



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0006 – 5935 Brookgreen Road**
Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: March 1, 2016

REQUESTS

One (1) primary variance from Section 6.4.3.C of the City of Sandy Springs Zoning Ordinance to allow the existing carport to remain and be enclosed, which encroaches five (5) feet into the required minimum side yard of ten (10) feet.

APPLICANT

Property Owner: Trevor Shonkwiler	Petitioner: Trevor Shonkwiler	Representative: --
--------------------------------------	----------------------------------	-----------------------

PROPERTY INFORMATION

Location:	5935 Brookgreen Road; Parcel #: 17 003700010471
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 100 feet along Brookgreen Road
Acreage:	0.9 acre
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R2-3 (2 to 3 units per acre)

SUMMARY

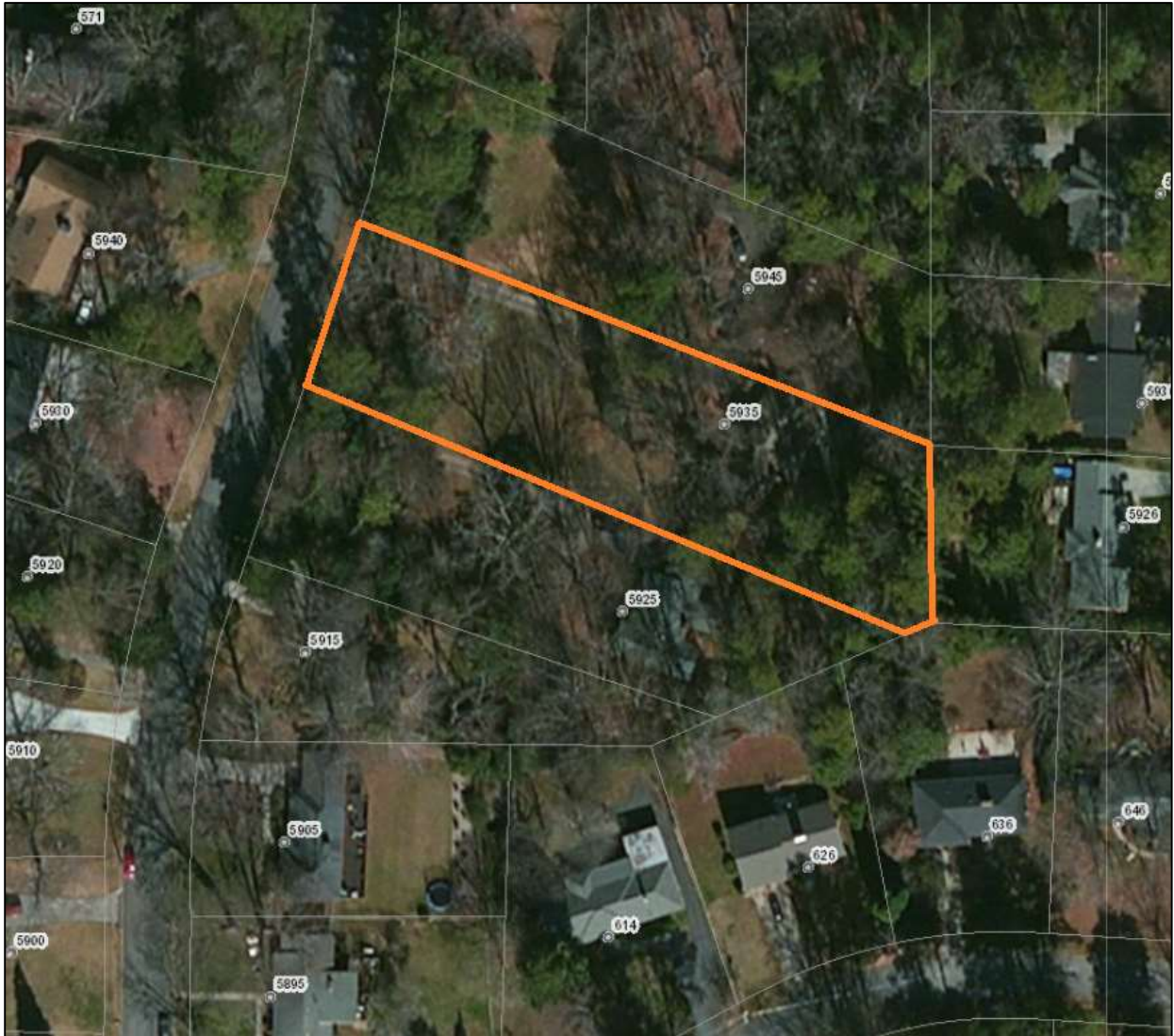
The applicant seeks to enclose the existing carport, which encroaches five (5) feet into the minimum side yard, to utilize as a storage area and construct a new two-car garage which will fully comply with all applicable minimum yard requirements.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of variance request V16-0006.

AERIAL IMAGE



ZONING MAP



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request No.1: One (1) primary variance from Section 6.4.3.C of the City of Sandy Springs Zoning Ordinance to allow the existing carport to remain and be enclosed, which encroaches five (5) feet into the required minimum side yard of ten (10) feet.

Finding: The existing dwelling was constructed in 1950, prior to the incorporation of the City of Sandy Springs. The carport is approximately 400 square feet, of which approximately 100 square feet currently encroaches five (5) feet into the minimum side yard. The proposal seeks to enclose the existing carport for storage use, and to construct a compliant garage in front of the existing structure. The property slopes significantly downward from the street toward the dwelling, from approximately 1033 feet to 1024 feet, reducing the dwelling's overall visibility from the street.

