



Variance Petition No. 201403960

HEARING & MEETING DATES

Board of Appeals Hearing
January 8, 2015 - DEFERRED
February 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
Melanie Born

Petitioner
Paul Marotte

Representative
Paul Marotte

PROPERTY INFORMATION

Address, Land Lot(s), and District	1122 Kingston Drive Land Lot 15, 17 th District
Council District	5 Tiberio 'Tibby' DeJulio
Frontage	Approximately 70.9 feet of frontage along the northeasterly side of Kingston Drive
Area	Approximately 1.0 acres
Existing Zoning	R-2 (Single Family Dwelling District)
Existing Use	Currently undeveloped
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation
Residential 0 to 1 units per acre

INTENT

The applicant is proposing to reduce the front yard setback for the construction of a single-family residence. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. One (1) primary variance from Section 4.2.10 of the Zoning Ordinance to increase distance at which minimum lot width is measured to allow construction of a new single family home.
2. One (1) primary variance from Section 6.2.3(f) of the Zoning Ordinance to reduce minimum lot width to one hundred and eight (108) feet to allow construction of a new single family home.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403960 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL

Standards for Consideration

VARIANCE #1

A primary variance from Section 4.2.10 of the Zoning Ordinance to increase distance at which minimum lot width is measured to allow construction of a new single family home.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. Based on the shape of the lot, narrowing towards Kingston Drive, the applicant is requesting relief from the distance at which minimum lot width is measured. Minimum lot width is measured between the front setback and the sum of the front and rear setbacks. For the R-2 zoning district, this would be between 60 feet and 100 feet from the right-of-way. The site plan provided shows the new house would sit approximately 157 feet from the Kingston Drive right-of-way. Adjacent homes sit approximately the same distance from the right-of-way, supporting the Protected Neighborhoods provision of the Comprehensive Plan:

Land Use Policies – Protected Neighborhoods (2027 Comprehensive Plan, Chapter 5: Policies – Page 100)

The following policies apply to all properties within the boundary of protected neighborhoods as shown on the future land use plan map. Where consistent with the context, such policies may be determined appropriate in transitional areas.

- 6) Residential infill development in protected neighborhoods should maintain the existing dwelling setback pattern in relation to the street.

Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

Presently, a home could be constructed at the rear of the property. The topography of the property increases in elevation to the mid-point of the lot, then decreasing in elevation toward the rear of the property. The variance would allow a buildable area in front of this steep topography. The proposed home would be in line with adjacent properties as well as others along Kingston Drive. Based on these considerations, staff is of the opinion that this condition has been satisfied.

VARIANCE #2

A primary variance from Section 6.2.3(f) of the Zoning Ordinance to reduce minimum lot width to one hundred and eight (108) feet to allow construction of a new single family home.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. Based on the shape of the lot, narrowing towards Kingston Drive, the applicant is requesting relief from minimum lot width. The site plan submitted shows the lot width would be decreased to 108 feet. While many surrounding lots are wider, 1122 Kingston Drive has a similar width as the adjacent lot which also lies on the outside of a curve on Kingston Drive. Minimum side and rear yard setbacks on the property would be met. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The topography of the property increases in elevation to the mid-point of the lot, then decreasing in elevation toward the rear of the property. The current buildable area of the lot is at the rear of the property. The variance would allow a buildable area closer to the street, in front of some of this steep topography. The shape of the lot, which narrows toward Kingston Drive, presently limits the buildable area to the rear of the property as well. The proposed home would be in line with adjacent properties as well as others along Kingston Drive. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday December 3, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, Transportation, Building and Permitting or Site Development.

Conclusion

After being granted deferral at the January 8, 2015 Board of Appeals hearing, the applicant provided a revised site plan to staff. The revised plan shows a reduced footprint for the house, moving further from the property line shared with 1120 Kingston Drive. The site plan also shows holly trees 6 feet in height planted along the property line shared with 1130 Kingston Drive. 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 the variance request from Section 4.2.10 of the Zoning Ordinance to increase distance at which minimum lot width is measured to allow construction of a new single family home, and **APPROVAL CONDITIONAL** of the variance request from Section 6.2.3(f) of the Zoning Ordinance to reduce minimum lot width to one hundred and eight (108) feet to allow construction of a new single family home.

