



SANDY SPRINGS

GEORGIA

PLANNING COMMISSION

Reed Haggard, Chair

Robin Conklin

Elizabeth Kelly

Dave Nickles

Andy Porter

Andrea Settles

Karen Trylovich

Wednesday, May 17, 2023

Regular Meeting

6:00 p.m.

The Planning Commission 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/pcmeeting
Teleconference:	Phone: (646) 558-8656 Webinar ID: 818 0393 5386
Public Comment:	http://spr.gs/publiccomment

I. Call to Order

II. Roll Call and General Announcements

III. Approval of Meeting Agenda

- A. **PC2023-0012** May 17, 2023 Planning Commission Meeting Agenda
(Presented by Samantha Brown, Planning and Zoning Clerk)

IV. Approval of Meeting Minutes

- A. **PC2023-0011** April 19, 2023 Planning Commission Meeting Minutes
(Presented by Samantha Brown, Planning and Zoning Clerk)

V. Cases

- A. **PC2023-0010** **TA23-0003** - An Ordinance to amend Development Code Article 11.
Administration.
(Presented by: Matthew Anspach, Senior Planner)

VI. Ongoing Business

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.



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VII. New Business

VIII. Adjournment

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

Meeting of the Planning Commission – Meeting Meeting Minutes Summary
Studio Theatre, Sandy Springs City Hall via Live Webinar and Teleconference
April 19, 2023 at 6:00 p.m.
Page 1 of 2

Meeting of the Sandy Springs Planning Commission was held on April 19, 2023 at 6:00 p.m. Chair Reed Haggard presiding.

I. Call to Order

Chair Reed Haggard called the meeting to order at 6:00 p.m.

II. Roll Call and General Announcements

Members Present: Chair Reed Haggard, Member Elizabeth Kelly, Member Andrea Settles, Member Karen Trylovich, Member Dave Nickles.

Members Absent: Vice Chair Andy Porter, Member Robin Conklin

III. Approval of Meeting Agenda

Motion and Vote: A motion was made by Member Dave Nickles, seconded by Member Elizabeth Kelly to approve the April 19, 2023 meeting agenda. The motion carried by unanimous vote.

IV. Approval of Meeting Minutes

A. March 22, 2023 Meeting Minutes

Motion and Vote: A motion was made by Member Elizabeth Kelly, seconded by Member Karen Trylovich to approve the meeting minutes for March 22, 2023. The motion carried by unanimous vote.

V. Cases

- A. PC23-00010 CA23-0001 – 6110 Bluestone Road, 135 Hilderbrand Drive, 51 Sandy Springs Place – Character Area Map Amendment from Conservation/Parks (CON) to City Springs (CS). (**Deferred from March 22, 2023 meeting**)**

(Presented by: Matthew Anspach, Senior Planner)

Chair Reed Haggard opened the public hearing.

Support w/Concerns

1. Bruce Morris, on behalf of the Bluestone community – 6105 Bluestone Road, # 221, Sandy Springs, GA 30328

Opposition

1. Alan Panzer – 5 Braemore Dr

Chair Reed Haggard closed the public comment period and opened the floor for discussion.

Discussion:

Chair Reed Haggard asked the **Assistant City Manager Kristin Byars Smith** to elaborate on the meeting she had with the Bluestone residents prior to tonight's meeting where she may have addressed some of the concerns Mr. Morris brought up in the public comment. **Assistant City Manager Kristin Byars Smith** responded in the affirmative that a lot of the concerns were discussed in hopes that the group would better understand the City's intent with this Character Area Map Amendment proposal. She also stated that there would be continued community engagement, including Bluestone residents, throughout the process before any properties can be rezoned or redeveloped after this initial Character Area Map Amendment.

Member Andrea Settles commented that the commission members also live in the City and the changes are very important to them as it is for the residents of Sandy Springs. She also stated that she wanted to make sure that everyone is heard and is aware of the community meetings.

Assistant City Manager Kristin Byars Smith also added that this case would go to the June 6 Mayor and City Council meeting instead of the May meeting, because the City would have a development partner selected by the June 6 Mayor and City Council meeting.

Motion and Vote: A motion was made by Member Andrea Settles, second by Dave Nickles to approve CA23-0001. The motion carried by unanimous vote.

VI. Ongoing Business

None

VII. New Business

None

VIII. Adjournment

Motion and Vote: A motion was made by Member Dave Nickles, seconded by Member Andrea Settles, to adjourn the meeting. The motion carried by unanimous vote at 6:27 pm.

Approved by: May 17, 2023

Reed Haggard, Chair

Samantha Brown, Planning & Zoning Clerk



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P&Z STAFF REPORT

Planning Commission Meeting, May 17, 2023

Case: **TA23-0003 – Updates to Article 11**
Staff Contact: Matthew Anspach (manspach@sandyspringsga.gov)
Report Date: May 12, 2023

PURPOSE
An Ordinance to amend Development Code Article 11, Administration.

RECOMMENDATION
Department of Community Development
Staff recommends Approval of Text Amendment TA23-0003.

PROCESS
Planning Commission Hearing: May 17, 2023
Mayor and City Council Hearing: June 20, 2023

Sec. 11.1.3. Board of Appeals

Sec. 11.1.3. Board of Appeals

The Board of Appeals has those powers and duties expressly identified in this Article, including, but not limited to:

A. **Decision** To review and decide on applications for:

1. Appeals of the Director's administrative decision or interpretation of this Development Code as it pertains to the issuance of Stop Work Orders (SWO);
2. ~~Appeals regarding approval or denial of preliminary plat or final plat without any public dedication; and~~
3. 2. Variance from the standards of this Development Code.

