



Variance Petition No. 201202657

HEARING & MEETING DATES

Board of Appeals Hearing

February 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
William Hyland	William Hyland	William Hyland

PROPERTY INFORMATION

Address, Land Lot(s), and District	34 Long Island Place Land Lot 125, 17 th District
Council District	3
Frontage	Approximately 75 feet of frontage along Long Island Place and approximately 200 feet of frontage along Long Island Court
Area	The subject property has a total area of approximately .32 acres.
Existing Zoning and Use	The lot is zoned R-4 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1-2, 1 to 2 units per acre

INTENT

The applicant is proposing to have a six (6) foot privacy fence along the right-of-way. The applicant is requesting two (2) primary variances from the Zoning Ordinance:

1. Variance from Section 4.11.D.2 of the Zoning Ordinance to allow for a fence that exceeds four (4) feet in height to not have a spaced picket design in the area between the front plane of the structure and the right-of-way.
2. Variance from Section 4.11.G.3.b of the Zoning Ordinance to allow for a fence over four (4) feet in height parallel to the right-of-way in a single family district to not have a spaced picket design.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201202657 – 1) APPROVAL CONDITIONAL
201202657 – 2) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

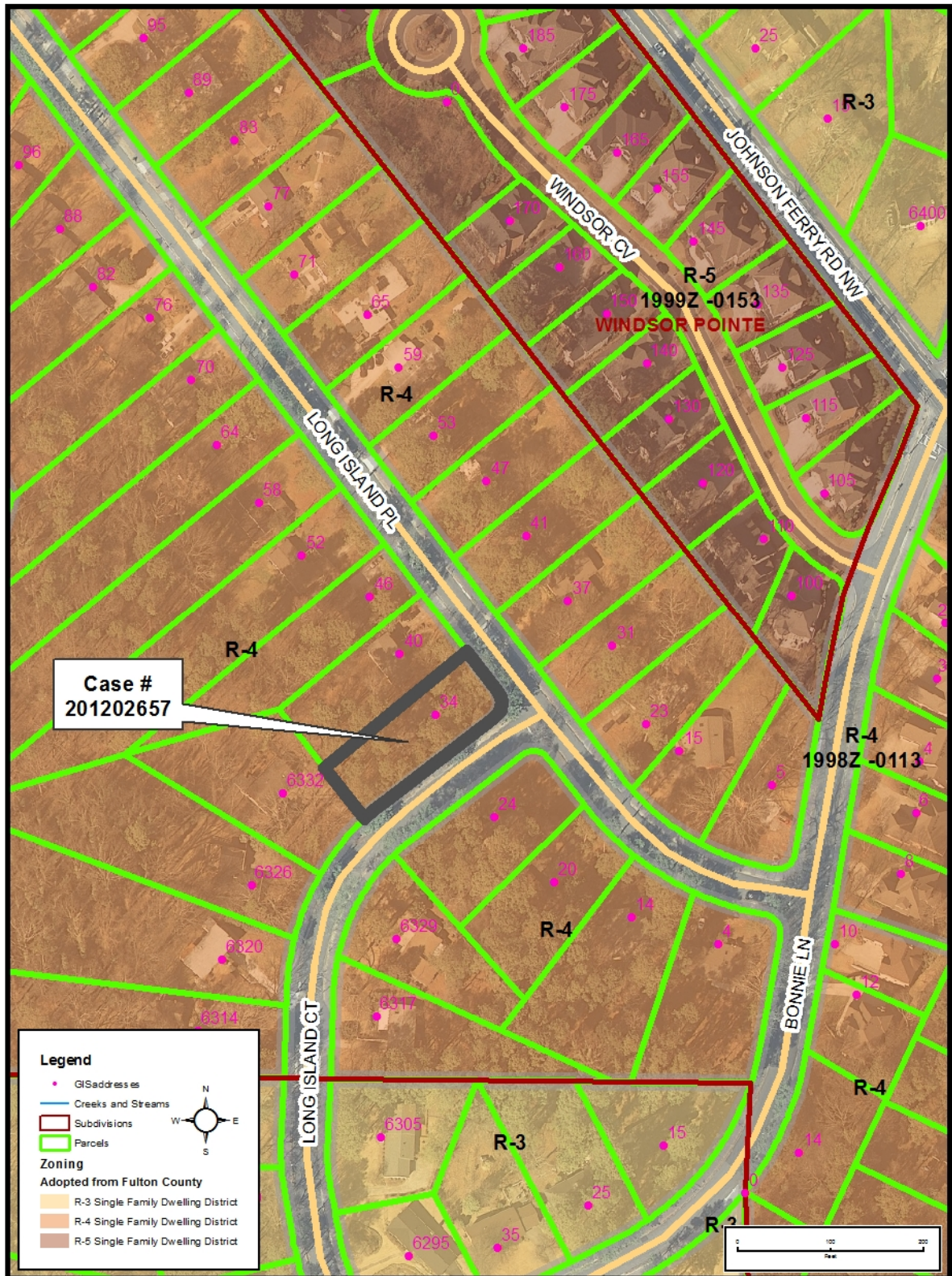
January 10, 2013 Hearing

201202657 – Deferred to February 14, 2013

At the January 10, 2013 meeting the Board of Appeals deferred this item to February 14, 2013 to allow the applicant time to submit a revised landscape plan to be approved by the City's Chief Arborist. The revised landscape plan was approved by the City's Chief Arborist on January 25, 2013 (4-3, Coan, E. Johnson, Moller, and Sandler in support; Reale, A. Johnson, and Carpinella in opposition).

Parcel Map

34 Long Island Place



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 14, 2013.

Enforcement & Permit History:

The property owner was issued a Notification of Violation on September 7, 2012. The specified violation was for construction of a fence without a permit and not in accordance with the current Zoning Ordinance. The current Zoning Ordinance requires fences and walls that exceed four (4) feet in height to be of a spaced picket design in the area between the front plane of the structure and the right-of-way. The owner's fence is six (6) feet in height and has a non-spaced design.

Standards for Consideration

Variance from Section 4.11.D.2 and 4.11.G.3.b of the Zoning Ordinance to allow a six (6) foot privacy fence along the front plane of the structure and the right-of-way where a spaced-picket design is required.

