



SANDY SPRINGS

GEORGIA

BOARD OF APPEALS

Mel Mobley, Chair

Sherri Allen

Jason Bodwell

Fred Jewell

Nathan Kongthum

Justin Sparano

Bill Thackston

Wednesday, March 8, 2023

Regular Meeting

6:00 p.m.

The Board of Appeals meeting will be held in the Studio Theatre at Sandy Springs City Hall
(1 Galambos Way, Sandy Springs, GA 30328)

Live-stream:	Public Meeting Portal (CivicClerk): https://sandyspringsga.portal.civicclerk.com Zoom Webinar: http://spr.gs/boameeting
Teleconference:	Phone: (646) 558-8656 Webinar ID: 849 7891 9503
Public Comment:	http://spr.gs/publiccomment

I. Call to Order

II. Roll Call and General Announcements

III. Approval of Meeting Agenda

- A. March 8, 2023 Meeting Agenda
(Presented by Samantha Wiltz, Planning and Zoning Clerk)

IV. Approval of Meeting Minutes

- A. **2023-0002** February 8, 2023 Meeting Minutes

V. Cases

- A. **2023-0004 V22-0030 - 5265 W. Kingston Court-** Request for a variance from Section 2.2.2. to allow for an existing garage to be located within the main building and the primary street.
(Presented by LaQuita Williams, Planner I)
- B. **2023-0003 V22-0039 - 4711 Northside Drive -** Request for a variance from Division 7.8 to

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.

The City will make reasonable accommodations for those persons.

1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov



SANDY SPRINGS

GEORGIA

allow a garage/guest house to be 10 feet in the 25-foot side setback. *(Case was deferred to the March 8, 2023 meeting. Applicant withdrew application on February 23, 2023).*

(Presented by LaQuita Williams, Planner I)

VI. Ongoing Business

VII. New Business

VIII. Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.

The City will make reasonable accommodations for those persons.

1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov

Meeting of the Sandy Springs Board of Appeals was held on February 8, 2023, at 6:00 p.m.,
Chair Mel Mobley presiding.

I. Call to Order

Chair Mel Mobley called the meeting to order at 6:00 pm.

II. Roll Call and General Announcements

Members Present: Chair Mel Mobley, Vice Chair Sherri Allen, Board Member Jason Bodwell, Board Member Fred Jewell, Board Member Nathan Kongthum. Board Member Justin Sparano, Board Member Bill Thackston

III. Approval of Meeting Agenda

Motion and Vote: A motion was made by Chair Mel Mobley, seconded by Vice Chair Sherri Allen, to amend the meeting agenda to start with New Business Item the Election of Officers. The motion carried by a unanimous vote.

Motion and Vote: A motion was made by Vice Chair Sherri Allen, second by Board Member Fred Jewell to approve the modified agenda. The motion carried by a unanimous vote.

IV. New Business

Chair Mel Mobley opened the floor for the election of Chair.

Motion and Vote: A motion was made by Vice Chair Sherri Allen to elected Mel Mobley for Chair; Board Member Fred Jewell seconded. Chair Mel Mobley asked if there were any other nominees, and hearing none he called for a vote. The motion carried unanimously.

Chair Mel Mobley open the floor for the election of Vice Chair.

Motion and Vote: A motion was made by Board Member Fred Jewell to nominate Sherri Allen for Vice Chair; Board Member Justin Sparano seconded. Chair Mel Mobley asked if there were any other nominees, and hearing none, he called for a vote. The motion carried unanimously.

Chair Mel Mobley also added to the election that the Planning & Zoning Clerk will serve as the Secretary of the Board. All members were agreeable.

V. Cases

V22-0039 4711 Northside Drive - Request for a variance from Division 7.8 to allow a garage/guest house to be 10 feet on the 25-foot side of the setback.

Support

1. Michael DeCarlo – 2470 Hosea L. Williams Drive, Atlanta, GA 30317

At this time (6:09 pm) the applicant was not present; **Chair Mel Mobley** open the floor for discussion.

Motion and Vote: A motion was made by Vice Chair Sherri Allen, seconded by Board Member

Meeting of the City of Sandy Springs Board of Appeals – Meeting Minutes
Studio Theatre Sandy Springs City Hall and via Live Webinar and Teleconference
February 8, 2023, at 6:00 p.m.
Page 2 of 2

Bill Thackston to defer case V22-0039 to the March 8, 2023, meeting. The motion carried by a unanimous vote.

Applicant arrived at 6:12 p.m. Chair Mobley allowed the applicant to state his case. Chair Mel Mobley informed him that the board had already voted and deferred his case,

VI. Ongoing Business

Staff reminded the members about the upcoming Board of Appeals and Planning Commission Retreat on March 1, 2023. There was no other ongoing business to discuss.

VII. Approval of Meeting Minutes

As a point of order staff reminded the board to approve the minutes.

Motion and Vote: A motion was made by Board Member Bill Thackston, seconded by Board Member Justin Sparano, to approve the meeting minutes. The motion carried by a unanimous vote.

VIII. Adjournment

A motion was made by Vice Chair Sherri Allen, seconded by Board Member Bill Thackston, to adjourn the meeting at 6:13 pm. The motion carried by unanimous vote.

Approved: March 8, 2023

Mel Mobley, Chair

Samantha Wiltz, Planning & Zoning Clerk

Board of Appeals

March 8, 2023



SANDY SPRINGS™
GEORGIA

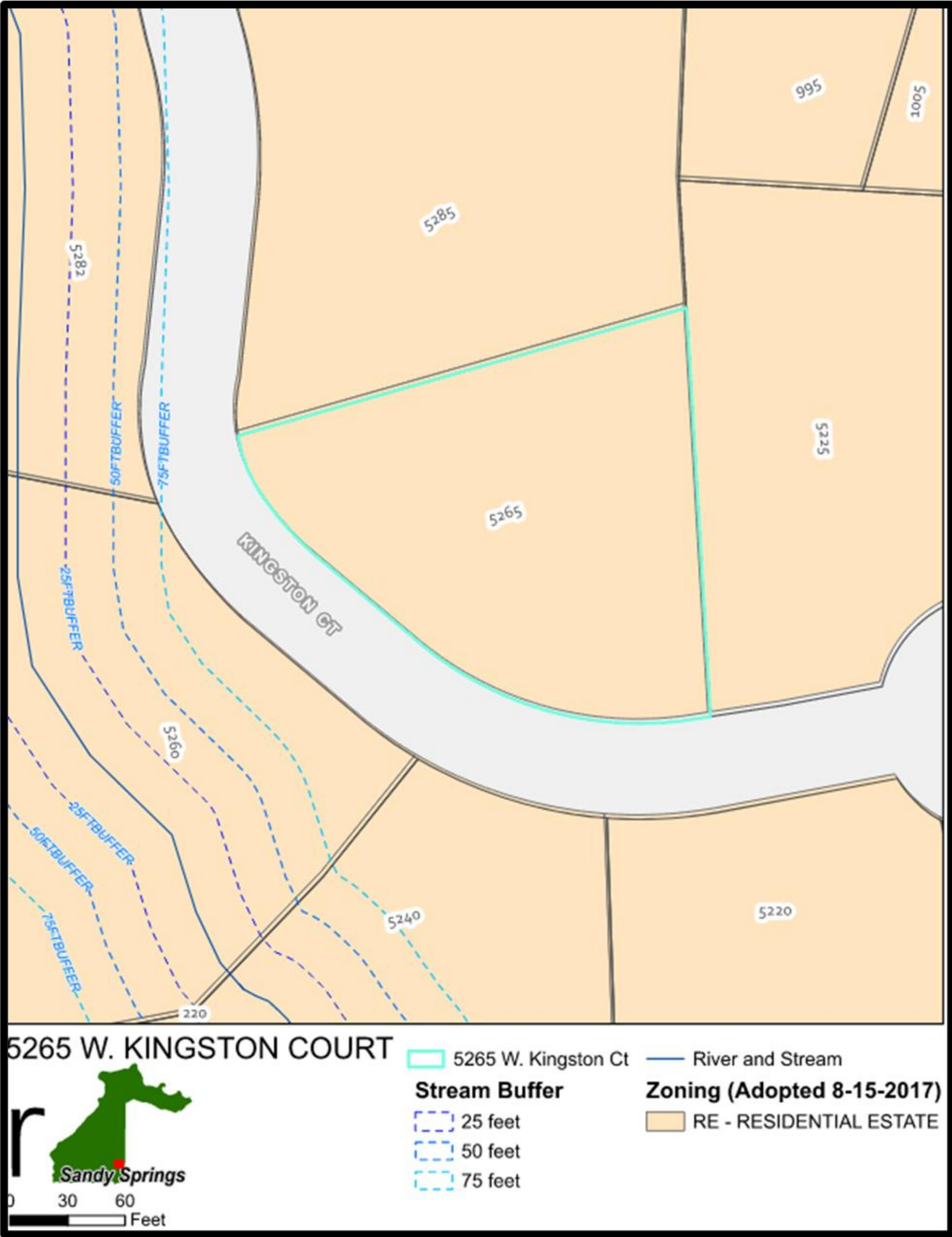
V22-0030
5265 W. Kingston Court

STAFF RECOMMENDATION:
Denial

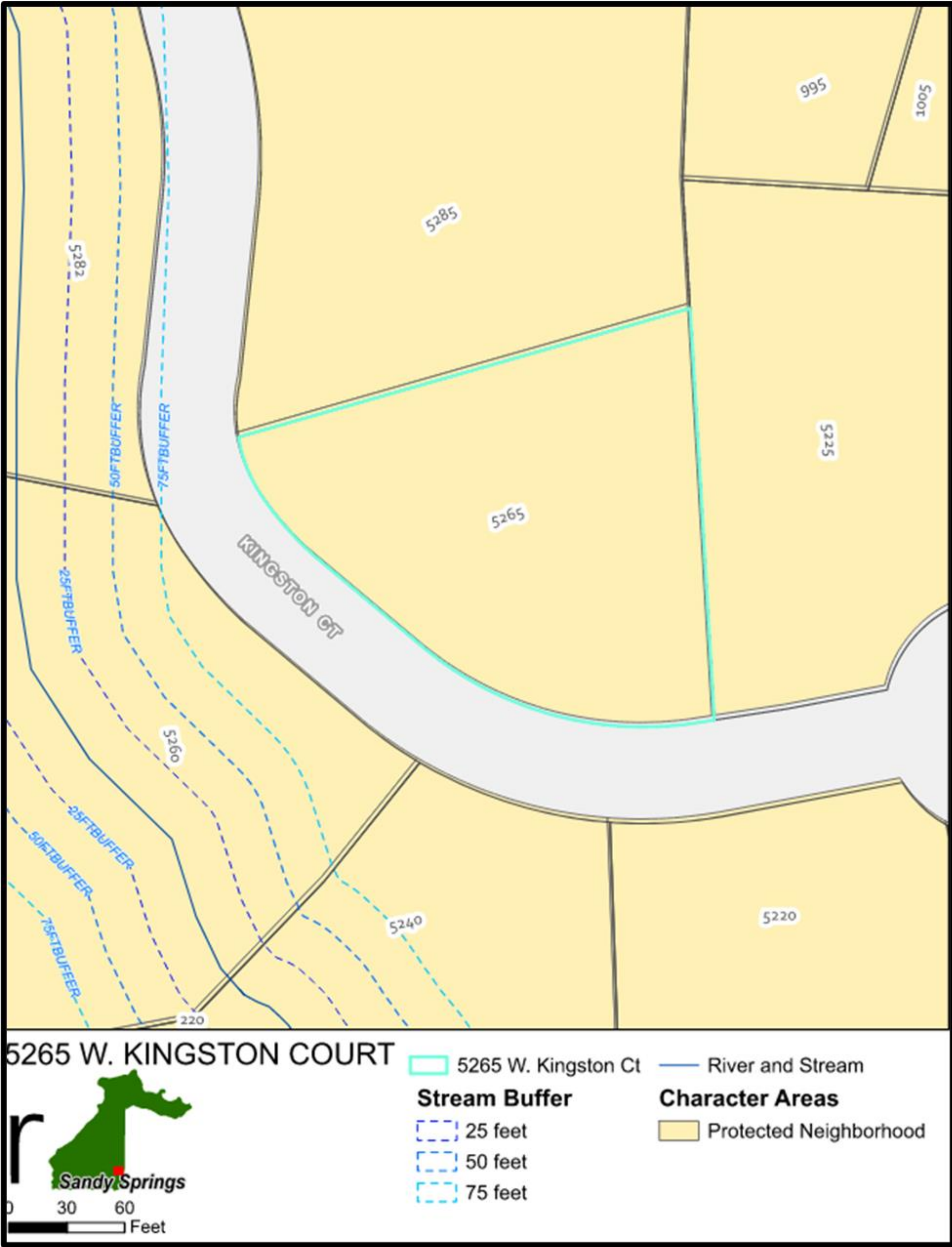
Request

Request for a variance from Section 2.2.2. to allow for existing garage to remain within the primary street setback up 24 feet, for a total of 477 square feet.

