



P&Z STAFF REPORT

Board of Appeals Hearing; February 11, 2016

Case: **V15-0039 –5200 Riverview Road**

Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)

Report Date: February 1, 2016

REQUEST

Four (4) Variance Requests:

1. Variance from Section 6.1.3.C of the Zoning Ordinance to allow an existing structure and proposed garage within the required minimum side yard of twenty-five (25) feet;
2. Variance from Section 6.1.3.B and 19.3.15 of the Zoning Ordinance to allow an existing pool to remain within the required minimum front yard of sixty (60) feet;
3. Variance from Section 6.1.3.I of the Zoning Ordinance to allow the proposed garage and existing pool in the front yard;
4. Variance from Section 4.3.4 of the Zoning Ordinance to allow the existing steps and walkways to remain, and to allow the construction of reasonable and appropriate handrails.

****Update from the December Board of Appeals Hearing:** The applicant decided to proceed with variances #1-4 as originally requested. However, she would like to maintain the flexibility to modify the location of the proposed driveway.

APPLICANT

Property Owner: Judith L. McKinley	Petitioner: Judith L. McKinley	Representative: Amy L. Hillman
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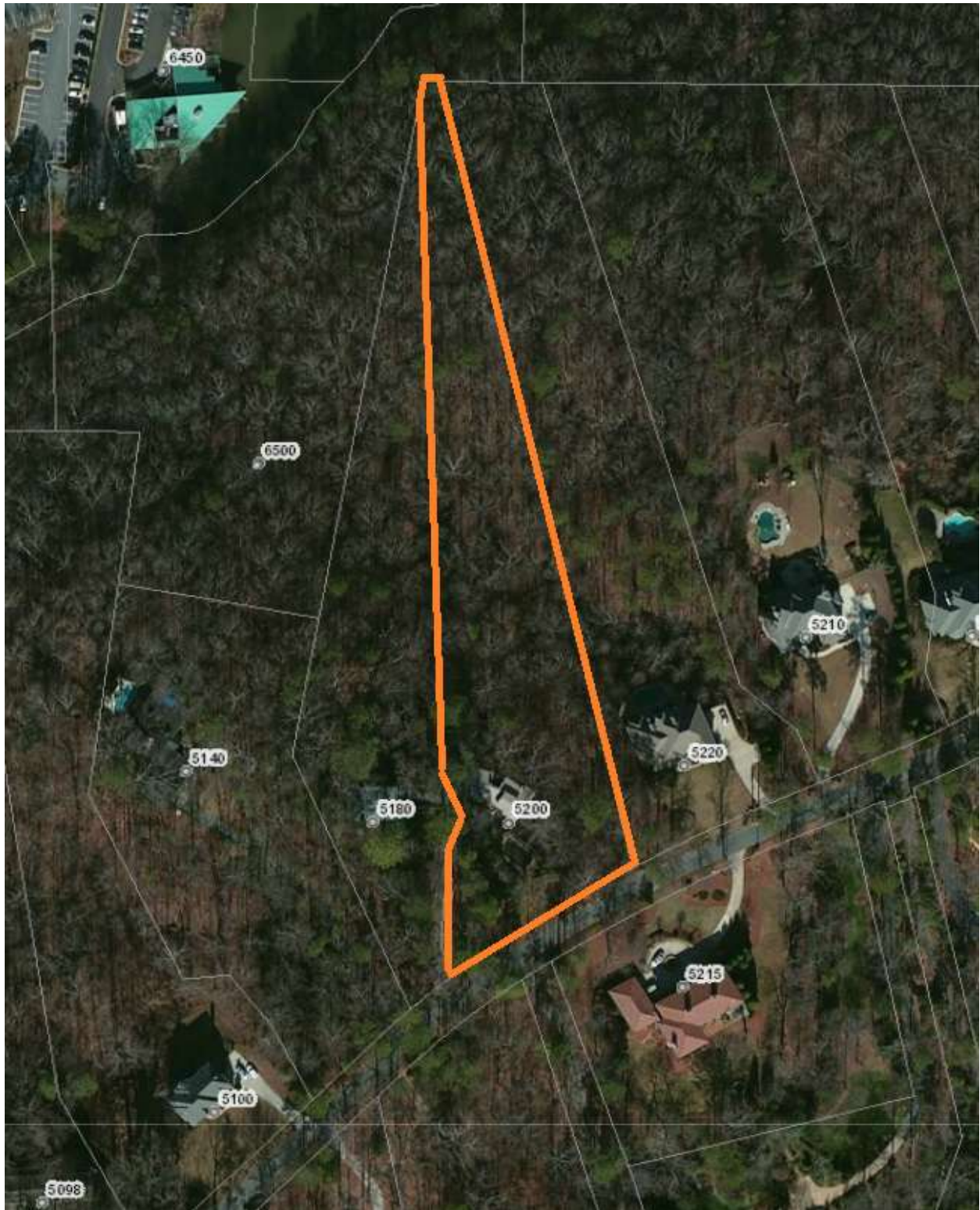
PROPERTY INFORMATION

Location:	5200 Riverview Road 17 0204 LL 1452
Council District:	6; Andy Bauman
Road frontage:	Approximately 220 feet along Riverview Road
Acreage:	2 acres
Existing Zoning:	R-1 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	Protected Neighborhood Character Area
Future Land Use Designation:	R0-0.5 (0-0.5 units per acre)