*Staff recommends **approval***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Approval** of variance request V16-0006 to allow the existing carport to remain and be enclosed, subject to the following condition:

1. The proposed enclosed garage shall meet all requirements of the Zoning Ordinance, and no further variances will be approved for this expansion project.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0007 – 265 Fieldsborn Court**
Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: March 1, 2016

REQUESTS

1. One (1) primary variance from Section 4.23.1 of the City of Sandy Springs Zoning Ordinance to allow existing house, pool, patio, steps, walls, pumps, heater, fence, and deck to remain within the 50 foot undisturbed buffer and 10 foot improvement setback;
2. One (1) primary variance from Section 4.23.1 of the City of Sandy Springs Zoning Ordinance to allow the proposed expansion of house, deck, and associated stairs within the 50 foot undisturbed buffer and 10 foot improvement setback;
3. One (1) primary variance from Section 11.2.4.I of the City of Sandy Springs Zoning Ordinance to allow the existing wall and steps to remain within the 40 foot perimeter setback.

APPLICANT

Property Owner: Arin & Lorne Tritt	Petitioner: Arin & Lorne Tritt	Representative: Margaret Shannon
---------------------------------------	-----------------------------------	-------------------------------------

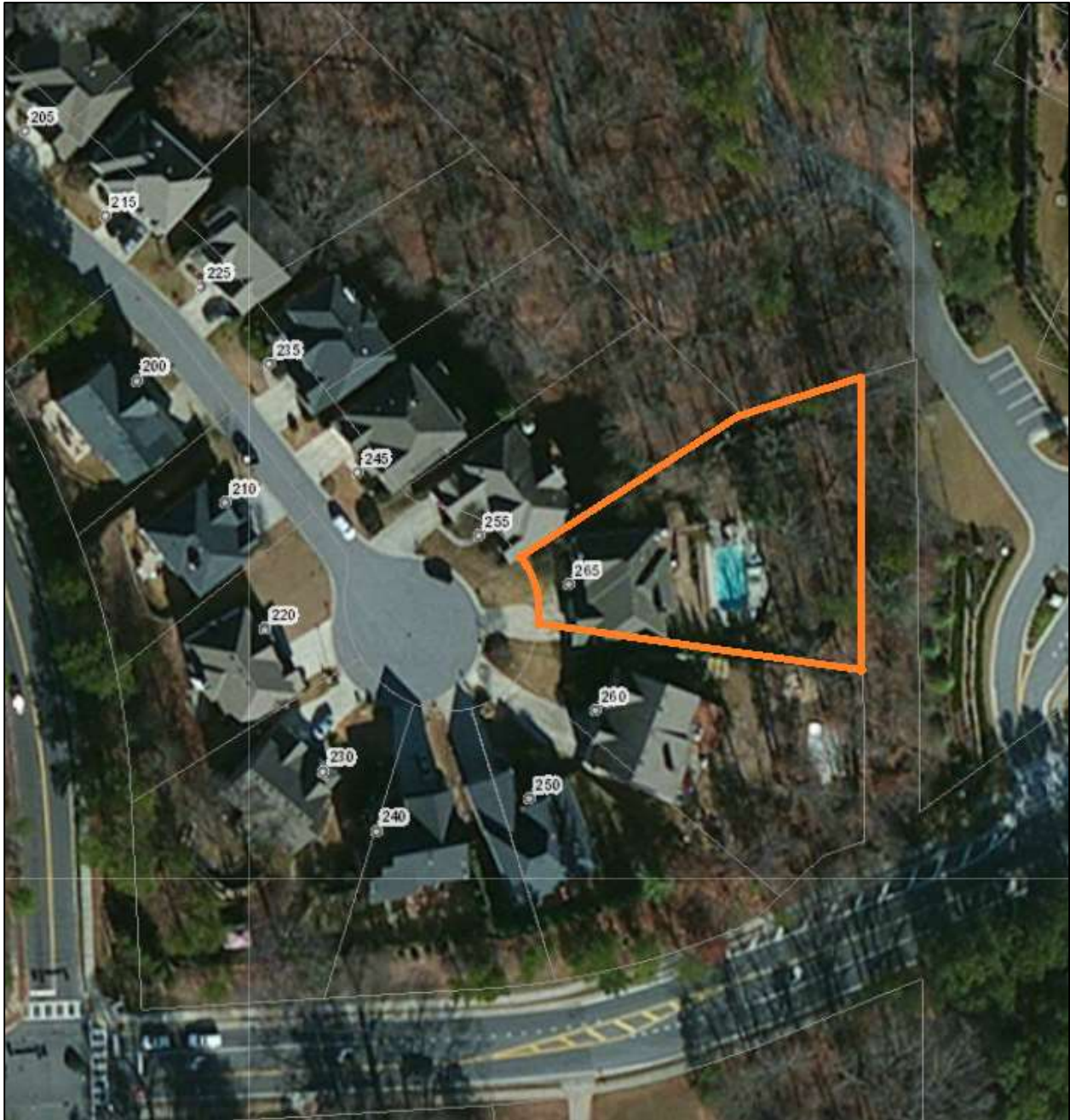
PROPERTY INFORMATION

Location:	265 Fieldsborn Court; Parcel #s: 17 0032 LL0916
Council District:	4; Gabriel Sterling
Road frontage:	Approximately 33 feet along Fieldsborn Court
Acreage:	0.429 acre
Existing Zoning:	NUP (Neighborhood Unit Plan District) per 1998Z-0013
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R3-5 (3 to 5 units per acre)

SUMMARY
The property includes a 40 foot Perimeter Setback, 50 foot undisturbed buffer, and 10 foot improvement setback. The existing pool, decking, and associated equipment, as well as existing stairs, walls, deck, and a portion of the existing dwelling, currently encroach into these buffers and setbacks. The requested variances are to allow the existing encroachments to remain, to allow an addition to the dwelling of approximately 50 square feet, and to allow a replacement deck and associated steps within the improvement setback and undisturbed buffer.

