



Variance Petition No. 201303671

HEARING & MEETING DATES

Board of Appeals Hearing
January 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Charles E. Moon, Jr.

Petitioner
Todd Lipton

Representative
Todd Lipton

PROPERTY INFORMATION

Address, Land Lot(s), and District 0 N Mill Road (17 0126LL058)
Land Lots 126, 17th District

Council District 3

Frontage Approximately 140 feet of frontage

Area Approximately .91 acres

Existing Zoning R-2A (Single Family Residential District) pursuant to Fulton County case Z66-0023

Existing Use Undeveloped

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a single family residence. The applicant is requesting two (2) primary variances, one from the Zoning Ordinance and one from the Stream Buffer Protection Ordinance:

1. Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow construction of a single family residence.
2. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance for relief from the required seventy-five (75) foot impervious setback and fifty (50) foot undisturbed buffer to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303671 – 1) APPROVAL
2) APPROVAL

Standards for Consideration

VARIANCE #1

Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow construction of a single family residence.

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,

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 9, 2014.

Finding:

Many of the homes along this street have varying front yard setbacks. The proposed reduction in the front yard setback of the applicant's property would be at a distance similar to those along the street, which have been built closer to the street due to severe topography changes. The intent of the ordinance to create a cohesive feel for a neighborhood is still being preserved based on the inconsistencies of setbacks along North Mill Road. 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 subject parcel is trapezoidal in shape and slopes down sharply towards the rear of the property. Additionally, there are stream buffers covering a large percentage of the buildable area of the lot. 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.

VARIANCE #2

Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance for relief from the required seventy-five (75) foot impervious setback and fifty (50) foot undisturbed buffer to allow for the construction of a single family residence.

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	0 sf	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	483 sf	483 sf
50' – 75' Stream Buffer	0 sf	1,545 sf	1,545 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	2,028 sf	2,028 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the property is irregular in shape with extreme topographical grade changes. More than half of the applicant's buildable area is covered by the stream buffer, applied to a stream running through the middle of the lot, parallel to the street frontage. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property exhibits an unusual circumstance when the minimum buffer requirement is strictly applied. The lot is less than one acre in size, and more than half of the buildable area is covered by applicable stream buffers. Based on these reasons, staff is of the opinion this condition has not been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

As previously mentioned, the property is irregular in shape and has significant changes in topography from the street to the stream, and then from the stream to the rear property line. The stream buffer runs through the middle of the property, parallel to the street, limiting viable development options. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

There are essentially zero alternative design possibilities, however, this was discussed at the time of application. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.

Department Comments

Focus Meeting held on Wednesday December 4, 2013, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Transportation. The Arborist provided the following:

Arborist	) If the Board decides to approve the stream buffer variance, a condition could be added that the area between in the 50' undisturbed buffer be replanted with native riparian vegetation.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance and Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL** of the variance request to allow for a reduction in the front yard setback, and **APPROVAL** of this variance request to allow for an increase in the impervious surface setback, and undisturbed buffer.

Recommended Condition(s)

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

- 1) To reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for construction of a single family residence, as shown on the site plan dated received November 25, 2013.
- 2) To reduce the seventy-five (75) foot impervious surface buffer and fifty (50) foot undisturbed buffer to allow for the construction of a single family residence.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received November 25, 2013
Site Plan – Dated received November 25, 2013
Photographs

0 North Mill Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 9, 2014.



Variance Petition No. 201303718

HEARING & MEETING DATES

Board of Appeals Hearing
January 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Patrick Carroll

Petitioner
Bill Caldwell

Representative
Bill Caldwell

PROPERTY INFORMATION

Address, Land Lot(s), and District 4777 Lake Forrest Drive
Land Lots 94, 17th District

Council District 6

Frontage Approximately 124.85 feet of frontage

Area Approximately 1.3 acres

Existing Zoning R-3 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a sidewalk to gain access to the rear portion of the lot. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of a sidewalk.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303718 – 1) DENIAL