Zoning



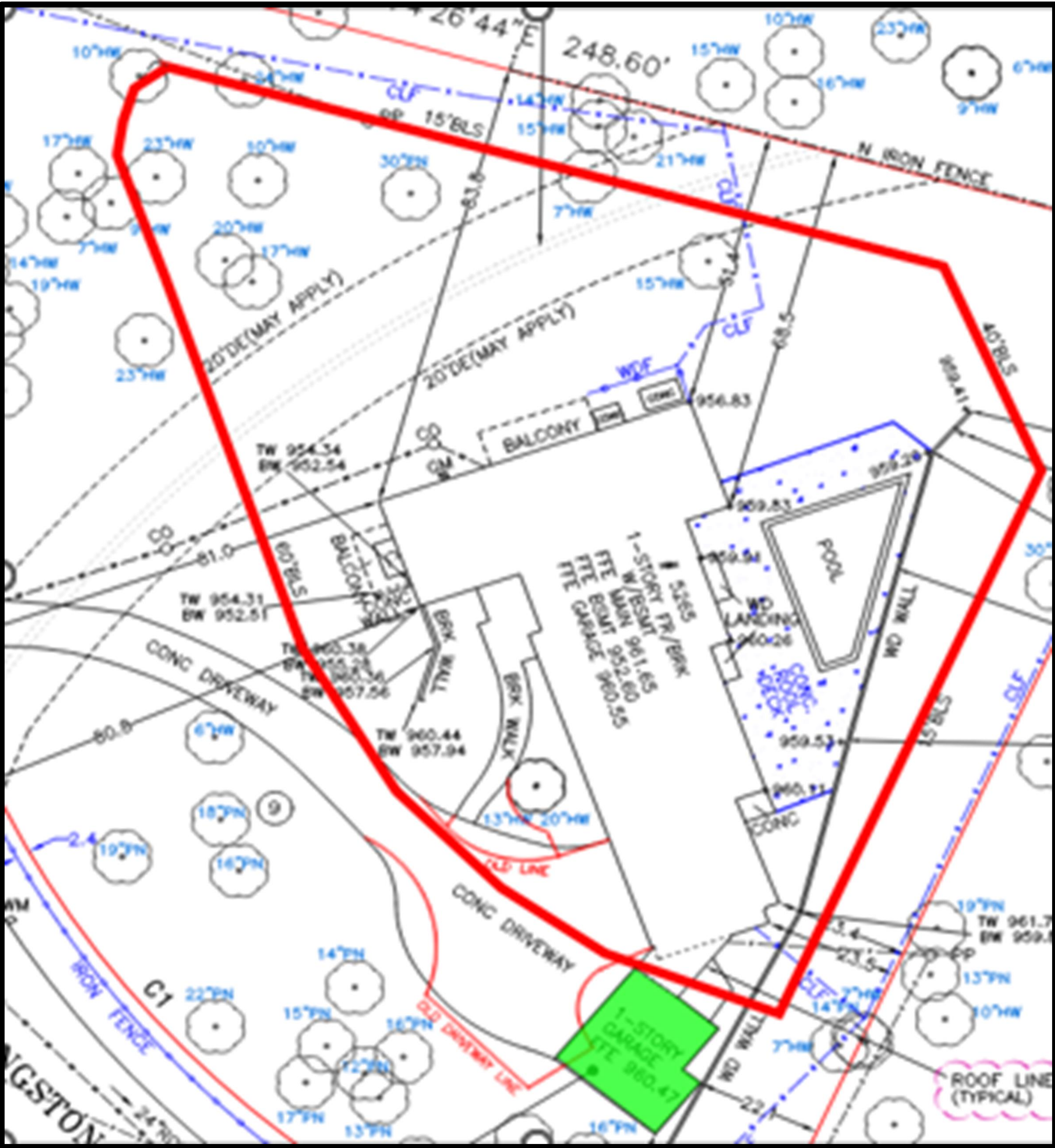
Character Area



Aerial Image



As-Built



Existing Development

- The 0.95-acre subject property zoned RE-1 (Residential Estate – 1 acre minimum), consists of a single unit detached, one single-story home, including an original two-car garage, and a recently constructed pool.
- According to Fulton County records, the home was built in the 1960s and purchased by the Kunklers in May of 2018.
- The eastern portion of the parcel facing W. Kingston Court drops in elevation in a fairly short span of 14 feet.
- The applicant is seeking a variance from Section 2.2.2. for the after-the-fact construction of a garage, without a permit, to be allowed to remain wholly within the primary street setback.

Existing Conditions



View looking east toward current garage



View of existing garage within the setback

Existing Conditions



View of home looking north from W. Kingston Court



View of front yard facing down toward W. Kingston Court

Proposed Development

- The applicant is seeking a variance from Section 2.2.2. to allow for an existing garage to remain within the primary street setback.
- Per the Sandy Springs Development Code, Section 2.2.2. Residential Estate – The primary street building setback for the RE-1 zoning district is primary street 60 feet.
- Development Code, Section. 6.1.2.A.1. Types of Setbacks – states, “Building setbacks apply to both principal and accessory building or structures except where this Development Code explicitly states otherwise.”
- The applicant has applied for and received permits for several improvements to the subject property in the last three (3) years. The subject garage addition of a 454 +/- square feet garage was undertaken in 2021 without a permit.

V22-0030 Variance Considerations

Variance will only be granted upon showing that

- **The application of this Development Code would create an unnecessary hardship, not merely an inconvenience to the applicant;**
 - Upon reviewing the application, it is staff's belief that the application of the Development Code only creates an inconvenience and not an unnecessary hardship.
 - The applicants' proposal, to allow the additional garage to remain in the front setback, would appear to go beyond the reasonable use of the property.
- **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;**
 - All of the properties along West Kingston share similar topographic property characteristics, which does not make this an unusual circumstance and is a condition that is found in similar properties.
 - The lot does have a pie shape, which staff believes affords the applicant ample buildable area to make reasonable use of their property
 - It is not staff's view that there are such extraordinary or exceptional conditions to the subject property, which would warrant a variance.

V22-0030 Variance Considerations

Variance will only be granted upon showing that

- **Such conditions are not the result of action or inaction of the current property owner; and**
 - As a seasoned construction professional, the property owner is aware of the permitting process and setback requirements, therefore they are directly responsible for creating the current non-permitted/non-conforming conditions.
- **The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property;**
 - Reasonable use of the property is currently had within the specific context of the use of covered parking, pool, home and other site improvements
- **The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and not be detrimental to the public good, safety and welfare.**
 - The Development Code requires that all buildings and structures attached to the primary structure be located at or behind the required setbacks (Sec. 6.1.2.B.).
 - While this particular garage placement is not consistent with the Development Code or The Next Ten, it is not detrimental to the public good, safety, and welfare.

Recommendation

- Staff recommends **Denial of Variance V22-0030**. If the Board wishes to approve this request, Staff recommends the following condition:
 - Applicant must apply for and complete the application process for permits and inspections that were missed for all improvements including the garage, fence, new impervious surfaces and Stormwater Management.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, March 8, 2023

Case: **V22-0030 – 5265 W. Kingston Court**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: February 28, 2023

REQUEST

Request for a variance from Section 2.2.2. to allow for existing garage to remain within the primary street setback up 24 feet, for a total of 477 square feet.

APPLICANT

Property Owners:	Petitioner:	Representative:
Chris Kunkler	Chris Kunkler	Chris Kunkler

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V22-0030.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. *Final Variance Package* received on February 3, 2023

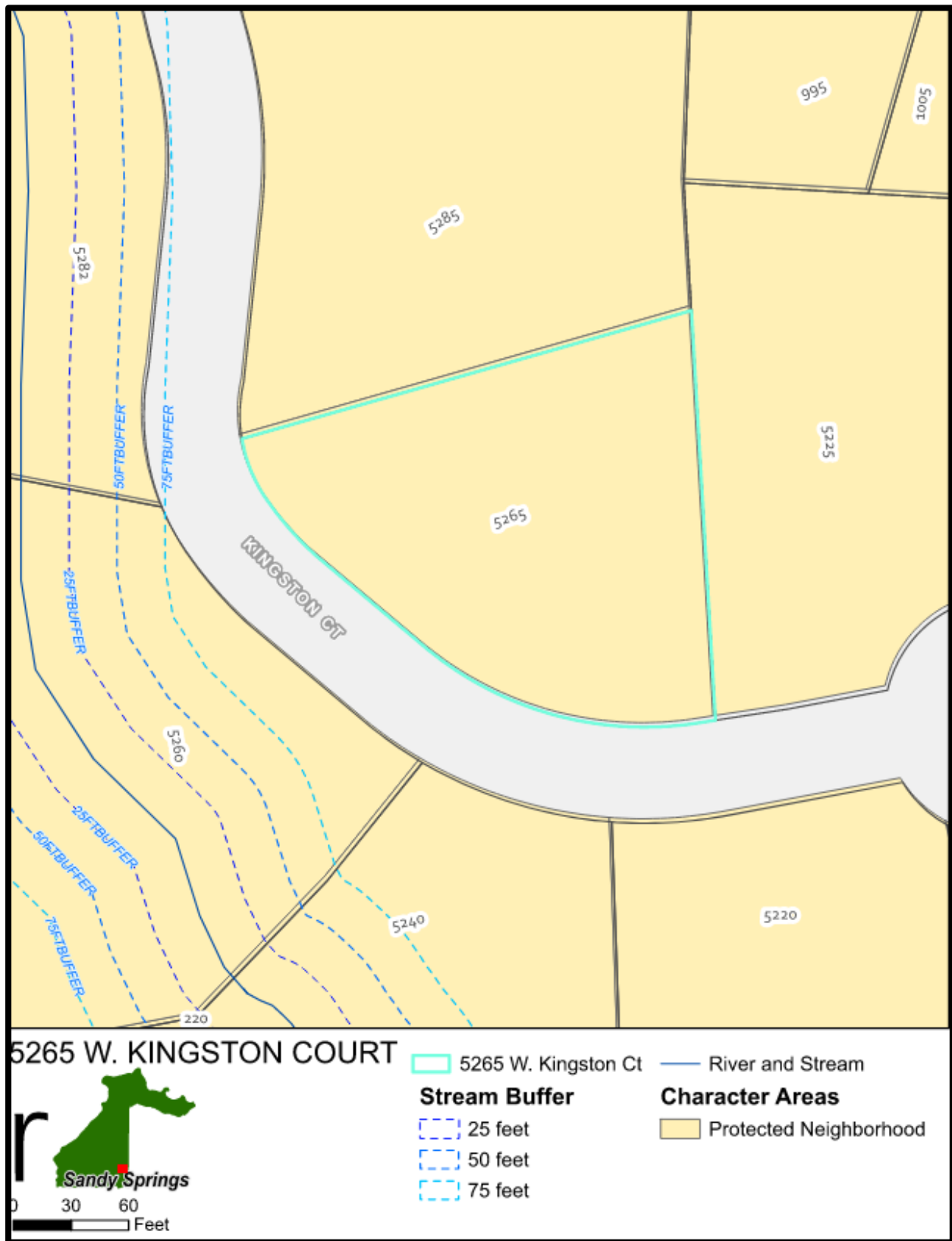
Plans:

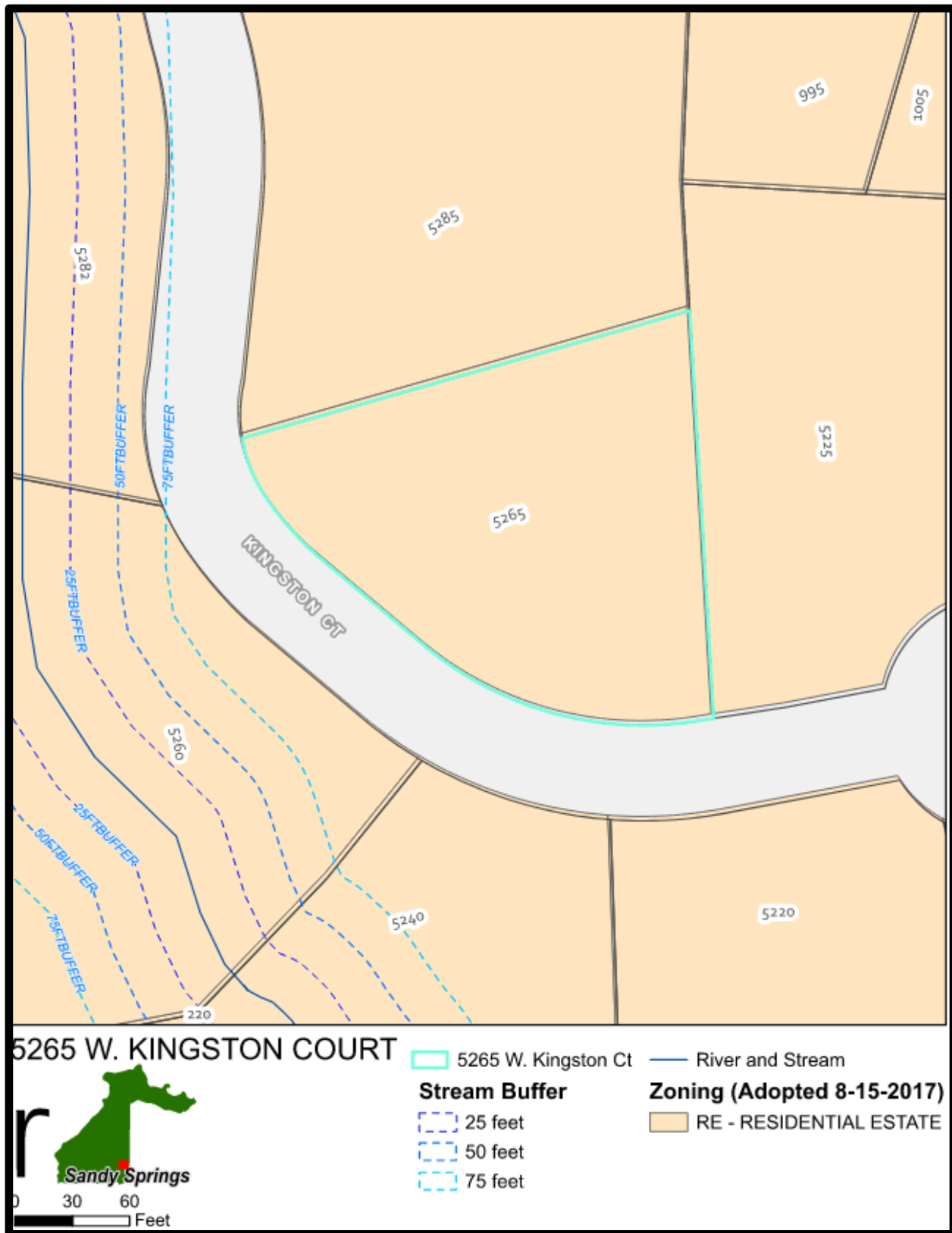
1. *“AS-BUILT-3 5265 West Kingston Court.”* prepared by Survey Land Express, Inc dated August 19, 2022 received January 23, 2023.

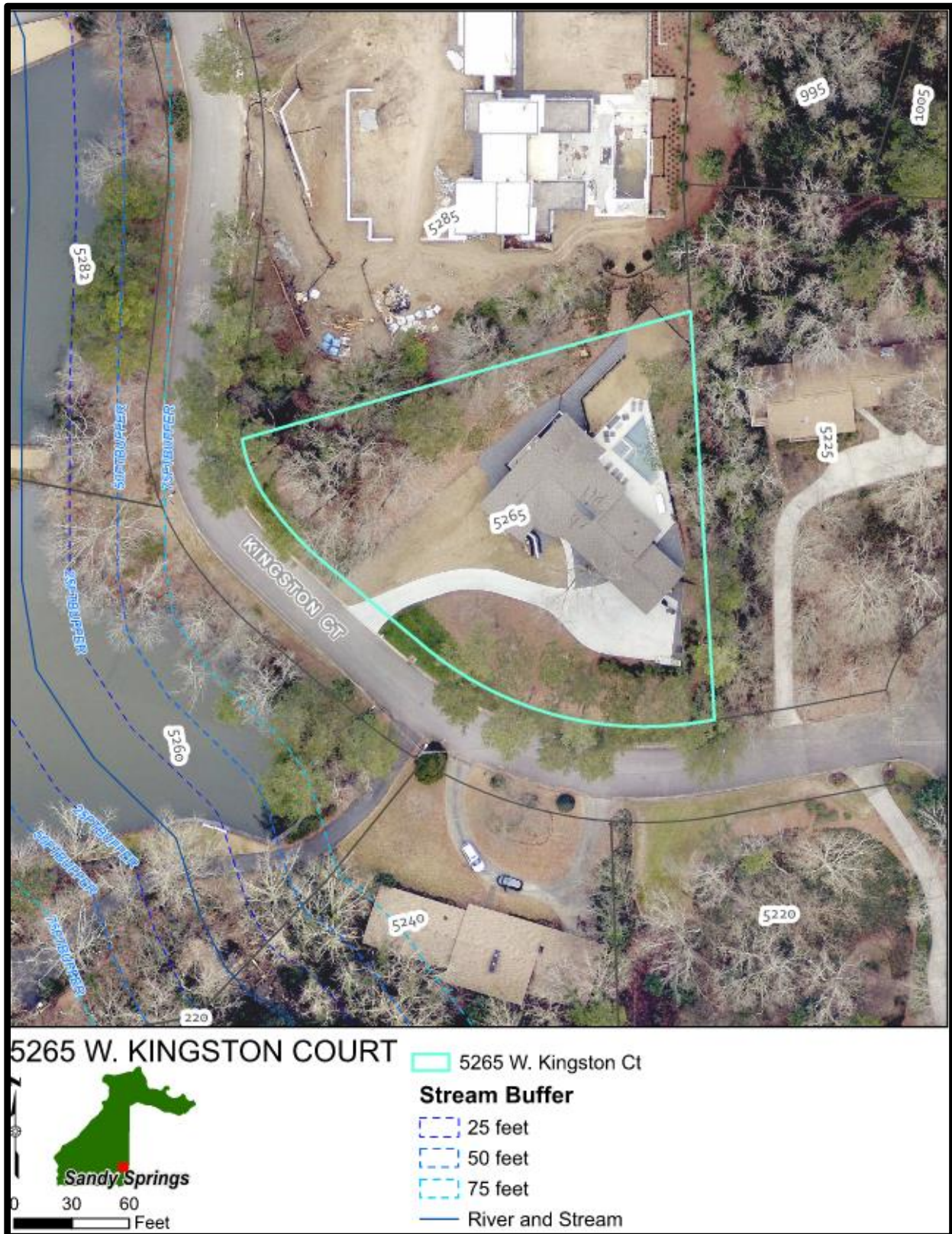
PROPERTY INFORMATION	
Location:	5265 W. Kingston Court (17 001500040094)
Council District:	5- Tiberio “Tibby” DeJulio
Neighborhood:	Ridgeview Civic Association
Road frontage:	Approximately 308 feet along W. Kingston Court
Lot Depth	221 feet and greater
Acreage:	0.93 acres
Current Zoning	RE-1 (Residential estate – 1 acre minimum)
Existing Land Use:	Residential
Previous Zoning Cases:	N/A
Character Area:	Protected Neighborhood

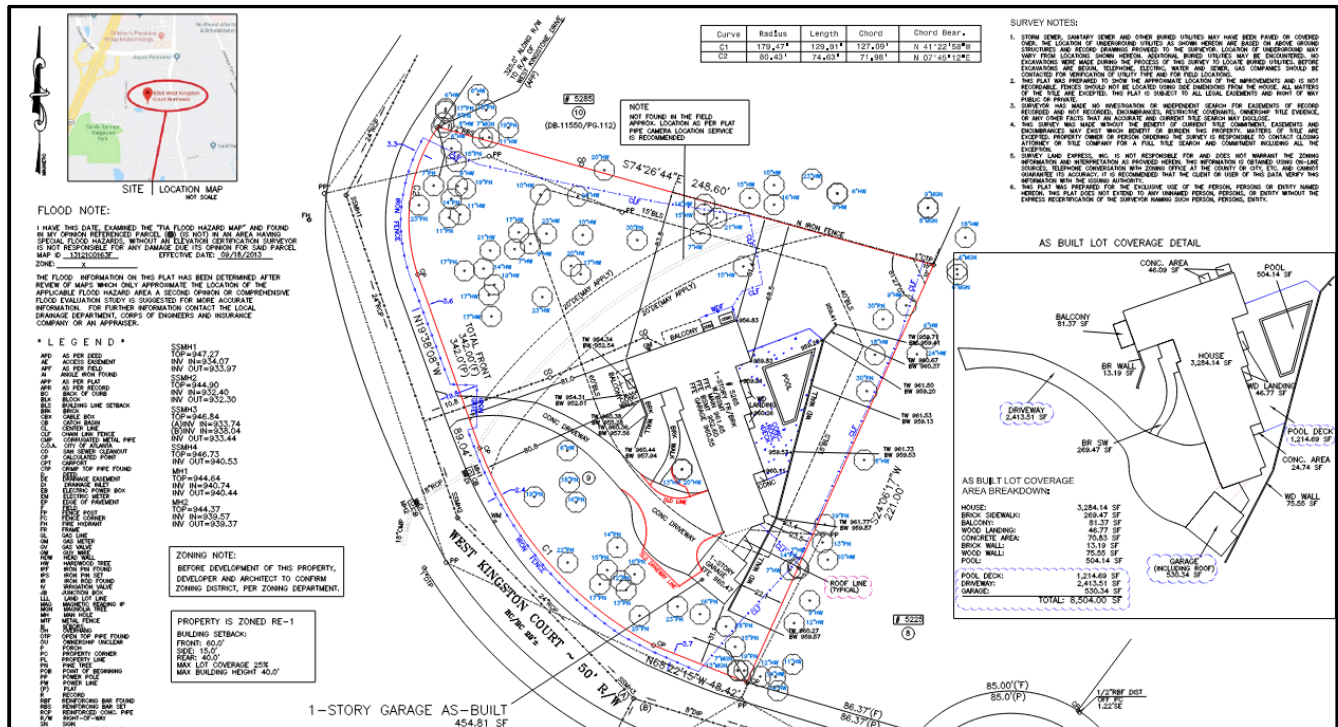
EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning	Address(es)	Land area (acres) (approximate)
North	RE-1/ Residential Estate	5285 W. Kingston Court	1.24 Acres
Northeast	RE-1/ Residential Estate	5225 West Kingston Court	1.10 Acres
Southeast	RE-1/ Residential Estate	5220 W. Kingston Court	1.50 Acres
South	RE-1/ Residential Estate	5240 W. Kingston Court	0.95 Acre
Southwest	RE-1/ Residential Estate	5260 W. Kingston Court	2.46 Acres
West	RE-1/ Residential Estate	5282 W. Kingston Court	1.44 Acres
PROPOSED DEVELOPMENT			
-	RE-1/ Residential Estate	5265 W. Kingston Court	0.93 Acres

CHARACTER AREA MAP







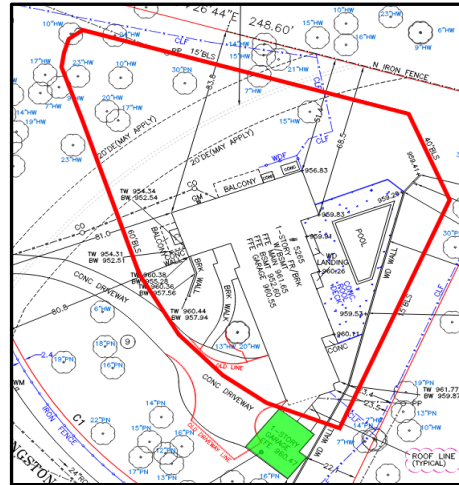


EXISTING/PROPOSED DEVELOPMENT

The 0.95-acre subject property zoned RE-1 (Residential Estate – 1 acre minimum), consists of a single unit detached, one single-story home, including an original two-car garage, and a recently constructed pool. According to Fulton County records, the home was built in the 1960s and purchased by the Kunklers in May of 2018. The eastern portion of the parcel facing W. Kingston Court drops in elevation in a fairly short span of 14 feet.



