



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, July 14, 2020

Case: **V20-0001 – 1190 & 1194 Hope Road**
Staff Contact: Madalyn Smith (madalyn.smith@sandyspringsga.gov)
Report Date: June 30, 2020

REQUEST

Request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road.

APPLICANT

Property Owner: Ariadne Nikiforou	Petitioner: Callicott Custom Homes, LCC (contact: Gary Callicott)	Representative: Pete Hendricks
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SUMMARY

The applicant requests a Variance to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road. 1194 is adjacent to 1196 Hope Road, which is in the RE-1 zoning district and Urban Neighborhood Character Area. The application of the code significantly limits density in an area of Sandy Springs where dense infill development is envisioned as appropriate by The Next Ten. 1196 Hope Road is one of two remaining, isolated RE-1 properties on Hope Road. The intent of transition buffers is not to limit development adjacent to isolated single unit detached properties but rather to prevent encroachment and adverse impacts within established single family neighborhoods.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance V20-0001**.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received January 2, 2020
2. Updated Letter of Intent and Variance Analysis, received January 8, 2020
3. Updated application information, received March 10, 2020

Plans:

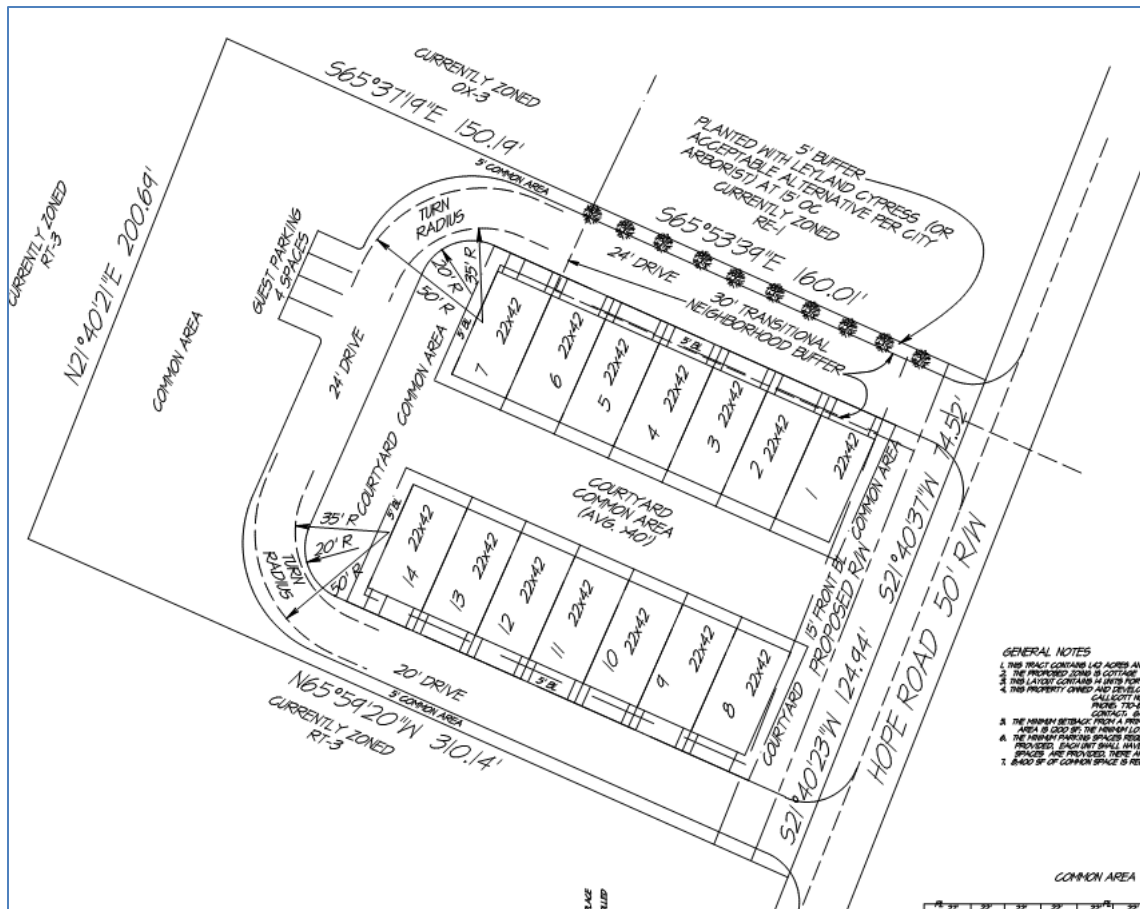
1. "ALTA/ACSM Survey For: Minerva," prepared by LandPro Surveying and Mapping, signed and sealed by James H. Rader, R.L.S., dated August 22, 2014, received January 2, 2020

2. Updated "Hope Road Tract Concept Site Plan," prepared by Cornerstone Design & Development, Inc., dated October 23, 2019, received January 9, 2020
3. Updated "Hope Road Tract Concept Site Plan," prepared by Cornerstone Design & Development, Inc., received March 10, 2020

PROPERTY INFORMATION

Location:	1190 Hope Road (Parcel # 06 036300040376) & 1194 Hope Road (Parcel # 06 036300040244)
Council District:	2 – Soteres
Road frontage:	Approximately 200 feet of frontage on Hope Road
Acreage:	Approximately 1.42 acres
Current Zoning:	RT-3 (Residential Townhouse, 3 stories maximum height)
Existing Land Use:	Single unit detached residences
Previous Zoning Case:	Zoning Map Amendment (Rezoning) RZ19-0001 was approved.
Character Area:	Urban Neighborhood

SITE PLAN (received March 10, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The petitioner applied for a Zoning Map Amendment (Rezoning) of 1190 & 1194 Hope Road from RE-1 to RT-3, which was approved on July 16, 2019.

The applicant proposes to develop the sites with 16 townhomes in the Cottage Court development pattern. This is a development pattern that promotes diverse housing options, encourages density, and requires common greenspace. The development pattern has not yet been utilized in Sandy Springs, but has in other Atlanta Metro cities, such as Marietta.

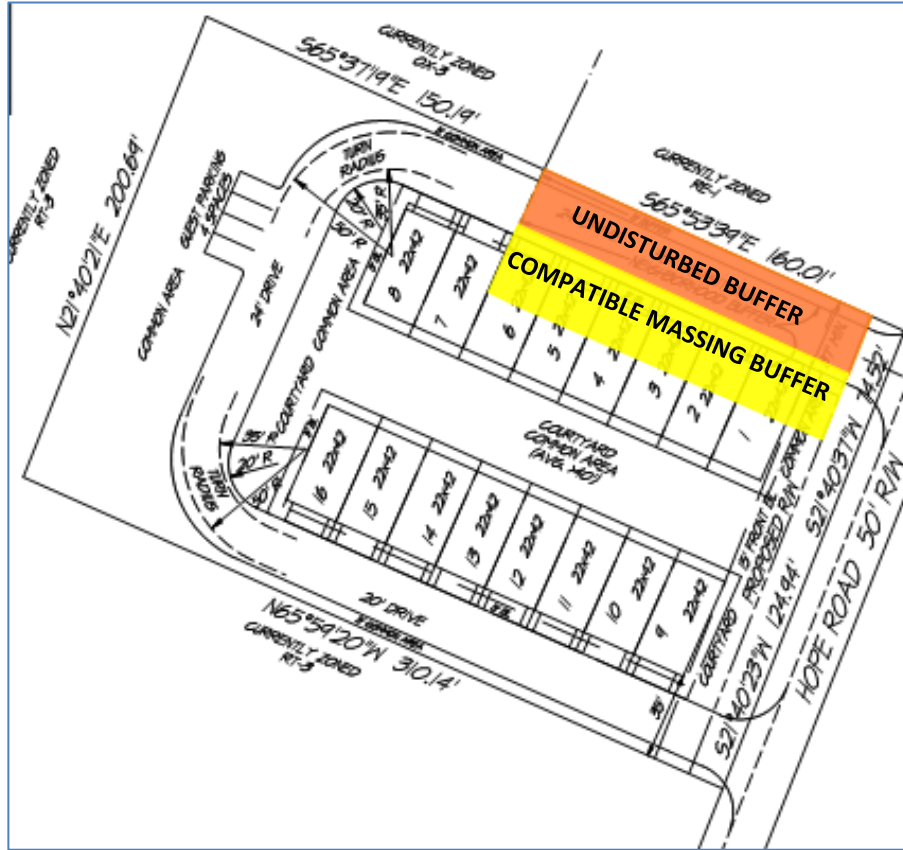


Aerial view of a similar development, Mountain View Townhomes, in Marietta, GA



View of the townhomes around the common greenspace

An adjacent property, 1196 Hope Road is zoned RE-1. Thus, the Protected Neighborhood Transition Buffer applies between this property and 1190/1194 Hope Road. As shown in the figure below, the application of the undisturbed buffer would eliminate several townhomes, reducing the density.



Conceptual Site Plan for 1190 & 1194 Hope Road. The orange delineates the undisturbed Landscape Buffer and the yellow delineates the Compatible Massing Buffer.