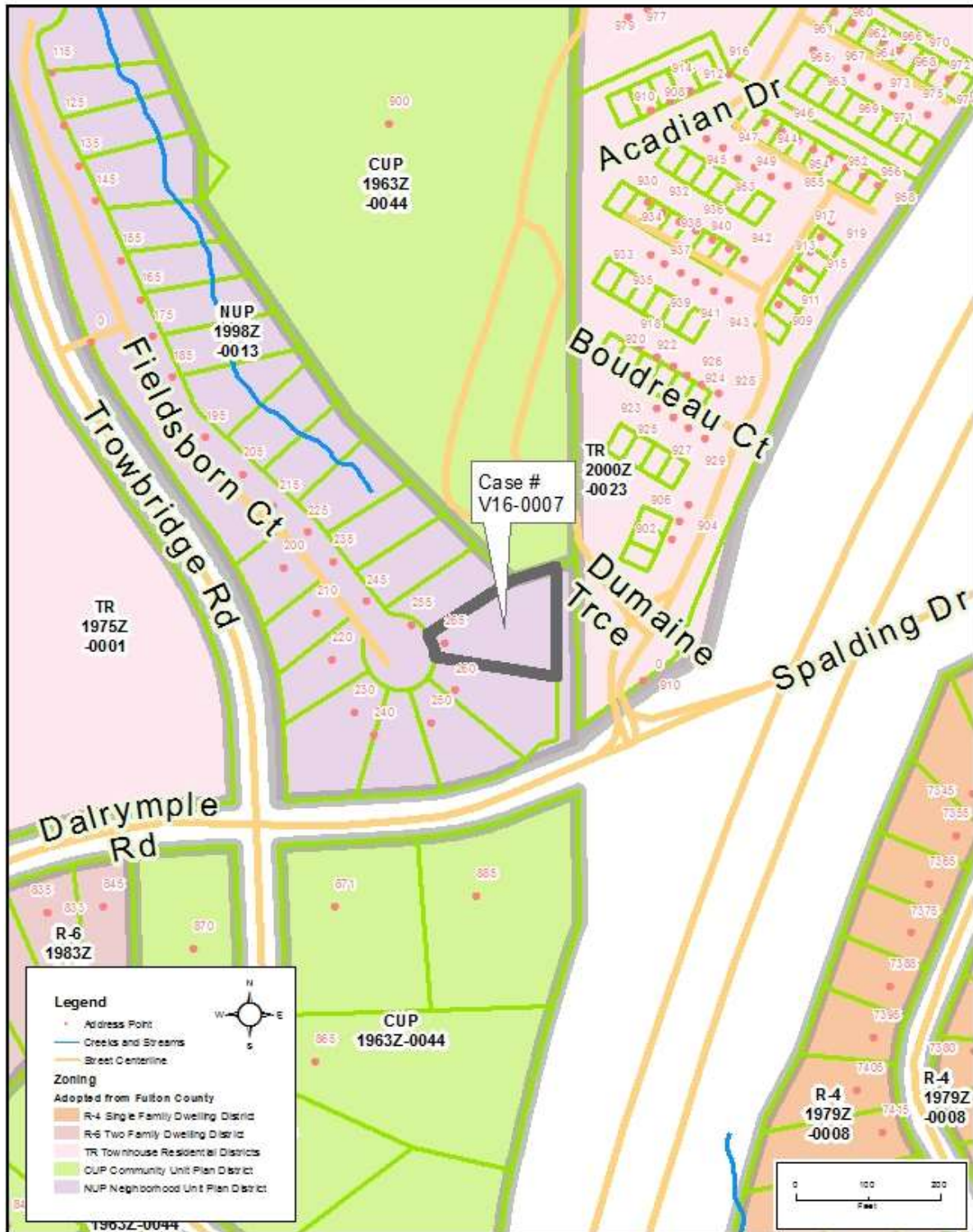
RECOMMENDATION
Department of Community Development
Staff recommends Approval subject to conditions.

AERIAL IMAGE



ZONING MAP

265 Fieldsborn Court



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

- 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,*
- 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.*

Request No.1: 1. One (1) primary variance from Section 4.23.1 of the City of Sandy Springs Zoning Ordinance to allow existing house, pool, patio, steps, walls, pumps, heater, fence, and deck to remain within the 50 foot undisturbed buffer and 10 foot improvement setback.

Finding: The existing dwelling and current encroachments were constructed in 2000, prior to the adoption of the City of Sandy Springs Zoning Ordinance. The property retains extensive buffers in the rear yard, with 50 feet of undisturbed buffer and an additional 10 feet of improvement setback, consuming almost one-half of the property's total area.

*Staff recommends **approval***

Request No.2: One (1) primary variance from Section 4.23.1 of the City of Sandy Springs Zoning Ordinance to allow the proposed expansion of house, deck, and associated stairs within the 50 foot undisturbed buffer and 10 foot improvement setback.

Finding: The proposed addition includes a screened porch fully within the buildable area, a rebuild and expansion of a wooden deck, and expansion of the existing dwelling. The proposed addition to the dwelling is approximately 50 square feet, and is currently occupied by the existing wooden deck. The existing wooden deck currently encroaches into the 50' undisturbed buffer and 10' improvement setback by approximately 264 square feet. The proposed wooden deck and associated stairs will be approximately 400 square feet, of which approximately 293 square feet will encroach. The proposal will increase the encroachment by approximately 30 square feet, and should not significantly impact adjacent property owners.

The 60 total feet of buffers and setbacks separate the dwelling from Dumaine Trace to the east of the subject property, the entry to the Spalding Woods Club and Lafayette Square, which includes retaining walls and significant landscaping between the properties. If the properties were platted according to the existing Zoning Ordinance, the 40 foot perimeter setback would be required, but no undisturbed buffer or improvement setback would likely be required per 4.23.1 of the Zoning Ordinance; "Unless otherwise specified, lots developed with single family dwelling units are not required to provide landscape areas or zoning buffers."

*Staff recommends **approval***

Request No.3: One (1) primary variance from Section 11.2.4.I of the City of Sandy Springs Zoning Ordinance to allow the existing wall and steps to remain within the 40 foot perimeter setback.

Finding: The existing dwelling and current encroachments were constructed in 2000, prior to the adoption of the City of Sandy Springs Zoning Ordinance. The existing encroachments within the 40' perimeter setback do not impede upon the use of adjacent properties.