Existing garage within the setback



Set back in red and garage in green

The applicant is seeking a variance from Section 2.2.2. for the after-the-fact construction of a garage, without a permit, to be allowed to remain wholly within the primary street setback.



View looking east toward current garage



View of home looking north from W. Kingston Court



View of front yard facing down toward W. Kingston Court

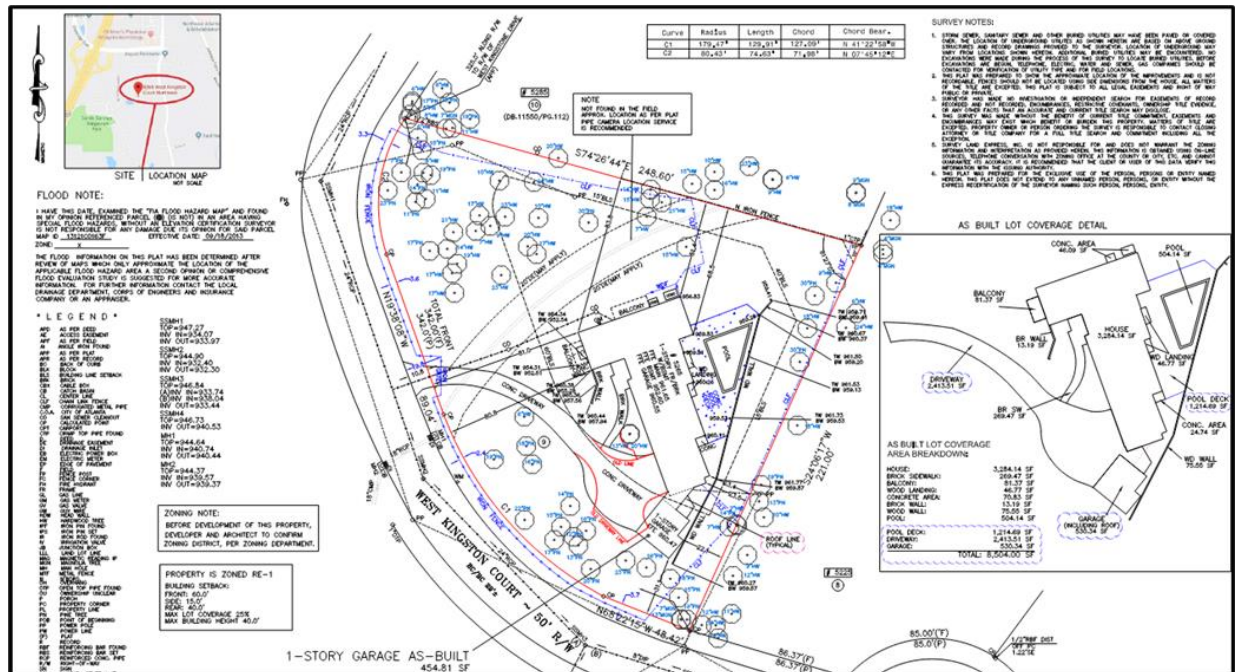
PROPOSED DEVELOPMENT

The applicant is seeking a variance from Section 2.2.2. to allow for an existing garage to remain within the primary street setback.

Per the Sandy Springs Development Code, Section 2.2.2. *Residential Estate* – The primary street building setback for the RE-1 zoning district is primary street 60 feet.

Development Code, Section. 6.1.2.A.1. *Types of Setbacks* – states, “Building setbacks apply to both principal and accessory building or structures except where this Development Code explicitly states otherwise.”

The applicant has applied for and received permits for several improvements to the subject property in the last three (3) years. The subject garage addition of a 454 +/- square feet garage was undertaken in 2021 without a permit.



V22-0039 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: Upon reviewing the application, it is staff's belief that the application of the Development Code only creates an inconvenience and not an unnecessary hardship. The property at 5265 W. Kingston Court was originally developed with an attached two-car garage, as a part of a traditional split-level ranch home. A pool was constructed in 2019 all within the buildable area. The applicants' proposal, to allow the additional garage to remain in the front setback, would appear to go beyond the reasonable use of the property. Variances are typically considered whereupon special conditions exist, and this does not appear to be the case for 5265 W. Kingston Court.

- 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: All of the properties along West Kingston share similar topographic property characteristics, which does not make this an unusual circumstance and is a condition that is found in similar properties. The lot does have a pie shape, which staff believes affords the applicant ample buildable area to make reasonable use of their property. It is not staff's view that there are such extraordinary or exceptional conditions to the subject property, which would warrant a 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 property owners admit that the garage was constructed by them, without applying for a permit. Their position is that because of the COVID-19 pandemic, these were extenuating times and they did not think we were open for business. As a seasoned construction professional, the property owner is aware of the permitting process and setback requirements, therefore they are directly responsible for creating the current non-permitted/non-conforming conditions.

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

Finding: Staff's position is that this request would not provide the minimum relief necessary to make possible the reasonable use of the property. Reasonable use of the property is currently had within the specific context of the use of covered parking, pool, home and other site improvements. A two-car garage is and has always been available at the subject property, without consideration of the proposed (existing) two-car garage addition.

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 attached to the primary structure be located at or behind the required setbacks (Sec. 6.1.2.B.). 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. In this regard, the request would not result in development that is consistent with the general intent of the Development Code.

While this particular garage placement is not consistent with the Development Code or *The Next Ten*, it is not detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

The survey dated August 19, 2022 does not represent the full extent of development undertaken on this parcel:

- a. A new decking was constructed surrounding the pool b. Impervious (gravel) areas appear to have been added to the west/northwest side of the property, the front of the house, the rear of the house and the east of the house.
2. The garage addition and other development appears to exceed 1,000 square feet requiring Stormwater Management in accordance with Development Code Section 9.6. Required stormwater management does not appear to have been designed or installed for this work.
3. The house appears to have / had an existing garage prior to construction of this garage.
4. The 60' front building setback currently required by the Development Code is consistent with the 60' setback shown on the Original Subdivision Plat dated June 19, 1965 recorded at Plat Book 83 Page 14 of the Fulton County Clerk of Court's office.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

The application states that no trees were removed by the construction of the garage. The provided survey doesn't show any locations of trees on-site or Boundary Trees; therefore, a formal review of tree impacts cannot be completed. However, there appears to be trees that may be Protected Trees located in close proximity to the constructed garage. Therefore, there may have been impacts to the critical root zones of trees from the construction of the garage. Additionally, the application references Exhibit D, which depicts the newly planted trees. The installed trees are not recognized as large canopy species as defined in Section 1 of the Sandy Springs Technical Manual; therefore, the planted trees would not function as mitigation trees on the property.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

1. Garage was built without a permit. The letter of Intent states that the garage was built in August of 2021. He applied for a permit for the garage in October of 2021. Had he applied for the permit prior to constructing the garage, he would have been made aware of the setbacks. One can conclude that the Homeowner was aware of the permitting process, since a permit was obtained for his backyard swimming pool in 2019.
2. The City of Sandy Springs remained operational throughout the pandemic. While we were working remotely for a couple of months, Community Development staff never stopped working. We were available by phone and email. By July of 2020 there was a Permit Technician on duty in person four days per week. Software was in place for customers to request appointments, via a link on the main City of Sandy Springs website.
3. Customers who choose to build any structure without a permit are also choosing to forego Building Inspections. We do Building Inspections for the safety of the occupants and users of the structure. I see that an Engineer was called out to inspect the structure after it was built, and there are photos of the slab prior to pouring the concrete. This is helpful, but fines will be levied for skipped inspections, if and when the permit is issued.
4. The house already had a garage or carport.
5. Having the neighbors state that the garage is well-built is not an acceptable substitute for having inspections during construction. The Building Inspection team never stopped doing inspections, in person, for even one day, on account of the pandemic. We already had I-pads with software for digitally entering comments, creating inspection reports, and emailing those reports to customers.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Land Development Manager:

No comment provided.

Sandy Springs Transportation Planner:

Front Gate for re-constructed driveway does not appear to be 30 feet from travel lane as required.

Correspondence Received:

14 letters in support

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS

Following review, and based on the findings, staff recommends **Denial** of **Variance V22-0030**, request for a variance from Section 2.2.2. to allow for the illegally existing garage to remain within the primary street setback up 24 feet, for a total of 477 square feet. If the Board would favor recommending approval, staff recommends the following conditions:

- Applicant must apply for and complete the application process for permits and inspections that were missed for all improvements including the garage, fence, new impervious surfaces and Stormwater Management.

SPORTS

Westminster, Wesleyan girls win state swim titles

By Greg Oshust

Westminster won the Class 4A-5A state girls' team championship, while Wesleyan claimed the 1A-3A girls' title at the Georgia High School Association state swimming and diving championships Jan. 31 through Feb. 4.

The swimming competition was held at Georgia Tech, while Westminster

hosted the diving competition Jan. 31.

After winning the state championship in A-3A the previous five years in a row, the Westminster girls rose to the challenge of competing in a higher classification as it scored 428 points to finish ahead of runner-up Cambridge (349) and win their sixth consecutive state title.

"The last two years, the

team that we had going could have won (Class) 7A — it was that strong," Westminster coach Sharon Loughran said. "The classification change certainly made it closer, because of depth. When you're competing against a school that has over 2,000 students, they're going to have more depth. So that was the challenging part. But we certainly had enough to prevail."

Lovett (149) finished 10th in the girls' 4A-5A competition, while North Springs (35) was 20th, Pace Academy (20) 25th and Holy Innocents' (12) 29th.

The Westminster girls were led by junior Katie Christopherson, who won the 100-yard breaststroke with a time of 1 minute, 00.81 seconds and the 100 butterfly with a time of 52.77 seconds. Christopherson has committed to Virginia for swimming.

Westminster also got an individual championship from senior Sara Ketron, a Bucknell signee who won the 500 freestyle with a time of 5:02.84, as well as state titles in the 200 freestyle relay — which the foursome of Christopherson, Ketron and seniors Genae and Janine Horst won with a time of 1:34.19 — and the 400 freestyle relay — which Christopherson, Ketron, junior Sadie Clayton and freshman Ansley Sgrosso — won with a time of 3:30.02.

Wesleyan came away with the first girls' state team swimming championship in the program's history as it scored 300 points to edge out runner-up St. Vincent's Academy (282) and third-place Whitefield Academy (215) to claim the A-3A girls' title.

"It was a major accomplishment and a total team effort for our girls' swim and dive team, which basically started with diving earlier in the week all the way up to the 400 (yard) free(style) relay (the last event of the state meet)," Wesleyan coach Kevin Kadzis said. "It was really a total team victory."

Mount Vernon finished



Special Photo: Buckley Wiley

The Westminster girls' swimming and diving team celebrate their Class 4A-5A championship at the Georgia High School Association state swimming and diving championships at Georgia Tech Feb. 4.



Special Photo:

The Wesleyan girls' swimming and diving team celebrate their Class A-3A championship at the Georgia High School Association state swimming and diving championships at Georgia Tech Feb. 4.

sixth (140) and Atlanta International 14th (50) in the A-3A girls' team standings.

The Wesleyan girls were led by freshman Hattie Wasmuth, who won state titles in the 200 individual medley (2:06.03) and 500 freestyle (5:10.93).

Wesleyan also won the 200 freestyle relay, with Wasmuth, sophomore Lindsay Friedman and freshmen Ansley Chapman and Mary Caroline

Harrison recording a time of 1:41.82, and the 400 freestyle relay, with Wasmuth, Chapman and sophomores Vivian Hosier and Caroline Stewart winning with a time of 3:45.77.

Whitefield Academy sophomore Riess Estep was the only other local individual state champion in the A-3A girls' competition, winning the 100 breaststroke with a time of 1:06.20.

In the Class 6A girls' competition, Marist finished

runner up with 314 points, behind champion Lassiter (486). St. Pius X (240) was fifth, while Riverwood (127) was 11th and North Atlanta (37) was 20th.

Marist sophomore Allie Donkar won 100 breaststroke (1:03.32), while St. Pius X senior Julia Herring was the winner of the diving competition with 655.60 points among the 6A girls.

SANDY SPRINGS
NOTICE OF ZONING MAP AMENDMENT (REZONING)

Petition Number:

RZ22-0005

Petitioner:

Jessica Hill
SRPFA/North River, LLC

Property Location:

8765 & 8800 Roswell Road and
0 Dunwoody Place Parcel # 06 0367LL0666,
06 0367LL0625, 06 0367LL0658

Request:

Request for a Zoning Map Amendment
(Rezoning) from SX-6 to NEX-5/6

Public Hearing:

Planning Commission
March 22, 2023 at 6:00 p.m.