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 ordinance, specified in Section 4.11.D.2 and 4.11.G.3 as applicable to this property, is intended for interior lots in order to ensure a welcoming and attractive environment for the existing neighborhood. The existing fence was constructed on a corner lot which makes it a unique case and its compliance with the Zoning Ordinance difficult because it does not address residential properties with dual frontage along the right-of-way. The fence preserves the overall character of the neighborhood because it is setback more than three (3) feet from the public right-of-way and does not create a wall at the corner. As such, it does not prohibit the pedestrian line of sight, nor impair or block the vision of vehicles, thus serving the intent of the ordinance. 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 house is configured at a diagonal on the lot which reduces the usable area of the rear yard and because this is a corner lot the options for a viable alternative outdoor living space is limited to either side yard. The yard opposite the existing fence is next to a carport which inhibits the construction of a desirable outdoor living area. Having a fenced in front yard adjacent to the right-of-way is the only way the applicant is able to have a functional private space for his family. Staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday December 5, 2012 and which no additional comments were provided.

Conclusion

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 first variance request and **APPROVAL CONDITIONAL** of the second variance request to allow for a non-spaced, six (6) foot privacy fence along the right-of-way.

Recommended Condition(s)

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

- 1) To allow for a six (6) foot privacy fence along the right-of-way where a spaced-picket design is required, as shown on the site plan dated received October 17, 2012 by the Department of Community Development.
- 2) The fence shall be landscaped in accordance with the approved landscape plan, dated received January 25, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received October 17, 2012

Site Plans – Dated received October 17, 2012

Proposed Landscape Plan – Dated received October 17, 2012

Revised Landscape Plan – Dated received January 25, 2013

Photographs

Photographs of neighboring lots – Dated received January 30, 2013



Variance Petition No. 201203009

HEARING & MEETING DATES

Board of Appeals Hearing

February 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Adolf Casal	Artistic Pools	Jared Crawford

PROPERTY INFORMATION

Address, Land Lot(s), and District	215 Powers Cove Land Lot 136, 17 th District
Council District	6
Frontage	Approximately 65 feet of frontage along Powers Cove and approximately 90 feet of frontage along Mt. Paran Road
Area	The subject property has a total area of approximately .497 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District) conditional under zoning case Z87-0013. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 0-1, 0 to 1 units per acre

INTENT

The applicant is proposing to encroach into the rear yard setback in order to construct a pool and accessory structure in one of their two front yards. The applicant is requesting three (3) primary variances from the Zoning Ordinance:

