



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, March 4, 2020

Case: **V20-0008 – 345 Kelson Drive**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: February 26, 2020

REQUEST

Request for a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage (accessory structure) in the front yard and to exceed the allowable encroachment for accessory structures into the side yard setback.

APPLICANT

Property Owner: Mark K Klopp	Petitioner: Mark K Klopp	Representative: N/A
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SUMMARY

The applicant requests a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage (accessory structure) in the front yard and to exceed the allowable encroachment for accessory structures into the side yard setback. The structure is approximately 2 feet from the side property line, where 10 feet is required, and 27 feet from the front property line, where at least 60 feet is required. It encroaches into the front yard by approximately 380 square feet and encroaches into the side yard setback (beyond allowance) by approximately 90 square feet.

RECOMMENDATION

Department of Community Development

Staff recommends **Denial** of **Variance V20-0008**.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received January 22, 2020

Plans:

1. "As-Built for 345 Kelson Drive," prepared by ACR Engineering, Inc., dated March 22, 2019 and, received January 22, 2020

PROPERTY INFORMATION	
Location:	345 Kelson Drive (Parcel # 17 020500010030)
Council District:	6 – Bauman
Road frontage:	Approximately 178 feet of frontage on Kelson Drive
Acreage:	Approximately 0.75 acre
Current Zoning:	RD-27 (Residential Detached, 27,000 square foot minimum lot size)
Existing Land Use:	Single unit detached residence
Previous Zoning Case:	1975Z -0075
Character Area:	Protected Neighborhood

The requested Variance is for a recently constructed batting cage structure that encroaches into the front and side yards. The batting cage violates the setback regulations for accessory structures (Sec. 7.8.22.a.). The violation was discovered by a Code Enforcement Officer during a routine patrol. The structure also violates the maximum allowable encroachment for accessory structures into the interior side (common lot line) building setback (Sec. 7.8.22.b.) by approximately eight (8) feet. It should also be noted that the curb cut and driveway used to access the structure are not shown on the site plan or as-built survey and has not been permitted. Per the City Engineer, sufficient site distance, along with other assurances (through proper permitting) that the previously unpermitted work meets the Development Code, would be needed for the curb cut.

Community Development

The following images show the existing batting cage at 345 Kelson Drive:



Side view of batting cage



Front view of batting cage

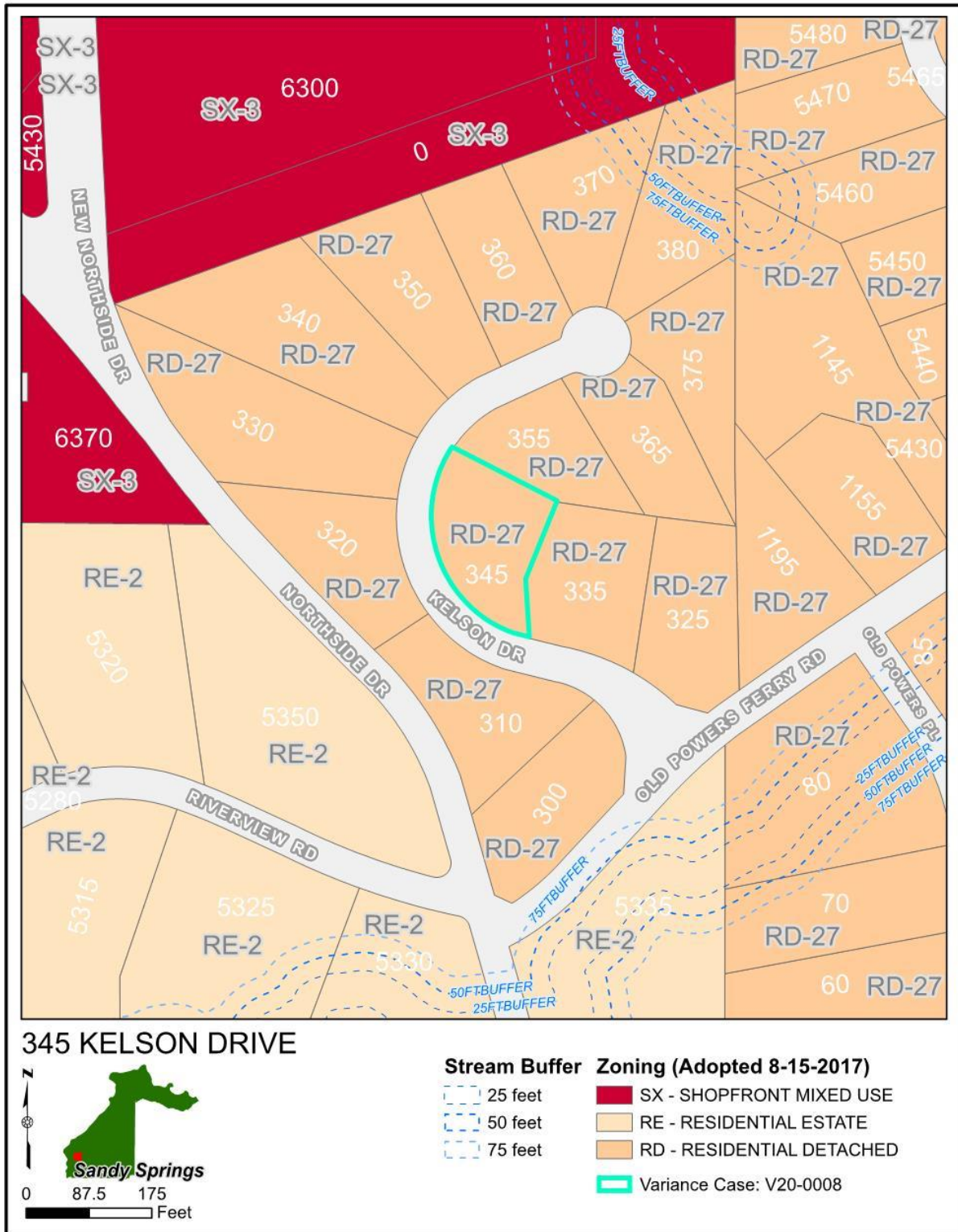
(All photographs by Madalyn Smith, February 12, 2020)

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	RD-27 / Single unit detached residence	355 Kelson Drive	0.75
East	RD-27 / Single unit detached residence	335 Kelson Drive	0.66
South	RD-27 / Single unit detached residence	310 Kelson Drive	0.85
West	RD-27 / Single unit detached residence	330 Kelson Drive 320 Kelson Drive	1.16 0.68
PROPOSED DEVELOPMENT			
--	RD-27 / Single unit detached residence	345 Kelson Drive	0.75

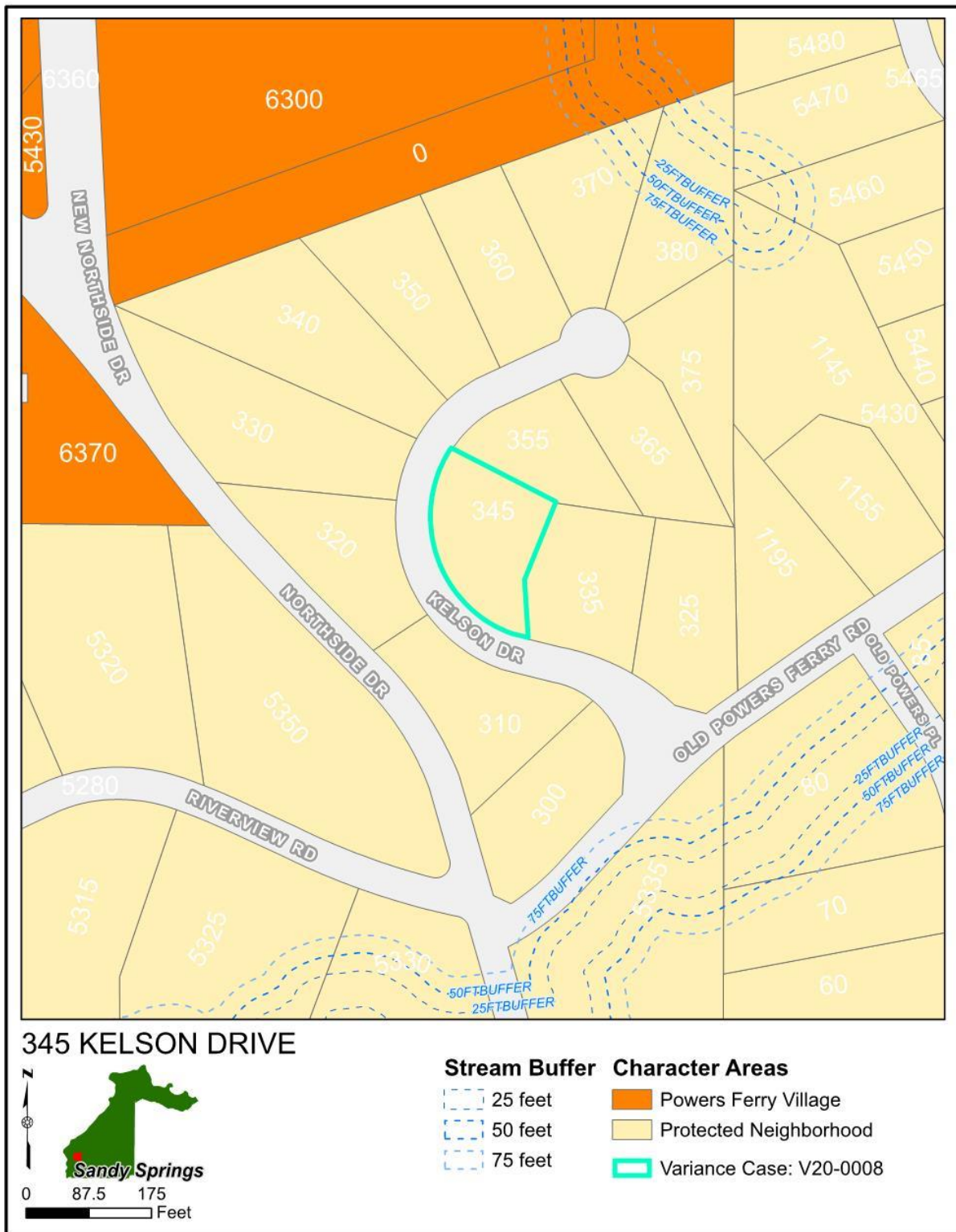
AERIAL IMAGE



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

Finding: The applicant's property contains a single unit detached residence that matches the character of the neighborhood and an accessory structure, a pool, in the rear yard. It is Staff's belief that the application of the Development Code would not create a hardship, and that it would merely constitute an inconvenience to the applicant, as it appears as though there is a reasonable use of the property.