Recommended Condition(s)

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

1. To increase distance at which minimum lot width is measured to allow construction of a single family home, as shown on the site plan dated received January 20, 2015 by the Department of Community Development.
2. To reduce minimum lot width to one hundred and eight (108) feet to allow construction of a single family home, as shown on the site plan dated received January 20, 2015 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received October 31, 2014

Letter of Deferral – Dated received December 26, 2014

Letters of Opposition from Neighbors – Dated received December 16, 2014

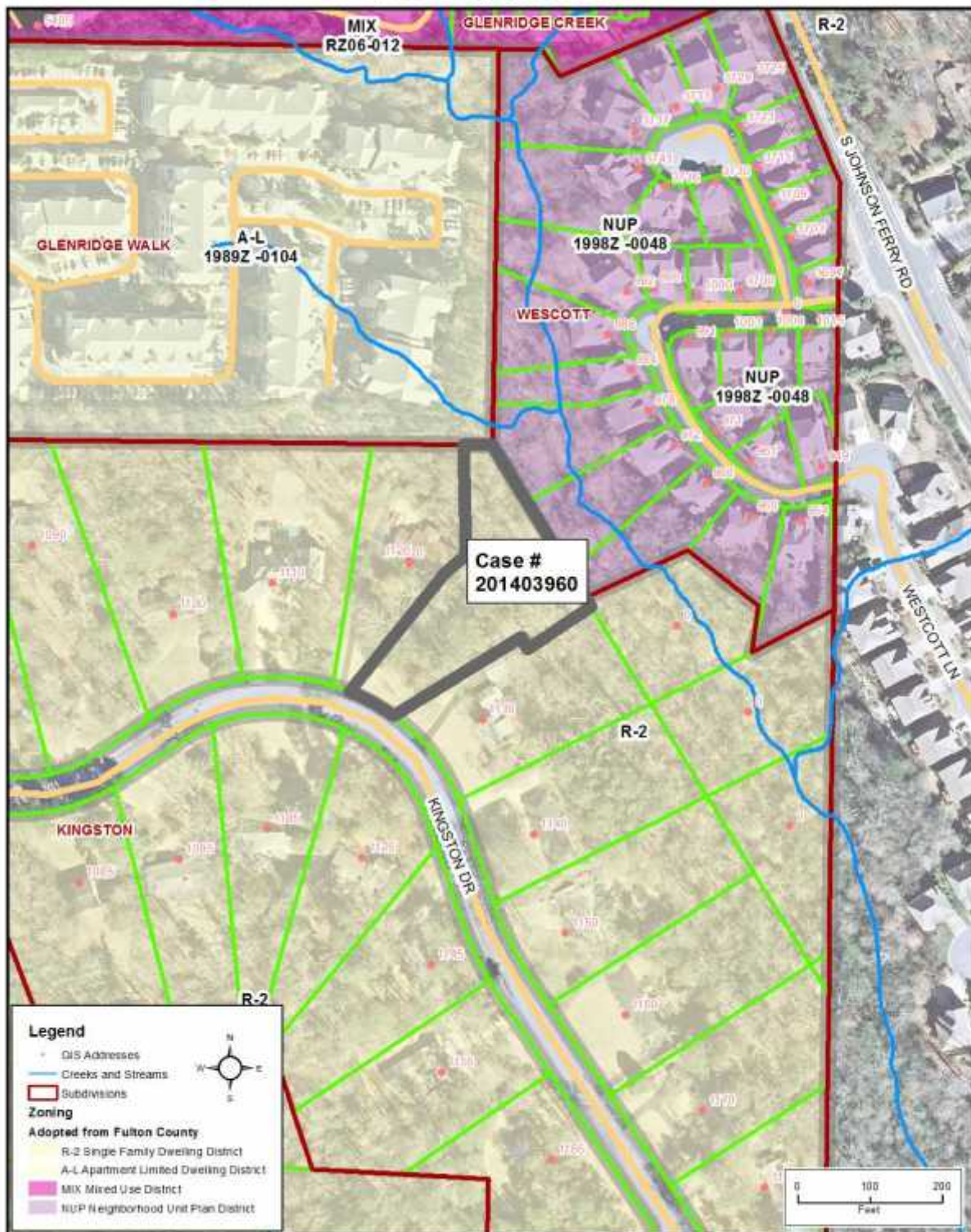
Petition from Neighbors – Dated received December 13, 2014