Location:

Sandy Springs City Hall
1 Galambos Way
Sandy Springs, GA 30328
770-730-5600

Virtual Option:

Zoom Webinar at
<http://spr.gs/citycouncilmeeting>. For
instructions on how to provide public
comment during the Public Hearing, please
visit <http://spr.gs/publiccomment>.

SANDY SPRINGS
NOTICE OF ZONING MAP AMENDMENT (REZONING)

Petition Number:

RZ22-0008

Petitioner:

David Kirk
Halle Properties, LLC

Property Location:

6400 Roswell Road
Parcels # 17 008800010552 and
17 08800010537

Request:

Request for a Zoning Map Amendment
(Rezoning) from CX-3 to CC-3

Public Hearing:

Planning Commission
March 22, 2023 at 6:00 p.m.

Location:

Sandy Springs City Hall
1 Galambos Way
Sandy Springs, GA 30328
770-730-5600

Virtual Option:

Zoom Webinar at
<http://spr.gs/citycouncilmeeting>. For
instructions on how to provide public
comment during the Public Hearing, please
visit <http://spr.gs/publiccomment>.

SANDY SPRINGS
NOTICE OF VARIANCES

Petition Number:

V22-0030

Petitioner:

Chris Kunkler

Property Location:

5265 W. Kingston Court
Parcel # 17 001500040094

Current Zoning:

RE-1

Request:

Request for a variance from Section 2.2.2.
to allow for existing garage to be located
within the main building and the
primary street.

Public Hearings:

Board of Appeals
March 8, 2023, at 6:00 p.m.

Location:

Sandy Springs City Hall
1 Galambos Way
Sandy Springs, GA 30328
770-730-5600

Virtual Options:

Zoom Webinar at <http://spr.gs/boameeting>
for instructions on how to provide public
comment during Public Hearing, please
visit <http://spr.gs/publiccomment>.

By Elizabeth Nouryeh-Clay
@NouryehNeighbor

Riverwood International Charter School celebrated five student-athletes who signed letters of intent to continue their academic and athletic careers at the collegiate level Feb. 1.

ALEXA HOPPENFELD —
UNIVERSITY OF GEORGIA —
CROSS COUNTRY AND
TRACK

Alexa Hoppenfeld has committed to run Cross Country and Track for the University of Georgia. Hoppenfeld is a four-year, three-sport athlete, lettering in cross country, swim and track and field. Hoppenfeld was

SEE RIVERWOOD, A5



Special Photo

Riverwood International Charter School celebrated five student-athletes who signed letters of intent to continue their academic and athletic careers at the collegiate level Feb. 1. The athletes are, from left, Mark Miller, Levi Linowes, Zion Patillo, Alexa Hoppenfeld and Jada Wood signed to play at their perspective colleges.

City of Sandy Springs Advertisement for Public Comment
Draft 2023-2027 Consolidated Plan and 2023 Annual Action Plan

The City of Sandy Springs has prepared a Consolidated Plan and Annual Action Plan required for participation in the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program. The Consolidated Plan describes broad goals, objectives, strategies and community needs for a 5-year period, as well as how the City anticipates using its allocation of CDBG funds in 2023.

The City of Sandy Springs anticipates receiving CDBG Funds in 2023 to be available and proposes to use these funds for activities under the Public Improvements and Infrastructure category of eligibility. 2023 CDBG funds will be used to design and construct sidewalks in designated low- and moderate-income target areas along the Roswell Road corridor between Long Island Drive and The Prado, between Lake Placid Drive and Northwood Drive, and Hope Road.

As required by 24 CFR Part 91.105(b)(2), the draft 2023-2027 Consolidated Plan and 2023 Annual Action Plan will be available for a 30-day public comment period beginning February 22, 2023 through March 22, 2023. A copy of the Consolidated Plan, including the Annual Action Plan, is available on the City's website at www.sandyspringsga.gov. Those interested in reviewing the plan will find it located on the CDBG webpage, which is accessed through the Community Development Department webpage on February 21, 2023.

Those who may wish to provide comments on the 2023-2027 Consolidated Plan and 2023 Annual Action Plan may send email to the CDBG Program mailbox at cdbgprogram@sandyspringsga.gov or hard copy correspondence to the Sandy Springs Community Development Department at the address above. Adoption of the 2023-2027 Consolidated Plan and 2023 Annual Action Plan is scheduled for the May 2, 2023, Mayor and City Council regular meeting. All meetings start at 6:00 p.m., are open to the public and held at the Sandy Springs City Hall, 1 Galambos Way Sandy Springs, GA, 30328. Citizens in need of translation services or materials in alternative formats should call 770-730-5600 seven calendar days prior to the regularly scheduled meeting. Additional CDBG Program information can be found on the City's CDBG webpage at <http://www.sandyspringsga.gov/city-services/urban-development/planning-and-zoning/planning-and-zoning-resources/community-development-block-grant-program>

Reach Over
26,000
of Your
Neighbors
Every Week!
Call Me to
Advertise!

Stephanie
404-229-0678
or email
sdejarnette@mdjonline.com

Page 32 of 70

Received
2/3/2023 12:41 pm



Case No.: V22-0030
Planner's initials: LSW

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 ☒
8/15	8-9 8½" x 11" copy of Survey	☐
"	8-9 8½" x 11" copy of Site Plan	☐
8/15	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: _____



SANDY SPRINGS™
GEORGIA

Case No.: **V22-0030**
Planner's initials: **LSW**

PROJECT INFORMATION SHEET

PROPERTY	Address(es):	5265 W. Kingston Ct. 30342	
	Parcel Tax ID(s):		
	Total acreage:	0.98	Council District: #5
	Current zoning:	RE-1	Current use: single residential detached
	Character Area:	Protect the Neighborhood	

APPLICATION	Detailed request (include Code Section No.):	
	Petitioner:	Chris Kunkler
	Petitioner's address:	same as above
	Phone:	
	Email:	

OWNER	Property owner:	Chris Kunkler
	Owner's address:	same as above
	Phone:	
	Email:	
	Signature (authorizing initiation of the process):	
	If the property is under contract, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date:	Anticipated Application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	

DETAILED PROCESS & INSTRUCTIONS

Legend: ☐ and o: Action required by Applicant

•: For information

<u>Before the Pre-Application Meeting:</u> ☐ Read this Application packet in its entirety. ☐ Consult the Sandy Springs Development Code (available online at https://library.municode.com/ga/sandy_springs/codes/development_code). ☐ Fill out the Project Information Sheet of this Application packet. ☐ Prepare a plan to scale of the proposed project. ☐ Obtain written permission from the property owner to pursue the project. If the property is under contract, provide a copy of the contract at the Pre-Application Meeting. ☐ Contact a Planner at pz@sandyspringsga.gov or (770) 730-5600 to schedule the Meeting. • A stormwater concept plan and/or corresponding meeting may be required depending on the scope of work of the particular project or request.
<u>Pre-Application Meeting:</u> ☐ The Pre-Application Meeting must take place at least two (2) weeks but no more than two (2) months before the Application filing date.
<u>Filing:</u> ☐ Contact the Lead Planner prior to filing. ☐ Complete the Application packet, and submit a complete Application to the Department. ☐ Provide payment (verify the amount with the Lead Planner beforehand); see p. 11. • Applications are due by 4:00 PM on the fourth (4th) Tuesday of the month. No more than five (5) Applications, all types included, will be accepted each month. • Staff will initiate review, ask for more information if needed (at which point the Application may be placed on administrative hold), and send an Initiation Letter.
<u>Before the Board of Appeals (BOA) Meeting:</u> ☐ Submit any revision to the Application at least twenty-one (21) days prior to a scheduled Public Meeting or Public Hearing to allow time for proper revision by Staff and legal advertisement. • The Staff Report, including the recommendation, will be posted on the City website at least one (1) week prior to the BOA Meeting. • Staff will publish a legal ad in the newspaper. ☐ Order and post signage using Staff's sign template on the subject property (see p. 12) at least fifteen (15) calendar days prior to the BOA Meeting before 8:30 AM. Send date-stamped pictures of the signage once in place to the Lead Planner. ☐ Mail written notice to property owners within 500' at least fifteen (15) calendar days but not more than 45 calendar days prior to the BOA Meeting; use Staff's mailing template. <i>Obtain a Certificate of Mailing from the Post Office and keep for your records; Applicant must produce a Certificate of Mailing upon request from Staff.</i>

Board of Appeals (BOA) Meeting:

- Staff will briefly introduce your request and present its recommendation.
- ☐ You will have ten (10) minutes to present your case to BOA, including any supporters speaking in favor of your request. You may save any remaining time for rebuttal to the opposition.
- The opposition will also have ten (10) minutes to speak.
- BOA will discuss and render its decision. BOA may approve, approve with conditions, or deny the request. BOA may also defer the case to another regularly scheduled Meeting.
- ☐ Remove signage within 48 hours of final action on the petition.

TYPICAL SEQUENCE OF EVENTS

See p. 10 for Meeting Schedule

Week (approx.)	Activity & Timeframe
1	Pre-Application Meeting: Between two (2) weeks and two (2) months prior to the filing deadline
3-4	Filing: Before 4:00 PM on the fourth (4th) Tuesday of the month
4	Initial review and Initiation Letter: Approx. one (1) week after the filing deadline
4	Staff Report production
4-5	Revised Application, if necessary: At least twenty-one (21) days prior to BOA
4-5	BOA advertising: At least fifteen (15) calendar days prior to the date of BOA for sign posting, and at least fifteen (15) calendar days but not more than 45 calendar days prior to the date of BOA for mailed notice
6	Staff Report posted on website at least one (1) week prior to the BOA Meeting
7-8	BOA Meeting: First (1 st) Wednesday of the month
Days after BOA	Decision Letter: A few days after BOA (maximum seven (7) days)

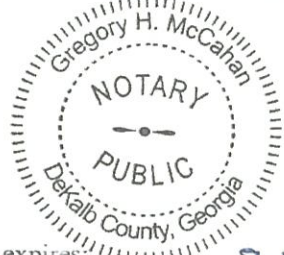
Failure to complete any of these events within the above timeframe may result in an administrative hold, and the case will be rescheduled to a future filing cycle.



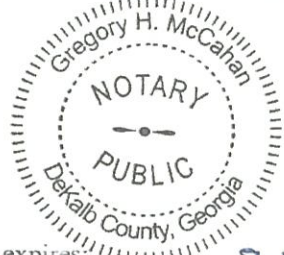
SANDY SPRINGS™
GEORGIA

AUTHORIZATION FOR PART

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: <u>Chris L. Kunkler</u>	Sworn and subscribed before me this <u>21th</u> day of <u>July</u> 20 <u>22</u>
Address: [REDACTED]	
City, State, Zip Code:	Notary public: <u>Gregory H. McCahan</u>
Email address: [REDACTED]	Seal:
Phone number: [REDACTED]	 Commission expires: <u>9-10-2023</u>
Owner's signature: <u>[Signature]</u>	

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:	Sworn and subscribed before me this
Company name:	
Address:	<u> </u> th day of <u> </u> 20 <u> </u>
City, State, Zip Code:	Notary public:
Email address:	Seal:
Phone number:	 Commission expires:
Applicant's signature:	

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 15 of the 17th District of Fulton County, Georgia, and being Lot 9, Block B, Unit One and Two of James M. Keelin Subdivision, as shown on plat recorded in Plat Book 83, Page 14, Fulton County, Georgia records, which plat is incorporated herein by reference and made a part hereof

Being the same property as conveyed in that certain Executor's Deed of Assent recorded at Deed Book 58238, Page 194, Fulton County, Georgia records.

TABLE OF CONTENTS

Letter of Intent..... 1

Variance Analysis..... 2-4

Exhibit A – Environmental Engineer Letter..... 5

Exhibit B – Regular Flooding Beside House..... 6

Exhibit C – Fulton County Tax Records..... 7

Exhibit D – Fulton County Plat Map..... 8

Exhibit E – Neighbor Letters of Support..... 9-20

Exhibit F – Steep Grade on Side of Lot..... 21

Exhibit G – New Trees Planted..... 22

Exhibit H – Front View..... 23

Exhibit I – Structural Engineer’s Letter..... 24

Exhibit J – Setback Infringement..... 25

Our Story..... 26-28

To: Sandy Springs
RE: Letter of Intent for Variance
Page: 1 of 1

I am requesting a front setback variance to accommodate the already built and completed garage on my property at 5265 W. Kingston Court. The reason for the request stems from my own oversight and poor judgment during the COVID shutdown. I was not aware that the now constructed garage was in the front set back.

