



## Variance Petition No. V09-048

### HEARING & MEETING DATES

#### Board of Appeals Hearing

November 12, 2009

December 10, 2009

January 14, 2010

### APPLICANT/PETITIONER INFORMATION

#### Property Owner

Walter Mills

#### Petitioner

Walter Mills

#### Representative

Walter Mills

### PROPERTY INFORMATION

**Address, Land** Cameron Valley Court, 17-0206-0011-040

**Lot(s), and District** Land Lot 206, District 17

**Council District** 3

**Frontage:** 136.42 feet along Cameron Valley Court.

**Area:** Approximately 0.743 acres.

**Existing Zoning and Use** The lot is zoned CUP (Community Unit Plan District) under Fulton County zoning case Z78-0031. The property is currently undeveloped.

**Overlay District** N/A

#### 2027

**Comprehensive Future Land Use Map Designation** R1-2 Residential (1-2 units per acre)

### INTENT

The applicant is requesting a primary variances from the Zoning Ordinance:

- 1) Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 27 feet to allow for the construction of a single-family house, driveway, porch and stairs.

At the November 12, 2009 BOA meeting the Board deferred the application to the December 10, 2009 BOA meeting to discuss alternative locations for the house to preserve the fifty (50) foot undisturbed buffer.

At the December 10, 2009 BOA meeting the Board deferred the application to the January 14, 2010 BOA meeting at the applicants request.

The applicant requested the case be deferred to allow more time to consult an architect regarding alternative locations for the house.

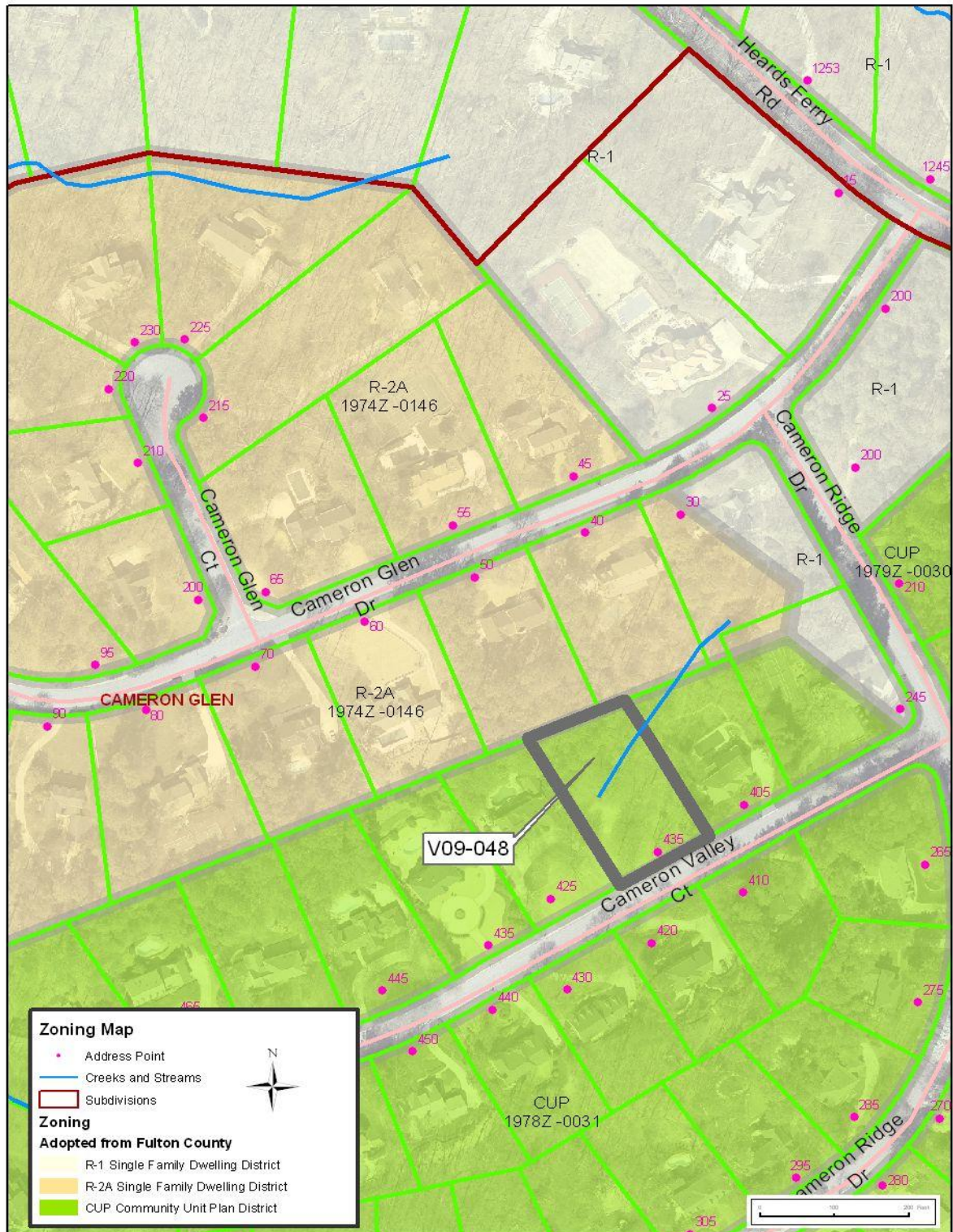
The applicant met with Staff on December 23, 2009 to discuss alternative designs for the proposed house and to submit a new site plan. **The applicant is no longer proposing to pipe the stream and has reduced the encroachment of the house into the 50 foot buffer.**