SUMMARY
The existing single family dwelling does not have a garage or driveway. The applicant currently parks her vehicle on a gravel parking pad located along Riverview Road and walks to the dwelling along the stairs encroaching into the minimum front yard. The property suffers from steep topographical challenges which prevent the construction of a garage within the remaining buildable area. The proposal seeks to bring the existing dwelling, pool, steps, handrails, and walkways into conformity, to allow the construction of new handrails, and to allow the construction of a single-car, detached garage of 425 square feet and covered breezeway in the front and minimum side yards. The existing pump house shall be removed. The applicant requested a sixty-day deferral at the December 10, 2015 hearing to review and potentially modify her requests. Per an email received on Monday, January 25th, no revisions to the request were submitted. The only potential modification to the proposed plan is the location of the driveway, which the applicant would like to have the ability to modify its location on site.

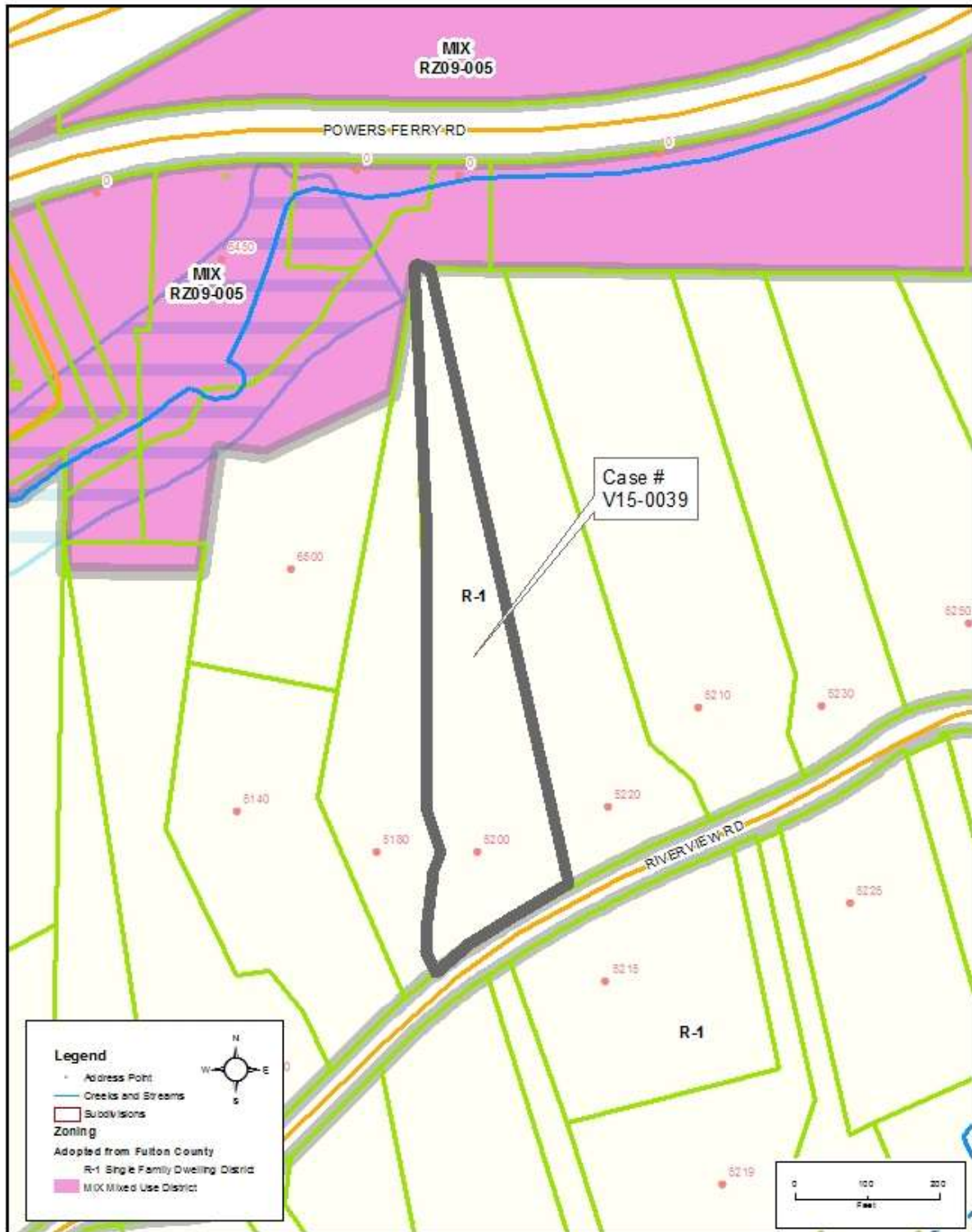
RECOMMENDATION
Department of Community Development
Staff recommends conditional approval of variance requests 1, 2, 3, and 4 to allow the existing dwelling, pool, steps, handrails, and walkways to remain, to allow the construction of new handrails, and to allow the construction of a detached, 425 square foot single-car garage and covered breezeway.