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 subject property is 177.7 feet in width and 30,000 square feet in area, meeting the minimum requirements for the RD-27 District. A typical 30,000-square foot rectangular lot with 177.7 feet of frontage would be 168 feet deep and have an approximate buildable area of 10,000 square feet. However, 345 Kelson Drive is a pie-shaped lot. Therefore, the buildable area is less (as compared to a traditionally shaped lot) at approximately 8,800 square feet because of a longer primary street building setback.

The subject property is largely built out, maximizing the use of the property. During construction of the house, the builder actually exceeded the maximum allowed lot coverage in RD-27 of 30% and had to utilize a lot coverage bonus of 1.8% (up to 35% maximum lot coverage in RD-27 is allowed by the Development Code in exchange for additional stormwater infiltration).

While the shape of the lot somewhat limits the buildable area, there appears to be no other extraordinary and exceptional conditions specific to the subject property.

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 conditions of the property were present at the time of purchase. The applicant installed the batting cage structure without permitting or contacting the planning and zoning department. Thus, the conditions are the result of action of the current property owner.

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

Finding: As there is already a single unit detached residence and a pool and associated decking onsite, it appears that reasonable use of the property has been made. Thus, the Variance request would not provide the minimum relief necessary to make possible the reasonable use of the property.

The existence of a batting cage is not necessary for the reasonable use of a residential property. As previously stated, the allowable lot coverage has already been exceeded, utilizing a bonus offered in the Development Code.

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: Per Section 1.1.5. of the Development Code, the stated intent of the Development Code is to guide reinvestment in established neighborhoods that preserves and reinforces their unique characteristics. The front yard location chosen for the batting cage is not permitted in any neighborhoods. The proposed placement of the batting cage would therefore, not preserve or reinforce any characteristics,

as it is naturally uncharacteristic. The applicant provided letters of support from the residents of six (6) of the 15 homes in the subdivision.

However, if the applicant were to provide screening of the structure and mitigation for the additional lot coverage, it is Staff's belief that the request would not be detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs Transportation Engineer:

No comment provided.

Sandy Springs City Engineer:

No comment provided.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Correspondence Received:

Six (6) letters of support from neighbors were received as part of the application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Denial** of **Variance** V20-0008, request for a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage in the front and side yards.

However, should the Board of Appeals choose to approve Variance V20-0008, Staff recommends the following conditions:

1. The location and extent of the batting cage be limited to the location documented in "Exhibit 1" and limited to the size and height specified by the petitioner in his application.
2. The petitioner must obtain a minor Land Disturbance Permit for the batting cage and new driveway and provide proper mitigation for the additional lot coverage.
3. As part of the minor Land Disturbance Permit, the petitioner must either close the curb cut or provide proof of sufficient site distance to the City Engineer.
4. The batting cage must be screened on all side by evergreen screening that is at least 6 feet tall at the time of planting.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT Board of Appeals Meeting, March 4, 2020

Case: **V20-0009 – 5072 Riverview Road**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: February 25, 2020

REQUEST

Request for a Variance from Sec. 7.8.22. to allow a play structure in the front yard.

APPLICANT

Property Owner: Jessica and Scott Borgert	Petitioner: Jessica and Scott Borgert	Representative: N/A
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SUMMARY

The applicant requests a Variance from Sec. 7.8.22. to allow for a recently constructed play structure to remain located in the front yard, and primary street setback.

RECOMMENDATION

Department of Community Development

Staff recommends **Denial** of **Variance** V20-0009.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received January 30, 2020
2. Survey, dated December 13, 1989, and received January 30, 2020

PROPERTY INFORMATION	
Location:	5072 Riverview Road (Parcel # 17 0211 LL0935)
Council District:	6 – Bauman
Road frontage:	Approximately 99.5 feet of frontage on Riverview Road
Acreage:	Approximately 3.5 acres
Current Zoning:	RE-2 (Residential Estate, 2 acre minimum lot size)
Existing Land Use:	Single unit detached residence
Previous Zoning Cases:	N/A
Character Area:	Protected Neighborhood

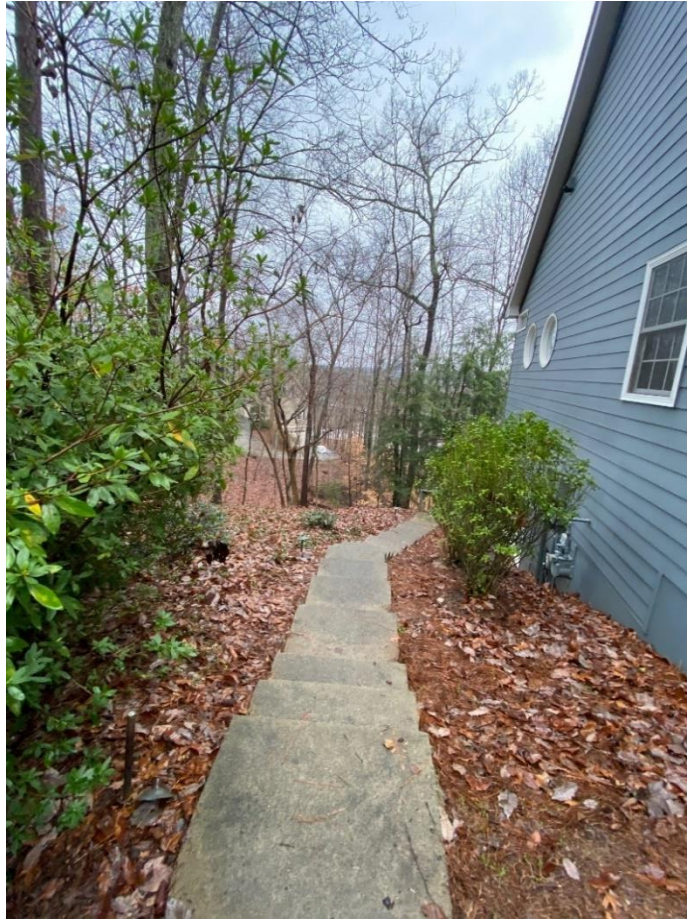
PROPOSED DEVELOPMENT
The requested Variance is for an existing play structure that encroaches into the front yard. The existing play structure violates the setback regulations for accessory structures, and the violation was discovered by a Code Enforcement Officer during a routine patrol. The play structure is approximately 14 feet tall and 80 square feet in total area. The following images show the existing conditions of the play structure and 5072 Riverview Road.
 The photograph shows a play structure constructed from wooden beams and stacked Everbilt boxes. The structure is elevated on a wooden frame. It is surrounded by trees and a house is visible in the background. The ground is covered with fallen leaves.
View of play structure



View looking west from the street



East side of home

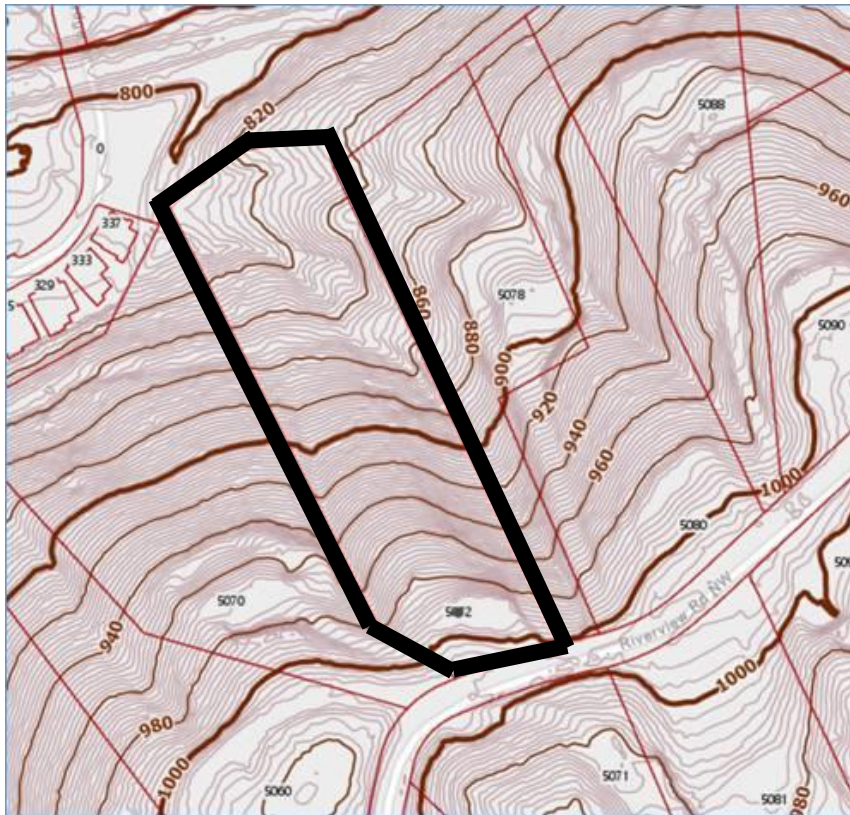


West side of home



Rear of home looking east

(All photographs by Madalyn Smith, February 11, 2020)