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	OX-3 / Office RE-1 / Single unit detached residence	8850 Dunwoody Place NE 1196 Hope Road	0.64 0.17
East	RM-3/8 / Multi-unit residential	8800 Dunwoody Place (Legacy Key Apartment Homes)	18.14
South	RT-3 / Single unit detached residence	1188 Hope Road	0.54
West	RT-3 / Townhouse	56 Huntington Place Drive	0.47
PROPOSED DEVELOPMENT			

--	RT-3 / Townhouse	1190 & 1194 Hope Road	1.42
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AERIAL IMAGE



EXISTING CONDITIONS (All photographs by Alexandra Horst, June 1, 2019)

The following images show the existing conditions of 1190, 1194, & 1196 Hope Road.



View of 1190 Hope Road from Hope Road



View of 1190 Hope Road from Hope Road



View of 1194 Hope Road from Hope Road



View of both 1190 & 1194 Hope Road from Hope Road

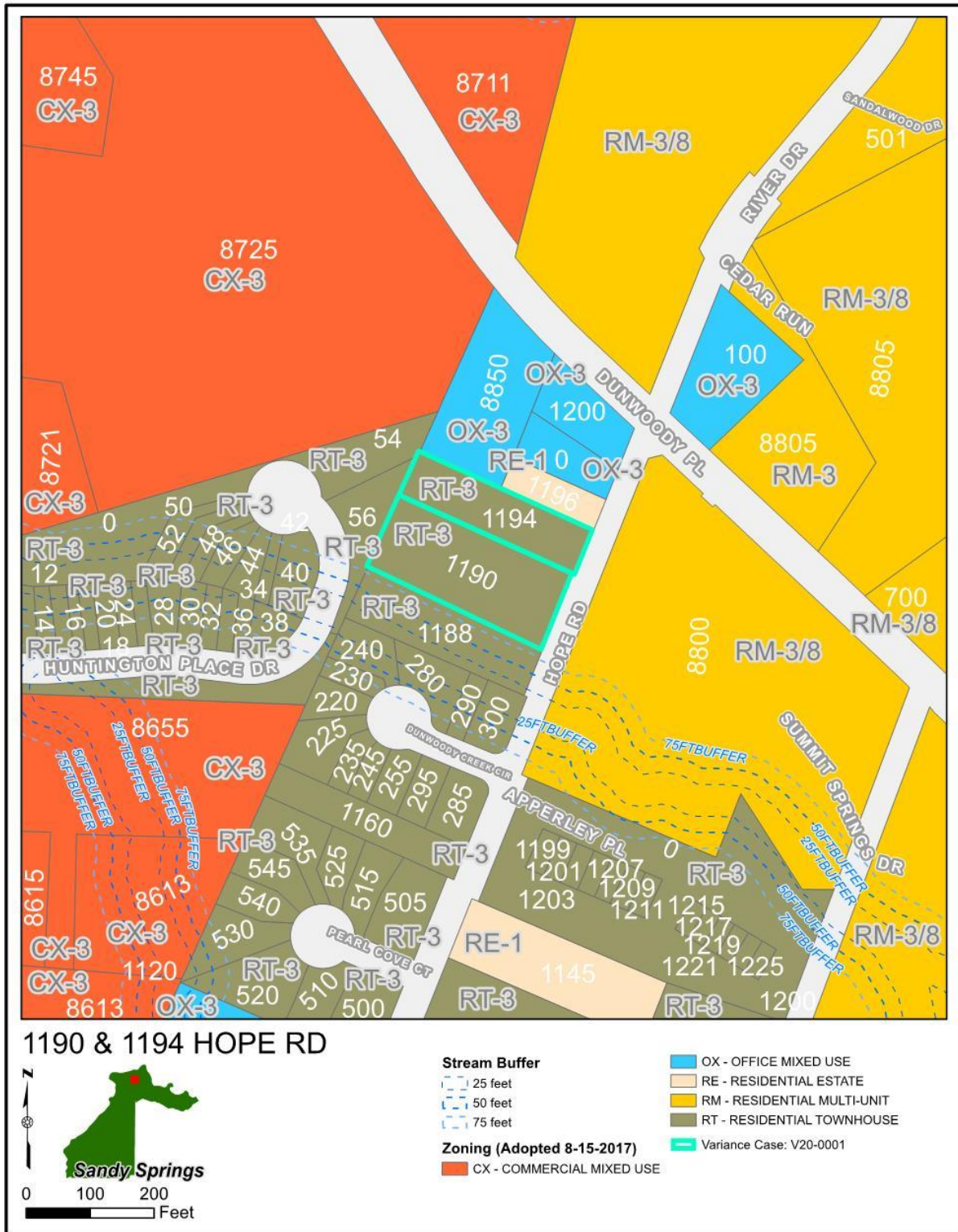


View of both 1194 & 1190 Hope Road from 1194 Hope Road

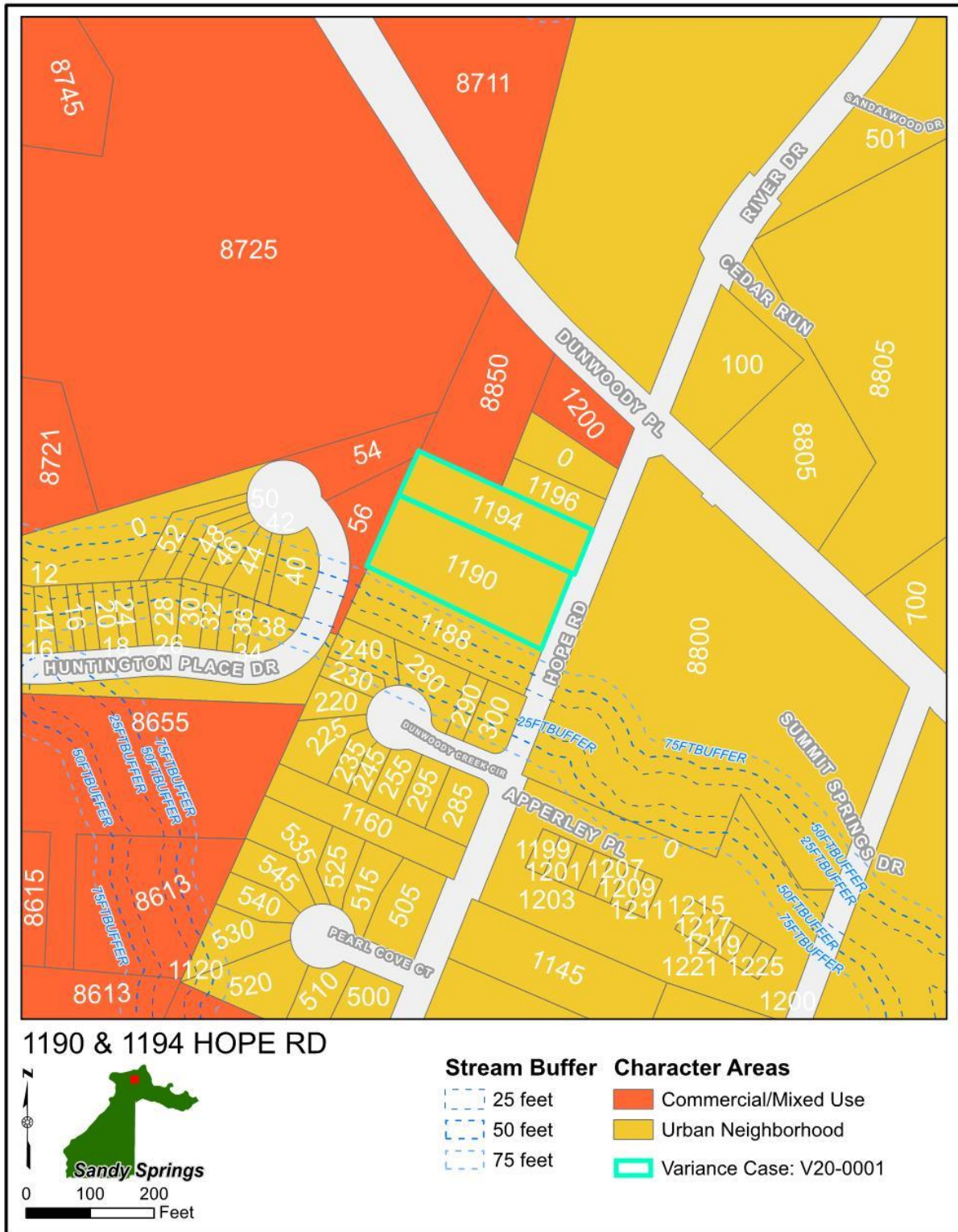


View towards 1196 Hope Road from 1194 Hope Road

ZONING MAP



CHARACTER AREA MAP

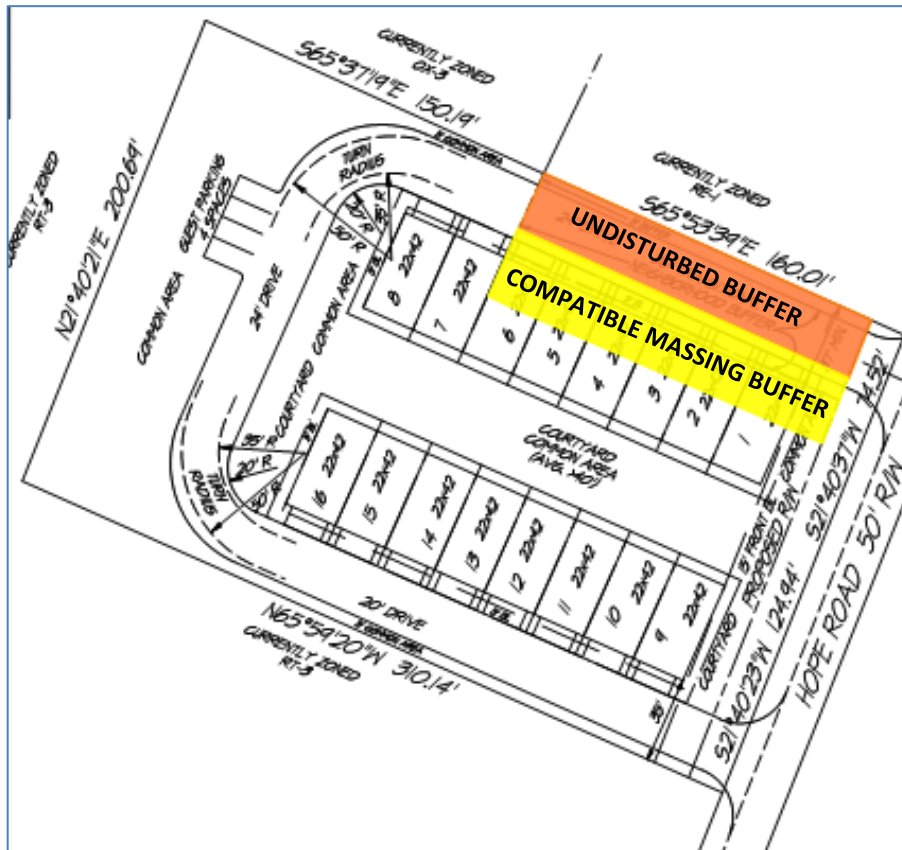


VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

1. ***Variances will only be granted upon showing that:***
 - 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;***

Finding: The application of the full 25-foot Landscape Buffer would require 3,750 square feet of the approximately 62,000-square foot lot to be an undisturbed Landscape Buffer. An additional 30-foot Compatible Massing Buffer restricts the height of development to 28 feet. In total, the Protected Neighborhood transition area is 55 feet in depth and an area of 8,250 square feet.



As seen in the graphic above, the undisturbed buffer would eliminate the alley, preventing half the townhomes in the development from rear access. Even if the applicant eliminated direct access for half the townhomes, the Compatible Massing Buffer would limit the rear half of the townhomes to a height of 24 feet which is not desirable or realistic from a design perspective. The application of the 25-foot undisturbed buffer essentially eliminates half the proposed townhomes and does not allow the applicant to build according to the Development Code's prescription for a "Cottage Court" development pattern. The site is also too narrow to allow the applicant to simply shift the development outside of the transition buffers. For this reason, Staff believes there is a hardship.

<i>Further, the application must demonstrate that:</i> <i>a. Such conditions are not the result of action or inaction of the current property owner; and</i> Finding: The conditions are not the result of action nor inaction of the current property owner.
<i>b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and</i> Finding: Hope Road is primarily commercial and medium-to-high density residential, save for two isolated RE-1 zoned properties, 1196 and 1145 Hope Road. It is important to note that both of these remnant residential lots are deliberately within the <i>Urban Neighborhood</i> Character Area, not the Protected Neighborhood Character Area, and was envisioned they would eventually be developed in a more intense way. Due to the dimensional requirements for open space in the Cottage Court Development pattern, the required 25 foot transitional buffer eliminates at least six (6) units. The applicant's request to reduce the buffer to five (5) feet would provide relief and the opportunity to maximize the density in one of the few areas in Sandy Springs in which dense infill development is envisioned as appropriate by The Next Ten.
<i>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.</i> Finding: Per Section 1.1.5., the intent of the Development Code is to guide reinvestment in established neighborhoods that enhances their unique characteristics, promote diverse housing options, and provide building and site design standards address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm. This Variance request would better allow the applicant to increase density in an appropriate area that is zoned for urban neighborhoods with residential attached housing units. The location is also in close proximity to transit and retail and the applicant is utilizing the Cottage Court development pattern, which is promoted by the Code. For these reasons, Staff believes the proposal supports the above stated intent of the Development Code. It is Staff's belief that the variance request would not be detrimental to the public good, safety, and welfare. The request supports the intent of the Development Code and is also consistent with Comprehensive Plan policies, as explained below: According to page 104 of The Next Ten Comprehensive Plan, "Development outside the edges of protected neighborhoods will be carefully managed to prevent encroachment of non-residential or higher-intensity residential uses into this character area and to ensure compatible transitions between land uses and development intensities." The tool used to implement this portion