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 14, 2010

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION  
V09-048 - 1)APPROVAL CONDITIONAL

Parcel Map

0 Cameron Valley Court



**CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS**

CASE NUMBER: V09-048

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577  
E-mail: linda.abaray@sandyspringsga.org

**REQUEST:**

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 27 feet to allow for the construction of a single-family house, driveway, porch and stairs.

**ANALYSIS:**

The applicant has submitted a revised site plan indicating a change to the original variance request. The applicant has withdrawn the request to pipe the stream. The subject property has 136.42 feet of frontage along Cameron Valley Court. The property is wooded, trapezoidal in shape, and sloping to the center of the lot towards the stream. The centerline of the stream runs north to south bisecting the lot. The stream runs ninety-nine (99) feet across the property before entering an existing twenty-four (24) inch corrugated metal pipe. There is also a sanitary sewer easement that runs parallel to the stream though the center of the property. The applicant has revised the site plan to reduce the encroachment of the proposed house, driveway, porch and stairs into the 50 foot undisturbed buffer and the 25 foot impervious setback. The site plan shows a proposed water quality structure under the driveway to collect storm water from the proposed house and driveway. The total encroachment in the fifty (50) foot buffer would be five hundred thirty-one (531) square feet. The total encroachment in the twenty-five (25) foot impervious setback is nine hundred fifty-five (955) square feet. Below is a chart with a breakdown of the buffer encroachments.

| <b>Stream Buffer Encroachments</b> |             |                                   |             |
|------------------------------------|-------------|-----------------------------------|-------------|
| <b>50 Foot Undisturbed Buffer</b>  |             | <b>25 Foot Impervious Setback</b> |             |
| Proposed House                     | 143 sqft    | Proposed House                    | 619 sqft    |
| Stairs                             | 13 sqft     | Stairs                            | 75 sqft     |
| Driveway                           | 0 sqft      | Driveway                          | 261 sqft    |
| Pervious Porch                     | 375 sqft    | Pervious Porch                    | 0 sqft      |
| Total Encroachment                 | 531sqft     | Total Encroachment                | 955 sqft    |
| Area of 50' Buffer                 | 12,943 sqft | Area of 25' Impervious            | 17,089 sqft |
| Percentage of Encroachment         | 4.10%       | Percentage of Encroachment        | 7.78%       |

Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The sanitary sewer easement also restricts the buildable area of the property. The footprint of the house was set off the front setback to protect existing trees along the front of the lot.

Staff notes the surrounding lots in the immediate vicinity are zoned CUP (Community Unit Plan District). The properties to the north of the subject property are zoned R-2A (Single Family Dwelling District). The stream runs through a small portion of the three (3) lots to the northeast.