*Staff recommends **approval***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Approval** of variance request V16-0007, numbers 1, 2, and 3 to allow the existing encroachments to remain, to allow the expansion of the existing dwelling, and to allow a replacement deck and associated stairs, subject to the following condition:

1. To the site plan dated received by the Department of Community Development on February 9, 2016.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0011 –395 Forest Hills Drive**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: February 29, 2016

REQUEST

Variance from Section 18.3.1 to allow a parking area to adjoin the driveway in front of the existing residence, which exceeds the maximum two spaces allowed.

APPLICANT

Property Owner: Gilbert Deitch	Petitioner: Gilbert Deitch	Representative: N/A
-----------------------------------	-------------------------------	------------------------

PROPERTY INFORMATION

Location:	395 Forest Hills Drive
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 140 feet along Forest Hills Drive
Acreage:	1.09 acres
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

SUMMARY

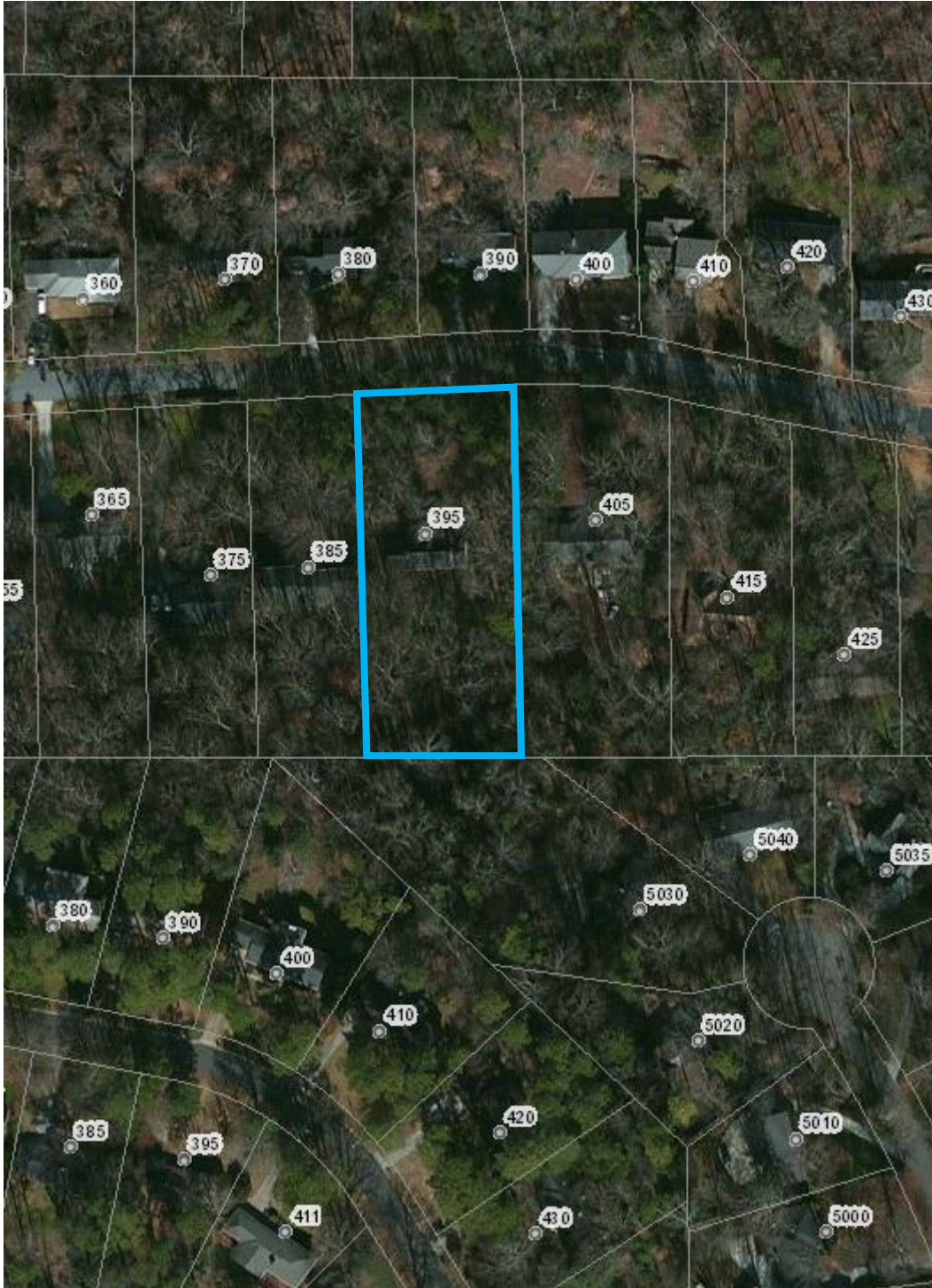
The applicant is requesting this variance to allow a parking area to adjoin the driveway in front of a proposed residence, which exceeds the maximum two spaces allowed. The property is the location of a new home with a proposed setback of approximately 110 feet from Forest Hills Drive. A previous residence has been removed and there is an existing driveway that extends from Forest Hills Drive. The parking pad would be constructed within the required minimum building lines, contain 900 square feet of area, and be setback 80 feet from the front property line.

RECOMMENDATION

Department of Community Development

Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP

395 Forest Hills Dr



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: 18.3.1 to allow a parking area to adjoin the driveway in front of the existing residence, which exceeds the maximum two spaces allowed.

Finding: The subject property will be developed with a 4,064 square foot single family residence and accessory uses. A driveway currently extends from Forest Hills Drive providing vehicular access to the property and will be slightly modified for the new dwelling unit. Due to the dramatic rise in elevation of approximately 37 feet from Forest Hills Drive, the driveway is designed as switchback in nature and is or will be approximately 220 feet long. The proposed location of the parking area within the minimum buildable area, the size of the lot and setback distance from Forest Hills Drive, give supporting grounds for the creation of a safe turn-around area for vehicles. The parking area would not be anticipated to create an adverse impact on adjacent or nearby properties. Approval of the variance would be suitable in light of the exceptional topographical conditions of the site and would be in harmony with the general purpose and intent of the Zoning Ordinance. The request would not be detrimental to the public.