of The Next Ten are the Protected Neighborhood Transition standards in Sec. 6.4.2. and 6.4.3. of the Development Code. The purpose of this transition is not to protect individual single unit detached residences in an area planned for higher-density development. Rather, it is to prevent encroachment and adverse impacts within established single family neighborhoods. Page 106 of The Next Ten states, "redevelopment within [Urban Neighborhood] will be critical to achieving the Comprehensive Plan goal of expanding the range of available housing options," and "... rather than following the form and development patterns established by existing multifamily and townhome development, redevelopment within [Urban Neighborhood] will result in more compact,

connected and walkable neighborhoods that maximize proximity to mixed use development along Roswell Road, in the Perimeter Center and MARTA station areas.”

The applicant’s proposal to replace two aging single unit detached homes and construct townhomes expands the range of housing options available in Sandy Springs. The applicant’s use of the Cottage Court Development Pattern would be unique along Hope Road, where previous townhomes are centered around driveways and have very little greenspace. Cottage Court also allows a more compact site that is within proximity to transit and Roswell Road. Staff finds the request to reduce the buffer to be in support of the goals and intent of The Next Ten.

COMMENTS FROM OTHER PARTIES

Public Works Department:

1. Streetscape improvements, as required by the Sandy Springs Development Code, shall be constructed and shown on the site plan.
2. Required on-street parking should be shown on site plan.
3. Appropriate ROW (minimum 40-48 feet to centerline) along Hope Road should be shown on site plan/dedicated.
4. Driveways shall meet ADA crossing standards.
5. Driveways shall meet all spacing requirements outlined in Section 3 of the Sandy Springs Technical Manual.
6. The project shall only have one access point. The maximum number of driveways permitted for a single project is one for each 200 feet of property frontage.
7. For the driveway, the radius return must be a minimum of five feet from the property line.
8. The streets serving the residential development shall meet city street and access design standards outlined in Section 3 of the Sandy Springs Technical Manual.
9. The proposed alley on project site should adhere to roadway design and pavement standards, including minimum turning radii and right of way requirements, outlined in Section 3 of the Sandy Springs Technical Manual.
10. Parking shall be provided within the development for residents and visitors.

Correspondence Received:

1 public comment was received in opposition stating

“How many bites at the Apple will this applicant have on Hope RD. This was denied going from no buffer to offering 5 ft. When the rule is 25 ft. Is silly. They need to reduce number of homes or by more land not harass the city for a variance.”

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Overall, Staff finds that the proposed development offers an opportunity for higher density infill development as envisioned for the Urban Neighborhood Character Area, and the granting of the requested Variance would provide the applicant with relief to more realistically develop according to the Development Code's prescription for a "Cottage Court" product. For these reasons, Staff recommends **Approval** of **Variance** V20-0001, request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet, subject to the following **condition**:

1. The proposed townhome project must utilize the Cottage Court Development Pattern as described in Division 6.3 of the Development Code.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, February 11, 2020

Case: **V20-0003 – 1625 Sunnybrook Farm Road & 0 & 1220 Tynecastle Way NE**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: January 29, 2020

REQUESTS

Requests for a Variance from Sec. 9.2.4.A. at 1625 Sunnybrook Farm Road & 0 & 1220 Tynecastle Way NE:

1. Intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for access in order to complete a lake dredging project.
2. Intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for the disposal of dredged materials.

APPLICANT

Property Owners: Gadi Gal, Andrew & Naomi Taylor, and The Living Trust of Andrew & Naomi Taylor	Petitioner: Lake Northridge Inc. (contact: David Centofanti)	Representative: N/A
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SUMMARY

Request #1 for Intrusion into the 50-foot undisturbed natural vegetative buffer (50-foot buffer) and additional 25-foot impervious surface setback (25-foot setback) for access in order to complete a lake dredging project:

- This request is necessary for the completion of the lake dredging project, there is no alternative that would negate intrusion within the buffer and setback.
- The impact of the project can be mitigated with additional plantings of native trees and shrubs.