AERIAL IMAGE



ZONING MAP

5200 Riverview Rd



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request No.1: (Section 6.1.3.C) *Request to allow an existing structure and proposed garage within the required minimum side yard of twenty-five (25) feet.*

Finding: According to the Fulton County Tax Assessor, the existing dwelling was constructed in 1961, prior to the adoption of the Sandy Springs Zoning Ordinance. The proposed detached, 425 sf garage and covered breezeway will replace the existing dilapidated pump house (approximately 6' x 7'), and is adjacent to the neighbor's asphalt driveway. At its greatest encroachment, the covered breezeway will remain at least five (5) feet from the property line, and the garage will remain ten (10) feet from the property line.

Despite the appearance of remaining buildable area, the remaining area faces steep topographical challenges that make the remaining space unbuildable. Additionally, the garage would be replacing the dilapidated pump house, and would therefore be in harmony with the intent of the Zoning Ordinance which seeks to prevent blight and depreciation.

Staff recommends **Approval**

Request No.2: (Section 6.1.3.B and 19.3.15) *Request to allow an existing pool to remain within the required minimum front yard of sixty (60) feet.*

Finding: The existing pool is legally nonconforming. It was likely placed in its current location to take advantage of the less intense topography and larger area within the shape of the lot. The pool is not being expanded to occupy more space. No changes are being made to the existing pool, and the pool was constructed prior to current ownership.

Staff recommends **Approval**

Request No.3: (Section 6.1.3.I) *Request to allow the proposed garage and existing pool in the front yard.*

Finding: The existing pool is legally nonconforming. The pool is not being expanded to occupy more space. No changes are being made to the existing pool, and the pool was constructed prior to current ownership.

Due to the topography of the site, the proposed garage and covered breezeway would not visually impose upon the view from the street if located in the front yard. The proposed location is approximately ninety (90) feet from the applicant's front property line. The garage would be replacing the dilapidated pump house, and would therefore be in harmony with the intent of the Zoning Ordinance which seeks to prevent blight and depreciation.

Staff recommends **Approval**

Request No.4: (Section 4.3.4) *Request to allow the existing steps and walkways to remain, and to allow the construction of reasonable and appropriate handrails.*

Finding: The intent of the Zoning Ordinance is to promote the health and general welfare. The existing steps and walkways provide a safe method of pedestrian access to the property, and the addition of handrails would further encourage pedestrian safety and connectivity.

Staff recommends **Approval**

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Conditional Approval** of variance requests 1, 2, 3, and 4 to allow the existing dwelling, pool, steps, handrails, and walkways to remain with the ability to construct new handrails, and to allow the construction of a detached single-car garage and covered breezeway subject to the following conditions:

1. To allow an existing structure and proposed 425 sf garage and covered breezeway within the required minimum side yard of twenty-five (25) feet as shown on the Phase II site plan dated received by the Department of Community Development on October 6, 2015 (Driveway location subject to change from the Phase II Site Plan);
2. To allow an existing pool to remain within the required minimum front yard of sixty (60) feet as shown on the Phase II site plan dated received by the Department of Community Development on October 6, 2015;
3. To allow a proposed 425 sf garage and existing pool in the front yard as shown on the Phase II site plan dated received by the Department of Community Development on October 6, 2015;
4. To allow the existing steps, walkways, and handrails to remain as shown on the Phase II site plan dated received by the Department of Community Development on October 6, 2015, and to allow the construction of new handrails;
5. The existing parking pad located along Riverview Road shall be removed immediately following completion of the driveway and garage, at the time of final site inspection for the driveway Residential Land Disturbance Permit.



P&Z STAFF REPORT

Board of Appeals Hearing; February 11, 2016

Case: **V15-0054 – 1095 Vernon Springs Court**
Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: February 1, 2016

REQUESTS

1. Primary Variance from Section 109-225 of the Development Regulations to allow an additional encroachment of 1,092.3 sf of impervious surface within the 50' stream buffer and 25' additional impervious surface setback;
2. Primary Variance from Section 109-225 of the Development Regulations to bring the existing dwelling and patio into legal conformity, which currently encroaches into the 25' and 50' stream buffers and the additional 25' impervious surface setback.

The applicant is additionally requesting the following **administrative** variances:

1. Minor Variance V15-0055 from Section 6.3.3.B of the Zoning Ordinance to allow an encroachment of five (5) feet into the required minimum front yard of sixty (60) feet to construct a new two-car garage;
2. Administrative Minor Variance V15-0056 from Section 6.3.3.C of the Zoning Ordinance to allow an encroachment of one (1) foot into the required minimum side yard of fifteen (15) feet to construct a new two-car garage.

APPLICANT

Property Owner: Lisa Ediger	Petitioner: Lisa Ediger	Representative: Todd Pullen
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PROPERTY INFORMATION

Location:	1095 Vernon Springs Court; Parcel #s:
Council District:	6; Andy Bauman
Road frontage:	Approximately 100 feet along Vernon Springs Ct NW
Acreage:	0.63 acre
Existing Zoning:	R-2A per 1962Z-0067
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1 to 2 units per acre)

SUMMARY

The existing dwelling, constructed in 1966, currently encroaches into the 25' and 50' stream buffers, and the 75' impervious surface setback. Existing impervious surface encroachments are as follows: 243.4 sf into the 25' state buffer, 1,079 sf into the 50' state buffer, and 1,955 sf into the additional 25' impervious surface setback. The applicant seeks to expand the existing dwelling by enclosing the current garage to create a larger kitchen and constructing a new garage. The expansion would increase the encroachment within the 50' stream buffer by 397 sf and within the additional 25' impervious surface setback by 695.3 sf.