*Staff recommends **APPROVAL CONDITIONAL***

COMMENTS FROM OTHER PARTIES

None received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V16-0011 to allow the proposed driveway to contain a parking area in front of the residence.

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

1. To allow the proposed parking / turn-a-round area in front of the residence, as shown on the site plan and design plan dated received January 29, 2016 by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0012 –250 Forrest Lake Drive**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: February 29, 2016

REQUEST

Variance from Section 6.4.3.C of the City of Sandy Springs Zoning Ordinance to encroach six (6) feet into the required ten (10) foot side yard setback to allow for the replacement of an existing carport with an attached garage, and a concurrent variance to Section 18.3.1 to allow a parking area to adjoin the driveway in front of the existing residence, which exceeds the maximum two spaces allowed.

APPLICANT

Property Owner: Mark Baxter	Petitioner: Mark Baxter	Representative: N/A
--------------------------------	----------------------------	------------------------

PROPERTY INFORMATION

Location:	250 Forrest Lake Drive
Council District:	6; Andy Bauman
Road frontage:	Approximately 105 feet along Forrest Lake Drive
Acreage:	0.57 acre
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

SUMMARY

The applicant is requesting this variance to encroach to within four (4) feet of the side (south) property line to allow for the replacement of an existing rear entry car port and parking area with a two-car garage and attached utility/mudroom within 4 feet of the (south) side property line. Also, part of the project would include modifying the driveway slightly and adding a parking/turn-a-round area in front of the residence. As mitigation, the applicant is proposing to remove the portion of driveway, which extends along the side of the carport and a large parking area to the rear of the residence. The site plan

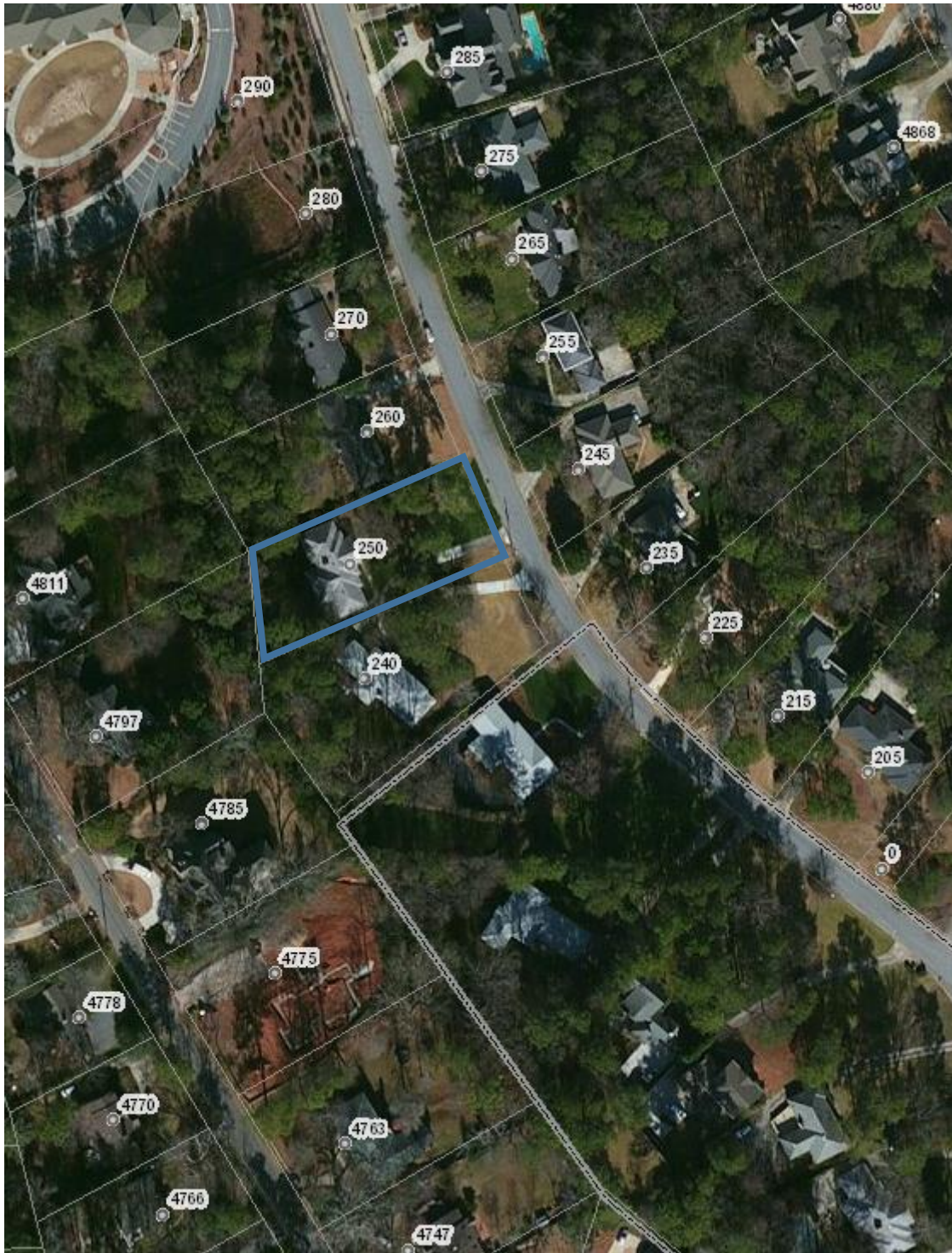
indicates that upon completion of the project the proposed impervious surface of the lot would decrease by 784 square feet or 3.16 percent.