Request #2 for Intrusion into the 50-foot buffer and additional 25-foot setback for the disposal of dredged materials:

- This request is not necessary for the completion of the project. Soil can be disposed of off-site. The reasoning behind the request, as stated by the applicant, is financial.
- This request would permanently alter the 50-foot buffer, 25-foot setback, and a wetland. The impact of this project could not be effectively mitigated because naturally occurring wetland areas are not easily replaced or replicated.

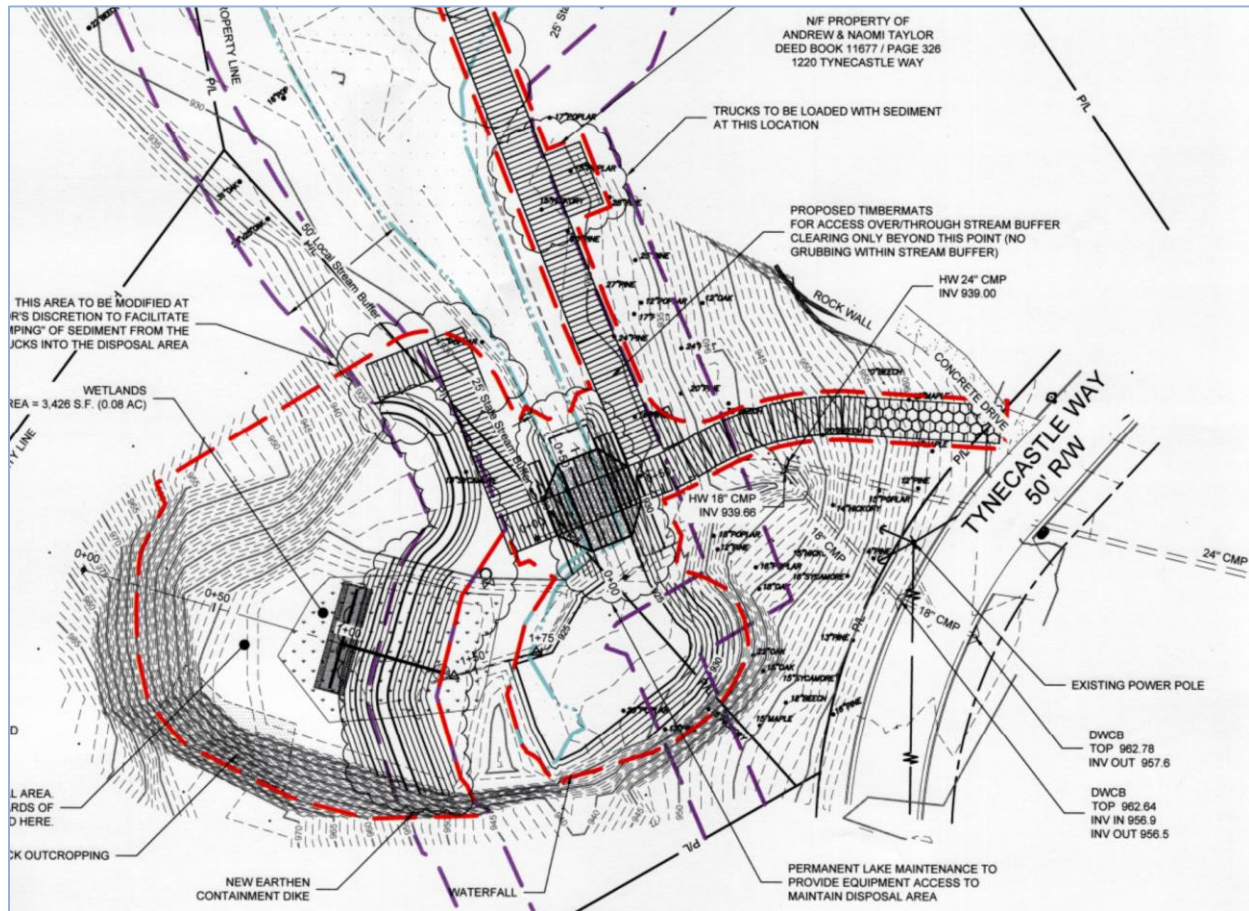
RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance** V20-0003 Request #1.
Staff recommends **Denial** of **Variance** V20-0003 Request #2.

MATERIALS SUBMITTED AND REVIEWED	
Materials: 1. Application, received January 7, 2020 Plans: 1. “<i>Sediment Removal & Disposal Plans</i>,” prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020	
PROPERTY INFORMATION	
Location:	1625 Sunnybrook Farm Road (Parcel # 06 0361 LL0159), 0 Tynecastle Way NE (Parcel # 06 036100060012), & 1220 Tynecastle Way NE (Parcel # 06 036100060020)
Council District:	1 – Paulson
Road frontage:	Approximately 142.5 feet of frontage on Sunnybrook Farm Road & 238.3 feet of frontage on Tynecastle Way NE
Acreage:	Approximately 4.92 acres
Current Zoning: Existing Land Uses:	RE-2 (Residential Estate, 2 acre minimum lot size) Single unit detached residences (1625 Sunnybrook Farm Road & 1220 Tynecastle Way NE) and vacant (0 Tynecastle Way NE)
Previous Zoning Case:	Variance V08-044 was approved for intrusion for dredging of materials and disposal of material on site. The work was never conducted and the variance expired under the old code.
Character Area:	Protected Neighborhood

SITE PLAN (received January 7, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The applicant's requests are two-fold. First is the request for intrusion into the 50-foot buffer and additional 25-foot setback, which would be required in order to access Lake Northridge for the dredging process. Second is the request for permanent alteration of the 50-foot buffer and additional 25-foot setback in order to allow the disposal of dredged sediment in a former quarry and current wetland.

The applicant has obtained the proper approval from the Army Corps of Engineers and the National Park Service for the dredging activities and to fill in an existing .08 acre wetland with the dredged material.

In 2008, the applicant was granted a variance for a similar request, which involved both dredging and filling the wetland. The work was never conducted and per Section 22.13.15. of the legacy Zoning Ordinance, variances expired within 36 months of the approval date.

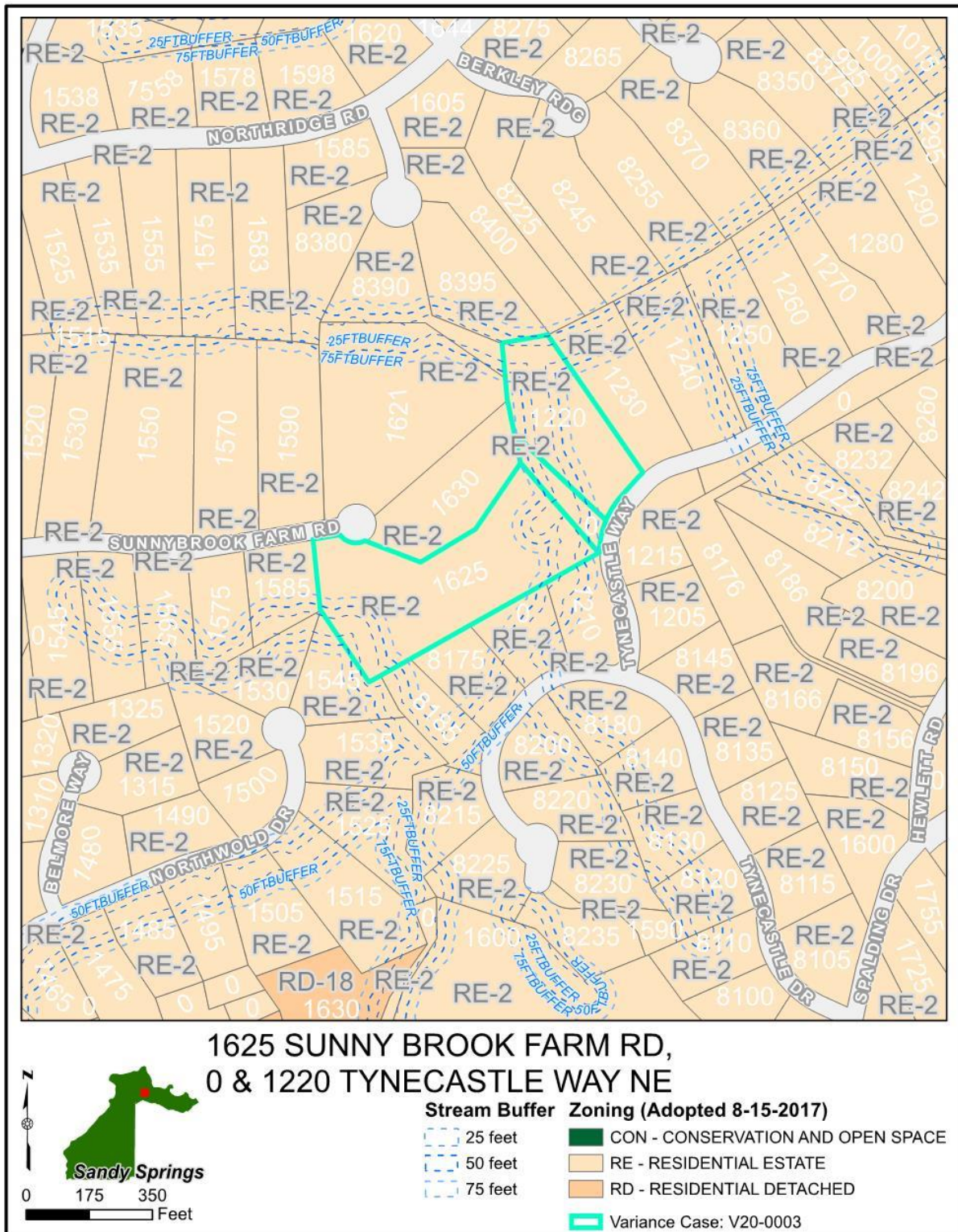
EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY

Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	RE-2 / Single unit detached residences	1630 Sunnybrook Farm Road	2.02
		1621 Sunnybrook Farm Road	4.50
		8390 High Tarn	1.72
		8395 High Tarn	1.96
East	RE-2 / Single unit detached residence	1230 Tynecastle Way NE	1.77
South	RE-2 / Single unit detached residences	1210 Tynecastle Way NE	1.10
		1215 Tynecastle Way NE	0.74
West	RE-2 / Single unit detached residences	1545 Northwold Drive NE	1.02
		1585 Sunnybrook Farm Road	1.03
PROPOSED DEVELOPMENT			
--	RE-2 / N/A	1625 Sunnybrook Farm Road	4.90
		0 Tynecastle Way NE	0.48
		1220 Tynecastle Way NE	2.42

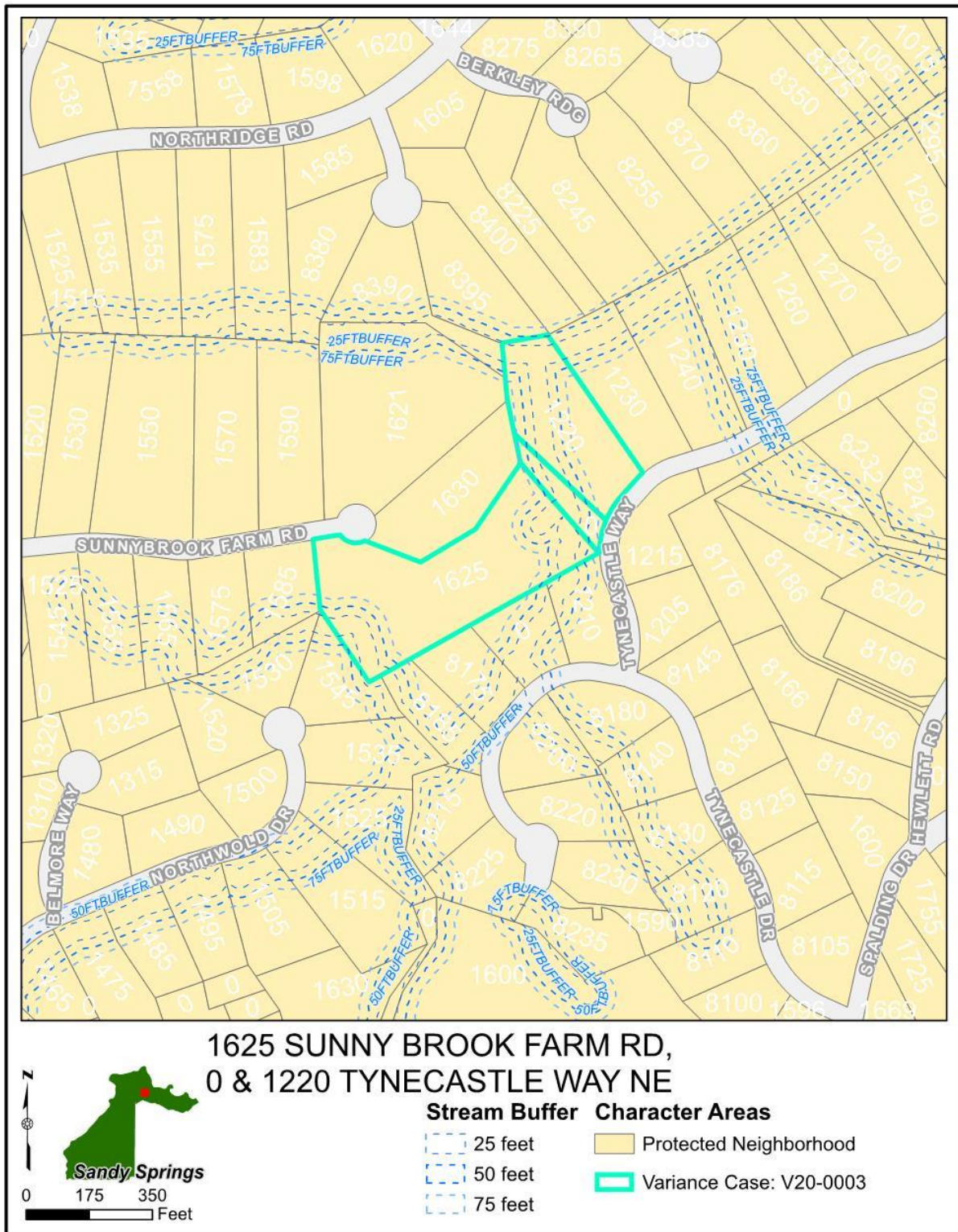
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



STREAM BUFFER VARIANCE CONSIDERATIONS

Per Sec. 9.2.4.B. of the Development Code, the following list of approval criteria for a Stream Buffer Variance provides guidance for making decisions on approval:

- a. The property's shape, topography or other physical conditions existing on December 12, 2005 prevent land development unless a buffer or setback Variance is granted;*
- b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements would create an extreme hardship.*

Finding:

Intrusion within the 50-foot buffer and additional 25-foot setback would be necessary in order to complete the proposed lake dredging. To deny the applicant access to the lake for maintenance would create a hardship, as there is no way to complete the project without proper access.

However, it is Staff's opinion that the requested intrusion into the undisturbed 50-foot buffer and 25-foot setback for the deposition of dredged spoils is not necessary. The reasons provided by the applicant for disposal of dredged soil onsite are financial, which is not one of the stated criteria for a hardship.

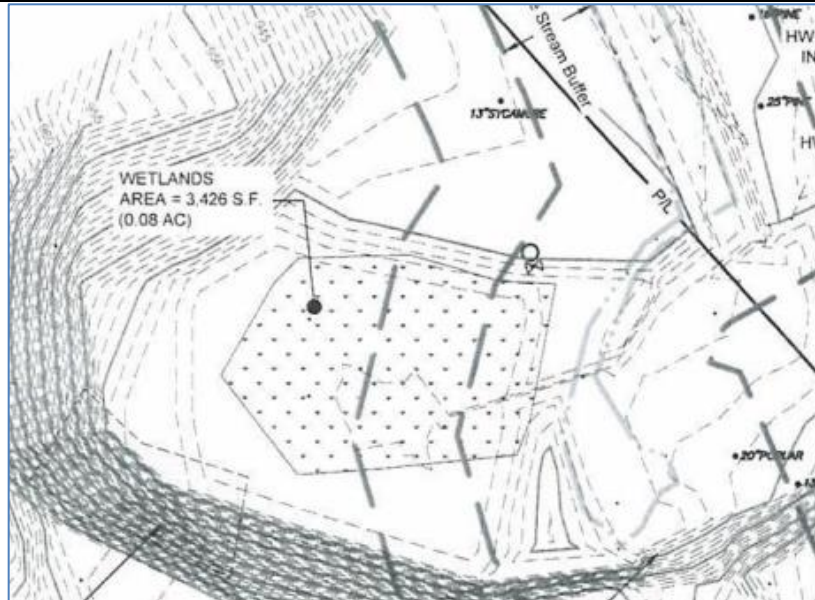
Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.

Finding: The conditions are not the result of action nor inaction of the current property owner.

The following factors will be considered by the Board of Appeals in determining whether to issue a Stream Buffer Variance:

- The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*
- The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;*

Finding: The 50-foot buffer and 25-foot setback area proposed to be disturbed is currently wooded and sloping. There is also a former quarry area with a sheer cliff. The quarry area has a 3,426-square foot wetland, as identified by the Army Corps of Engineers, which spans the buffer and setback area (see plan below).



Limits of the wetlands area



Aerial view of Lake Northridge

- ***The location and extent of the proposed buffer or setback intrusion;***

Finding: There would be temporary intrusion into the 50-foot buffer and 25-foot setback by the timber matting (used for access), equipment, and staging area for the project, which would be removed upon completion of the project.

Permanent intrusion for the access driveway and creek crossing, totaling 625 square feet, is proposed to be installed for the project. This access drive would be maintained and utilized for any future maintenance.

Additionally, the applicant proposes a permanent alteration of the 50-foot buffer and 25-foot setback by disposing 2,000-3,500 cubic yards of dredged sediment. This disposal area would also fill in the wetland area and former quarry. No upland areas have been identified as possible alternative dumping/deposition areas.