If approved as requested, the total encroachments would be as follows: 243.4 sf of impervious surface within the 25' state buffer, 1,476 sf within the 50' stream buffer, and 2,650.3 sf within the additional 25' impervious surface setback.

	Existing Encroachments	Proposed Increase in Encroachment	Total proposed encroachments	Percent Change
25' Stream Buffer	243.4 sf	0 sf	243.4 sf	0%
50' Stream Buffer	1,079 sf	397 sf	1,476 sf	36.8%
25' Impervious Surface Setback	1,955 sf	695.3 sf	2,650.3 sf	35.6%

The applicant discussed the proposal with Patty Berkovitz of the Watershed Alliance of Sandy Springs. The proposed mitigation strategy includes:

- Capturing rainwater from a 1" rainstorm from the covered entry porch beneath the proposed gravel front entry court;
- Capturing rainwater from the new garage in a detention area on the lower eastern side of the drive, utilizing the naturally depressed area;
- Capturing rainwater from the eastern side of the dwelling and driveway in a detention area on the lower eastern side of the drive, utilizing the naturally depressed area;
- Utilizing perforated piping (not underneath the drive) set in a gravel ditch.

In addition to the requested stream buffer variances, the applicant has requested administrative variances to allow the proposed expansion to encroach into the required minimum front and side yards.

RECOMMENDATION

Department of Community Development

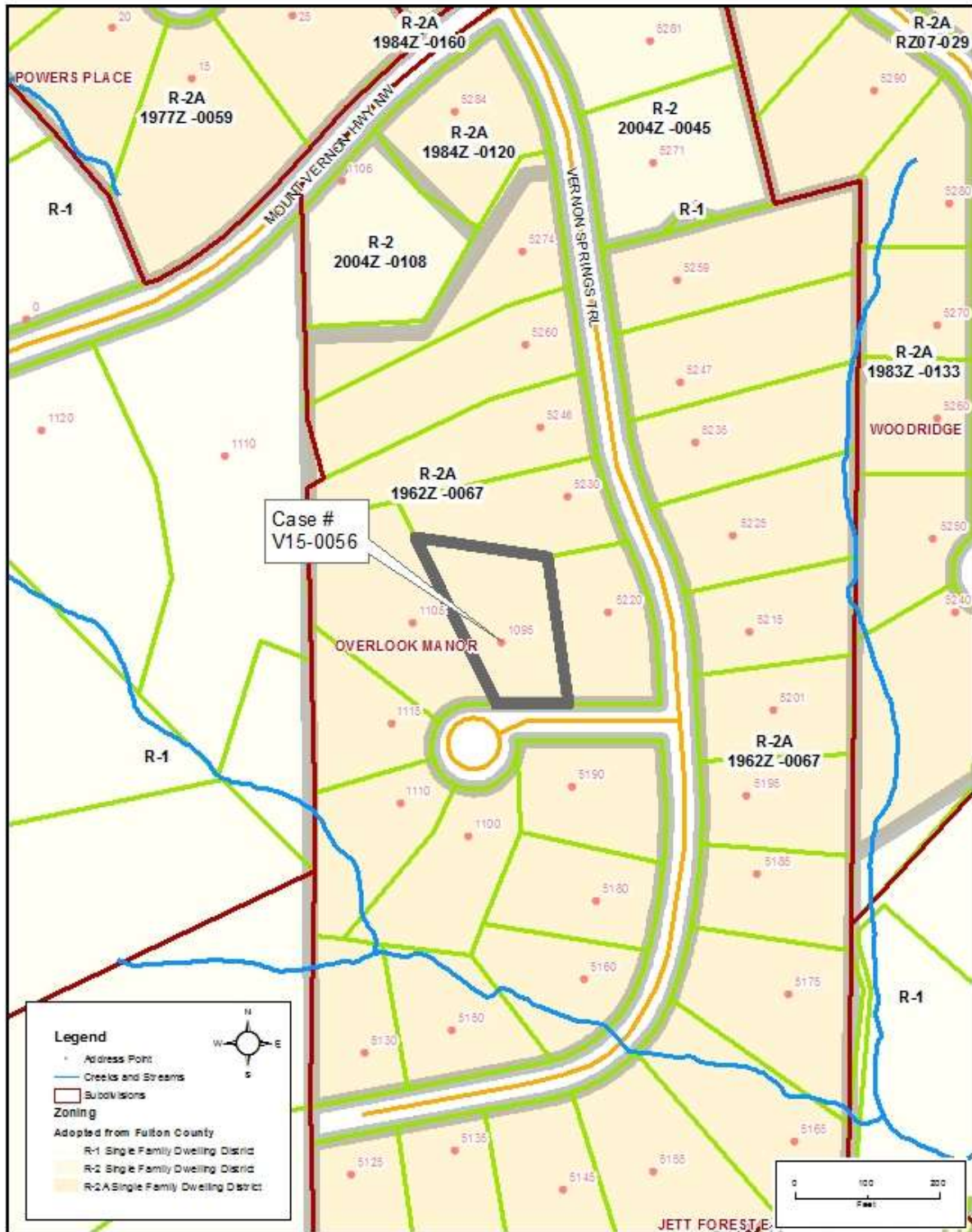
Staff recommends **Conditional Approval** of variance request V15-0054 to allow the existing dwelling and patio to remain, and to allow an additional 1,092.3 square feet of impervious surface within the 50' stream buffer and additional 25' impervious surface setback