Top of subject and surrounding lots



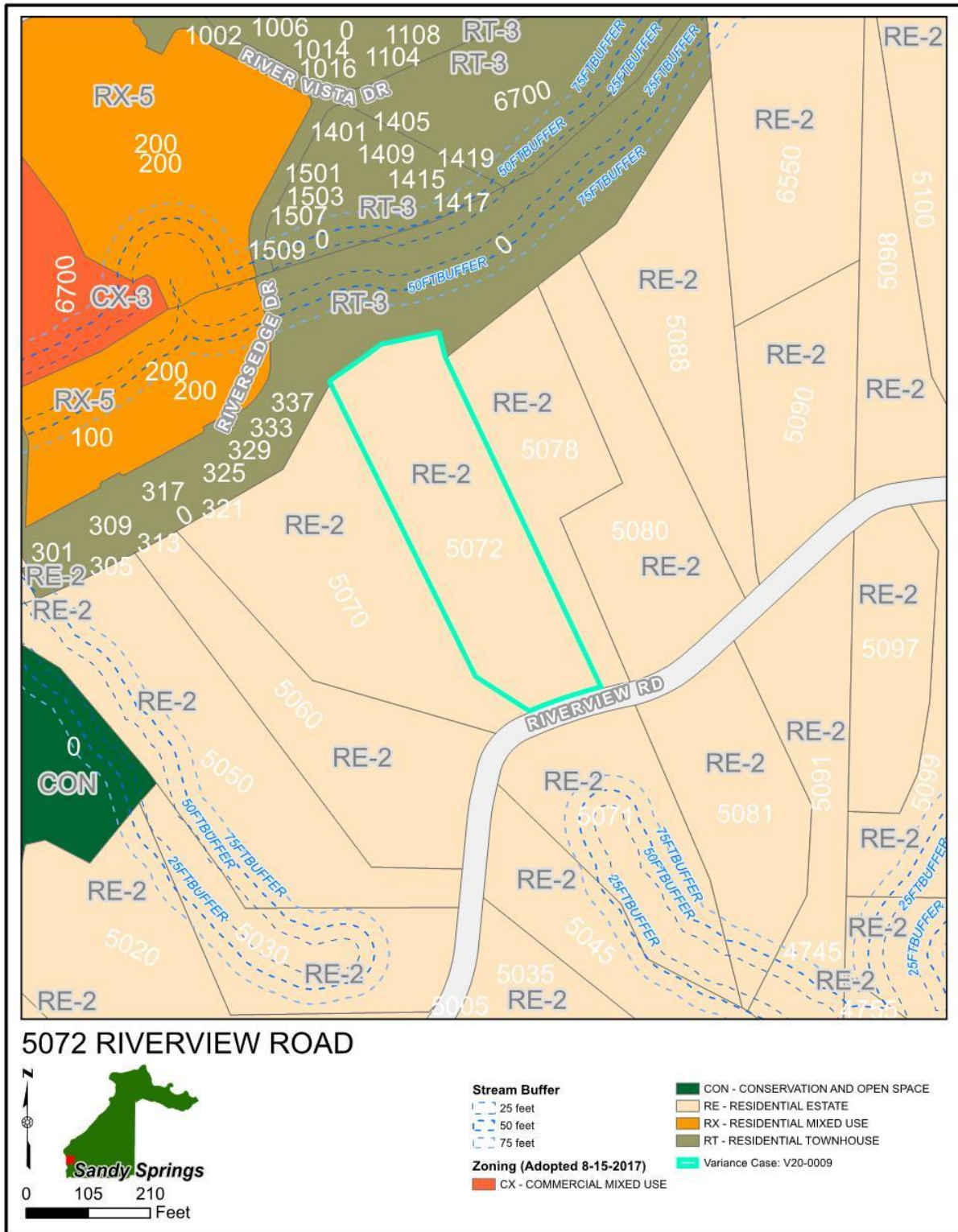
Approximate location of accessory structure

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	RT-3 / Single Unit Attached	0 Riverside Drive Rear	2.44
East	RE-2 / Single Unit Detached	5078 Riverside Drive	2
South	RE-2 / Single Unit Detached	5071 Riverside Drive	2
West	RE-2 / Single Unit Detached	5070 Riverside Drive	2.98
PROPOSED DEVELOPMENT			
--	RE-2 / Single Unit Detached	5072 Riverside Drive	3.3

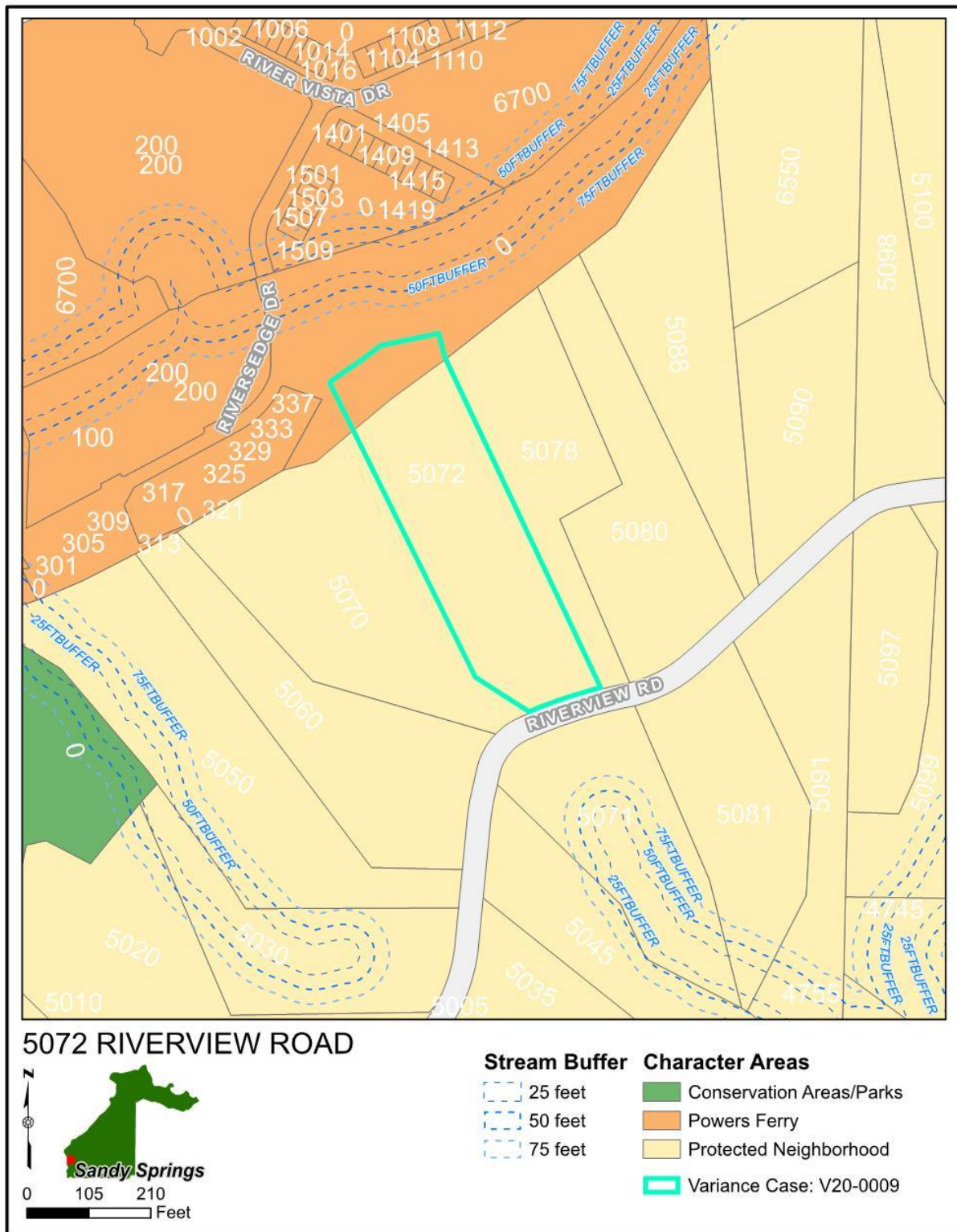
AERIAL IMAGE



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

Finding: It is Staff's opinion that application of the Development Code would not create an unnecessary hardship, but merely an inconvenience to the applicant, as the existence of a play structure is not typically considered vital to a reasonable use of residential property.

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 subject property is largely formed of moderate (15% to 35%) to steep (35% or greater) slopes. The lot drops 200 feet in elevation over a span of 655 feet (from the front to rear); for an approximate average slope of 31%. The relatively flat locations on the property are the parking pad in front of the garage and one portion of the front yard where the play structure is placed; which together constitute an area of approximately 2,500 square feet. Most other locations on the property would likely require some degree of grading and/or retaining walls to make an area closer to a grade of 15% or less to be able to place a play structure. The subject property is located within the Chattahoochee River Corridor, and it is preferable for land disturbing activities to be limited.

There's no challenge based on the size and shape of the property, but the topography is extraordinary and exceptional. .

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 conditions of the property were present at the time of purchase. The applicant installed the play structure thus, it is Staff's view that the conditions are the result of action of the current property owner.

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

Finding: There is currently a single unit detached dwelling onsite. Thus, it is Staff's belief that the Variance request would not provide the minimum relief necessary to make possible the reasonable use of the property.

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.