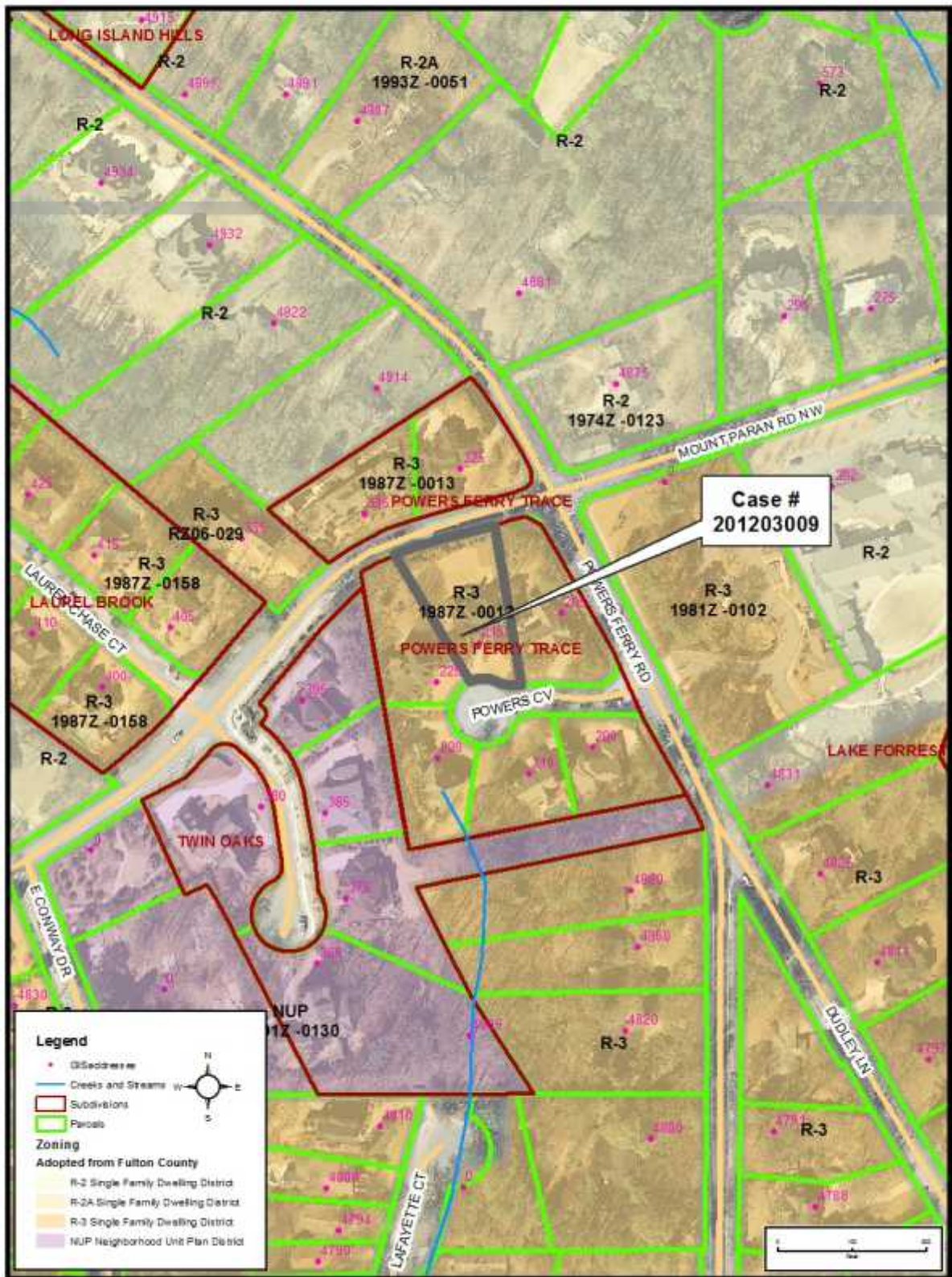
1. Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to twenty (20) feet to allow for the construction of a pool house, pool deck, pool equipment and fire pit.
2. Variance from Section 6.4.3.I of the Zoning Ordinance to allow an accessory structure to be located in a front yard.
3. Variance from Section 19.3.15.1 of the Zoning Ordinance to allow a pool, pool equipment, and pool deck to be located in a front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201203009 – 1) APPROVAL CONDITIONAL
201203009 – 2) APPROVAL CONDITIONAL
201203009 – 3) APPROVAL CONDITIONAL

Parcel Map

215 Powers Cove



Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

VARIANCE #1

Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to twenty (20) feet to allow for the construction of a pool house, pool deck, pool equipment and fire pit.