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	0 sf	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	996 sf	996 sf
50' – 75' Stream Buffer	0 sf	2,478 sf	2,478 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	3,474 sf	3,474 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the property is regular in shape, and exceeds the minimum lot area for the zoning district. There are significant changes in topography; however, they have not limited development of the parcel. Based on these reasons, staff is of the opinion this condition has not been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property does not exhibit an unusual circumstance when the minimum buffer requirement is strictly applied. The current lot is developed with a single family residence, an additional buildable area is available. Based on these reasons, staff is of the opinion this condition has not been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

As previously mentioned, the property is regular in shape with topographical challenges; however the topographical challenges have not limited the buildable area of the lot. Staff is of the opinion that the property does not exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have been discussed with staff; however the applicant feels that he proposed alternative is most suitable for the lot and the environment. The applicant would be permitted one perpendicular stream crossing to access the remaining portion of their lot. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.

Department Comments

Focus Meeting held on Wednesday December 4, 2013, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation:	• Lake Forrest Drive is on the Sidewalk Master Plan network. • Public works supports revegetation of the stream buffer above the minimum standards.
Arborist:	• Due to the amount of impervious surface and the location of the proposed sidewalk traveling parallel to the setback an alternative location should be considered.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **DENIAL** of this variance request to allow for construction of a sidewalk.

Recommended Condition(s)

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

- 1) To reduce the required seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of a path, as shown on the site plan dated received November 7, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

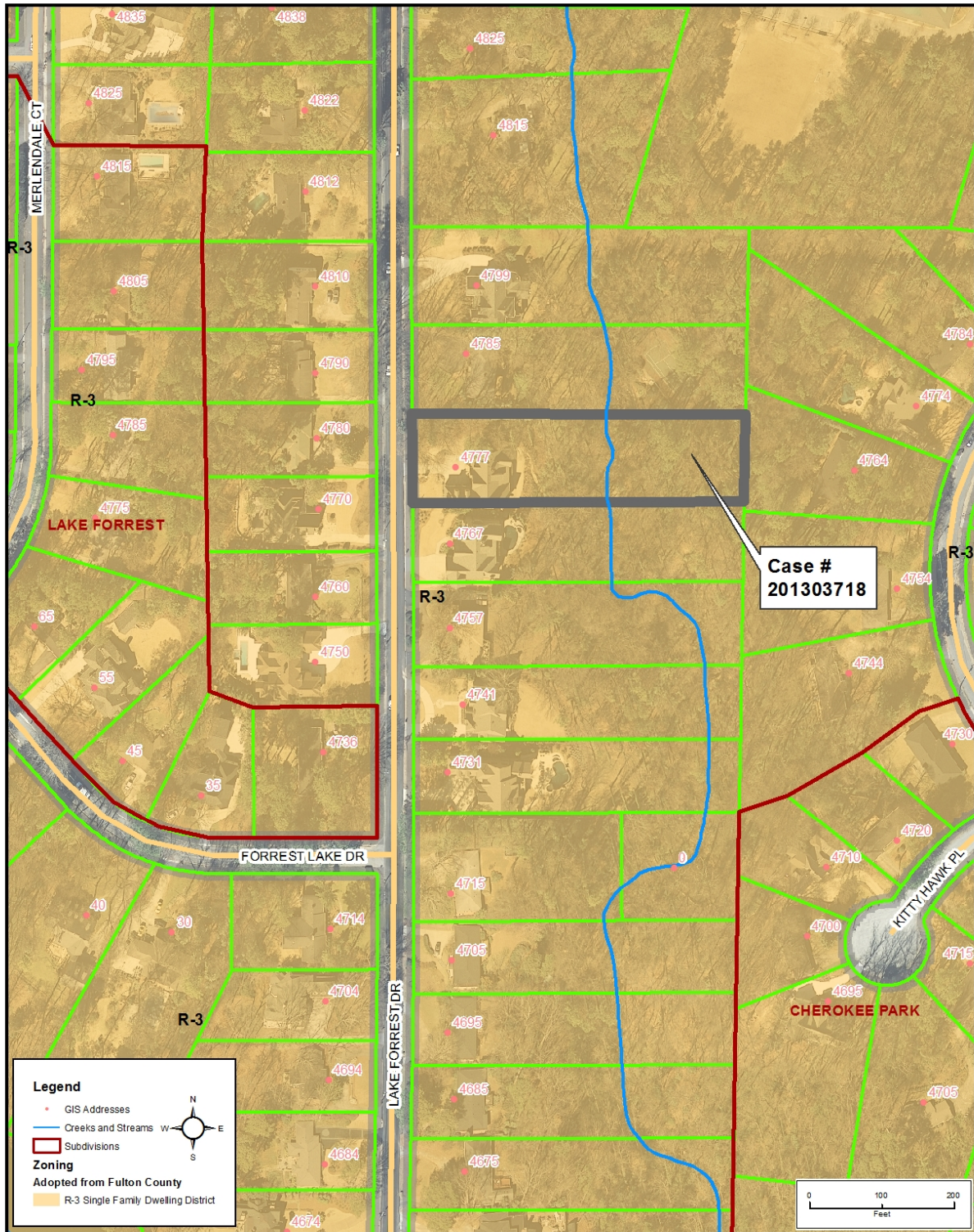
Letter of Appeal – Dated received November 7, 2013

