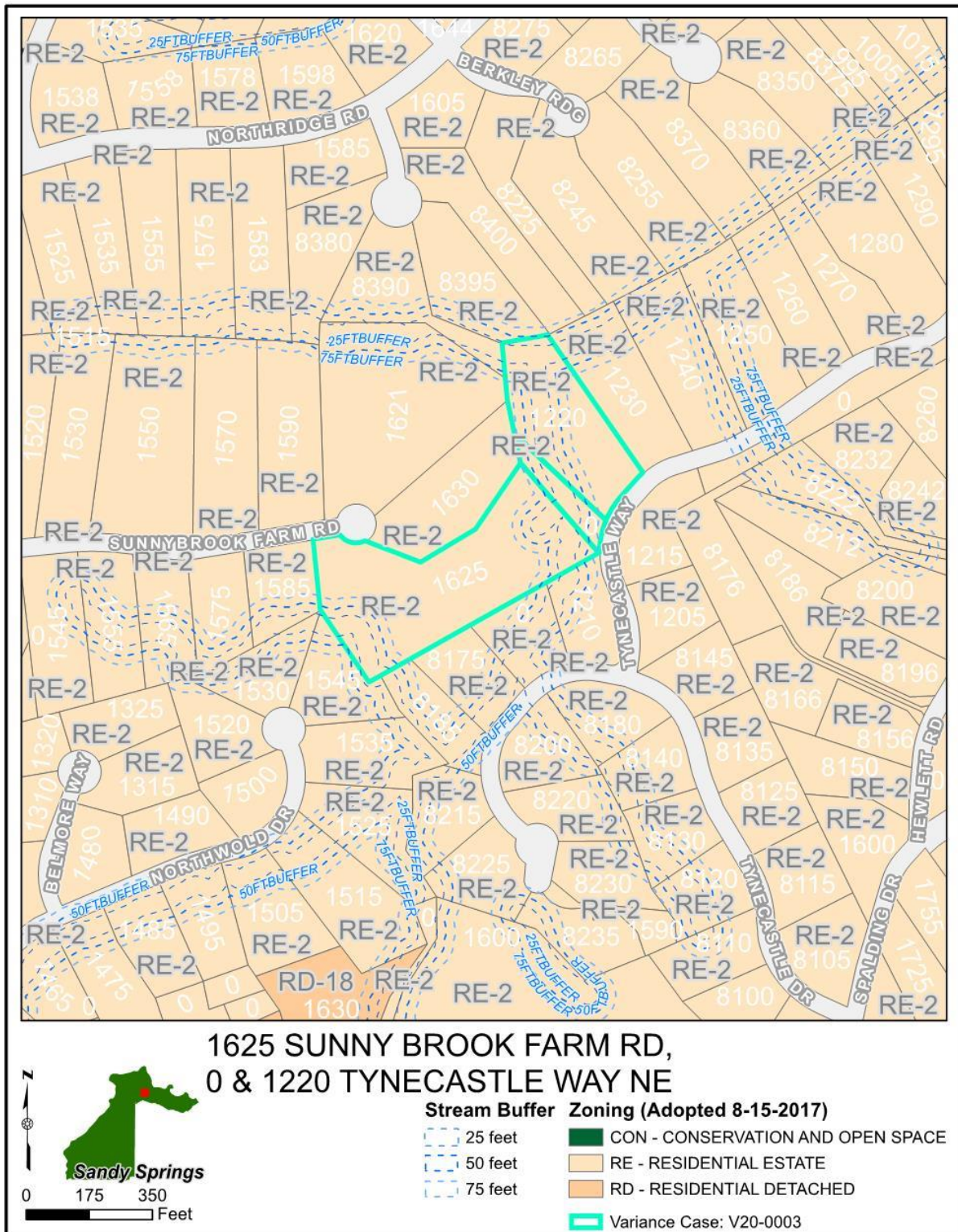
EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY

Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	RE-2 / Single unit detached residences	1630 Sunnybrook Farm Road	2.02
		1621 Sunnybrook Farm Road	4.50
		8390 High Tarn	1.72
		8395 High Tarn	1.96
East	RE-2 / Single unit detached residence	1230 Tynecastle Way NE	1.77
South	RE-2 / Single unit detached residences	1210 Tynecastle Way NE	1.10
		1215 Tynecastle Way NE	0.74
West	RE-2 / Single unit detached residences	1545 Northwold Drive NE	1.02
		1585 Sunnybrook Farm Road	1.03
PROPOSED DEVELOPMENT			
--	RE-2 / N/A	1625 Sunnybrook Farm Road	4.90
		0 Tynecastle Way NE	0.48
		1220 Tynecastle Way NE	2.42

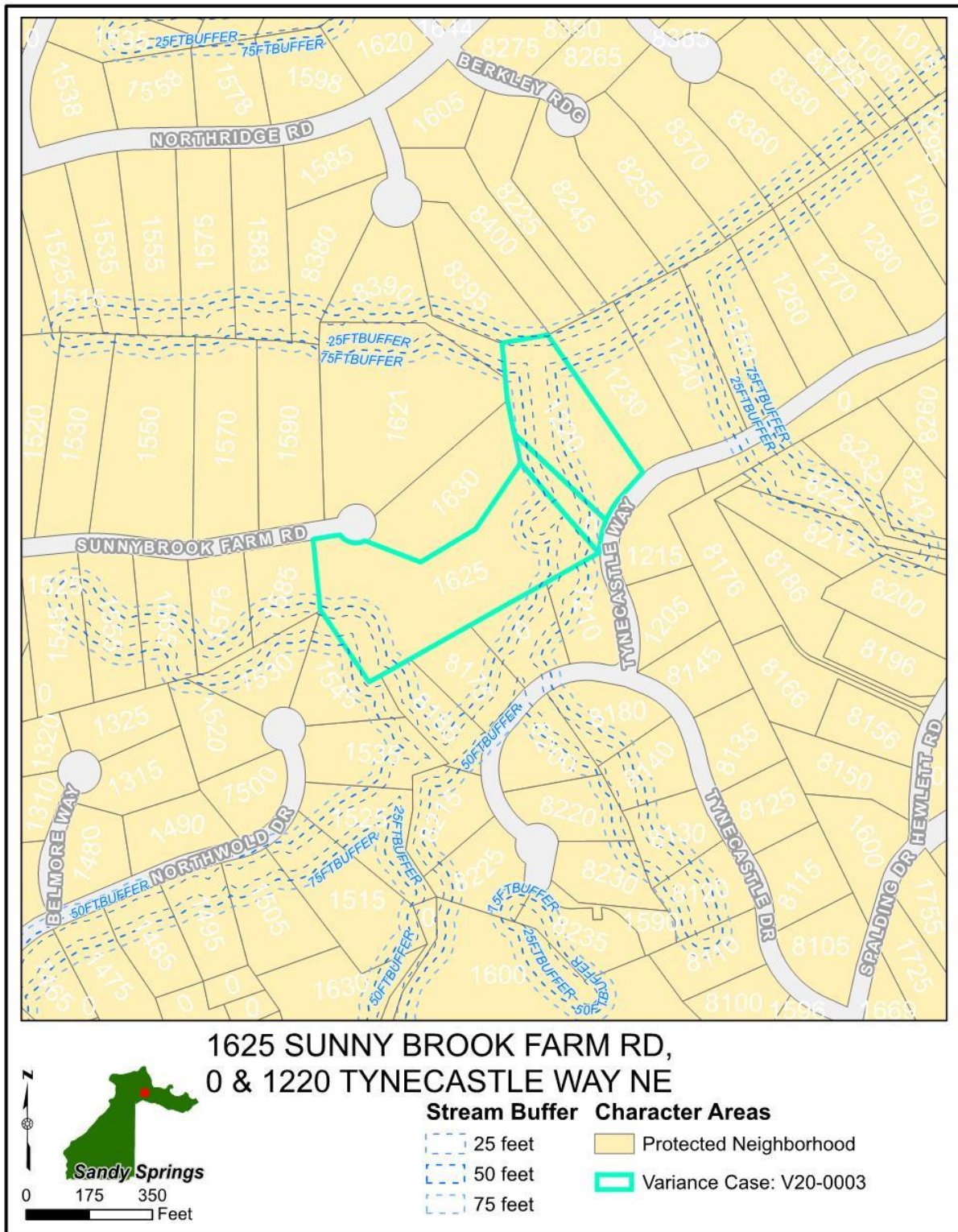
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