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 property was developed with two frontages, one along Powers Cove and another at Mt Paran Road. The applicant has a dedicated front yard along Powers Cove in which the fifty (50) foot front yard setback would still be applicable and an unused frontage along Mt Paran Road that is treated as the rear yard. The proposed pool house would be located along the unused frontage and will not disrupt the side yard setback. The pool and pool house comply with all other zoning requirements for this property. 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 property was developed with two frontages. Other adjacent properties under the R-3 zoning classification (Single Family Dwelling District) have both a qualifying front yard and rear yard. Thus, the fifty (50) foot front yard setback required by the Zoning Ordinance puts an unnecessary hardship on the applicant because it unfairly restricts the use of the applicant's property. Based on these considerations, staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

VARIANCE #2

Variance from Section 6.4.3.I of the Zoning Ordinance to allow an accessory structure to be located in a front yard.

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 property was developed with two frontages, and has left one of the front yards to be used as a rear yard. The proposed pool house will be located in the rear of the house along an unused frontage. The intent of the ordinance, to prevent accessory structures from being located in a front yard, is being served. 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 property was developed between Mt. Paran Road and Powers Cove, its two frontages, has left one of the front yards to be used as a rear yard. The rear yard contains a sanitary sewer and drainage easement which restricts the available space for construction. Construction of the pool house would be built five (5) feet from the existing retaining wall which is in the fifty (50) foot setback. Currently, there is a solid fence and heavy vegetation blocking the view of construction from Mt. Paran Road and the side yard remains undisturbed, thus, construction would be minimally disruptive to the other properties in the neighborhood and Mt. Paran Road traffic. Based on these considerations, staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

VARIANCE #3

Variance from Section 19.3.15.1 of the Zoning Ordinance to allow a pool, pool equipment, and pool deck to be located in a front yard.

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 development of this property, and its two frontages, has left one of the front yards to be used as a rear yard. The intent of the ordinance, to prevent pools, pool equipment, and pool decks from being located in a front yard, is being served. The proposed pool will be located in the rear of the house along an unused frontage. 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:

According to the definitions provided in the Zoning Ordinance, this lot has two frontages, one on Mt. Paran Road and the other on Powers Cove. The single family residence is accessed through the frontage along Powers Cove and is bound by a fence and vegetation along the Mt. Paran Road frontage. Due to the fact that it has two frontages, the pool must be located within one of the two front yards. Based on these unique circumstances, staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Thursday January 3, 2013 and which no additional comments were provided.

Conclusion

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** with a change in variance of the first variance request, **APPROVAL CONDITIONAL** of the second variance request, and **APPROVAL CONDITIONAL** of the third variance request to allow a pool, pool equipment, and pool deck to be located in a front yard.

Recommended Condition(s)

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

- 1) The subject pool, pool deck, pool equipment and fire pit shall be constructed in accordance with the proposed site plan, provided by the applicant dated received November 16, 2012 by the Department of Community Development, for the variance herein, showing a reduction in the fifty (50) foot front yard setback to twenty (20) feet to allow for the construction of a pool house, pool deck, pool equipment and fire pit.
- 2) To allow an accessory structure to be located in a front yard.
- 3) To allow a pool, pool equipment, and pool deck to be located in a front yard.

ATTACHMENTS:

Letter of Appeal – Dated received November 16, 2012

Site Plan– Dated received November 16, 2012

Photographs



Variance Petition No. 201203138

HEARING & MEETING DATES

Board of Appeals Hearing

February 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jeffery and Esther Stein	Jim Brown	Jim Brown

PROPERTY INFORMATION

Address, Land Lot(s), and District	450 Franklin Road Land Lot 67, 17 th District
Council District	5
Frontage	Approximately 36.19 feet of frontage along Franklin Road.
Area	The subject property has a total area of approximately .78 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1-2, 1 to 2 units per acre

INTENT

The applicant is proposing to reduce the front yard setback to construct a carport and to allow a portion of the existing structure to remain. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