Site Plan – Dated received November 7, 2013

Photographs

Letters of Opposition

4777 Lake Forrest Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 9, 2014.



Variance Petition No. 201303735

HEARING & MEETING DATES

Board of Appeals Hearing
January 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Barbara C. Carlson

Petitioner
Mary K. Lanning

Representative
Mary K. Lanning

PROPERTY INFORMATION

Address, Land Lot(s), and District 5005 Jett Road
Land Lots 176, 17th District

Council District 6

Frontage Approximately 403.5 feet of frontage

Area Approximately 5.496 acres

Existing Zoning R-1 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 0 to .5 units per acre

INTENT

The applicant is proposing to encroach into the seventy-five (75) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer to allow for the construction of a rain garden. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the required seventy-five (75) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer to allow for the construction of a rain garden.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303735 – 1) DENIAL

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	0 sf	83 sf	83 sf
25' – 50' Stream Buffer	0 sf	466 sf	466 sf
50' – 75' Stream Buffer	169 sf	567 sf	736 sf
Total Impervious Surface encroaching in Stream Buffer	169 sf	1,116 sf	1,285 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the property is irregular in shape with minimal topographical grade changes. The applicant's entire rear yard is covered by the stream buffer, which accounts for approximately two-fifths (2/5) of the land area along the property's northern and eastern edges. However, the applicant's side yard, adjacent to Long Island Creek and front yard, along Jett Road, account for nearly three acres of land not in the stream buffer. Based on these reasons, staff is of the opinion this condition has not been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property does not exhibit an unusual circumstance when the minimum buffer requirement is strictly applied. The applicant has approximately three (3) acres of land outside of the stream buffer. If the applicant were to adhere to minimal requirements, the garden could go in either the side or front yard without disrupting the stream buffer. Based on these reasons, staff is of the opinion this condition has not been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

As previously mentioned, the property is irregular in shape and the topography is relatively flat. The stream buffer runs along the northern and easterly property boundaries and account for approximately two-fifths (2/5) of the land area. Therefore, nearly three (3) acres of land sits outside of the stream buffer. Staff is of the opinion that the property does not exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff. Therefore, staff is of the opinion this condition has not been satisfied.

e. *The long-term and construction water quality impacts of the proposed variance;*

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. *Whether issuance of the variance is at least as protective of natural resources and the environment.*

Findings:

Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.

Department Comments

Focus Meeting held on Wednesday December 4, 2013, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	))	Jett Road is on the Sidewalk Master Plan network Public works supports revegetation of the stream buffer with native plant materials.
Arborist	))	Encroachment into the 25' state buffer cannot exceed 100 sq.ft. If the Board decides to approve the variance in the City stream buffer the requirement of planting the garden with native riparian vegetation should be included in the conditions.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **DENIAL** of this variance request to allow for the construction of a rain garden.

Recommended Condition(s)

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

- 1) To reduce the required seventy-five (75) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer to allow for the construction of a rain garden, as shown on the site plan dated received November 8, 2013 by the Department of Community Development.