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

Finding:

Intrusion within the 50-foot buffer and additional 25-foot setback would be necessary in order to complete the proposed lake dredging. To deny the applicant access to the lake for maintenance would create a hardship, as there is no way to complete the project without proper access.

However, it is Staff's opinion that the requested intrusion into the undisturbed 50-foot buffer and 25-foot setback for the deposition of dredged spoils is not necessary. The reasons provided by the applicant for disposal of dredged soil onsite are financial, which is not one of the stated criteria for a hardship.

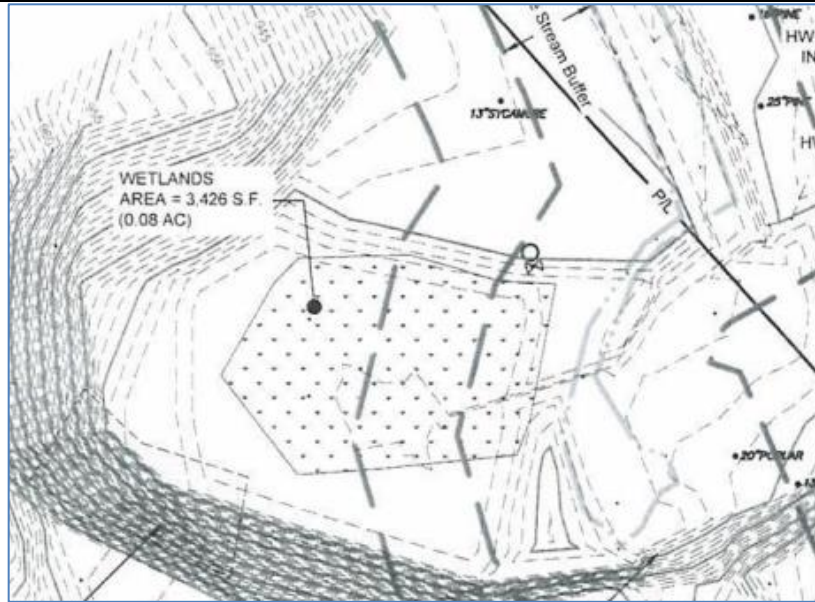
Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.

Finding: The conditions are not the result of action nor inaction of the current property owner.

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 50-foot buffer and 25-foot setback area proposed to be disturbed is currently wooded and sloping. There is also a former quarry area with a sheer cliff. The quarry area has a 3,426-square foot wetland, as identified by the Army Corps of Engineers, which spans the buffer and setback area (see plan below).



Limits of the wetlands area



Aerial view of Lake Northridge

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

Finding: There would be temporary intrusion into the 50-foot buffer and 25-foot setback by the timber matting (used for access), equipment, and staging area for the project, which would be removed upon completion of the project.

Permanent intrusion for the access driveway and creek crossing, totaling 625 square feet, is proposed to be installed for the project. This access drive would be maintained and utilized for any future maintenance.