The garage, which is attached to the main house, is 444 square feet in size and was completed in August of 2021. As is supported by the certified letter provided by the Environmental Engineer, (see Exhibit A – Environmental Engineer Letter) due to the topography of the lot, there is no reasonable alternative location on which the garage can rest. “Exhibit B – Regular Flooding Beside House” illustrates the mass flooding that occurs on the opposite side of the house upon any heavy rain, rendering the land unbuildable.

James M. Keelin, a renowned architect who worked primarily throughout Sandy Springs, was responsible for the development of all the original midcentury modern homes on W. Kingston Court. The subdivision is referred to as the James M. Keelin Subdivision in the Fulton County Tax Records (see Exhibit C – Fulton County Tax Records). Mr. Keelin’s vision for West Kingston Court was for each lot to differ in size, shape, and topography, and for each home to be uniquely positioned upon each lot. This is reflected by our neighbors’ lots highlighted in **green** on Exhibit D – Fulton County Plat Map.

The setback code does not reasonably apply to a nonconforming subdivision such as W. Kingston Court. Highlighted in **orange** on Exhibit D is Falcon Chase Ln., the adjacent subdivision for which the current front setback code was designed. Each lot on W. Kingston Court ranges from 3 sides (my lot – highlighted in **red**) up to 7 sides, whereas the lots on Falcon Chase Ln. are four sided. It is apparent that a front setback code is necessary here as all the homes on Falcon Chase Ln. are positioned to promote uniformity. As a builder, I would **never** have constructed a garage out front of a house on Falcon Chase Ln. Conversely, as “Exhibit J – Setback Infringement” illustrates, the garage is hundreds of feet away from the street on almost 80% of our lot’s frontage. The structure only infringes upon the setback on about 20% of the lot’s frontage due to its unique, pie shape.

The lots’ topography, shape, features (lakes, waterfalls, creeks, etc.), and house positions render W. Kingston Court a truly unique street.

This letter of intent summarizes the following analysis demonstrating why I have received nothing but high praise and support from my neighbors (see Exhibit E – Neighbor Letters of Support) for the garage addition. My garage in no way appears out of place on West Kingston court, and it is my hope that you see the uniqueness of this case and allow for the continued existence of my completed garage. Thank you for your consideration.

Best Regards,



Chris L. Kunkler

Email: [REDACTED]

To: Sandy Springs
RE: Variance Analysis
Pages: 1 of 2

Variance Analysis: Based on provided line-item requirements

Explain in detail, on a separate sheet, and for each Variance requested how:

a 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;

- All lots on West Kingston Court range in size from 0.98 to 2.50 acres. The shape of each lot varies significantly, as does the position of each house upon each lot (see Exhibit D - Fulton County Plat Map). The topography and changes in elevation dramatically vary from lot to lot on West Kingston Court. Therefore, each of the aforementioned *exceptional conditions* apply to this case.

Further, the application shall demonstrate that:

c) Such conditions are not the result of action or inaction of the current property owner;

- Due to the topography (very steep grade) of the lot, there is no reasonable alternative location on which the garage can rest (see Exhibit F – Steep Grade on Side of Lot). Clearly laid out in his certified Engineer’s Letter (see Exhibit A – Environmental Engineer Letter), Jason M. Wilson states that the left side of our home “appears to receive significant stormwater drainage from upgradient properties” as is illustrated by the flooding shown in Exhibit B – Regular Flooding Beside House. As a result, Mr. Wilson goes on to say that “this area would not be considered a viable location for structural development and improvement. There does not appear to be another practical location at the subject property for this garage other than its current location.”

d) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

- The variance would allow for the continued existence of the completed garage, thus benefitting the homeowner, the surrounding neighbors, and the City of Sandy Springs.

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

- The addition of the garage to the existing house increases property values for the homeowner, as well as all surrounding neighbors on West Kingston Court. Our Real Estate Company, Renee Kunkler Realty, brokers many transactions in Sandy Springs and is aware of current market valuations. As attested to by each neighbor through their twelve letters of support, the completed garage is consistent with the design of the home as well as the style of the neighborhood's existing houses, and only adds to the appearance of the previously existing structure (see Exhibit E – Neighbor Letters of Support).

Note: The general purpose and intent of the Development Code (Sec. 1.1.5.) includes (the below listed are those that apply to this case):

- *Ensuring conservation of land and natural resources*
 - The area where the completed garage now sits was an existing concrete turnaround prior to the garage's construction.
- *Promoting the preservation and enhancement of tree canopy in residential areas*
 - No trees on the property were removed as a result of the construction of the garage. On the contrary, eleven trees were planted around the side and rear of the garage upon its completion (see Exhibit G -New Trees Planted). Each of these trees now stand at over twelve feet in height. Additionally, another 31 trees have been planted around the property for purposes of beautification and for the benefit of the surrounding neighborhood wildlife. These trees all now sit around the property at a range of 10-25 feet in height.
- *Guiding reinvestment in established neighborhoods that preserves and reinforces their unique characteristics*
 - The garage design fully matches and enhances the existing Midcentury Modern design seen throughout the neighborhood (see Exhibit H – Front View). This has been specifically referenced by the neighbors of 5265 West Kingston Court as per their 12 letters of support (see Exhibit E - Neighbor Letters of Support). The completed garage meets or exceeds all current code requirements as per the attached structural engineer's letter (see Exhibit I – Structural Engineer's

Letter). I have been a licensed contractor since 1996 and utilized my several decades of experience to properly execute the design and construction of this garage.



Exhibit A - Environmental Engineer Letter

October 25, 2022

Mr. Chris Kunkler
[REDACTED]
[REDACTED]

RE: [REDACTED]

Dear Mr. Kunkler:

On October 25, 2022, I visited the above referenced residential property to perform a visual reconnaissance of the lot layout and geography as well as the surrounding residential properties. The subject property is 0.925 acres in size and is irregularly shaped with significant topographic change, as are the other residential properties located along West Kingston Court. Because of the steep gradient changes in the area and irregular shape of the properties, the homes and structures in the area appear to be placed in non-uniform locations on the lots, as topography allows.

The highest elevation of the subject property appears to be along the northern property boundary which steeply slopes to the south/southwest towards the home and West Kingston Court creating a natural drainage path between the northern side of the home and the base of northern slope. This area appears to receive significant stormwater drainage from upgradient properties and as indicated by photographs provided by the owners/occupants of the subject property, appears to be experiencing erosion control/washout problems during heavy rainfall events. This area would not be considered a viable location for structural development or improvement.

The 484 ft² attached garage in the south/southeast portion of the property appears to be well built and matches existing construction at the property. The garage does not appear to pose a threat or risk to the subject property, surrounding residential properties, or neighborhood. The garage does not appear to negatively obstruct natural stormwater flow or the stormwater flow established by existing development at the property or in the area. There does not appear to be another practical location at the subject property for this garage other than its current location.

Further, the subject property including the home, garage, landscaping and other improvements appear to be immaculately maintained and attract positive attention among the other homes on the street and in the general area. The garage and the other improvements would seemingly add value to the home, the neighborhood, and the City of Sandy Springs.

Respectfully,



Jason M. Wilson
Georgia Professional Engineer #027298



Exhibit B - Regular Flooding Beside House



5265 W Kingston Ct, Atlanta, GA 30342-2128, Fulton County

APN: 17-0015-0004-009-4 CLIP: 5566758061

OWNER INFORMATION

Owner Name	Kunkler Chris	Tax Billing Zip	30342
Owner Name 2	Kunkler Renee	Tax Billing Zip+4	2128
Tax Billing Address	5265 W Kingston Ct	Owner Occupied	Yes
Tax Billing City & State	Atlanta, GA		

LOCATION INFORMATION

Subdivision	James M Keelin Sub	Location Influence	Neighborhood
Municipality/Township	Sandy Springs	Zoning	R2
Census Tract	101.15	Flood Zone Code	X500
Carrier Route	C082	Flood Zone Panel	13121C0163F
Neighborhood Code	170549	Flood Zone Date	09/18/2013
Topography	Above Street		

TAX INFORMATION

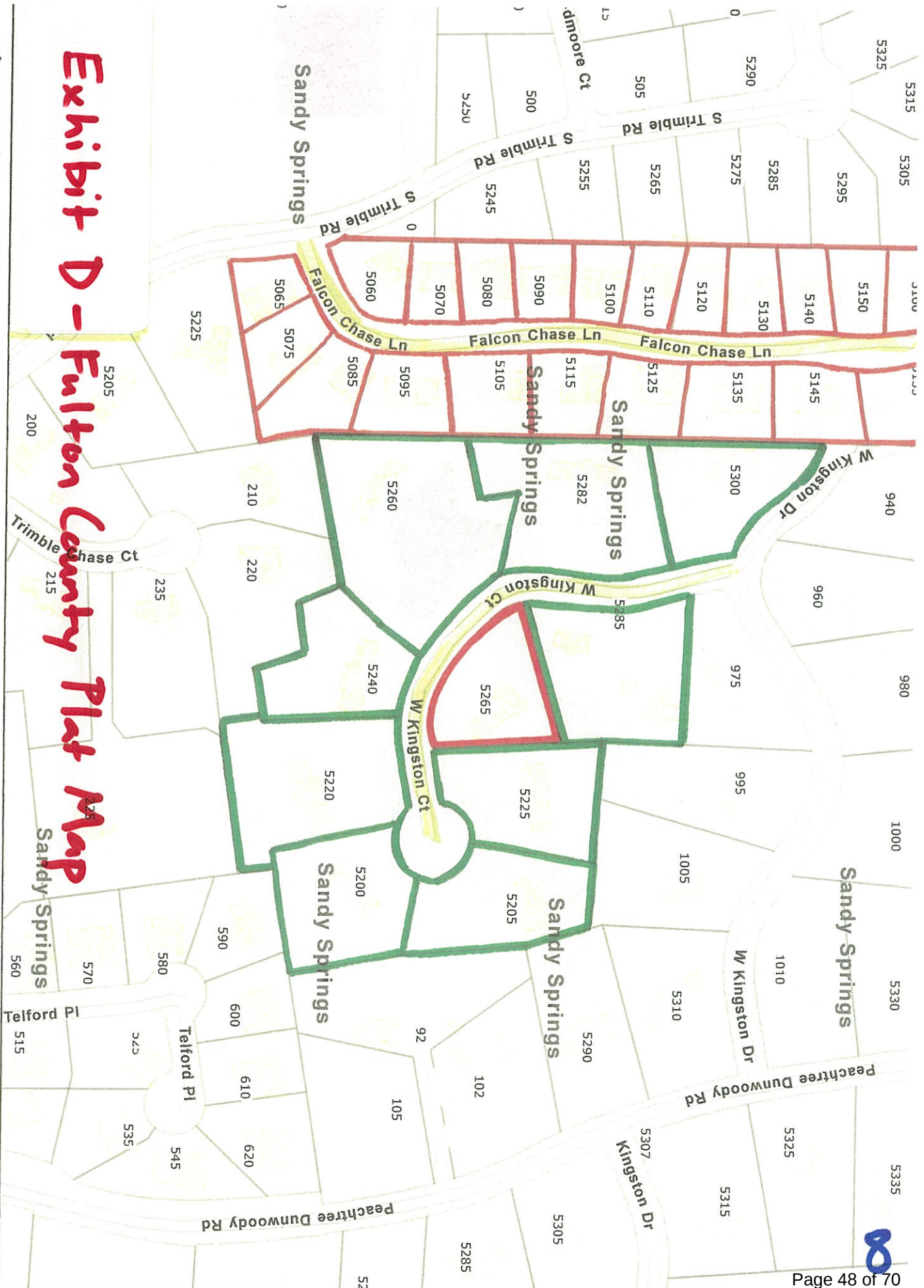
Tax ID	17-0015-0004-009-4	% Improved	68%
Parcel ID	17 001500040094	Tax District Area	59
Alt APN	1903874	Tax Appraisal Area	59
Block No.	B	County Tax	\$6,849
Lot No.	9	Exemption(s)	Homestead

LAST MARKET SALE & SALES HISTORY

Recording Date	06/04/2018	Price Per Square Feet	\$194.32
Settle Date	Tax: 05/31/2018 MLS: 05/14/2015	Deed Book & Page	58837-225
Sale Price	\$520,000	Deed Type	Limited Warranty Deed

Recording Date	06/04/2018	12/08/2017
Sale/Settlement Date	05/31/2018	12/01/2017
Sale Price	\$520,000	
Nominal		Y
Deed Book & Page	58837-225	58238-194
Document Type	Limited Warranty Deed	Executor's Deed
Buyer Name	Kunkler Chris & Renee	Gianturco Giulio M
Seller Name	Gianturco Giulio M	Gianturco Maurizio A

Exhibit C - Fulton County Tax Records



Fulton County GIS

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility



Exhibit E - Neighbor Letters of Support

From the Desk of

MICHAEL J. McDONALD

Department of Planning & Zoning
City of Sandy Springs, GA

February 2, 2023

RE: 5265 West Kingston Court

To Whom it May Concern,

My name is Michael J. McDonald and I reside at [REDACTED]. My wife, Stephanie, and I have lived in our home for fifteen years. I serve as our neighborhood's liaison with the Sandy Springs Police Department and I oversee our neighborhood watch program.