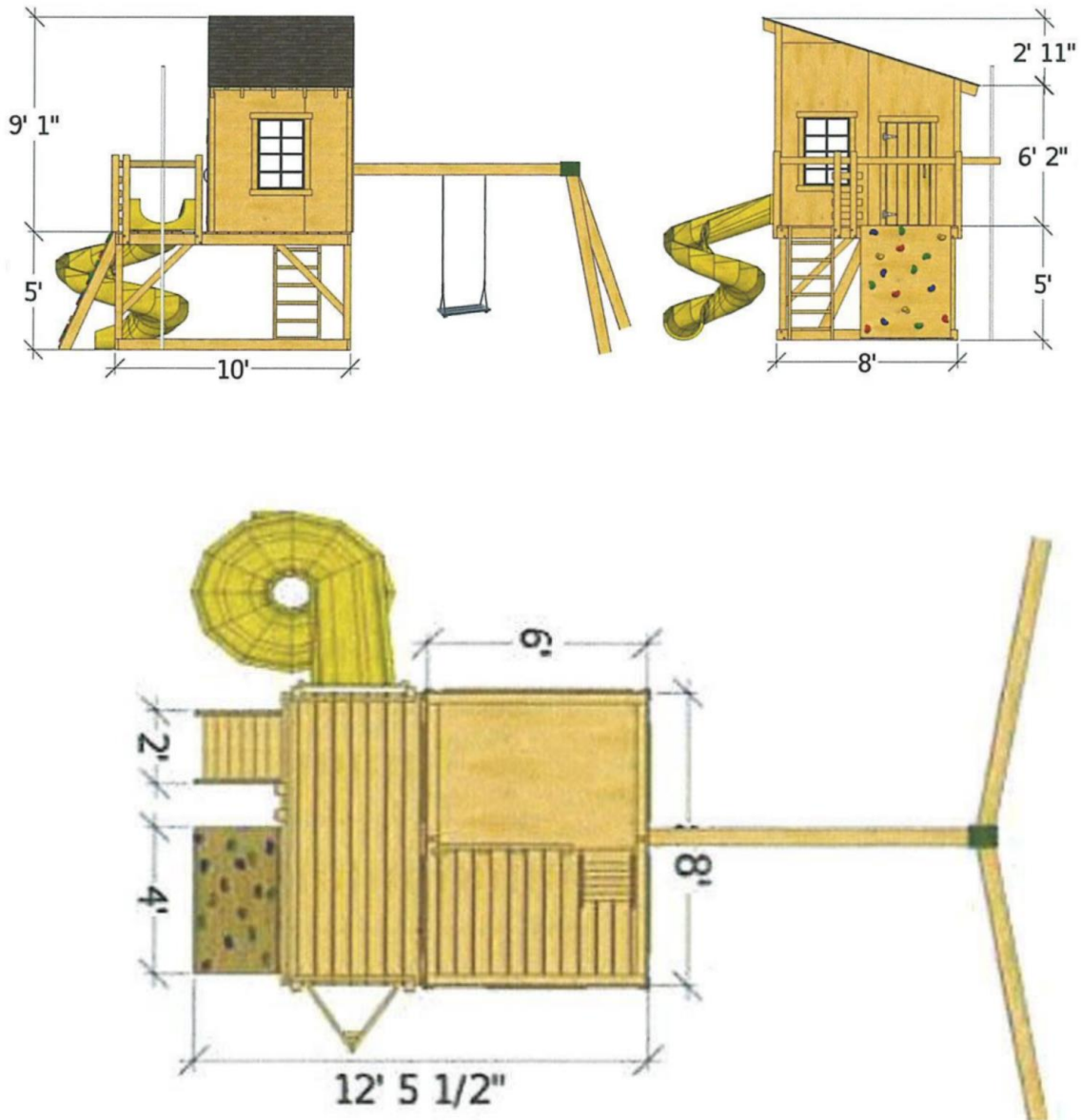
Finding: Per Section 1.1.5. of the Development Code, the stated intent of the Development Code is to guide reinvestment in established neighborhoods that preserves and reinforces their unique characteristics. Placing a play structure in the front of a yard of a residence is not permitted in any neighborhood. The proposed placement of the play structure would therefore, not preserve or reinforce existing neighborhood characteristics, as it is naturally uncharacteristic.

However, the applicant has provided letters of support from four (4) nearby neighbors, including the adjacent neighbor. The play structure is also relatively small and well screened. The play structure does not appear to be detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES
Sandy Springs Public Works: No comment provided. Sandy Springs Transportation Engineer: No comment provided. Sandy Springs City Engineer: No comment provided. Sandy Springs Chief Environmental Compliance Officer: No comment provided. Sandy Springs Arborist: No comment provided. Sandy Springs Sustainability Manager: No comment provided. Sandy Springs Building Official: No comment provided. Sandy Springs Fire Marshal: No comment provided. Correspondence Received: Four (4) letters of support were provided by the applicant, as part of the application (see package). One (1) public comment was received in opposition (See Public Comment).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Following review, and based on the findings, Staff recommends Denial of Variance V20-0009, request for a Variance from Sec. 7.8.22. to allow a play structure in the front yard. However, should the Board of Appeals choose to approve Variance V20-0009, Staff recommends the following condition: 1. The location and extent of the play structure be limited to the location documented by photographs taken by Madalyn Smith on February 11, 2020 and limited to the size and height specified by the applicant in their application (See Exhibit 1).

Exhibit 1





SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, March 4, 2020

Cases: **V19-0031 & V19-0032 – 0 Glenridge Drive (Parcel # 17 0034 LL0096)**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: February 26, 2020

REQUESTS

V19-0031 is a request for a Variance from Sec. 9.2.4.A. of the Development Code for encroachments into the 50-foot undisturbed natural vegetative buffer and 25-foot additional impervious surface setback for the purposes of constructing a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel at 0 Glenridge Drive (Parcel # 17 0034 LL0096).

V19-0032, a request for a Variance from Sec. 5.3.2. to allow a building to encroach into the required 20-foot setback, was withdrawn.

APPLICANT

Property Owner: Glenridge Green Partners LLC (contact: John Hardy)	Petitioner: Glenridge Green Partners LLC (contact: John Hardy)	Representative: Marcus Rubenstein, Kimley-Horn and Associates
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SUMMARY

The applicant requested two (2) Variances:

1. V19-0031, a request for a Variance from Sec. 9.2.4.A. to allow encroachments into the 50-foot undisturbed natural vegetative buffer (50-foot buffer) and 25-foot additional impervious surface setback (25-foot setback) in order to construct a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel, and
2. V19-0032*, a request for a Variance from Sec. 5.3.2. to allow a building to encroach into the required 20-foot setback.

***V19-0032 was withdrawn on February 7, 2020.**

RECOMMENDATION

Department of Community Development

Staff recommends **Conditional Approval** of Variance V19-0031.

MATERIALS SUBMITTED AND REVIEWED**Materials:**

1. (Revised) Application, submitted February 12, 2020
2. Clarification to the Revised Application, submitted February 14, 2020

Plans:

1. Attachments A to G, prepared by Kimley Horn and Cooper Carry, submitted February 12, 2020
2. Clarification to the revised attachments A to G, submitted February 14, 2020

PROPERTY INFORMATION

Location:	0 Glenridge Drive (Parcel # 17 0034 LL0096)
Council District:	4 – Reichel
Road frontage:	Approximately 150 feet of frontage on Abernathy Road and Approximately 1,400 feet on frontage on Glenridge Drive
Acreage:	Approximately 5.2 acres
Current Zoning:	PX-8 (Perimeter Mixed Use, 8 stories maximum height)
Existing Land Use:	Undeveloped
Previous Zoning Cases:	Rezoning Case Z2000-093 was approved with conditions. Modification Case M2002-009 was approved with conditions.
Character Area:	Perimeter Center

PROPOSED DEVELOPMENT

The applicant proposes to develop the southern half of the site with a 200,000-square foot, 242-room hotel that would contain guest rooms, meeting space, dining options, and a parking garage. The applicant also proposes to construct a restaurant, event lawn, and walking trails on the northern half of the property. The applicant previously approached the Board of Appeals with Variance V19-0022, which contained several requests related to the construction of the hotel; V19-0022 was approved with conditions on 12/10/2019 and 1/14/2020.

The applicant now requests a stream buffer Variance, V19-0031, in order to develop the northern half of the site with the construction of a restaurant and pervious footpaths. (The applicant's request for one other additional Variance, V19-0032, was withdrawn.)

The shape of the property is very narrow, ranging from 85-200 feet in width. The topography slopes up from Abernathy Road and Glenridge Drive to the crest of a hill. The proposed hotel, the primary building, would be situated on the crest of the hill on the southern half of the property. The proposed walking trails, restaurant, and event lawn, would be located on the northern half of the property, where the lot slopes down to Marsh Creek and is subject to limitations from the state waters and associated buffers and 25-foot setback, as well as floodplain and a sewer easement that was recently installed on the northern portion of the property.

The proposed restaurant would be a raised structure on piers in order to limit ground disturbance. It is proposed that 1,336 square feet of the enclosed building would encroach into the 25-foot setback, in addition to 1,033 square feet of decking. A total of 434 square feet square feet of decking would encroach into the 50-foot buffer.