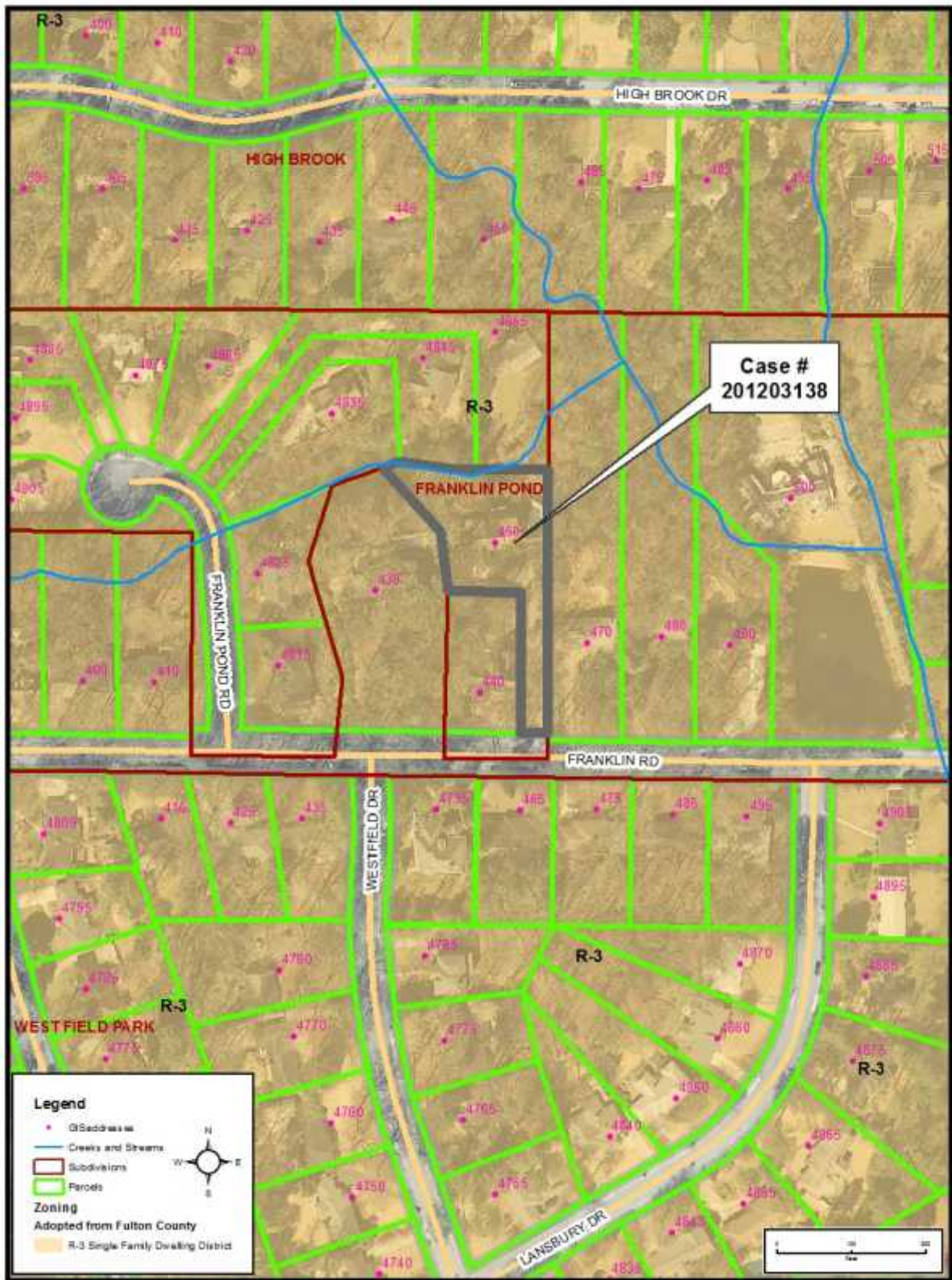
1. Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the front yard setback from fifty (50) feet to twelve (12) feet, four (4) inches to allow for the construction of a carport, and the existing structure to remain.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201203138 – 1) APPROVAL CONDITIONAL

Parcel Map

450 Franklin Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 14, 2013.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the front yard setback from fifty (50) feet to twelve (12) feet, four (4) inches to allow for the construction of a carport.

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 proposed carport will encroach into the fifty (50) foot front yard setback, as measured to exclude the pole portion of this flag lot. When the lot was originally developed, as part of Unincorporated Fulton County, flag lots were permitted. When current, applicable regulations apply, the existing home encroaches into the required fifty (50) foot front yard setback. There are many parcels in the area that are flag lots and have experienced similar setback changes. There are existing vegetation and grade changes between this residence and the one immediately south, effectively providing a buffer between these two parcels. Based on the existing encroachment of the house and these factors, staff is of the opinion that this proposal is in accordance with the intent and harmony of the ordinance and the surrounding land uses. 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 lot is legal non-conforming, and when current regulations are applied, hardships are created. Additionally, the shape, topography, and vegetation of the lot limit the developable space, providing no alternatives locations for a carport. Staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Thursday January 3, 2013 at which no additional comments were provided.

Conclusion

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 this variance request, to allow for the construction of a carport.

Recommended Condition(s)

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

- 1) To reduce the required front yard setback from fifty (50) feet to twelve (12) feet, four (4) inches to allow for the construction of a carport, as shown on the site plan dated received December 7, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received December 3, 2012

Site Plans and Elevation – Dated received December 7, 2012

Photographs