AERIAL IMAGE



ZONING MAP

1095 Vernon Springs Ct



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Section 109-225(b) of the City's Development Regulations includes one or more criteria which must be met before a stream buffer variance can be approved by the Board of Appeals:

Section 109-225(b) Variance procedures. Variances from subsection (a) of this section may be granted in accordance with the following relevant provisions:

(1) Where a parcel was platted prior to the effective date of the ordinance from which this article is derived, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the city finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the city council may grant a variance from subsection (a) of this section, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. Once established by the city council, the board of appeals may grant a variance from subsection (a) of this section, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

[...]

(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.

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

Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Request No.1: *Primary Variance from Section 109-225 of the Development Regulations to allow an additional encroachment of 1,092.3 sf of impervious surface within the 50' stream buffer and 25' additional impervious surface setback.*

Finding: The existing dwelling was constructed in 1966, prior to the adoption of the City of Sandy Springs Zoning Ordinance or Development Regulations. The proposal seeks to renovate portions of the exterior of the building, and expand the dwelling which is currently situated on a slope adjacent to a stream. The existing impervious lot coverage is 17.22%. With the addition, the proposed impervious lot coverage will be 20.3%.

The vast majority of the buildable area is consumed by steep slope, stream buffers, and the impervious surface setback, creating a virtually unbuildable lot by current standards. Strict adherence to the minimum buffer requirements would prevent development within the allowable buildable area. Variances to Section 109-225 of the Development Regulations may be granted provided that the variance proposes mitigation measures to offset the effects of any proposed land development on the parcel. The proposed mitigation strategy includes:

- Capturing rainwater from a 1” rainstorm from the covered entry porch beneath the proposed gravel front entry court;
- Capturing rainwater from the new garage in a detention area on the lower eastern side of the drive, utilizing the naturally depressed area;
- Capturing rainwater from the eastern side of the dwelling and driveway in a detention area on the lower eastern side of the drive, utilizing the naturally depressed area;
- Utilizing perforated piping (not underneath the drive) set in a gravel ditch.

Due to the hardship created by the amount of buildable area impacted by the stream buffers, the extreme topography and naturalized areas of the stream buffer encompassing much of the side and rear lots, and that the proposed design has maintained minimal impact to the property, staff recommends approval of the variance request.

*Staff recommends **approval***

Request No.2: *Primary Variance from Section 109-225 of the Development Regulations to bring the existing dwelling and patio into legal conformity, which currently encroaches into the 25’ and 50’ stream buffers and the additional 25’ impervious surface setback.*

Finding: The existing dwelling was constructed in 1966, prior to the adoption of the City of Sandy Springs Zoning Ordinance or Development Regulations. Existing impervious surface encroachments are as follows: 243.4 sf into the 25’ state buffer, 1,079 sf into the 50’ state buffer, and 1,955 sf into the additional 25’ impervious surface setback.

*Staff recommends **approval***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Conditional Approval** of variance request V15-0054 to allow the existing dwelling and patio to remain, and to allow an additional 1,092.3 square feet of impervious surface within the 50' stream buffer and additional 25' impervious surface setback, subject to the following conditions:

1. To the site plan dated received by the Department of Community Development on December 1, 2015;
2. To no more than 397 total square feet of additional impervious surface within the 50' stream buffer and 695.3 total square feet of additional impervious surface within the additional 25' impervious surface setback;
3. Green Infrastructure Practices shall be provided to compensate for the first 1.2" of rainfall for the additional 1,092.3 sf of impervious surface within the 50' stream buffer and 25' additional impervious surface setback. Mitigation measures such as a rain garden, bioretention area, infiltration trench, and detention area may be utilized subject to site engineering.



P&Z STAFF REPORT

Board of Appeals Hearing; February 11, 2016

Case: **V15-0066 – 5920 Hilderbrand Drive**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: February 1, 2016

REQUEST

Variance from Section 6.4.3.C of the City of Sandy Springs Zoning Ordinance to encroach 5.3 feet into the required ten (10) foot side yard setback to allow for an existing carport and attached patio to remain and to bring the site into conformance with the Zoning Ordinance. The request is also in association with section 4.3.1.b.1 Continuance of a Nonconforming Structure or Building which shall not be enlarged, altered or rebuilt. The proposed house addition and location on the lot fully complies with the Zoning Ordinance.