- ***Whether alternative designs are possible which require less intrusion or no intrusion;***

Finding: There is not an alternative to the temporary intrusion for the maintenance project. There is, however, an alternative to the applicant's proposal to fill in the buffer, setback, and wetland with dredged sediment. The alternative would be either to dispose of all the soil offsite or to find another disposal location onsite that is not within the 50-foot buffer, additional 25-foot setback, or a wetland, which is an environmentally sensitive area, and an otherwise important natural area.

- ***The long-term and water quality impacts of the proposed Variance; and***

Finding: Temporary impact within the 50-foot buffer and additional 25-foot setback would be necessary in order to maintain the lake, which would have a positive impact on the function of Lake Northridge. Filling in the wetland, effectively removing its ability to function as a wetland, would have negative long-term impacts. Per the Sandy Springs Sustainability Manager, "Wetlands are sensitive ecosystems that provide valuable ecological services, such as supporting plant and animal biodiversity and flood prevention. Those services would be eliminated by disposing of the dredged materials into the wetland."

- ***Whether issuance of the Variance is at least as protective of natural resources and the environment.***

Finding: The applicant provided a landscaping plan proposing minimal replanting within the 50-foot buffer. Staff does not find this to be sufficient. If the applicant were to replant more extensively and with native species, this would be at least as protective of the sensitive buffer area as is presently in existence.

However, it is Staff's belief that disposal of sediment within the 50-foot buffer, 25-foot setback, and wetland should not be permitted. Granting a Variance to allow the applicant to permanently alter the buffer and remove a wetland would not be protective of natural resources and the environment and would go against the stated purpose of the State Waters Protection division of the Development Code which is to "[Protect], [restore] and [maintain] the chemical, physical and biological integrity of streams and their water resources." A wetland within the 50-foot buffer and 25-foot setback is a good resource. After filling in/removal, the benefits of wetlands such as the positive impacts on water quality, wildlife habitat, and ecosystem productivity could not be recreated by revegetating the area.

COMMENTS FROM OTHER PARTIES

Sandy Springs Arborist:

1. On sheet 15 of 15, canopy coverage should be updated to trees over 18" in diameter are the only trees that count towards canopy. This also means trees under 18" in diameter are not counted as lost canopy within our ordinance.
2. The 22" Oak showing 18% impact appears to be impacted over 25%. Please specify what is protecting this tree or show updated percentage levels.
3. Please include a landscape or stabilization plan that includes native plants.

Sandy Springs Sustainability Manager:

Wetlands are sensitive ecosystems that provide valuable ecological services, such as supporting plant and animal biodiversity and flood prevention. Those services would be eliminated by disposing of the dredged materials into the wetland.

Correspondence Received:

No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval** of **Variance** V20-0003 Request #1 for a Variance from Sec. 9.2.4.A. for intrusion within the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for access to conduct a lake dredging project, and **Denial** of **Variance** V20-0003 Request #2 for a Variance from Sec. 9.2.4.A. for intrusion into the 50-foot undisturbed natural vegetative buffer and additional 25-foot impervious surface setback for the disposal of dredged materials.

Staff recommends Approval of Variance V20-0003 Request #1, subject to the following conditions:

1. That the proposed lake maintenance shall be substantially similar to the "*Sediment Removal & Disposal Plans*," prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020.
2. The maximum permanent encroachment shall be limited to 625 square feet for the required access drive.
3. Disposal of dredged materials shall be done outside of the 50-foot undisturbed natural vegetative buffer, the additional 25-foot impervious surface setback, and the wetland limits defined on Sheet 5 of 15 of the plans referenced above.
4. Provide a mitigation plan, utilizing the City's *River Tributary, and State Waters Buffer-Revegetation Standards*, that must be approved by the Director of Community Development prior to the issuance of the permit.

Should the Board of Appeals choose to Approve both Request #1 and Request #2, Staff recommends the following conditions:

1. That the proposed lake maintenance shall be substantially similar to the "*Sediment Removal & Disposal Plans*," prepared by Schnabel Engineering, signed and sealed by Charles B. Wilson, P.E., dated July 29, 2019, received January 7, 2020.
2. The maximum permanent encroachment of the access driveway shall be limited to 625 square feet for the required access drive.

3. Provide a mitigation plan, utilizing the City's *River Tributary, and State Waters Buffer-Revegetation Standards*, that must be approved by the Director of Community Development prior to the issuance of the permit.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, February 11, 2020

Cases: **V20-0004 – 148 West Belle Isle Road**
Staff Contact: Louisa Tovar (ltovar@sandyspringsga.gov)
Report Date: February 4, 2020

REQUESTS

The applicant seeks to use and improve the existing single-family house for office space. The proposed site improvements include the removal of the existing detached carport, the addition of 205 sq. ft. of conditioned floor area to the principal structure, the replacement of its existing roof, the refinishing of the accessory structure located to the rear of the lot, the addition of seven (7) parking spaces, and the installation of a 6-foot tall landscape wall along the west and north perimeters of the property. It is the applicant's intent to improve the site such that the property appears more residential in character.

Therefore, the applicant seeks the following Variance requests:

1. Variance from Sec. 6.4.2.1.:
 - a. To allow the required wall to be placed five (5) feet instead of 25 feet from the property line within the 25-foot Protected Neighborhood Transition Buffer.
(Withdrawn)
 - b. To allow a 14-foot maximum encroachment within the 25-foot Protected Neighborhood Transition Buffer along the northern property line for the location of a parking space and turnaround area.
2. Variance from Sec. 8.2.6.A.2. to allow a 21-foot wall encroachment into the 25-foot Protected Neighborhood Transition Buffer along the western property line and to allow shortening of the required 135-foot wall length to 65 feet.
3. Variance from Sec. 4.2.4.A. to reduce the 50% ground story transparency requirement to 32% along the building façade facing the primary street.
4. Variance from Sec. 4.2.3.C. to reduce the required ground story height from 14 feet to nine (9) feet 3.5 inches for the proposed building addition.

APPLICANT

Property Owner: CK Holdings Atlanta LP (contact: Greg Busch)	Petitioner: Greg Busch	Representative: N/A
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SUMMARY

Variance #1.a. was withdrawn by the applicant on January 22, 2020.

Variance #1.b. from Sec. 6.4.2.1. is a request to allow a 14-foot maximum encroachment into the 25-foot Protected Neighborhood Transition Buffer for the location of a parking space and turnaround area. The applicant seeks to locate the proposed parking space and turnaround area closer to the garage door of the existing accessory structure located to the rear of the property in order to maintain the residential feel of the property and have access to the garage. The proposed encroachment area is approximately 487 square feet as shown on the proposed site plan dated January 11, 2020, received by Staff January 21, 2020.

Variance #2 from Sec. 8.2.6.A.2. is a request to allow a 21-foot wall encroachment into the 25-foot Protected Neighborhood Transition Buffer and to allow shortening of the required 135-foot wall length to 65 feet. The applicant requests this Variance in an attempt to keep the property's residential character and protect the trees located to the left of the westernmost curb cut, which currently provide screening to the adjacent neighbor to the west.

Variance #3 from Sec. 4.2.4.A. is to reduce the 50% ground story transparency requirement to 32% along the building façade facing the primary street. The applicant requests this Variance in an attempt to maintain the residential appearance of the property.

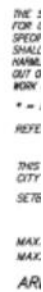
Variance #4 from Sec. 4.2.3.C. to reduce the required ground story height from 14 feet to nine (9) feet 3.5 inches for the proposed building addition. The applicant requests this Variance in order for the building addition to be compatible in size and scale with the existing principal structure.

RECOMMENDATIONS	
Department of Community Development	
Staff recommends Conditional Approval of Variance #1.b.	
Staff recommends Denial of Variance #2.	
Staff recommends Conditional Approval of Variance #3.	
Staff recommends Conditional Approval of Variance #4.	

