



Variance Petition No. 201303718

HEARING & MEETING DATES

Board of Appeals Hearing
February 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Patrick Carroll

Petitioner
Bill Caldwell

Representative
Bill Caldwell

PROPERTY INFORMATION

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

Council District 6

Frontage Approximately 124.85 feet of frontage

Area Approximately 1.3 acres

Existing Zoning R-3 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

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

INTENT

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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303718 – 1) WITHDRAWAL

BOARD OF APPEALS HEARING – JANUARY 9, 2014

Deferral to February 13, 2014 Hearing

At the January 9, 2014 Board of Appeals hearing, the Board made a motion to defer the petition to the February agenda to give the applicant a chance to meeting with the City's Chief Environmental Compliance Officer and parties in opposition of the petition to create a revised site plan that is most sensitive to the environment. After the meeting, the applicant indicated that they did not wish to proceed with the request, and would be asking for a withdrawal at the February Board of Appeals hearing. As such, no meeting was held. (4-1, Sandler, E. Johnson, Moller, and Nodvin for; A. Johnson against; Coan and Carpinella absent)

Standards for Consideration

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

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

Sec. 109-225. Land development requirements.

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

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

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

Finding:

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

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

Finding:

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

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

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

Finding:

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

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

Finding:

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

Department Comments

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

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

Conclusion

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

Recommended Condition(s)

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

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

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received November 7, 2013

Site Plan – Dated received November 7, 2013

Photographs

Letters of Opposition

4777 Lake Forrest Drive