APPLICANT

Property Owner: 5335 MVP, LLC	Petitioner: Joel P. Eisenberg	Representative: N/A
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PROPERTY INFORMATION

Location:	5920 Hilderbrand Drive
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 100 feet along Hilderbrand Drive
Acreage:	0.71 acre
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R2-3 (1-2 units per acre)

SUMMARY

The applicant is requesting this variance to bring the carport and attached patio into conformance with the Zoning Ordinance current side yard setback requirement, which would allow for the addition of a front porch in the future. The existing carport and attached patio currently encroaches 5.3 feet into the required ten (10) foot side yard setback. Before the applicant can be permitted to add to a non-conforming structure, a variance would be required to bring the carport into compliance with current

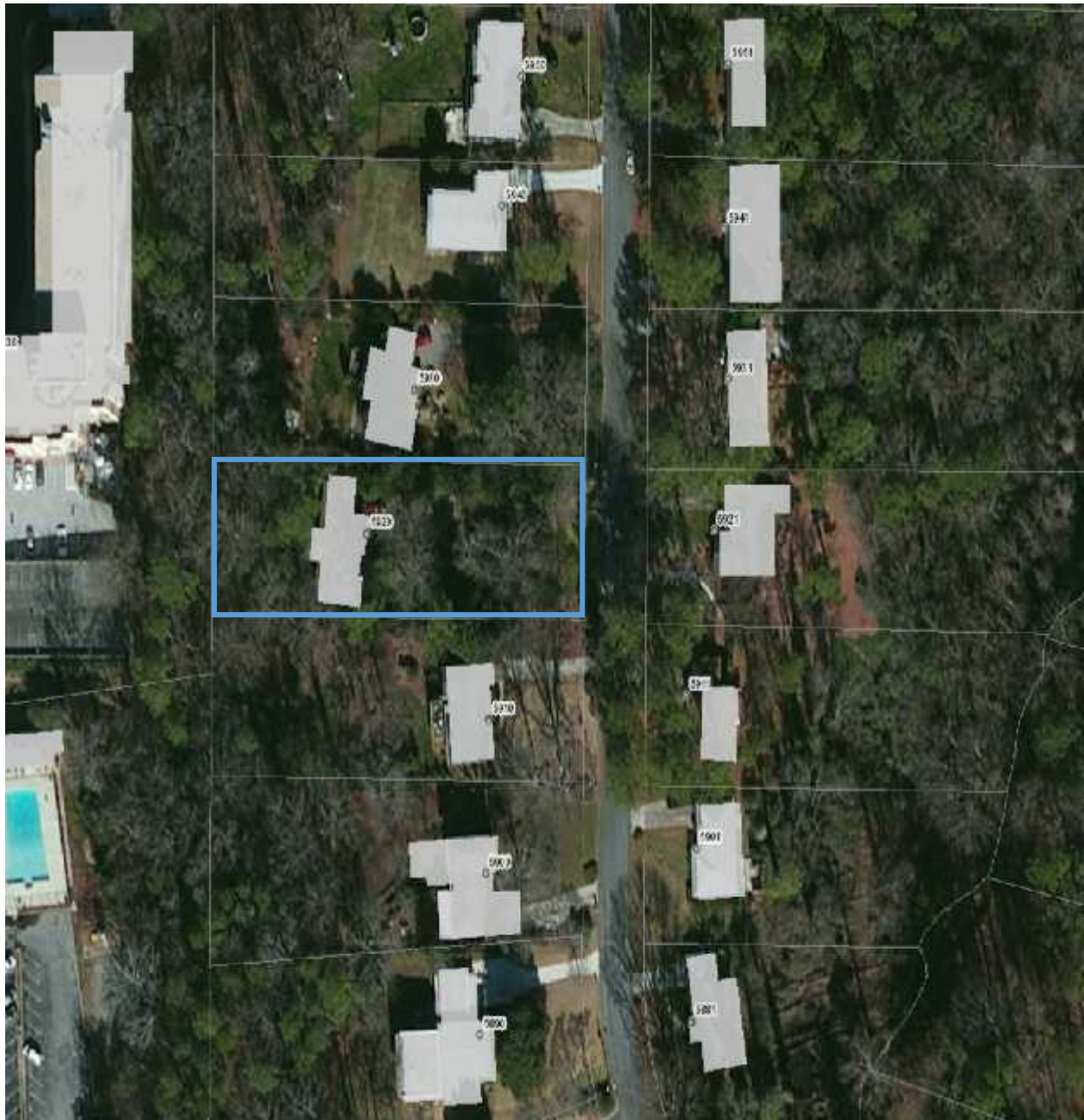
setback requirements. Although there is no indication of when the front porch would be constructed, the proposed plan indicates that the addition would be well within the buildable area for the property.

RECOMMENDATION

Department of Community Development

Approval conditional of the variance request

AERIAL IMAGE



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: (6.4.3.C) Request to allow an encroachment of five feet four inches into the required ten (10) foot minimum side yard setback for an existing carport;

Finding: The existing house pre-dates the City's Zoning Ordinance and the applicant is proposing to add a front porch in the future. The existing carport encroaches a maximum of 5.3 feet into the required ten (10) foot minimum side yard setback. The planned front porch addition would be constructed well within the required front yard building setback. Approval of this request and the planned improvement would not increase the non-conformity of the structure nor would the proposed work encroach further into the minimum side yard setback. Approval would bring the structure into compliance and would be in harmony with the general purpose and intent of the Zoning Ordinance.

Staff recommends **APPROVAL CONDITIONAL**

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V15-0066 to allow an existing carport to encroach 5.3 feet into the required ten (10) foot minimum side yard setback.

