



Variance Petition No. 201202478

HEARING & MEETING DATES

Board of Appeals Hearing

December 13, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Christopher Scott	Christopher Scott	Christopher Scott

PROPERTY INFORMATION

Address, Land Lot(s), and District	375 Montevallo Drive Land Lot 67, 17 th District
Council District	5
Frontage	Approximately 99.99 feet of frontage along Montevallo Drive.
Area	The subject property has a total area of approximately .661 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1-2, 1 to 2 units per acre

INTENT

The applicant is proposing to enclose and increase the depth of the existing carport. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

1. Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to six (6) feet, three (3) inches to allow for the enclosure and expansion of an existing carport.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201202478 – 1) APPROVAL CONDITIONAL

Parcel Map

375 Montevallo Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on December 13, 2012.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to six (6) feet, three (3) inches to allow for the enclosure and expansion of an existing carport.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The proposed expansion and enclosure of the existing carport will encroach into the ten (10) foot side yard setback, but not at a depth greater than that of the existing carport. As with other homes in this neighborhood, the carport is original to the house and is not equipped with a garage door nor is it deep enough to accommodate today's vehicles. Based on these considerations, the fact that the existing carport encroaches into the side yard setback and similar carport expansions and enclosures in the neighborhood, staff is of the opinion that this proposal is in accordance with the intent and harmony of the ordinance and the surrounding land uses. Staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The lot is quite narrow and the existing carport is within the side yard setback, so there are limited options for expanding the carport and creating a garage that does not encroach into the side yard setback. The width of the lot limits the available developable area. Staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday November 7, 2012 and which no additional comments were provided.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request, to allow for the enclosure and expansion of an existing carport.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required ten (10) foot side yard setback to six (6) feet, three (3) inches to allow for the enclosure and expansion of an existing carport, as shown on the site plan dated received October 5, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received October 5, 2012

Site Plans and Elevation – Dated received October 5, 2012

Photographs