Sec. 11.5.1. Land Disturbance Permits

- G. **Denied Application** If unsatisfied with the Director's decision, the applicant may file an appeal within 30 calendar days of the decision with the Superior Court of Fulton County ~~Board of Appeals~~.

Sec. 11.5.4.H.7-8. Other Permits

7. **Appeals of decision made by the Director** Appeals of decisions made by the Director shall be submitted to the ~~Board of Appeals~~ Superior Court of Fulton County, as provided in Sec. 11.6.3.
8. ~~Appeals of decision made by the Board of Appeals~~ Appeals of a decision made by the Board of Appeals under the provisions of this section shall be as provided for in Sec. 11.6.3.

Sec. 11.6.1.G. Administrative Variance

- G. **Denied Application** If the Director denies the request, the applicant may file an application for a variance with the ~~Board of Appeals~~ Superior Court of Fulton County under Sec. 11.6.23, within 30 calendar days of the decision.

Sec. 11.6.2.G.1-2. Variances

1. Variances will only be granted upon showing that:

- a. The variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;
- b. The variance if granted will not be detrimental to the public safety, health, or welfare of the public or injurious to other property;
- c. The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- d. Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- e. The variance requested is the minimum necessary to accomplish the development or building;
- f. In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resource affected by the proposed development, should the variance be granted; and.
- g. Such conditions are not the result of action or inaction of the current property owner; and

2. Failure of an applicant to obtain a land disturbance, building or any other permit required by this Code shall not in and of itself constitute a justification for a variance absent a showing of the criteria listed under Section 1 above.

- ~~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 that prohibits the proposed scope of work from being able to comply with the Development Code.~~

2. —Further, the application must demonstrate that:

- ~~a. —Such conditions are not the result of action or inaction of the current property owner; and~~
- ~~b. —The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and~~
- ~~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.~~

Sec. 11.6.3.A-B. Administrative Appeals

Sec. 11.6.3. Administrative Appeals

- A. **Authority** The ~~Board of Appeals~~ Superior Court of Fulton County has the authority to hear and decide on appeals regarding administrative decisions made by the Director. For appeals of Stop Work Orders, which are heard by the Board of Appeals, see process requirements below.
- B. **Application Initiation** Any applicant or immediate neighbor unsatisfied with a decision by the Director on an application may file a writ of certiorari with the Fulton County Superior Court, or if the appeal is in regards to an Stop Work Order, it shall be heard by ~~an appeal with~~ the Board of Appeals.

BACKGROUND

In 2022, the State of Georgia updated the Zoning Procedures law (§ 36-66) by passing HB 1405, to go into effect in July of this year (2023). Because of this, and in consideration of other process improvements to the Development Code, staff proposes edits dealing with the administration of our existing variance and appeals processes. The proposed edits involve changes to regulations related to the City's quasi-judicial board: The Board of Appeals (BOA).

ANALYSIS

Staff proposes that all administrative appeals wherever listed in the code, which includes all decisions of the Director as well as appeals from the decision of any other city official, i.e. arborist, building inspector, code enforcement, engineer, etc., shall be made directly to Fulton County Superior Court via writ of certiorari. All such appeals, which are "quasi-judicial" decisions, will no longer go to the Board of Appeals--- other than appeals for an issuance of a Stop Work Order.

Also in this amendment, staff proposes enhancements to the criteria used to determine the merit of a variance request used by the Board of Appeals and considered by the applicant and staff. The amendment to the criteria is largely drawing out the existing criteria. We believe the proposed changes provide more standard criteria for the Board of Appeals to consider when reviewing and determining variance decisions.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Approval** of **Text Amendment** TA23-0003, An Ordinance to amend Development Code Article 11, Administration.

Planning Commission

May 17, 2023



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TA23-0003

Administrative Code Updates

Purpose & Goal of Policies

- Meets a stated goal or policy and in response to changes in State law
 - Many variance considerations would benefit from enhanced clarity of criteria; changes to criteria will assist staff, the BOA, and the public in making decisions that best honor the intent of the Development Code
 - Administrative appeals directly to Superior Court of Fulton County will help City be in conformance with State Zoning Procedures law update
- TA23-0003 – Development Code only changes (PC & MCC)
- Related text amendment to City Code Changes (to Council)

Text Amendment

Art. 11. Administration

- **Criteria drawn out**
- Most all admin appeals to **Superior Court of Fulton County (SCFC)**
 - **Quasi-judicial**
- Designate a **person to service appeals**
 - **Likely the City Attorney**
- Application for BOA decision **reconsideration** 10 days
 - **Someone does not believe criteria were correctly considered**
 - **Board could reconsider**

Text Amendment

- Clarify criteria; example:
- Replace BOA with SCFC throughout Article 11
- Accompanying City Code Additions/Changes in June at Mayor & City Council

G. Approval Criteria

1. Variances will only be granted upon showing that:

- The variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;
- The variance if granted will not be detrimental to the public safety, health, or welfare of the public or injurious to other property;
- The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- The variance requested is the minimum necessary to accomplish the development or building;
- In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resource affected by the proposed development, should the variance be granted; and.
- Such conditions are not the result of action or inaction of the current property owner; and

2. Failure of an applicant to obtain a land disturbance, building or any other permit required by this Code shall not in and of itself constitute a justification for a variance absent a showing of the criteria listed under Section 1 above.

- ~~The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or~~
- ~~There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties that prohibits the proposed scope of work from being able to comply with the Development Code.~~

2. Further, the application must demonstrate that:

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

Recommendation

- Staff recommends **approval** of **TA23-0003**.



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