Revised Site Plan – Dated received January 20, 2015

Original Site Plan – Dated received October 31, 2014

Site Photographs

1122 Kingston Drive





Variance Petition No. 201404420

HEARING & MEETING DATES

Board of Appeals Hearing
February 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
Chul Ho Yun

Petitioner
Michael Fletcher

Representative
Michael Fletcher

PROPERTY INFORMATION

Address, Land Lot(s), and District	5861 Roswell Road Land Lot 90, 17 th District
Council District	5 (Tiberio "Tibby" DeJulio)
Frontage	Approximately 140.18 feet of frontage along the east side of Roswell Road Approximately 251.78 feet of frontage along the south side of Carpenter Drive
Area	Approximately 0.86 acres
Existing Zoning	C-1 (1965Z-0034) Community Business District
Existing Use	Undeveloped
Overlay District	Main Street
2027 Comprehensive Future Land Use Map Designation	Living-Working Regional (LWR)

INTENT

The applicant is proposing the construction of a commercial building. The applicant is requesting one primary variance(s) as follows:

1. Primary variance from Section 12B.8.F (2) (c) (i) of the Zoning Ordinance for relief from the 60% glazing requirement on a ground level façade for construction of a new building.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201404420 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 12B.8.F (2) (c) (i) of the Zoning Ordinance for relief from the 60% glazing requirement on a ground level façade for construction of a new building.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

A primary purpose of the Overlay District is to enhance local aesthetic and functional qualities and to simulate business. While reduction of glazing on the eastern portion of the north façade may be appropriate, the proposed elevations do not provide glazing on the western portion, where pedestrian engagement is likely to stimulate business. Eliminating the glazing requirement along the entire north façade would eliminate pedestrian engagement which the Main Street Overlay District intends to create. Based on these considerations, staff is of the opinion that this condition, as presented, has not been satisfied.

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

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance and Main Street Overlay District. The subject property is located at the southeast intersection of Roswell Road and Carpenter Drive. Due to the topography of Carpenter Drive, even after its planned realignment, the north façade of the building will have limited first floor frontage at-grade. Without a variance, glazing would be required along a portion of the façade that would be below grade of Carpenter Drive. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, January 7, 2015, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance. Staff recommends a condition on the western most portion of the north façade include one set of windows as highlighted on the *Original North Elevation* presented by the applicant. This window would allow some glazing to be retained along the north façade where pedestrian engagement will occur along the sidewalk while granting relief along the eastern portion of the north façade where there are topographic challenges. Additionally windows on the upper story of the north façade should match the size and pattern of those on the upper story of the *West Elevation*. This condition would also allow increased glazing on the north façade by increasing the number of windows. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request from Section 12B.8.F (2) (c) (i) of the Zoning Ordinance for relief from the 60% glazing requirement on a ground level façade for construction of a new building.

Recommended Condition(s)

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

- 1) To construct a new building as shown on the site plan dated received December 2, 2014 by the Department of Community Development.
- 2) Provide a window on the western-most portion of the north façade as shown on the *Original North Elevation* dated received December 2, 2014 by the Department of Community Development.
- 3) Provide windows on the upper story of the north façade which match the size and pattern of those on the upper story of the *West Elevation* dated received December 2, 2014 by the Department of Community Development.
- 4) To construct a new building as shown on *Proposed North Elevation* dated received December 2, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Proposed Site Plan – Dated received December 2, 2014

Elevations and Renderings – Dated received December 2, 2014

Site Photographs

5861 Roswell Road (SR9)