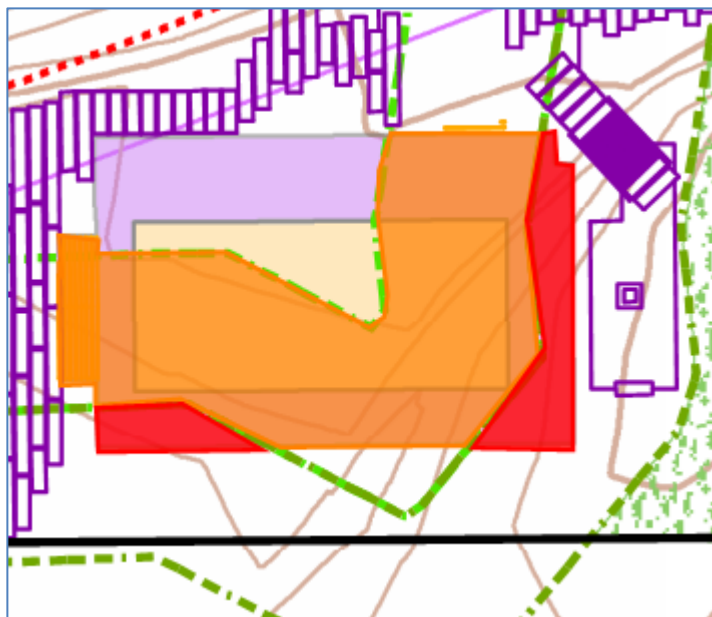


Image 1. Restaurant encroachment into the 25- foot impervious surface setback encroachment highlighted in orange and 50-foot undisturbed natural vegetative buffer encroachment highlighted in red

The proposed driveway (4,194 square feet of disturbance) and footpath (3,827 square feet of disturbance) will be constructed of pervious materials. The footpath would provide pedestrian access from the proposed Marsh Creek Trail and the sidewalk along Glenridge Drive, to provide access to the subject property. Additionally, the applicant proposes disturbance for an event lawn in an area previously disturbed by a Fulton County sewer project, which would be graded flat and grassed. There are also decking and pervious areas proposed within the buffer and setback for access to the property from the hotel portion of the site as well as seating/viewing areas throughout.

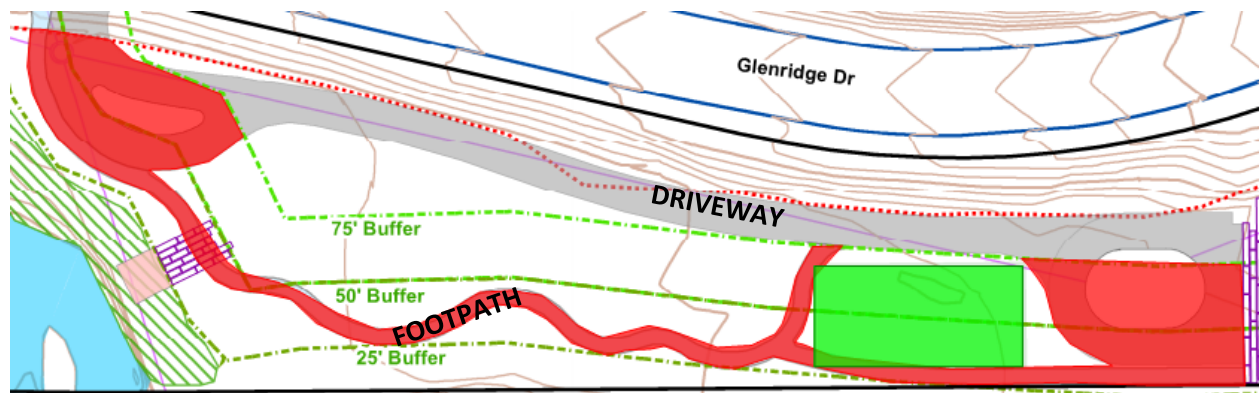


Image 2. Driveway and footpath encroachment into the buffer and setback highlighted in red, event lawn highlighted in green

The following images show the existing conditions of 0 Glenridge Drive (Parcel # 17 0034 LL0096).

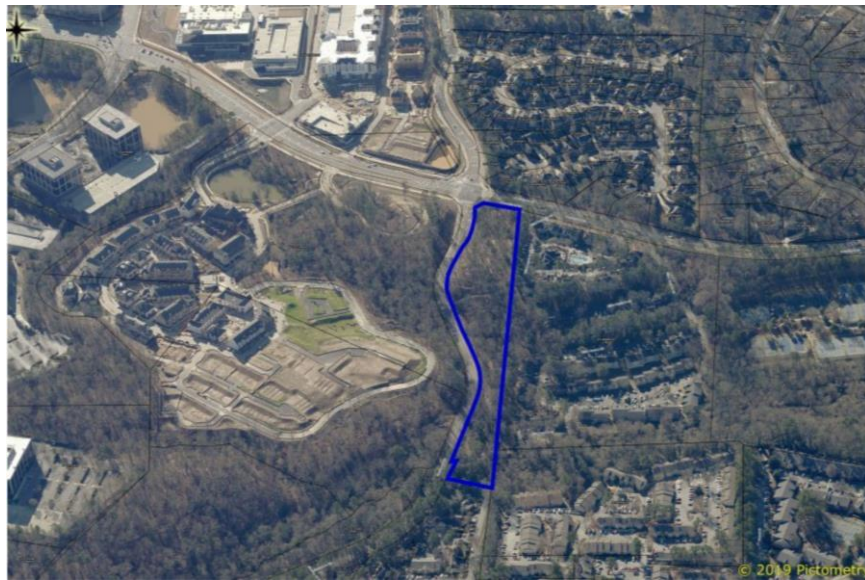


Image 3. Aerial image of property looking south towards Abernathy



Image 4. Aerial image looking west at the proposed site for the restaurant

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address	Land area (acres) (approximate)
North	RM-3 / Multi-unit residential	6800 Glenridge Drive	10
East	PR-5 / Mixed use	6615 Glenridge Drive	60
South	RD-7.5 / Single unit detached residences	560 Glengate Cove	0.3
West	RM-3 / Multi-unit residential	550 Abernathy Road	20
PROPOSED DEVELOPMENT			
--	PX-8 / Hotel	0 Glenridge Drive (Parcel # 17 0034 LL0096)	5.2