### Department Comments

The staff held a Focus Meeting on October 7, 2009 at which the following departmental comments were provided:

|                                              |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND<br/>LAND<br/>DEVELOPMENT</b> | Engineering Plan<br>Reviewer                  | <ul style="list-style-type: none"> <li>▪ The lowest floor elevation of the new house, including basement shall be elevated to at least the higher of the following two elevations:               <ol style="list-style-type: none"> <li>1) three feet above the 100 year water surface elevation at the inlet of the pipe (new pipe if installed, or existing pipe if new pipe not installed);</li> <li>2) two feet higher than the elevation of the ground surface at the threshold over which water would flow to continue downstream if the water level upstream of the pipe were to rise such that overland flow downstream were to occur.</li> </ol> </li> </ul> |
|                                              | Arborist/Landscape<br>Architect               | <ul style="list-style-type: none"> <li>▪ The existing feature is piped from the start of the next door property to the owners' property.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                              | Building Plan<br>Reviewer                     | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>FIRE DEPT.</b>                            | Fire Protection<br>Engineer                   | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>TRANSPORTATION</b>                        | Public Works Dept.,<br>Transportation Planner | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                              | Georgia Department of<br>Transportation       | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## Standards for Consideration

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each of these variance criteria followed by an analysis by staff:

**Section 109-225(b)(3)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 is granted.**

Staff is of the opinion that the property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The land would be unable to be developed without relief from the stream buffer requirements. Therefore, staff is of the opinion this condition has been satisfied.

**Section 109-225(b)(3)b. – Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.**

Staff is of the opinion that the property has an unusual circumstance when strict adherence to the minimal buffer requirement would create an extreme hardship. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The land would be unable to be developed without relief from the stream buffer requirements. Therefore, staff is of the opinion this condition has been satisfied.

**Section 109-225(b)(5)a. – The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;** Staff is of the opinion that this condition has been satisfied.

**Section 109-225(b)(5)b. – The location of all streams on the property, including along property boundaries;** Staff is of the opinion that this condition has been satisfied.

**Section 109-225(b)(5)c. – The location and extent of the proposed buffer or setback intrusion;** Staff is of the opinion that this condition has been satisfied.

**Section 109-225(b)(5)d. – Whether alternative designs are possible which require less intrusion or no intrusion;**

Alternative designs have been discussed with staff regarding this property. The applicant has eliminated the piping of the stream and revised the design of the home to reduce the buffer encroachment. However, intrusion into the stream buffer would occur at any location within the buildable area of the lot. Therefore, staff is of the opinion this condition has been satisfied.

**Section 109-225(b)(5)e. – The long-term and construction water quality impacts of the proposed variance; and**

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs. Therefore, staff is of the opinion this condition has been satisfied.

**Section 109-225(b)(5)f. – Whether issuance of the variance is at least as protective of natural resources and the environment.**

Staff is of the opinion that the issuance of the variance is as protective of natural resources and the environment because the current lot is vacant. The applicant is proposing to install native vegetation to the currently un-vegetative buffer. The impervious surfaces of the house are required to be tied into a water quality device at the issuance of a building permit. Therefore, staff is of the opinion this condition has been satisfied.

**Conclusion**

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

## **Recommended Condition(s)**

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

- 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received December 23, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the 50 foot undisturbed buffer and 25 foot impervious set back to 27 feet to allow for a new house, new driveway, stairs and porch where necessary to accommodate the portion of the encroachment only.
- 2) The lowest floor elevation of the new house, including basement shall be elevated to at least the higher of the following two elevations:
  - a. three feet above the 100 year water surface elevation at the inlet of the pipe (new pipe if installed, or existing pipe if new pipe not installed);
  - b. two feet higher than the elevation of the ground surface at the threshold over which water would flow to continue downstream if the water level upstream of the pipe were to rise such that overland flow downstream were to occur.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced for building additions and/or other improvements, downspouts shall be directed into a rain garden or a Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 5) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

## **ATTACHMENTS:**

Letter of appeal dated received September 1, 2009

Revised Site plan dated received December 23, 2009

Site plan dated received September 24, 2009

Topographic map with foot print and location of adjacent homes dated received December 23, 2009

Flood Insurance Rate Map, and photographs.

Square footages of existing house along Cameron Valley Court

Letters of support