I am writing in strong support of the recently constructed garage at the home of Chris and Renee Kunkler – 5265 West Kingston Court. I understand there are some administrative issues with the permitting process of the structure. I personally inspected the garage and both the craftsmanship and construction of the garage are at the highest standards and the garage has enhanced the aesthetics of the home and curbside appeal of the property. Additionally, our neighborhood has been plagued over the years with auto thefts and car break-ins and the new garage provides a much-needed level of enhanced security – and peace of mind – for the Kunklers. Since the Kunklers moved into our neighborhood, they have invested a plethora of money in upgrading and improving their home and lot and that investment has also increased the appeal and values of the homes along their street. They are excellent neighbors and have been a wonderful addition to the "West Kingston" family. They are exactly the type of residents that Sandy Springs wishes to attract.

I am resolute with my support and hope the Planning & Zoning Department of Sandy Springs provides the requested variance and associated permits for the new garage. I am available to discuss if needed. Thank you very much for your attention to this matter. As always,

Sincerely,



Michael J. McDonald

[REDACTED]

Subject: Fw:

From: Marisa Martin <marisamartin@live.com>

Date: 2/2/2023, 2:45 PM

To: Renee Realty <renee@reneekunklerrealty.com>

Exhibit E cont.

From: Marisa Martin

Sent: Thursday, February 2, 2023 2:44 PM

To: Renee@ReneeKunkleyRealty.com <Renee@ReneeKunkleyRealty.com>

Subject:

Steve and Marisa Martin

1005 West Kingston Drive NE

Sandy Springs, GA 30342

[REDACTED]

We are writing in support of our neighbor's garage addition at 5265 West Kingston Court. The garage is very nice and enhances the appearance of the home. Without the garage, the cars and trucks were parked on the driveway and it was not as aesthetically pleasing. The completed home and garage have increased the value of the properties in our neighborhood and I am grateful to the Kunklers for their reconstruction. In addition, the cars parked outside the garages in our neighborhood have been subject to theft, including our visitors last year. With fewer visible cars on the driveways, perhaps we will not be targeted by as many car thieves; this has been a large problem in our neighborhood.

Please feel free to contact us if you have further questions.

Sincerely,

Steve and Marisa Martin

Exhibit E cont.

Carolyn Anne O'Neil
995 West Kingston Drive
Atlanta, GA 30342



February 1, 2023

Re: 5265 West Kingston Court

To whom it may concern,

I'm writing this letter in support of the garage addition to Chris and Renee Kunkler's home, which is located very near my home. In my opinion, I think it's great! It looks great and fits in beautifully with the renovation of their home, which they have so meticulously accomplished. It's at the top of driveway and allows the family to park their cars out of sight and even more importantly- safely!

As a resident of this street since 1988, I am aware of and have been a victim of crimes of opportunity with cars of my guests being broken into in my driveway. My home was originally built with an enclosed garage so cars and belongings stored there have been safe.

So, I believe that a closed garage is a GOOD thing for homes to have and if would-be criminals are scoping out streets for easy car theft then open carports are risky!!!

I'm hoping that my new next-door neighbor encloses hers as well!!! Let's make sure that the Sandy Springs regulations allow for homeowners to make their homes safer by turning open carports into closed garages!!!

I was so happy to see that the Kunkler family was investing their time and money to enclose the original car port to create a safe garage for their cars and other belongings housed therein.

Please approve their garage!!!! And many more as Sandy Springs residents who own older houses where carports were the norm are able to update and improve their properties to enjoy a safe and beautifully renovated home.

As their neighbor, it the enclosed garage makes me feel safer as well. Please approve the Kunkler family's garage addition.

All best,

Carolyn O'Neil

Exhibit E cont.

Emily Dunn/Emily Dunn Interiors

975 West Kingston Drive

Sandy Springs, Georgia 30342

To: Sandy Springs Planning Department

RE: Variance Request for 5265 W. Kingston Ct.

I am providing this letter of support for the garage addition at 5265 W. Kingston Ct. (the Kunkler's residence).

As a fellow Mid-Century Modern owner in the neighborhood, I truly appreciate the garage and its adherence to the original style of the home. The Design and Execution of the project was done to a very high level and looks amazing.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Dunn", written over a horizontal line.

Emily Dunn

Exhibit E cont.

Mark & Lilly Antebi
5225 West Kingston Court
Sandy Springs, GA 30342
[REDACTED]

December 4, 2021

Re: 5265 West Kingston Court

To whom it may concern,

We are writing this letter in support of our next-door neighbor's garage. It is our opinion that the garage built at the top of the driveway is in no way offensive. On the contrary, it adds character to the space. Located at the top of the drive, the garage houses vehicles which would be parked at random. The structure is well designed and built with the same meticulous workmanship as the renovated house.

Feel free to contact us with any questions.

Very truly yours,



Mark & Lilly Antebi



Exhibit E cont.

Ralph Sharp
5285 W Kingston Ct
Sandy Springs, Ga. 30342

May 16, 2022

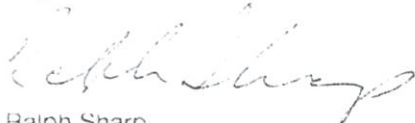
Re: 5265 W Kingston Ct Garage Addition

To Whom it may concern,

This letter is in support of our neighbors garage addition. The garage addition appears to have been meticulously design and constructed to maintain the same appearance and character of the home. The homeowner took great care in making sure the addition was consistent with the architecture of the existing structure including, roof lines, paint, shingles, garage doors and construction. We do not find the structure obtrusive and further believe it adds value, functionality and character to the home.

Please feel free to contact me with any questions or clarifications.

Regards,



Ralph Sharp

Exhibit E cont.

Samuel Engelman

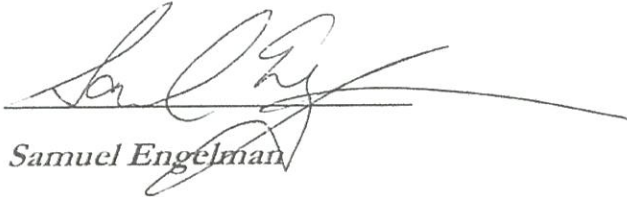
5/15/22

To: Concerned Parties

Pages: 1 of 1

I am writing this letter in support of our neighbors, Renee and Chris Kunkler, garage addition. In my opinion, the design fits the home really well and the workmanship appears to be of high quality. It clearly adds aesthetic value to their home and to our neighborhood.

Sincerely,



Samuel Engelman

5282 W. Kingston Ct., Sandy Springs, GA 30342

Exhibit E cont.

Jay Coffsky, M.D.
5220 W. Kingston Ct.
Atlanta, Georgia 30342



May 18, 2022

Re: 5265 W. Kingston Ct.

To Whom it May Concern

I am writing this letter in support of my across the street neighbor (the Kunkler's) garage addition to their house. The structure is the top quality design and material and actually adds to the symmetry of the house. The overall finished structure actually adds to the appearance of the renovated house and the location of this structure actually has the appearance of what the initial structure of a new structure would appear. In no way does this addition have the appearance of an add on. The structure adds to the beauty of their house and to the street as well. Actually the finished product not only adds to the value of their property but to the value of rest of the street as well.

Truly yours.

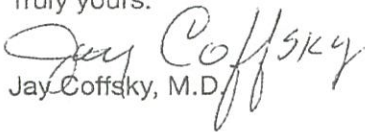

Jay Coffsky, M.D.

Exhibit E cont.

5/15/22

To: Whom it May Concern

I am writing this letter to show my support for my neighbors, Renee and Chris Kunkler at 5265 W. Kingston Ct., for their garage addition. The design matches perfectly with the existing home and the workmanship is well done. It's a great addition to their home.

Best Regards,

A handwritten signature in cursive script that reads "Alan Clark". The signature is written in dark ink and is positioned above a horizontal line.

Alan Clark

5260 W. Kingston Ct. Sandy Springs, GA 30342

Exhibit E cont.

Lisa Belcher & Ruth Breazeale
1100 Kingston Drive
Sandy Springs, GA 30342

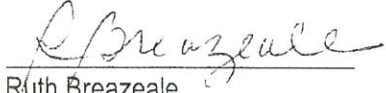
To whom it may concern,

We are writing this letter to voice our support for our neighbors, the Kunklers. The garage that they have added to their existing house is beautiful and enhances the original home. We really appreciate the Kunkler's efforts to preserve the original home at 5265 West Kingston Court. We are also owners of an original sandy springs ranch and cannot be more supportive of the work that the Kunklers have done!

Best Regards,



Lisa Belcher



Ruth Breazeale

Subject: Your garage addition

From: Eric Vassian <ekvassian@gmail.com>

Date: 2/5/2023, 12:06 PM

To: Renee Realty <renee@reneekunklerrealty.com>

Hi Renee,

I just wanted to say that I think your garage addition looks great, and overall makes your home and property look really nice, which in turn adds value to all of the homes on West Kingston. It's a really nice addition.

Eric & Shiara

February 4, 2023

To whom it may concern,

We are writing this letter in support of our neighbor's garage. It is our opinion that the garage built at the top of the driveway is in no way offensive. The structure adds to the beauty of their house, the street and most importantly, it adds value to all our properties.

Please feel free to contact us with any questions,

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Natalia Benza' written in a cursive style. The second signature, on the right, is 'Carlos Calle-Muller' also in a cursive style.

Natalia Benza and Carlos Calle-Muller

980 W Kingston Dr.

Atlanta GA 30342

Exhibit E cont.

Phillip Stroud
1105 Kingston Drive
Sandy Springs, 30342

May 16, 2022

Re: 5265 W Kingston Ct Garage Addition

To Whom it may concern,

Please find this letter as a statement of support for our neighbor's garage addition. The garage addition was designed and built to maintain the current look of the home and neighborhood. As well, the homeowner took great care in making sure the addition was consistent with the architecture of the existing structure including, roof lines, paint, shingles, garage doors and construction. We do not find the structure obtrusive and further believe it adds value, functionality and character to the home.

Please feel free to contact me with any questions or clarifications.

Regards,

Phillip Stroud



Exhibit E cont.

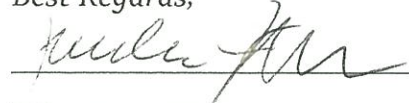
Jill & Jason Wilson

Sandy Springs Variance Department

I am writing this letter to show support for the garage addition at 5265 W. Kingston Ct. (the Kunkler residence).

As their neighbors, we really love the addition of the garage to their home. It fits perfectly with the overall modern design and looks original to the house.

Best Regards,

A handwritten signature in dark ink, appearing to read "Jill & Jason", written over a horizontal line.

Jill & Jason Wilson

1120 Kingston Drive Sandy Springs, Georgia 30342

Exhibit F- Steep Grade on Side of Lot



Exhibit 6 - New Trees Planted





Exhibit H - Front View



michael quinn and associates, p.c.

6767 peachtree industrial blvd. • suite p
norcross, georgia 30092
[REDACTED]

May 13, 2022

Mr. Chris Kunkler
5265 West Kingston Court NE
Atlanta, Georgia 30342

RE: Detached Garage
5265 West Kingston Court
MQ + A Project No. 18175

Dear Chris:

On May 9, 2022, the undersigned visited the referenced residence to evaluate the construction of the detached garage. At the time of our visit, the construction was "complete." Our observations were visual and limited to the exposed portions of the structure. No soils or materials tests were performed.

The approximately twenty two foot by twenty two foot garage is a conventionally framed one story structure on a monolithic concrete slab on ground foundation. No interior finishes are present, allowing observation of the wood framing, which consists of 2 X 4 stud walls, 2 X 8 ceiling joists, and 2 X 8 rafters. The exterior walls and roof are sheathed with one half inch thick plywood.