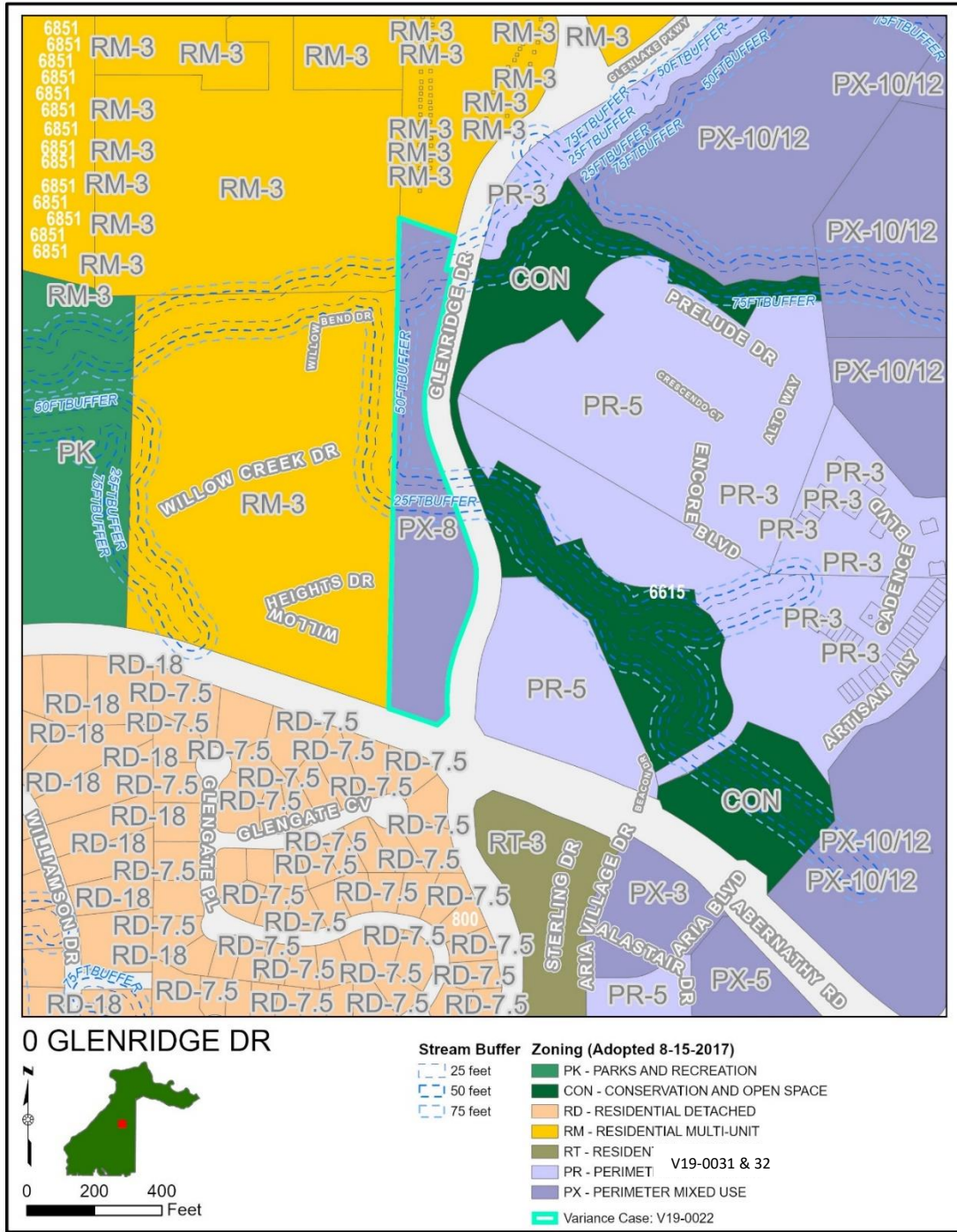
AERIAL IMAGE



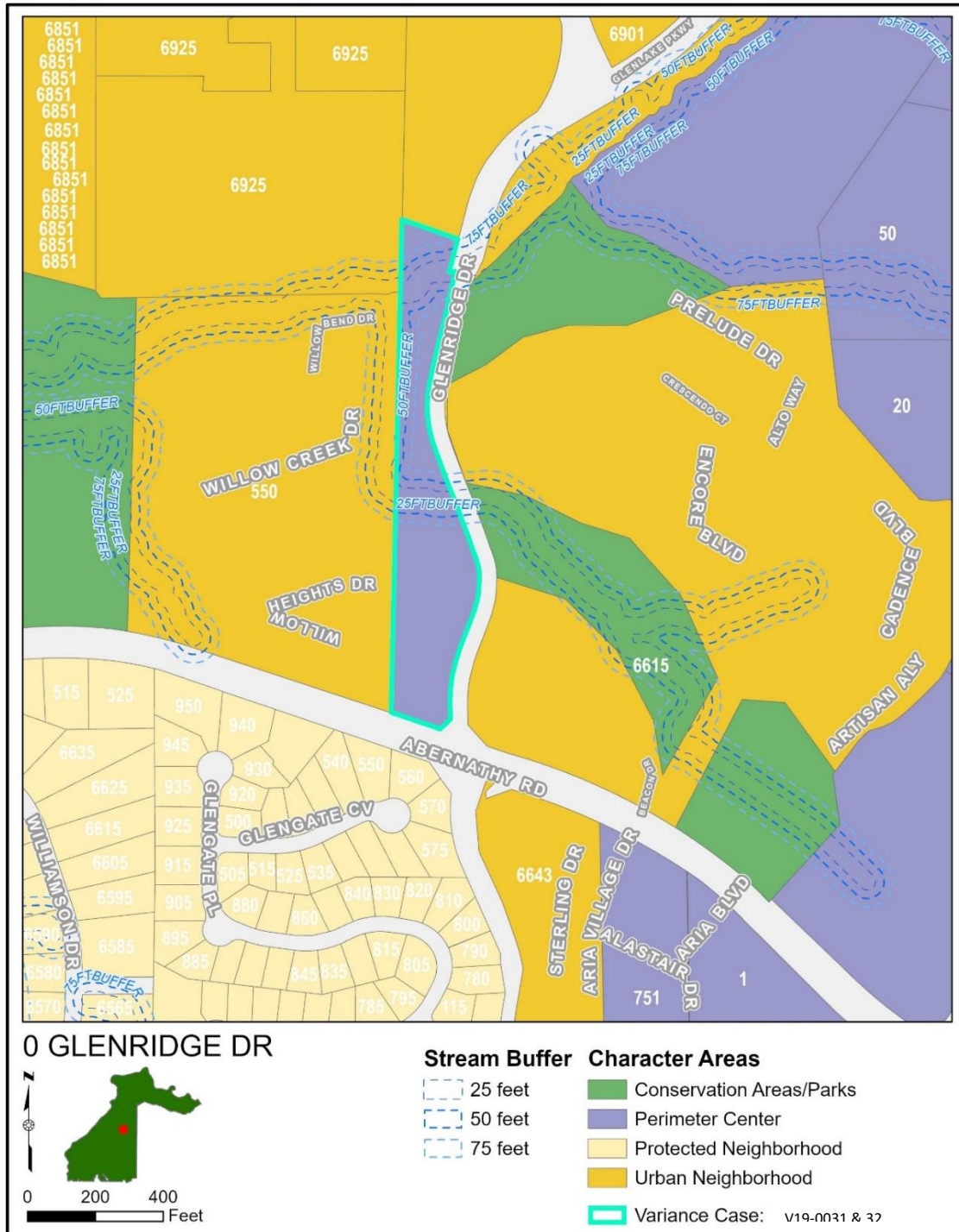




ZONING MAP



Community Development



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;**

Finding: The subject property is a total of 5.218 acres.

The areas of the site unencumbered by state waters buffers are highlighted in orange on Figure 1 below. The front half of the property, labeled "A," is ~2.6 acres and is where the hotel is proposed to be located. The rear portion of the property, "B," is ~2.6 acres and is the proposed location of the restaurant, driveway, event lawn, and walking trails for which the applicant requests a Variance. These sites are being developed separately but are being viewed as one overall development scenario.

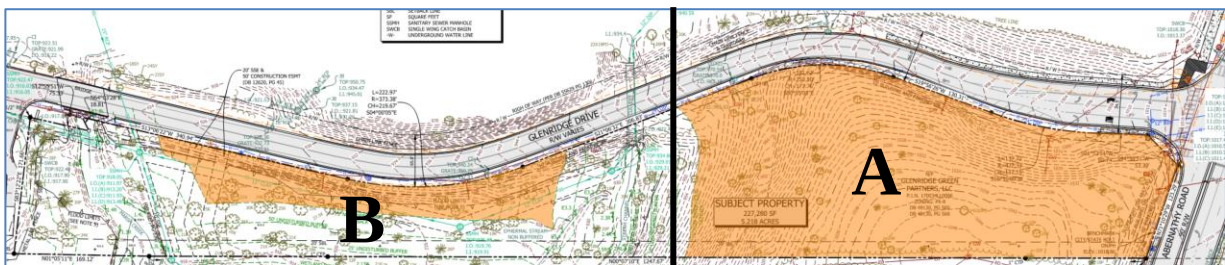


Figure 1.

The buildable area of portion "B" is significantly reduced by a Fulton County sanitary sewer easement, though the applicant does have an understanding with Fulton County that would allow them to locate a portion of the proposed deck and driveway over the easement. Figure 2 shows the state waters buffers in blue, the easement in red, and the three (3) separate buildable areas in green, labelled 1-3. Area 1 is ~870 square feet, area 2 is ~6,600 square feet, and area 3 is ~2,150 square feet. The buildable area of portion B is reduced to 9%, or 9,620 square feet, of a 2.6 acres site.

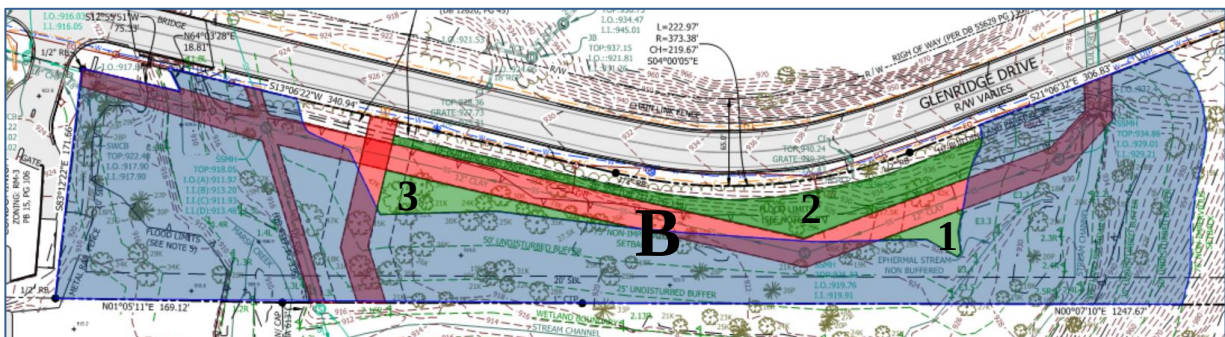


Figure 2.

The presence of the buffers does not eliminate the possibility of development on this portion of the property but it is severely limited by the long and narrow shape, two streams, and the sanitary sewer easements.

b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements would create an extreme hardship.

Finding: The subject property is uniquely situated in Sandy Springs as one of the few undeveloped properties in the Perimeter Center district which is a very desirable and valuable piece of real estate, and a rare mixed-use property along Marsh Creek (Figure 3), and the only undeveloped parcel along the proposed Marsh Creek Trail (Figure 4). However, approximately 50% of the site is encumbered with buffers and easements, which severely limits development.

Staff does recognize that there is an extreme hardship on portion “B” of the property due to the hydrology, topography, and other factors, such as the presence of the sewer easements, which track through the property. The applicant’s revised plan balances taking advantage of the opportunity for a unique amenity while limiting intrusion and providing restoration of the buffers where impacted or in need of enhancement.

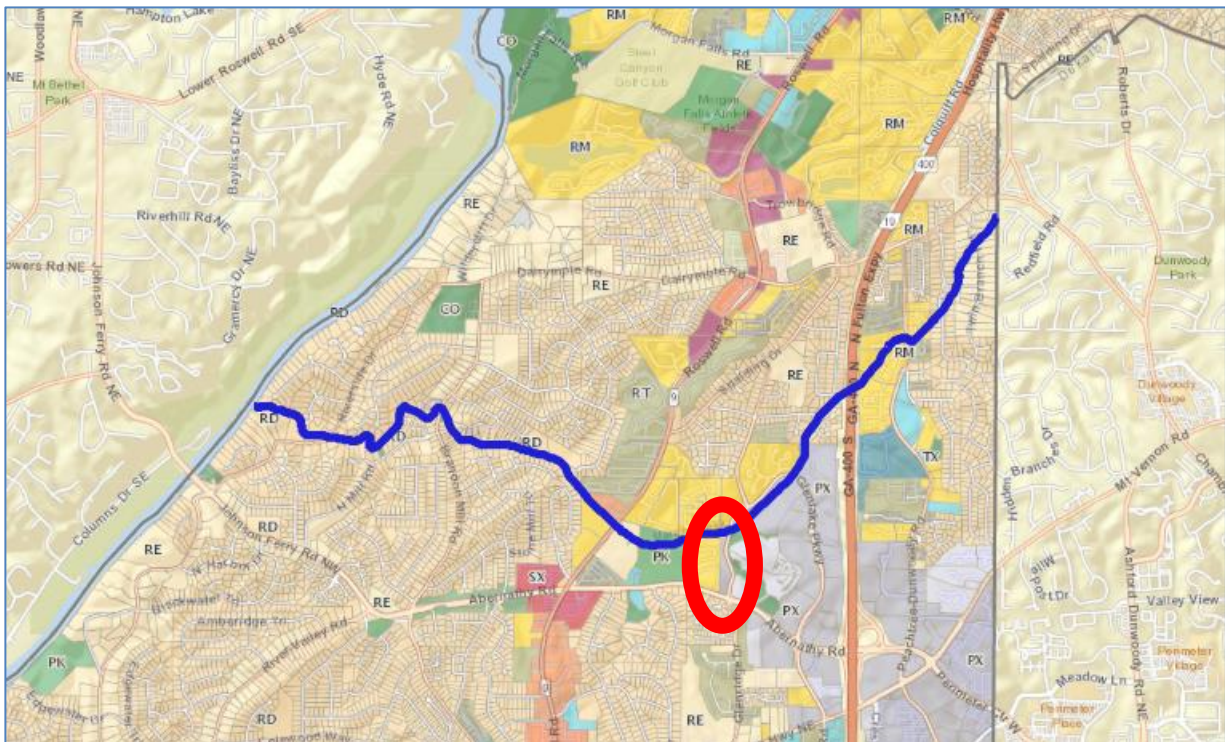


Figure 3. Marsh Creek is denoted by the bright blue line, and the subject property’s general location is circled in red