RECOMMENDATION

Department of Community Development

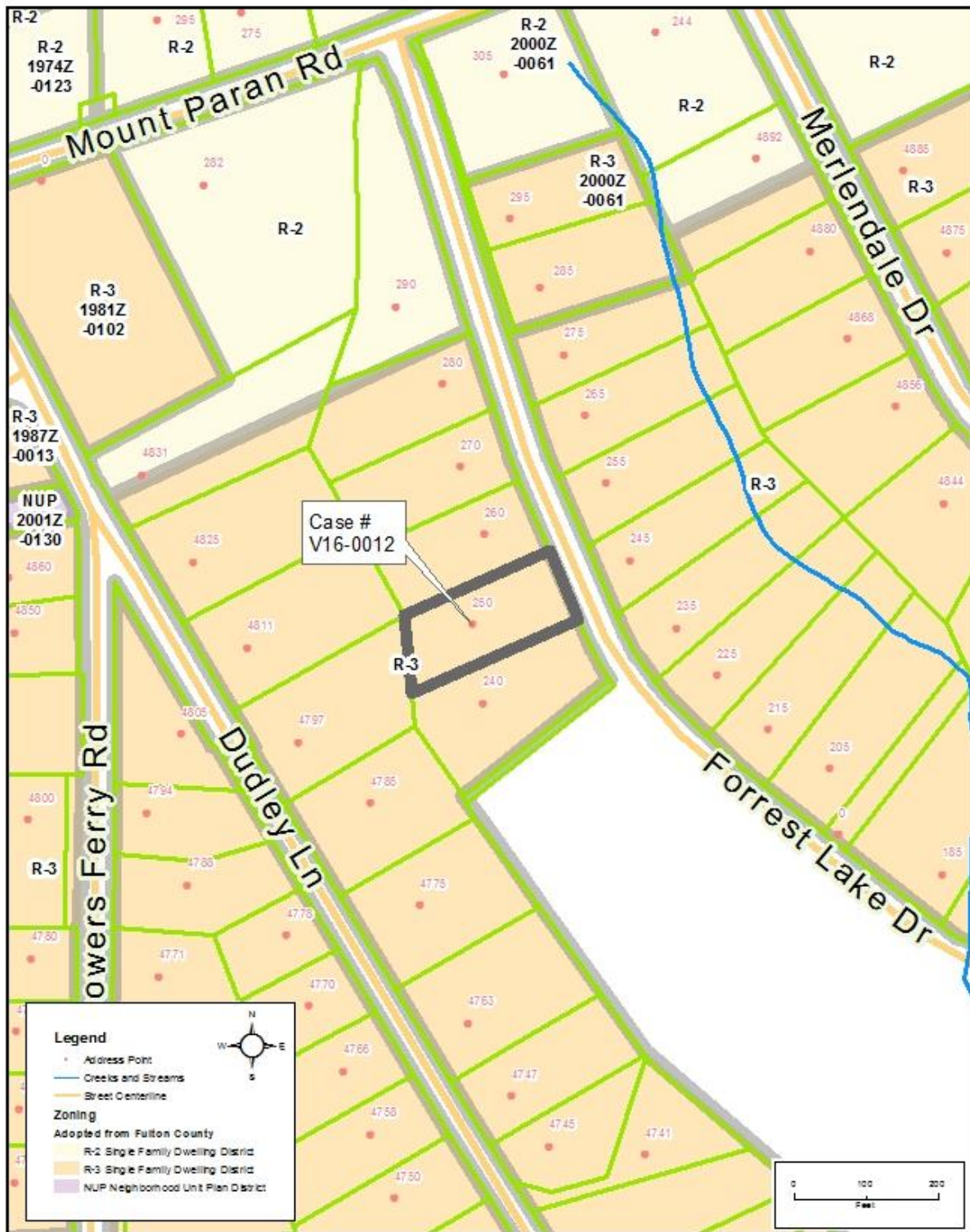
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP

250 Forrest Lake Drive



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: (6.4.3.C.) Request to allow an encroachment of 6 feet into the required ten (10) foot minimum rear yard setback for an existing carport; and 18.3.1 to allow a parking area to adjoin the driveway in front of the existing residence, which exceeds the maximum two spaces allowed.

Finding: The existing residence pre-dates the City's Zoning Ordinance and the applicant is proposing to remove an existing carport, which currently meets the 10-foot setback requirement, and construct a 982 square foot two-car garage and attached utility/mudroom within 4 feet of the (south) side property line. The letter of appeal indicates that the existing driveway, which extends along the south property line is narrow and a collapsing 2-3 foot tall retaining wall makes it difficult to get to the back of the residence. Additionally, there are drainage issues associated with the large parking area in the rear yard, and a storm drain easement across the front yard that restricts construction in this area. Although there may be difficulties with access to the rear of the residence and drainage easement issues, the property and home have existed this way for several years. In light of this, there does not appear to be extraordinary and or exceptional conditions regarding the size, shape or topography of the property that create an unnecessary hardship. Staff could support the requested variance to allow a turn-a-round and parking area in the front of the residence, due to the depth of the lot and length of the driveway, but does not see justification to allow a six (6) foot encroachment to the adjoining property as requested. Although the proposed improvement would reduce impervious surface by approximately three (3) percent, approval of the requested encroachment would not be suitable with the adjacent property nor in harmony with the general purpose and intent of the Zoning Ordinance.

*Staff recommends **APPROVAL CONDITIONAL of the Parking /Turn-a-round area ONLY.***

COMMENTS FROM OTHER PARTIES

Belinda Newcomer, **Support**

Tim and Jennifer Batcher, **Support**

Diane Buckler, **Opposed**

Metaxia P. Kleris, **Opposed**

Robert G. Adams, **Opposed**

Joseph and Cara DeForr, **Opposed**

Sam and Martha, Mathis, **Opposed**

David and Francis Beasley, **Opposed**

Evelyn Christian, **Opposed**

Penny O'Callaghan, **Opposed**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 **DENIAL of the six (6) foot side yard encroachment and APPROVAL CONDITIONAL** of variance request V16-0012 to allow the proposed driveway modification to allow for a turn-a-round parking area in front of the residence.

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

1. To allow the proposed parking / turn-a-round area in front of the residence, not to exceed two spaces, as shown on the site plan and design plan dated received February 1, 2016 by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0014 – 285 Crosstree Lane**

Staff Contact: Cecilia Leal, cleal@sandyspringsga.gov

Report Date: March 1, 2016

REQUEST

Variance from Sections 19.3.15.1 and 6.3.3.I of the City of Sandy Springs Zoning Ordinance to allow construction of a pool in a front yard where a home has two (2) front yards (bounded on opposite sides by public roads).