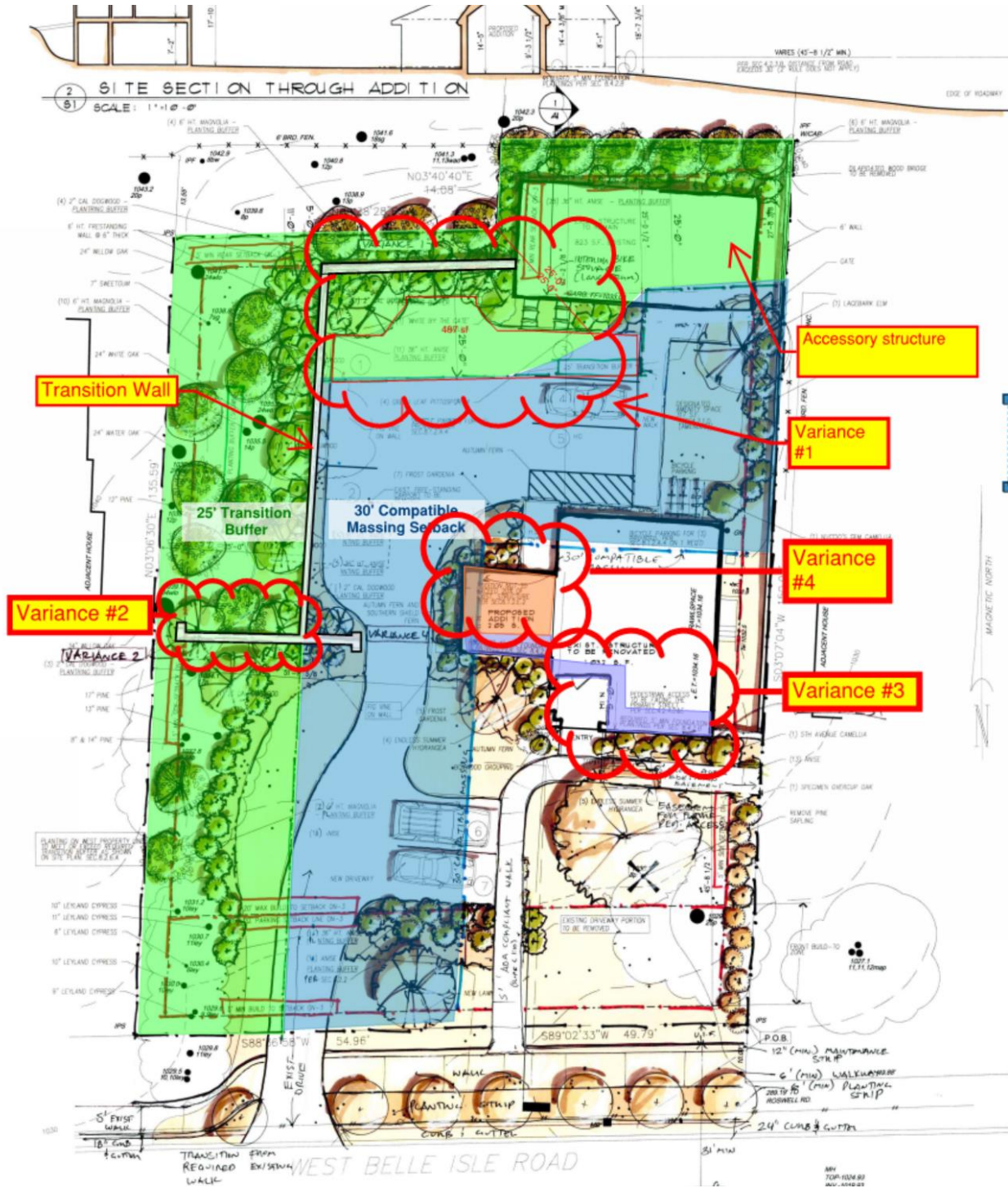
MATERIALS SUBMITTED AND REVIEWED	
Materials:	
1.	Application, received January 7, 2020
2.	Revised Application, received January 8, 2020
3.	Revised Application, received January 13, 2020
4.	Revised Application, received January 21, 2020
5.	Withdrawal Letter for Variance 1.a., received January 22, 2020
Plans:	
1.	<i>“Boundary & Topographic Survey for Greg Busch CK Holdings Atlanta LP,”</i> prepared by Delta 1 Land Surveying, LLC, signed and sealed by E. Travis Durham, R.L.S., dated October 23, 2019, received January 8, 2020
2.	<i>“Roof Plan,” “Floor Plan,”</i> and <i>“Foundation Plan,”</i> prepared by Greg Busch, Architects A.I.A., signed and sealed by Greg Busch, R.A., dated June 4, 2019, received January 8, 2020
3.	<i>“Proposed West Elevation,” “Proposed Front Elevation,”</i> and <i>“Exist Rear Elevation,”</i> prepared by Greg Busch, Architects A.I.A., signed and sealed by Greg Busch, R.A., dated June 4, 2019, received January 8, 2020
4.	<i>“Existing Foundation Plan,” “Existing Roof Plan,” “Existing Plan,” “Exist Side Elevation,” “Exist Front Elevation,” “Exist Side Elevation,”</i> and <i>“Exist Rear Elevation,”</i> prepared by Greg Busch, Architects A.I.A., signed and sealed by Greg Busch, R.A., dated June 4, 2019, received January 8, 2020
5.	<i>“Compatible Massing Study”</i> and <i>“Planting Plan,”</i> received January 8, 2020
6.	Alternative Site Plan, received January 8, 2020
7.	<i>“Busch Office”</i> Rendering, dated August 10, 2017, received January 8, 2020
8.	<i>“Site Plan,”</i> prepared by Greg Busch, Architects A.I.A., signed and sealed by Greg Busch, R.A., dated January 11, 2020, received January 21, 2020

PROPERTY INFORMATION	
Location:	148 West Belle Isle Road (Parcel # 17 009300021958)
Council District:	4 – Bauman
Road frontage:	Approximately 105 feet of frontage on West Belle Isle Road
Acreage:	Approximately 0.34 acre
Current Zoning:	ON-3 (Office Neighborhood, 3 stories maximum height)
Existing Land Use:	Office
Previous Zoning Cases:	Character Area Map Amendment CA18-0001 was approved. Subsequently, Zoning Map Amendment (Rezoning) RZ19-0004 was approved.
Character Area:	Neighborhood Village

NEW = NEWLOG ANC = ANCHOR IN = HOLLER ASLEY HOE = HOLST RET = ROLI T	NO = NOLLO BU = BUTTER FACT BO = BRYTE OAF IN = INVITE PINE HOE = HOLST IT = IRAD INLET	now or formerly Christina Chatham & Justin Roberts (DB 57961, PG. 467)	now or formerly Rosalind Lunsford (DB 48663, PG. 87)	Business Modeling Company LLC (DB 57016, PG. 546)
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ILLUSTRATIVE SITE PLAN



PROPOSED DEVELOPMENT

The subject property was originally developed in 1940 and previously used as a residence. In 2019, the applicant applied for a Comprehensive Plan Character Area Map Amendment to change the Character Area of the property from Protected Neighborhood to Neighborhood Village. The applicant subsequently applied for a Zoning Map Amendment to rezone the property from RD-9 (Residential Detached, 9,000 sq. ft. minimum lot size) to ON-3 (Office Neighborhood, 3 stories maximum height). The applications were approved by Mayor and City Council on April 16, 2019 and September 17, 2019, respectively.

It is the applicant's intent to improve the site such that the property appears more residential in character, which was the primary reason the Character Area Map Amendment and Rezoning request were approved by Mayor and City Council. The intent behind their decisions was for the subject property to serve as a transition between the commercial zoning district to the east and the Protected Neighborhood to the west. The applicant is of the opinion that the Variance requests help achieve the goal of maintaining the property's residential, rather than commercial/office, look.

The applicant seeks to use the property for office space by removing the existing carport, adding 205 sq. ft. of conditioned floor area to the principal structure, replacing its roof, refinishing/repainting the accessory structure located to the rear of the lot, adding seven (7) parking spaces, and installing a landscape wall along the west and north perimeters of the property. The existing principal structure is 1,032 sq. ft., and the accessory structure located in the rear is 823 sq. ft., for a combined existing conditioned floor area of 1,855 sq. ft. The applicant proposes a gross conditioned floor area of 2,084 sq. ft. for both buildings. The applicant seeks to locate an architectural firm with five (5) full-time architects and one (1) part-time manager on the property. Office hours would be from 8:00 AM to 5:30 PM Monday through Friday.

The following images show the existing conditions of 148 West Belle Isle Road.