Marsh Creek Greenway
City of Sandy Springs
Q.5 - Recreational Opportunity

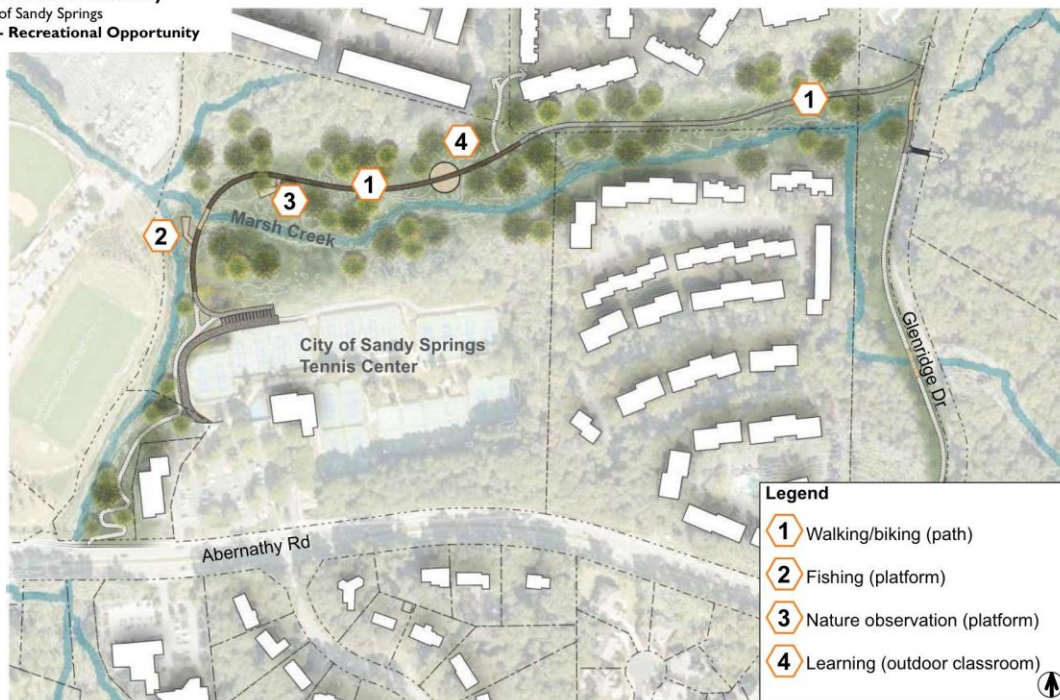


Figure 4. Proposed preliminary path for the Marsh Creek Trail

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 site is currently undeveloped, and the conditions are not the result of action nor inaction of the 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: This portion of the property has approximately 600 feet of frontage on Glenridge Drive. The average width of portion "B" is only 150 feet, and is ~85 feet at its narrowest and contains state waters and floodplain and 20-foot wide sewer easement runs the length of it.

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

Finding: Below is the proposed site plan, with the various improvements labeled 1-4.

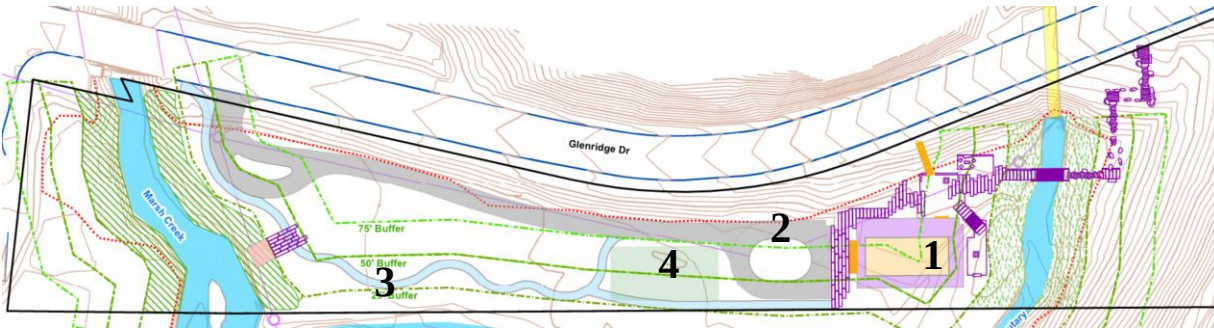


Figure 5. Proposed Site Plan

(1) Impervious intrusions for “Biergarten Building” and “Biergarten Deck”*

Buffer/Impervious Setback	Encroachment (square feet)
25' Additional Impervious Surface Setback	2,369
50' City Undisturbed Natural Vegetative Buffer	434
25' State Undisturbed Natural Vegetative Buffer	0
Total	2,903

*In the original Application, the “Biergarten Deck” was improperly labeled as pervious. It is considered impervious surface.

(2) Pervious intrusions for driveway*

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	2,500
50' City Undisturbed Buffer	1,694
25' State Undisturbed Buffer	0
Total	4,194

(3) Pervious intrusions for footpath

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	240
50' City Undisturbed Buffer	3,587
25' State Undisturbed Buffer	0
Total	3,827

(4) Pervious intrusions for event lawn

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	1,682
50' City Undisturbed Buffer	1,520
25' State Undisturbed Buffer	0
Total	3,202

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

Finding: The applicant has considered three (3) development scenarios.

Alternate 1 shows no intrusion within the 50-foot undisturbed natural vegetative buffer, but the building would not be functional.

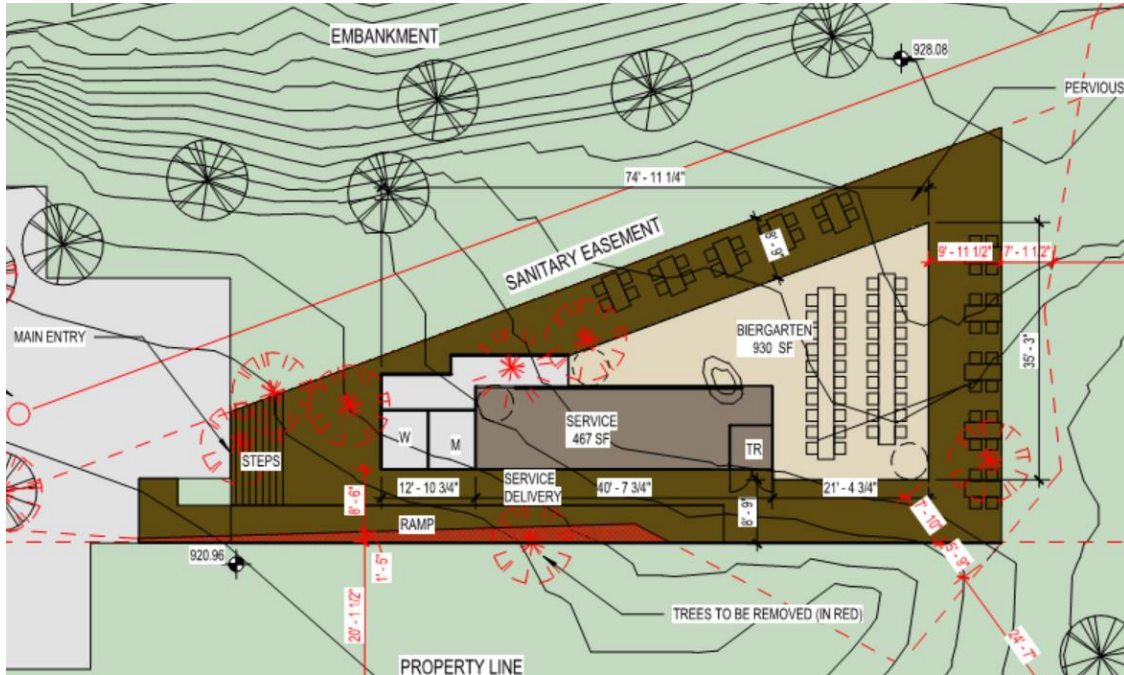


Figure 6. Alternate 1

Alternate 2 proposes 1,104 square feet of encroachment into the 50-foot undisturbed natural vegetative buffer.