APPLICANT

Property Owner: Ryan Benjamin	Petitioner: Rick McDermott, Aqua Blue Pools of Atlanta	Representative: N/A
----------------------------------	--	------------------------

PROPERTY INFORMATION

Location:	285 Crosstree Lane
Council District:	3; Graham McDonald
Road frontage:	Approximately 60 feet along Crosstree Lane Approximately 318 feet along Riverside Drive
Acreage:	0.825 acre
Existing Zoning:	R-2A (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

SUMMARY

The applicant is requesting a variance to construct a pool behind the existing single family residence. This property is bounded on two sides by public roads (Crosstree Lane and Riverside Drive), and therefore has two front yards per Section 4.3.4.A.

Pools are not allowed in front yards per Sections 19.13.15.1 and 6.3.3.I, hence this variance request. The pool will be at the practical rear of the property, approximately 60' east of the west property line, 80' west of the east property line, and 112' south of the second front (practical rear) property line (Riverside Drive). The pool will measure 17' by 33' and be a concrete shell swimming pool for the use

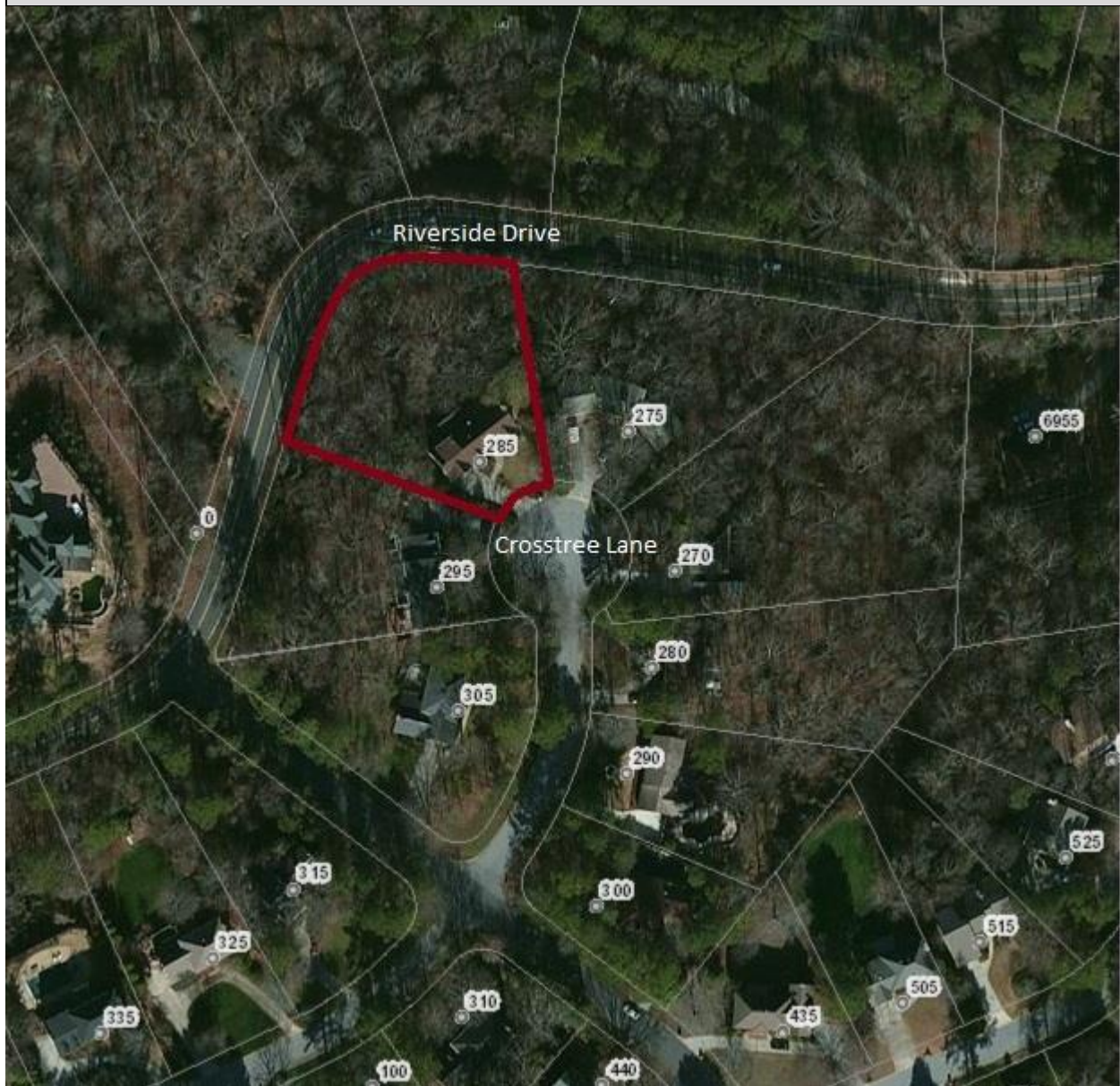
of the residents of this property. The property is dramatically elevated above Riverside Drive, and has no access to or from Riverside Drive. There is approximately 50' of elevation change between Riverside Drive and the area where the pool is to be installed. The pool will not be visually imposing on either adjacent property nor on Riverside Drive, particularly in summer when it will be in use.