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

1. To allow an existing carport and attached patio to encroach into the required ten (10) foot minimum side yard setback, as shown on the site plan and design plan dated received January 26, 2016 by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.



P&Z STAFF REPORT

Board of Appeals Hearing; February 11, 2016

Case: **V16-0001 – 730 Glenferry Trail**

Staff Contact: Brittany Anderson (banderson@sandyspringsga.gov)

Report Date: February 1, 2016

REQUEST

Variance from Section 4.3.4.B.2 of the Zoning Ordinance to encroach two and a half (2.5) feet into the allowable covered or uncovered porches, decks or patios encroachment of ten (10) feet to construct a new deck with stairs.

APPLICANT

Property Owner: Charles Cape	Petitioner: Surety Bond Girls, LLC	Representative: Nancy Clark
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PROPERTY INFORMATION

Location:	730 Glenferry Trail
Council District:	3; Graham McDonald
Road frontage:	Approximately 80.18 feet along Glenferry Trail
Acreage:	0.201 acre
Existing Zoning:	R-5 (Single Family Dwelling District), pursuant to Z99-0129
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

SUMMARY

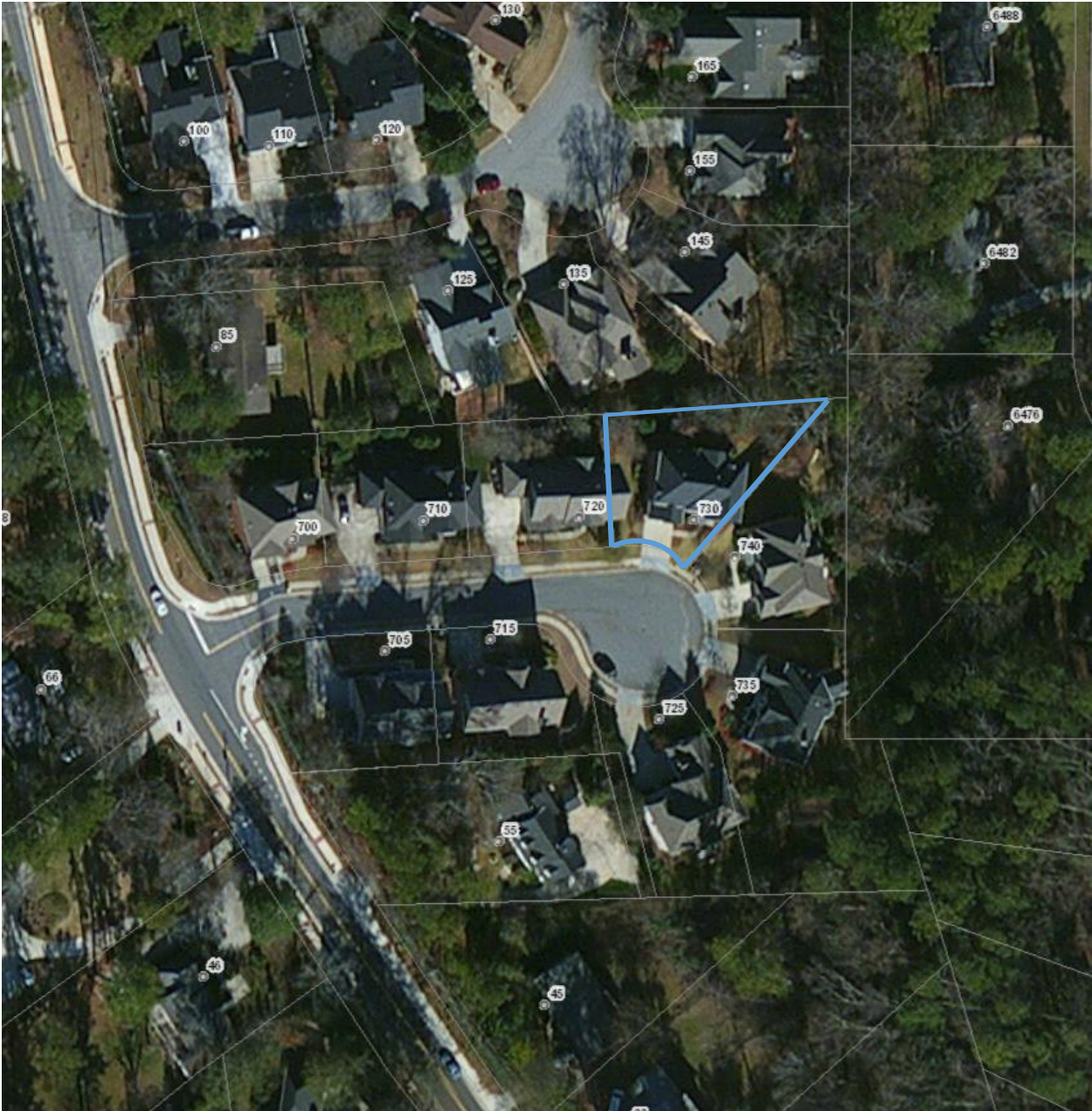
The applicant is proposing to rebuild and replace an existing deck attached to the home. The existing deck currently encroaches five (5) feet beyond the allowable deck encroachment permitted by the Zoning Ordinance. The proposed deck with stairs would only encroach two (2) feet and five (5) inches.