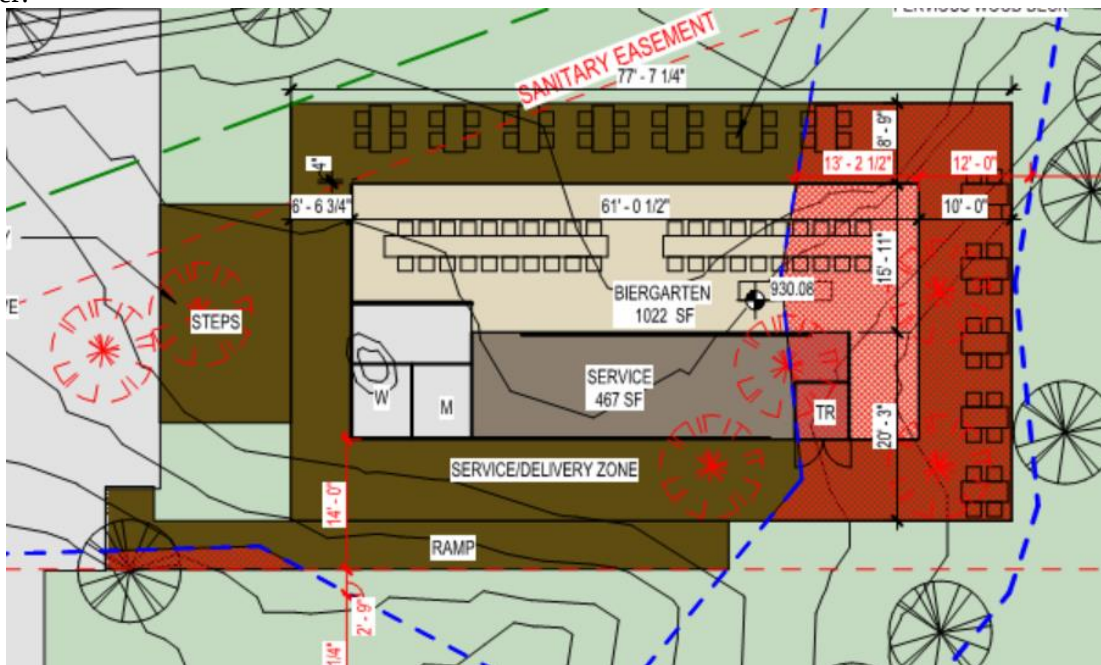


Figure 7. Alternate 2

Alternate 3, the applicant's previous preferred request, shows 2,021 square feet of disturbance within the 50-foot undisturbed natural vegetative buffer.

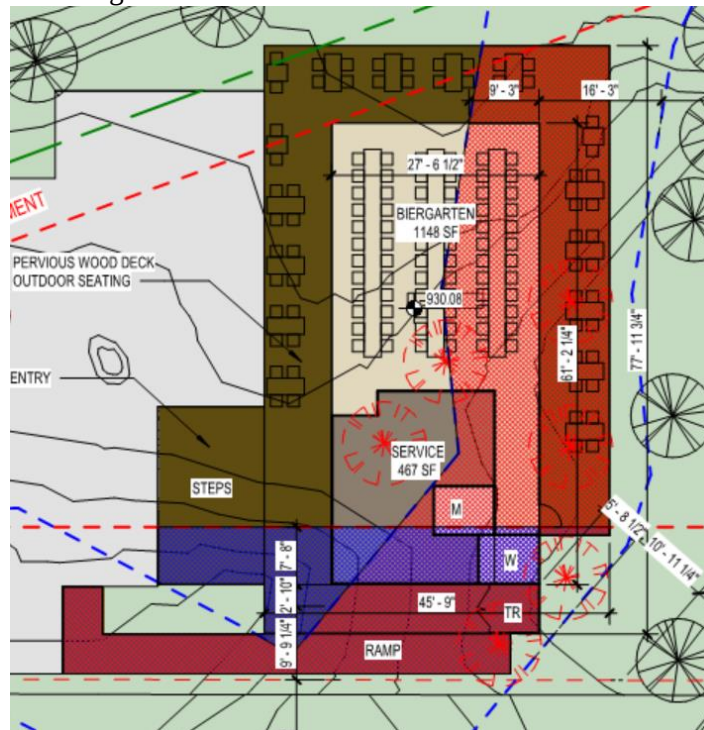


Figure 8. Alternate 3

The current plan the applicant has proposed, limits intrusion into the 50-foot undisturbed natural vegetative buffer, with only a portion of the deck encroaching into it.

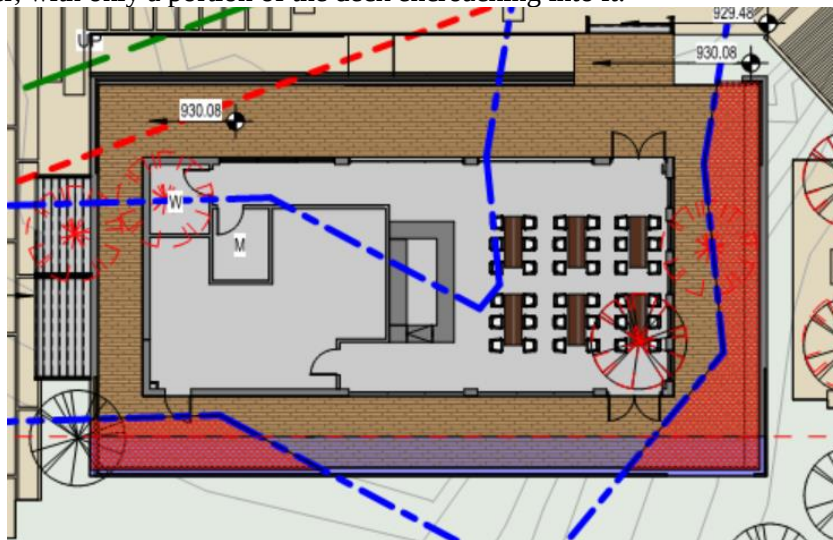


Figure 9. Proposed Plan

Alternate 1 does not appear viable due to the awkward shape of the building. Alternatives 2 and 3 do not adequately protect the buffers and the 25-foot additional impervious surface setback, and thus are not the minimal relief necessary.

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

Finding: The impact of the development of this site is limited by the applicant's proposal for the use of pervious surfaces where possible and constructing the main building on piers. However, because Marsh Creek is listed on the 2018 Georgia EPD 305(b)/303(d) 2018 list as being an impaired stream, urban development can have an adverse impact. It is the opinion of staff that with environmentally sensitive best management practices (BMPs), pre- and post-construction, these impacts can be mitigated. This can be achieved through the implementation of an Inspection and Maintenance Agreement.

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

Finding: As part of environmentally sensitive BMPs, planting and revegetation of the stream buffers is critically important. The applicant should be required to vegetate the 50-foot undisturbed natural vegetative buffer and 25-foot impervious surface setback according to the standards in the "Sandy Springs River, Tributary, and State Waters Buffer-Revegetation Standards." This ensures proper protection of the environment.

COMMENTS FROM OTHER PARTIES

Sandy Springs City Engineer:

1. Marsh Creek in this location is listed on the 2018 Georgia EPD 305(b)/303(d) 2018 list as being an impaired stream. The violations include Biota F (non-supportive of fishing environments) and Fecal Coliform. Georgia EPD lists the potential cause for the streams impaired states as Urban Development.
2. The Applicant should provide evidence at the time of permitting that the buffer intrusions proposed for this project will not add additional water quality stressors which will adversely affect the water quality nor further the biological impairment of the stream.
3. The proposed deck is listed as Pervious Surface in the application. The applicant should provide sufficient plans, detail and supporting data, as determined by the Director, to support classification of the deck as pervious surfacing at the time of permitting.
4. The proposed vehicular driveways and pedestrian walkways are shown on the plan as Pervious Surfaces. The applicant should provide sufficient plans, details and supporting data, as determined by the Director that the proposed surfaces will provide infiltration equivalent to natural pervious surfaces at the time of permitting,
5. The alternatives presented failed to consider relocation of the existing sanitary sewer line as an option.
6. It appears that full compliance with Development Code Section 9.6 may not be possible with the Site Plan as submitted. If approved, the plans and studies should be required to fully comply with Development Code Section 9.6 and the Georgia Stormwater Management Manual.

Sandy Springs Arborist:

I do not have any comments. They supplied all the previously missing information I was looking for. They are using a fair variety of native plants appropriately and are meeting the canopy requirements.

Sandy Springs Sustainability Manager:

The applicant made commendable improvement to their proposed plan in light of the first round of reviews, by considerably reducing the intrusion into the stream buffers. It remains however that any intrusion in the buffers reduces their capability to render ecological services such as runoff filtration and shading the stream. The site in its entirety (both hotel and biergarten area) should be considered when determining if a hardship exists.

Correspondence Received:

Two (2) public comments in opposition were received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Conditional Approval** of V19-0031, a request for a Variance from Sec. 9.2.4.A. of the Development Code for encroachments into the 50-foot undisturbed natural vegetative buffer and 25-foot additional impervious surface setback for the purposes of constructing a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel at 0 Glenridge Drive (Parcel # 17 0034 LL0096). Staff recommends Approval subject to the following **conditions**.

1. The intrusion be limited to and substantially similar to that shown in “Figure 1: Proposed Site Plan” prepared by Kimley Horn and “BIERGARTEN SITE PLAN – D.C. – 6.1.2A – PREFERRED PLAN” prepared by Cooper Carry; both received on February 14, 2020.
2. At the time of permitting:
 - a. The applicant must provide pervious material(s) for the driveway and footpath. Materials are determined pervious by the City Engineer and are subject to the approval of the Director of Community Development.
 - b. A sufficient Mitigation Plan must be submitted, utilizing the guidelines detailed in the “River, Tributary, and State Waters Buffer-Revegetation Standards” document provided by Staff and must also detail the applicants proposed BMPs. The plan will be reviewed by the Sustainability Manager, Chief Environmental Compliance Officer, and City Engineer. The Mitigation Plan will be subject to the approval of the Director.
 - c. The applicant will be required to enter into an Inspection and Maintenance Agreement to ensure compliance with the Mitigation Plan.