Front of principal structure



Rear of principal structure



Existing detached carport



Adjacent property to the west



**View of rear northwest
portion of property**



**Accessory structure in rear (northeast
portion of property)**



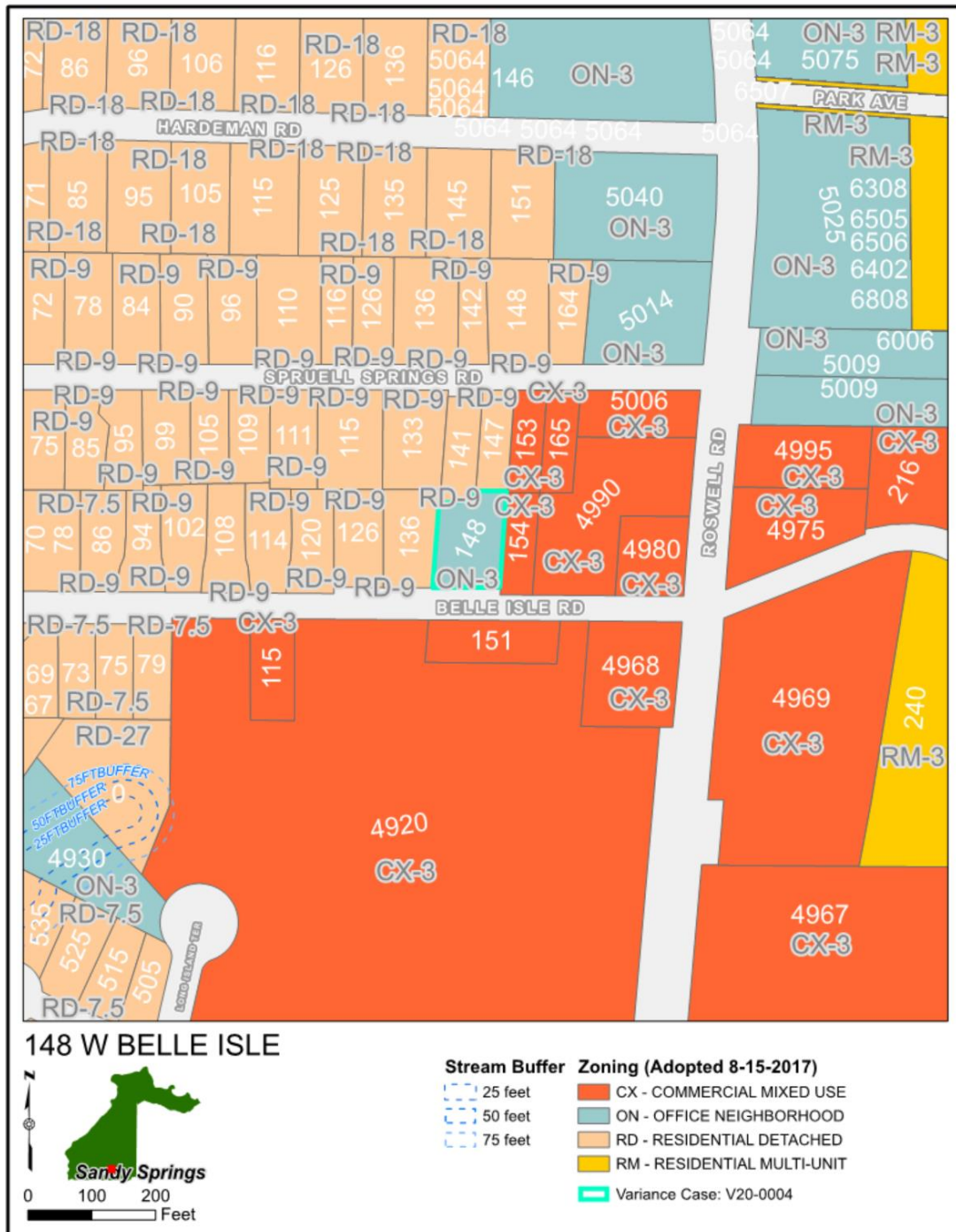
(All photographs by Louisa Tovar, January 15, 2020)

EXISTING LAND USES AND ZONING OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approx.)
North	RD-9 / Residential (single unit detached)	141 Spruell Springs Road	0.20
North	RD-9 / Residential (single unit detached)	147 Spruell Springs Road	0.18
Northeast	CX-3 / Commercial (no structure)	153 Spruell Springs Drive	0.18
East	CX-3 / Medical (acupuncture clinic)	154 West Belle Isle Road	0.18
South	CX-3 / Formerly multi-unit	151 West Belle Isle Road	0.33
Southwest	CX-3 / Retail (Kroger)	4920 Roswell Road	13.47
West	RD-9 / Residential (single unit detached)	136 West Belle Isle Road	0.29
PROPOSED DEVELOPMENT			
--	ON-3 / Office	148 West Belle Isle Road	0.34

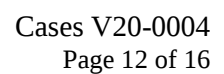
AERIAL IMAGE



ZONING MAP



Community Development



VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

- 1. Variances will only be granted upon showing that:**
 - 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;**

Finding: Variance #1.a.: The applicant withdrew this request on January 22, 2020.

Variance #1.b.: Regarding the parking and turnaround area encroachments requested by the applicant into the 25-foot Protected Neighborhood Transition Buffer along the rear property line, Staff did not find a hardship nor extraordinary conditions on the site that would justify the parking and turnaround encroachment. However, Staff is of the opinion that minimal encroachment into the required buffer should be considered, conditioned to only the area described as the portion of the property within 25 feet of the rear property line, that is also south and east of the western side of the accessory structure (as illustrated in Exhibit A of this Staff Report). Staff believes this to be the minimal Variance necessary for the reasonable use of and access to the garage door area and the accessory structure in general.

Variance #2: The applicant requests to horizontally encroach 21 feet into the required 25-foot side-yard Protected Neighborhood Transition Buffer with the location of the required wall, located along the western property line and to shorten the required 135-foot wall length to 65 feet. Staff did not find a hardship nor extraordinary and exceptional conditions specific to the subject property that would limit the applicant from complying with the required transition wall placement.

Variances #3 and #4: Additions and alterations to nonconforming structures must be in compliance with the Development Code. This triggers the transparency and story height requirements. The applicant seeks to decrease the 50% transparency requirement to 32% for the entire front façade and decrease the 14-foot minimum wall height on the ground story to nine (9) feet 3.5 inches for the proposed addition. Both requests are intended to keep the residential feel of the property. Staff agrees that complying with the Development Code would create an unnecessary hardship, as it would cause the building to have an ill-proportioned appearance. The transparency and height story requirements were created for new mixed use developments, not structures that are built to look like residences. Staff believes that there are exceptional conditions due to the specific location of the lot, existing nonconforming structures, and the proposed scope of work. Staff finds that the transparency and story height requirements should not inhibit the improvement of the property.

During the previous Character Area Map Amendment and Zoning Map Amendment (Rezoning) processes, it was discussed that the site would maintain a residential appearance, which is what the applicant seeks to achieve through the requested Variances.

- 2. Further, the application must demonstrate that:**
 - a. Such conditions are not the result of action or inaction of the current property owner; and**

Finding: The existing conditions on the lot are not the result of action nor inaction of the property owner. The applicant seeks to improve the property to make it serve as a transition between the commercial and residential uses, as well as to aesthetically improve the property, such that it is more appealing to the neighborhood.

b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and

Finding: Staff is of the opinion that the applicant could still make possible the reasonable use of the property without Variances. However, enforcing the requirements of the Development Code may result in a more commercial-looking property and an ill-proportioned principal structure.

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.

Finding: The Variance requests are consistent with the general intent of the Development Code, as the proposed scope of work results in a compatible transition of use, building scale, and height between the existing developments to the east and west of the subject property. The proposed site and building improvements promote reinvestment in the established neighborhood.

COMMENTS FROM OTHER PARTIES

Sandy Springs City Engineer:

The site plan submitted with the application does not address stormwater management, site engineering, or traffic requirements. Those items will be reviewed for compliance at the time of LDP submittal.

Sandy Springs Arborist:

No comments provided.

Sandy Springs Sustainability Manager:

No comments provided.

Sandy Springs Public Works:

Public Works supports frontage improvements, as required by Code (six (6)-foot sidewalk, two (2)-foot landscape buffer). The sidewalk should connect to the existing sidewalk on the adjacent parcel to the left of the site.

Vegetation within the right of way should not impede line of sight at the driveway.

Per Section 3 of the Code, the driveway cross slope shall not exceed two (2) percent in area where sidewalk is present or planned to be installed.

Sandy Springs Building Official:

Variance #3, This provision is aimed primarily at new construction. Applying it literally to this condition ...would ...result in an ill-proportioned appearance to the building that would be antithetical to the goals of the Development Code.

Variance #4 is similar in nature to Variance #3. This provision is also aimed at new construction and, primarily, larger-scale mixed use development. Applying it literally to a small addition to an existing small-scale structure of residential character would also result in an ungainly, ill-proportioned structure that would be antithetical to the goals of the Development Code.

Sandy Springs Fire Marshal:

No comments provided.

Correspondence Received:

No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends:

Conditional Approval of Variance #1.b. (amended), request for a Variance from Sec. 6.4.2.1. to encroach into only the alternative area of the Protected Neighborhood Transition Buffer described as the portion of the property within 25 feet of the rear property line that is also south and east of the western side of the accessory structure (as illustrated in Exhibit A of this Staff Report).

Denial of Variance #2, request for a Variance from Sec. 8.2.6.A.2. to allow a 21-foot wall encroachment within the 25-foot Protected Neighborhood Transition Buffer along the western property line and to allow shortening of the required 135-foot wall length to 65 feet.

Conditional Approval of Variance #3, request for a Variance from Sec. 4.2.4.A. to reduce the 50% ground story transparency requirement to 32% along the building façade facing the primary street.

Conditional Approval of Variance #4, request for a Variance from Sec. 4.2.3.C. to reduce the required ground story height from 14 feet to nine (9) feet 3.5 inches for the proposed building addition.

Staff makes the above recommendations, subject to the following conditions:

1. To the “*Proposed West Elevation*,” “*Proposed Front Elevation*,” and “*Exist Rear Elevation*,” prepared by Greg Busch, Architects A.I.A., signed and sealed by Greg Busch, R.A., dated June 4, 2019, received January 8, 2020.
2. The remaining portion of the transition wall located at the rear shall be built at a distance of 5 feet from the northern property line along the entire northern property line, if the existing detached accessory structure were to be demolished.
3. The 25-foot Protected Neighborhood Transition Buffer along the northern property line shall be cleaned of any waste and/or debris and planted to the required buffer standards.
4. Encroachment into only the alternative area of the Protected Neighborhood Transition Buffer described as the portion of the property within 25 feet of the rear property line that is also south and east of the western side of the accessory structure (provided in this staff report as Exhibit A).

EXHIBIT A