Additionally, the applicant proposes a permanent alteration of the 50-foot buffer and 25-foot setback by disposing 2,000-3,500 cubic yards of dredged sediment. This disposal area would also fill in the wetland area and former quarry. No upland areas have been identified as possible alternative dumping/deposition areas.

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

Finding: There is not an alternative to the temporary intrusion for the maintenance project. There is, however, an alternative to the applicant's proposal to fill in the buffer, setback, and wetland with dredged sediment. The alternative would be either to dispose of all the soil offsite or to find another disposal location onsite that is not within the 50-foot buffer, additional 25-foot setback, or a wetland, which is an environmentally sensitive area, and an otherwise important natural area.

- ***The long-term and water quality impacts of the proposed Variance; and***

Finding: Temporary impact within the 50-foot buffer and additional 25-foot setback would be necessary in order to maintain the lake, which would have a positive impact on the function of Lake Northridge. Filling in the wetland, effectively removing its ability to function as a wetland, would have negative long-term impacts. Per the Sandy Springs Sustainability Manager, "Wetlands are sensitive ecosystems that provide valuable ecological services, such as supporting plant and animal biodiversity and flood prevention. Those services would be eliminated by disposing of the dredged materials into the wetland."

- ***Whether issuance of the Variance is at least as protective of natural resources and the environment.***

Finding: The applicant provided a landscaping plan proposing minimal replanting within the 50-foot buffer. Staff does not find this to be sufficient. If the applicant were to replant more extensively and with native species, this would be at least as protective of the sensitive buffer area as is presently in existence.

However, it is Staff's belief that disposal of sediment within the 50-foot buffer, 25-foot setback, and wetland should not be permitted. Granting a Variance to allow the applicant to permanently alter the buffer and remove a wetland would not be protective of natural resources and the environment and would go against the stated purpose of the State Waters Protection division of the Development Code which is to "[Protect], [restore] and [maintain] the chemical, physical and biological integrity of streams and their water resources." A wetland within the 50-foot buffer and 25-foot setback is a good resource. After filling in/removal, the benefits of wetlands such as the positive impacts on water quality, wildlife habitat, and ecosystem productivity could not be recreated by revegetating the area.

COMMENTS FROM OTHER PARTIES

Sandy Springs Arborist:

1. On sheet 15 of 15, canopy coverage should be updated to trees over 18" in diameter are the only trees that count towards canopy. This also means trees under 18" in diameter are not counted as lost canopy within our ordinance.
2. The 22" Oak showing 18% impact appears to be impacted over 25%. Please specify what is protecting this tree or show updated percentage levels.
3. Please include a landscape or stabilization plan that includes native plants.

Sandy Springs Sustainability Manager:

Wetlands are sensitive ecosystems that provide valuable ecological services, such as supporting plant and animal biodiversity and flood prevention. Those services would be eliminated by disposing of the dredged materials into the wetland.

Correspondence Received:

No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval** of **Variance** V20-0003 Request #1 for a Variance from Sec. 9.2.4.A. for intrusion within the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for access to conduct a lake dredging project, and **Denial** of **Variance** V20-0003 Request #2 for a Variance from Sec. 9.2.4.A. for intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for the disposal of dredged materials.

Staff recommends Approval of Variance V20-0003 Request #1, subject to the following conditions:

1. That the proposed lake maintenance shall be substantially similar to the "*Sediment Removal & Disposal Plans*," prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020.
2. The maximum permanent encroachment shall be limited to 625 square feet for the required access drive.
3. Disposal of dredged materials shall be done outside of the 50-foot undisturbed natural vegetative buffer, the additional 25-foot impervious surface setback, and the wetland limits defined on Sheet 5 of 15 of the plans referenced above.
4. Provide a mitigation plan, utilizing the City's *River Tributary, and State Waters Buffer-Revegetation Standards*, that must be approved by the Director of Community Development prior to the issuance of the permit.