ATTACHMENTS:

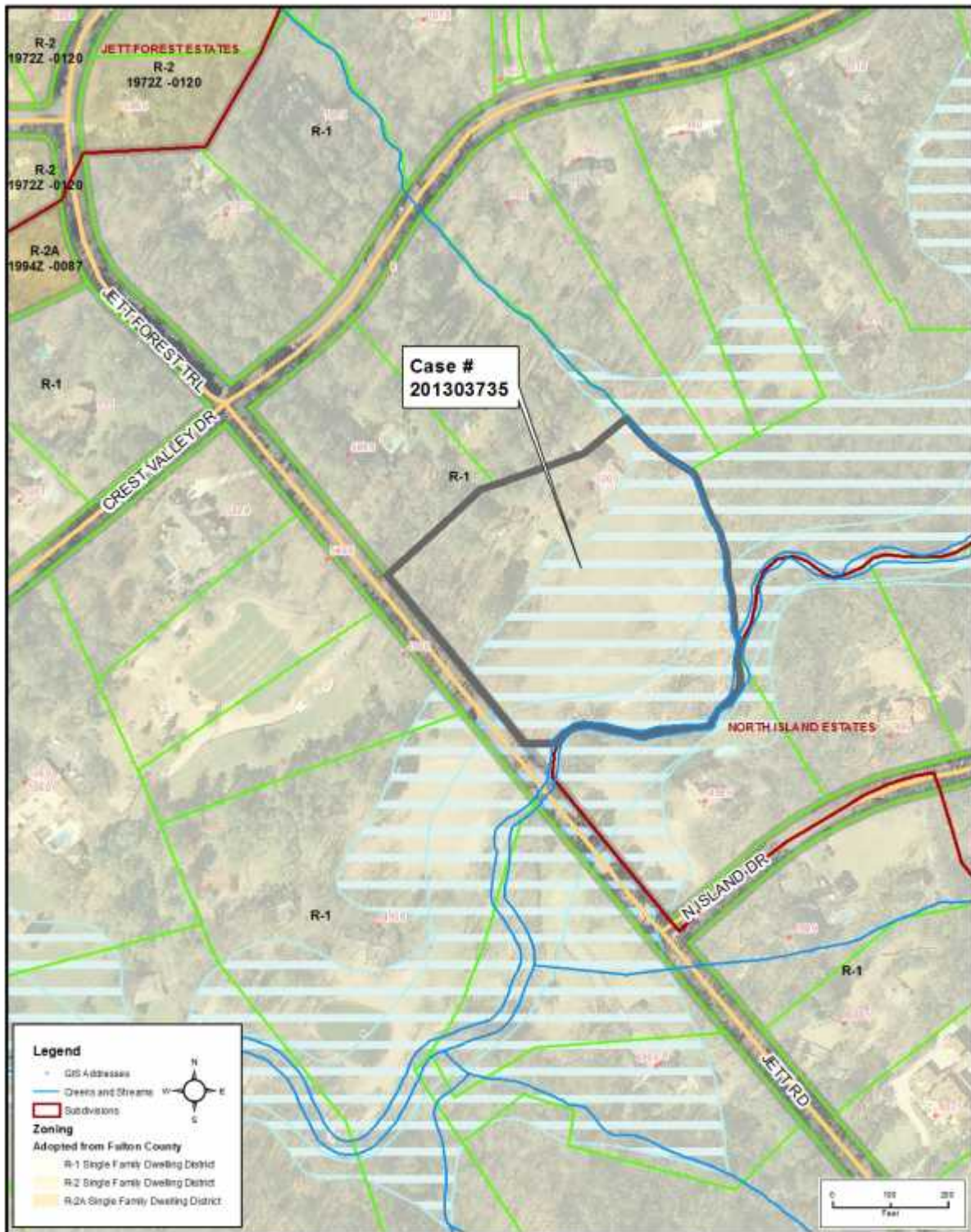
Parcel Map

Letter of Appeal – Dated received November 8, 2013

Site Plan – Dated received November 8, 2013

Photographs

5005 Jet Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 9, 2014.