The garage, designed by others, is well constructed and meets or exceeds the requirements of the 2018 International Residential Code for One and Two Family Dwellings and the Georgia State Amendments.

If you have any questions about this report, or if we can be of further assistance, do not hesitate to call.

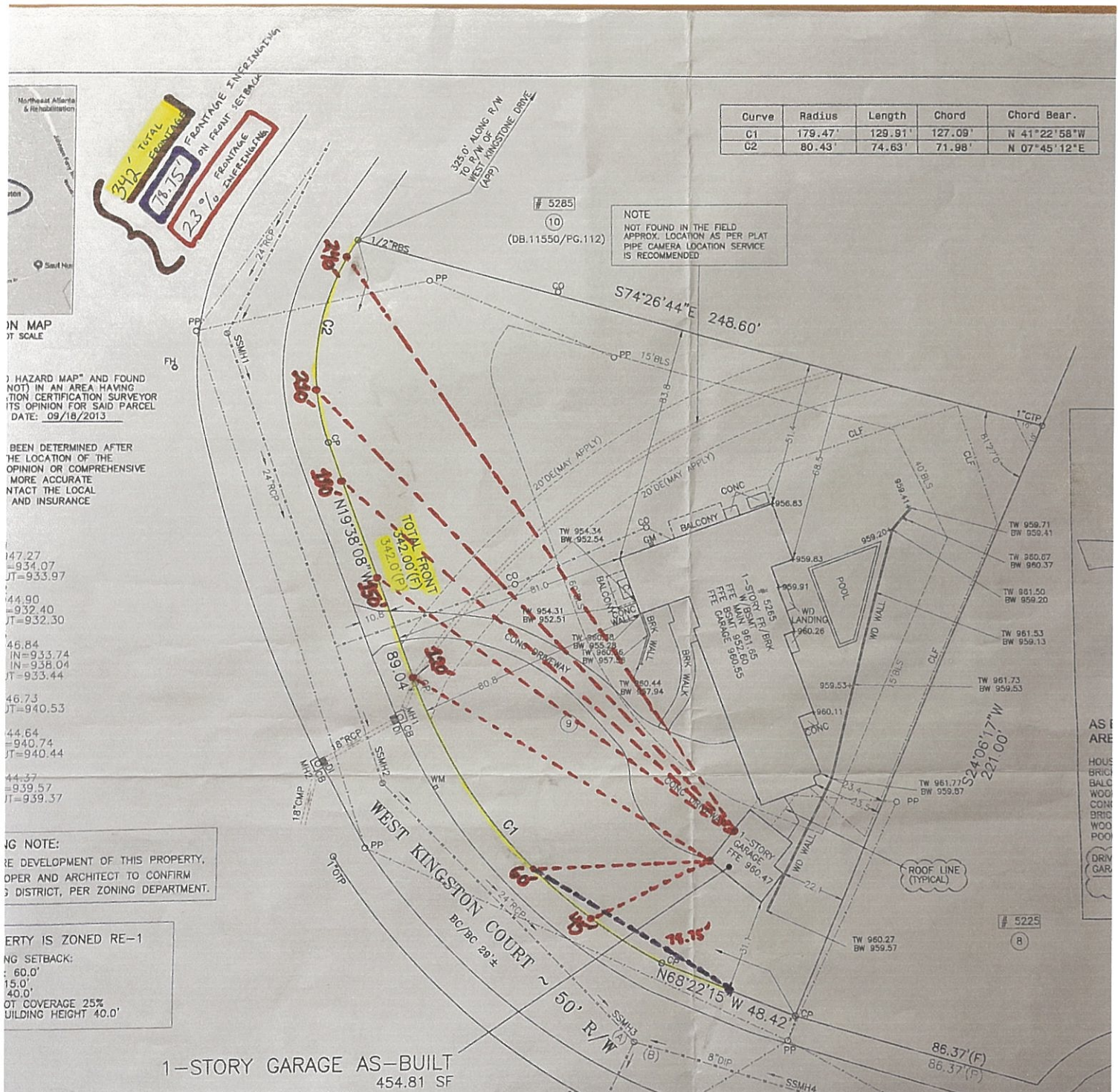
Sincerely,
Michael Quinn & Associates, P.C.


Clinton G. Schaeffer



Exhibit I - Structural Engineer's
consulting engineers Letter

Exhibit J - Setback Infringement



Our Story

January 31, 2023

Chris L. Kunkler
5265 W. Kingston Ct.
Sandy Springs, GA 30342
[REDACTED]

My name is Chris Kunkler and I reside at 5265 W. Kingston Ct. near the heart of Sandy Springs. I have been a residential contractor throughout Atlanta for the last thirty years, and my wife has been a Realtor in Atlanta for the past twenty-two years. We own a boutique firm by the name of Renee Kunkler Realty, which we operate out of our home offices at 5265 W. Kingston Ct. Thank you for taking the time to read the letter that follows. I know that you are incredibly busy and I do appreciate your consideration.

A little over four years ago, my wife (Renee) and I purchased our home at 5265 W. Kingston Ct. We have been proud citizens of the Sandy Springs/Brookhaven neighborhoods for over forty years, and finally found the home in which we would spend our retirement. Renee and I have always been very fond of the midcentury modern architecture that is seen throughout Sandy Springs, and thus spent the next few months repairing and repainting the existing structure to preserve the historic and original James M. Keelin home. A couple of years after we had settled in, we had enough money saved to add some additional covered structure to our home. This addition was necessary to me and my family for a couple of reasons. Firstly, security on our street has been an issue ever since we moved into our home. Both of my children's cars, as well as my wife's car have been broken into as the vehicles sat atop my driveway. If allowed to remain, the additional garage provides us with enough space to securely store our vehicles and personal property. In addition, the garage also provides a space to store my construction tools and equipment for our business. The process of planning the construction of the attached garage here at our home came about circa October 2020.

Having been a contractor throughout Atlanta for the past three decades, I have had the privilege of working with the wonderful individuals who work throughout the City of Sandy Springs, Brookhaven, Atlanta, etc. As a result, I deeply understand the standards to which builders like me are held in preserving the proper aesthetic and tradition which our beautiful city's homes proudly represent. It is for this reason that I spent a great deal of time in 2020 painstakingly designing an addition to our home that is both functional, but more importantly, properly fits within the design of the original home and in no way infringes upon our neighbors. The completed garage is the one on the far right that can be seen in the attached street view picture of our home.

Towards the end of 2020 and in the beginning of 2021, the COVID Pandemic that ravaged our society for several years was still raging, and was severely delaying permitting throughout the state. Times were tough for us all, especially those working for our city governments and institutions. In the preceding years, I had permitted both tree removal and the construction of our swimming pool with the City of Sandy Springs. It was at this moment in August of 2021 in which I made a mistake. I elected to move forward with the construction of the garage without an official permit, as I saw that the permit process had been severely slowed by the pandemic. I built and completed the entire garage in August of 2021, and the structure has now existed for over a year and a half. First and foremost, I would like to apologize for building without a permit. This is something that I have never done throughout my thirty-year career in construction, and was committed as a foolish act of impatience. I was wrong to do what I did, and know that regardless of whatever comes out of my situation that I must take full responsibility for my

actions. It was a mistake I sincerely regret, and one that has cost me dearly in terms of my health as well as financially.

Upon completion of my garage in August of 2021, my family and I operated business as usual. We were happy with our home for months, and were ecstatic about the future. It was at this time (April 2022) that a former neighbor of ours, who has a personal vendetta against me, called the city of Sandy Springs to report the construction of our garage without a permit. I was cited on April 11, 2022 by the City of Sandy Springs, and was ordered to appear in court in May of 2022. As an aside, this neighbor has since sold his home, and moved out of our neighborhood in May of 2022 shortly after reporting me to the city. At our May hearing, the city informed us that the garage was in the front setback, of which I was not aware, and that we must receive approval for a variance in order to allow the structure to remain standing.

To outline the situation at a high level, Sandy Springs allows variances for either hardship, OR exceptional conditions due to the size, shape or topography of the lot as I am sure you are well aware. Following our May hearing, my son and I spent several weeks preparing our variance package for the planning department outlining our case, under the latter criteria, as to why the garage must rest exactly where you see it in the attached exhibits. Our street is very unique, as was the architect's vision for each home to be positioned uniquely upon each lot. In addition, none of the lots on W. Kingston Ct. are the same size, shape, or topography as can be seen on the attached plat map. If you take a look at the plat map, our lot (5265) is the pie shaped one highlighted in red. Our neighbors' lots are highlighted in green, illustrating just how much each lot varies in size and shape on W. Kingston Ct. Compared to the lots on Falcon Chase Ln. (highlighted in orange to the left of our street on the plat map) you can see that this is a much more standard, cookie cutter neighborhood that traditional setback codes are designed for. I would NEVER construct any sort of garage or structure in front of a home on a street such as Falcon Chase Ln. Simply put, the uniqueness of our lot gave me no other choice for the location of my garage. This point is further bolstered by the attached engineer's letters which are referenced in our analysis. The location on which the garage currently rests was the only area on my property where I could construct it. I came to this conclusion after exhausting every possible avenue and idea throughout my 2020 planning period. Additionally, as is highlighted by the attached structural engineer's letter from Clinton G. Schaeffer, the garage that I built "is well constructed and meets or exceeds the requirements of the 2018 International Residential Code for One and Two Family Dwellings and the Georgia State Amendments."

To put it concisely, I painstakingly planned and executed the construction of my properly built garage in the only location possible on my lot due to its unique size, shape, and topography. As our variance package clearly and carefully lays out, we meet the City's requirements for a variance to allow the continued existence of the structure. In addition to meeting the City's requirements, my written and signed letters from EVERY ONE of my neighbors on W. Kingston Ct. outline their support for the continued existence of my garage. I have received nothing but high praise for its design, construction, and location from my neighbors, as well as all of the professionals that I know in the construction industry.

Following our May hearing, my son and I met with a member of the Planning Department (PD) at our "Pre-Planning" meeting in June 2022 to discuss everything that we needed to submit to the staff for their review of our case. It was at this meeting that we encountered what seemed to us to be unreasonable treatment. At that meeting, the PD member recommend we NOT move forward with applying for the variance, as he and his staff would NOT BE RECOMMENDING that the structure be

allowed to exist. The PD member and his staff arrived at this conclusion before ever laying eyes on the package that contained all of the information summarized above. He and his staff planned to recommend denial of our variance without any consideration of our application.

Following this rather upsetting meeting, my son and I requested a meeting with the head of the Planning Department, to hopefully find some middle ground as was recommended to us by the Assistant Solicitor of Sandy Springs. This was not the meeting we walked into. Upon going to City Hall, we walked into a meeting that contained 15+ members of the Planning Department. The head of the Planning Department did not show up to this meeting until a half hour after it began. Simply put, this was an ambush. The entire staff told us that our situation was "black and white," and that due to the strict nature of the code there was no possibility of their recommendation that our variance be approved, even though they did tell us that variances for violations of front setbacks have been approved in the past. This is only a singular example of the contradictory nature of the Planning Department's characterization of our case. This meeting took place on October 13th, weeks after our initial "Pre-Planning" meeting. Even though many weeks had passed since our previous meeting took place, and our application had also been submitted, it was clear that none of the staff had reviewed our package at this point. The aforementioned PD member once again outlined that regardless of what was in our variance application, he and his staff would still recommend that our variance not be approved.

We have yet to encounter any neighbors or peers within the industry that have anything but praise for the location of the garage and its construction/design. The garage in no way appears inappropriate in its location, and in fact it has been echoed to us by our peers that it looks original to the house. We begged everyone from the planning department to visit our home to see the garage for themselves, but were met with nothing but resistance. We hope that a decision that would require me to tear down a portion of my home would be met with adequate consideration from the city. The only people that do not want the garage to continue to exist are those in the Sandy Springs Planning Department, none of whom have seen the garage for themselves.

I am deeply sorry for the mistake that I made in building the garage without a permit. I understand that I need to be held accountable for my actions and hope that you could help us find a way to fulfill my obligations to the city without destroying my home. I would pay a fine, serve time, or do anything necessary to avoid the destruction of my garage, but at this point tearing down the structure serves no one. Again, I am truly sorry for my mistake, and hope that we can come to a resolution. Please feel free any time to come by to visit. Thank you for your time and your consideration. I really appreciate it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris L. Kunkler", written over a horizontal line.

Chris L. Kunkler