Should the Board of Appeals choose to Approve both Request #1 and Request #2, Staff recommends the following conditions:

1. That the proposed lake maintenance shall be substantially similar to the "*Sediment Removal & Disposal Plans*," prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020.
2. The maximum permanent encroachment of the access driveway shall be limited to 625 square feet for the required access drive.

3. Provide a mitigation plan, utilizing the City's *River Tributary, and State Waters Buffer-Revegetation Standards*, that must be approved by the Director of Community Development prior to the issuance of the permit.



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, November 4, 2020

Case: **V20-0030 – 100 River North Court**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: October 14, 2020

REQUEST

Request for a Variance from Sec. 2.3.2. to allow a generator to encroach into the side common lot line building setback at 100 River North Court.

APPLICANT

Property Owner: Edgar Muse	Petitioner: Edgar Muse	Representative: N/A
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SUMMARY

The applicant requests a Variance to allow a generator to encroach into the side common lot line building setback by a maximum of seven (7) feet.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of Variance V20-0030.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application and plans, received August 5, 2020

PROPERTY INFORMATION	
Location:	100 River North Court (Parcel #17 012700040081)
Council District:	2 – Steve Soteres
Road frontage:	Approximately 140 feet of frontage on River North Court
Acreage:	Approximately 0.73 acre
Current Zoning:	RD-27 (Residential Detached, 27,000 square foot minimum lot size)
Existing Land Use:	Single unit detached residence
Previous Zoning Case:	Rezoning 1964Z -0041 was approved.
Character Area:	Protected Neighborhood

PROPOSED DEVELOPMENT

The applicant proposes to install a generator within the 15-foot minimum side common lot line building setback, approximately eight (8) feet from the western side common lot line.

The following images show the existing conditions of 100 River North Court.



West side of home, generator location



East side of home, front of house (location of utilities)



West side of home

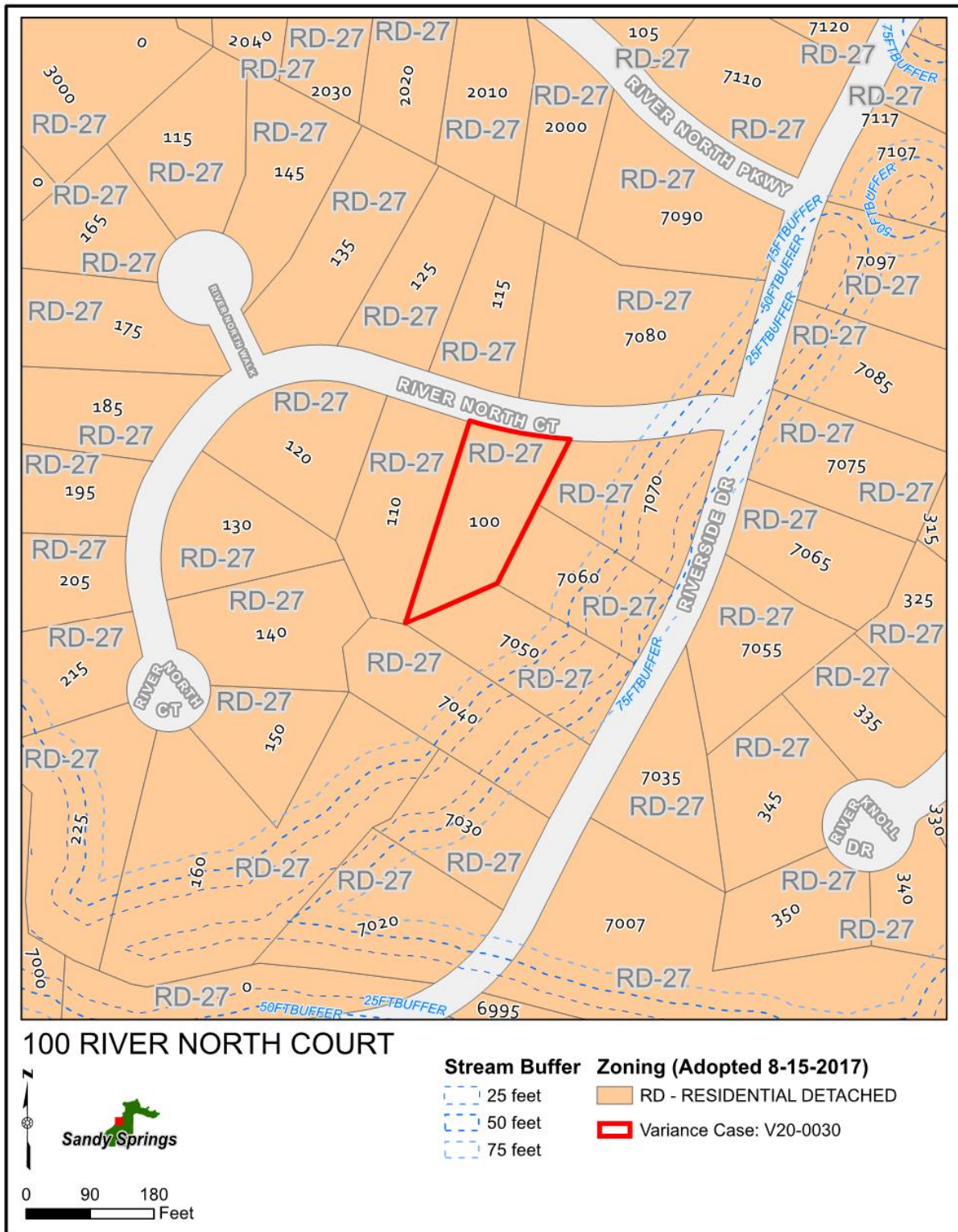
(All photographs by Madalyn Smith, October 19, 2020)