RECOMMENDATION

Department of Community Development

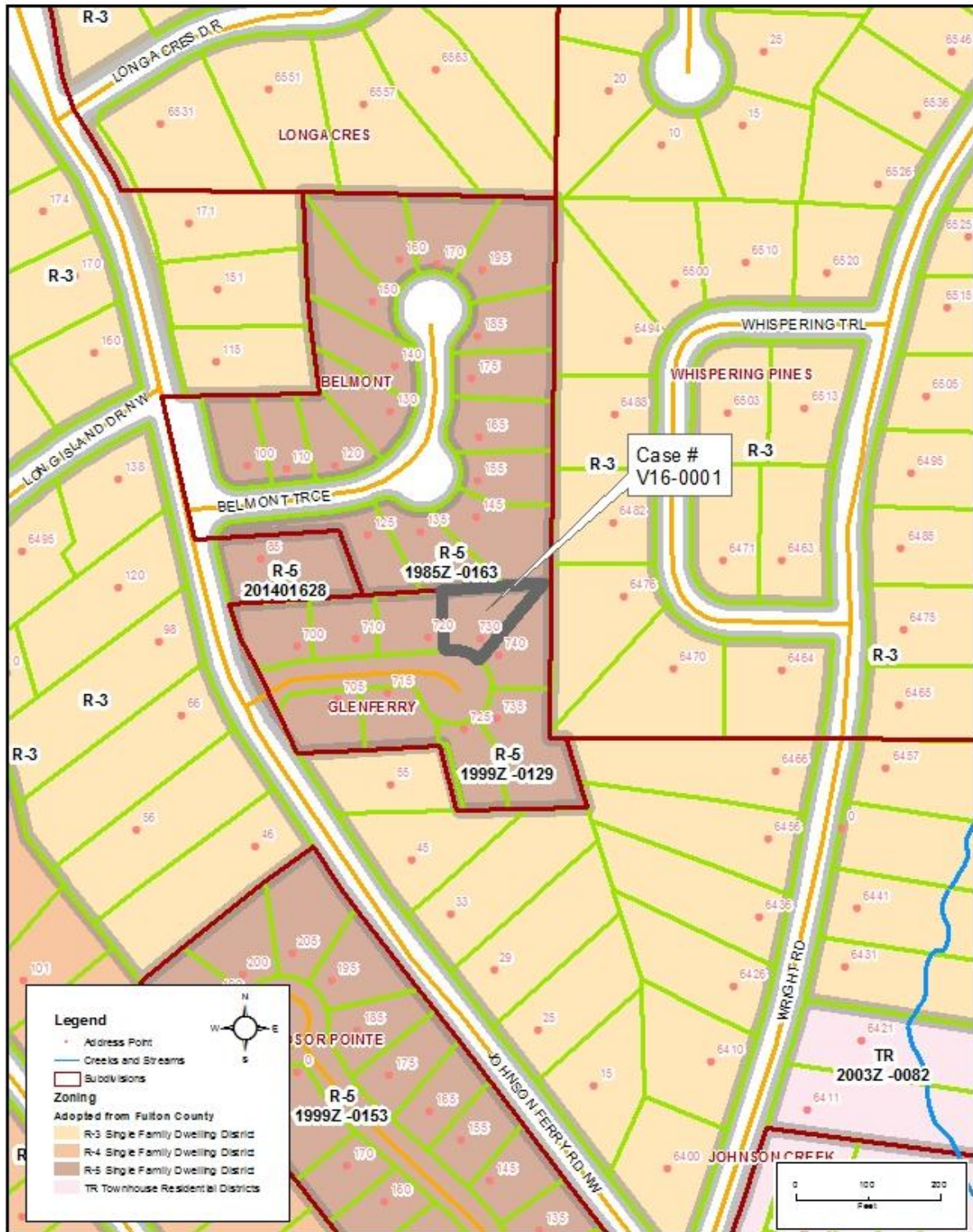
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP

730 Glenferry Trail



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: (4.3.4.B.2) Request to encroach two and a half (2.5) feet into the allowable covered or uncovered porches, decks or patios encroachment of ten (10) feet to construct a new deck with stairs.

Finding: The applicant is proposing to rebuild and replace an existing deck which will be constructed on an existing concrete pad. The existing deck encroaches approximately five (5) feet beyond the allowable deck encroachment. The proposed deck with stairs would only encroach approximately two (2) five (5) inches beyond the allowable deck encroachment. In comparison, the proposed deck with stairs will encroach less than the current deck encroaches beyond the allowable deck encroachment identified in the Zoning Ordinance.

Therefore staff recommends **APPROVAL CONDITIONAL**

COMMENTS FROM OTHER PARTIES

None.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V16-0001 to encroach two and a half (2.5) feet into the allowable covered or uncovered porches, decks or patios encroachment of ten (10) feet to construct a new deck with stairs.

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

1. To encroach two and a half (2.5) feet into the allowable covered or uncovered porches, decks or patios encroachment of ten (10) feet to construct a new deck with stairs, as shown on the Proposed Property Survey dated received January 6, 2016 by the Department of Community Development.