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	RD-27 / Single unit detached residence	115 River North Court	0.68
East	RD-27 / Single unit detached residence	7070 Riverside Drive NW	0.65
South	RD-27 / Single unit detached residence	7050 Riverside Drive NW	0.76
West	RD-27 / Single unit detached residence	110 River North Court	0.87
PROPOSED DEVELOPMENT			
--	RD-27 / Single unit detached residence	100 River North Court	0.73

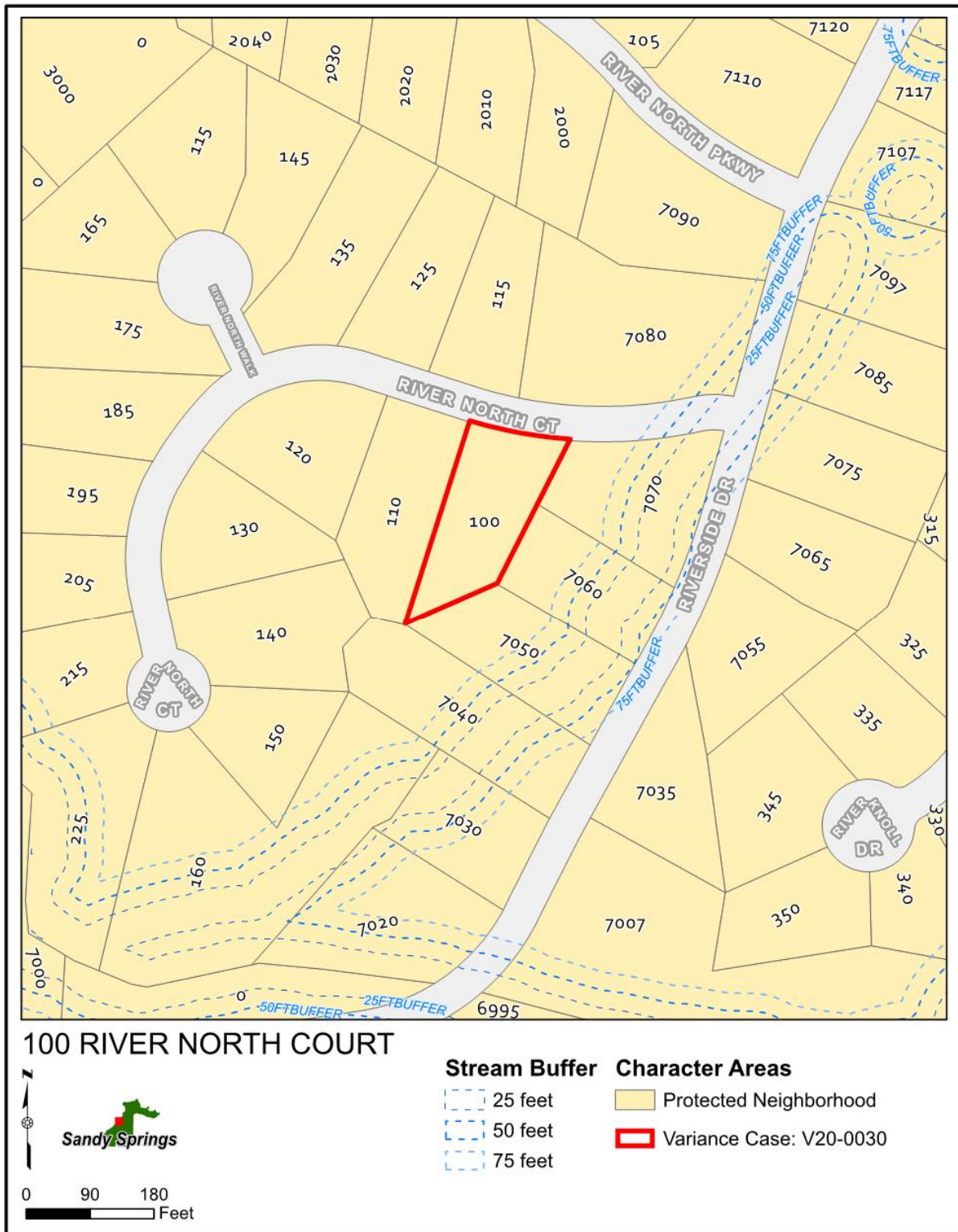
AERIAL IMAGE



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: The existing single unit detached residence sits 16 feet from the western side common lot line and 40 feet from the eastern side common lot line. The eastern portion of the property slopes downward and is opposite to where the existing gas and electrical hookups are located. To extend the gas line to the eastern side of the residence would require the property owner to bore through rock, which is a challenging proposition. The National Fire Protection Agency (NFPA) codes require generators to be located a minimum of 18 inches from the residence and 60 inches away from any wall openings, such as doors, windows, exhaust terminations, air intakes, etc. Due to the NFPA requirements and the location of the gas and electrical hookups, the only feasible location is to the west of the residence. Since it sits 16 feet from the western side common lot line, there is not room within the buildable area for the placement of a generator. Staff finds that there are extraordinary and exceptional conditions that justify this Variance.
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 are not the result of action nor 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: Staff finds the use of a generator to be reasonable and that the proposed location is the most feasible and logical.
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 an emergency generator in the side common lot line building setback would be consistent with the general intent of the Development Code, which seeks to encourage reinvestment in established neighborhoods. Surrounding neighbors, including the neighbor immediately adjacent, have submitted comments in support of the request, so Staff finds that it would not be detrimental to the public good, safety, or welfare.

COMMENTS FROM OTHER PARTIES
Correspondence Received: Three (3) public comments were submitted in support of the request.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Following review, and based on the findings, Staff recommends Approval of Variance V20-0030, request for a Variance from Sec. 2.3.3. to allow a generator to encroach into the side common lot line building setback at 100 River North Court, subject to the following condition:
1. The extent of the intrusion be limited to that shown on the site plan received on August 5, 2020