RECOMMENDATION

Department of Community Development

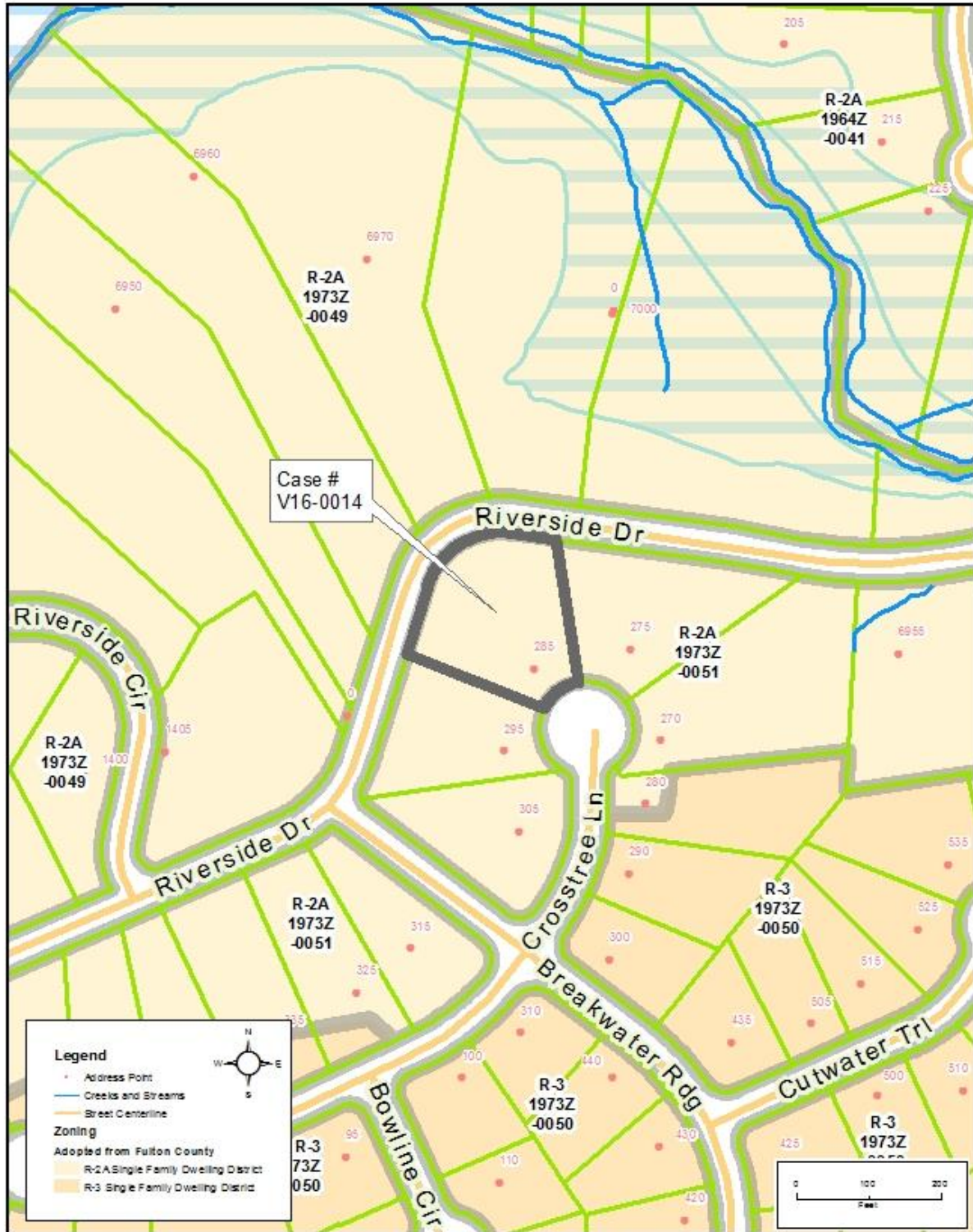
Approval of the variance request.

AERIAL IMAGE



ZONING MAP

285 Crosstree Lane



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

- 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,*
- 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.*

Request: Variance from Sections 19.3.15.1 and 6.3.3.I of the City of Sandy Springs Zoning Ordinance to allow construction of a pool in a front yard where a home has two (2) front yards (bounded on opposite sides by public roads).

Finding: The property located at 285 Crosstree Lane is bound on two sides by public rights-of-way, Riverside Drive and Crosstree Lane. The residence faces the cul-de-sac at Crosstree Lane and the rear is bound by Riverside Drive. The residence is located upon a hill that rises dramatically above Riverside Drive, achieving changes in elevation between 50 and 80 feet from different parts of Riverside Drive adjacent to the property and the top of the hill where the residence is located. The pool will be installed at approximately 30 to 60 feet above Riverside Drive. It will be installed at the rear of the property, approximately 60' east of the west property line, 80' west of the east property line, and 112' south of the rear property line (Riverside Drive). The pool will measure 17' by 33' and be constructed of concrete, for the use of the residents of this property. It will not be visually disruptive to either adjacent neighbor nor to drivers on Riverside Drive, particularly in summer when the pool will be in use.

Staff is of the opinion that the unique location and topographical challenges of this property (two road frontages) constitute a an unnecessary hardship. The installation of a pool at the practical rear of the residence will be dramatically elevated from Riverside Drive, not visually disruptive to adjacent neighbors, and therefore cause no detriment to the public.

*Therefore, staff recommends **APPROVAL** of this variance request.*

COMMENTS FROM OTHER PARTIES

None received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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** of variance request V16-0014 from Sections 19.3.15.1 and 6.3.3.I of the City of Sandy Springs Zoning Ordinance to allow construction of a pool in a front yard where a home has two (2) front yards (bounded on two sides by public roads).



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V16-0015 – 525 Cameron Manor Way**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: February 26, 2016

REQUEST

Variance from Section 4.3.4.B.2 of the City of Sandy Springs Zoning Ordinance to encroach 27 feet into the required 30 foot rear yard setback to allow for the replacement of an existing patio, which would include expansion of the patio to within three (3) feet of the (north) rear property line. The subject property is part of the Cameron Manor subdivision. The proposed patio would be at-grade and no structures would be included as part of this proposal. As a note: Cameron Manor predates the City of Sandy Springs and the current rear yard setback for the TR zoning district is 35 feet; however, the approved subdivision plat indicates a 30-foot rear yard building line.

APPLICANT

Property Owner: Steve Dils/Char Fortune	Petitioner: Steve Dils	Representative: N/A
--	---------------------------	------------------------

PROPERTY INFORMATION

Location:	525 Cameron Manor Way
Council District:	3; Graham McDonald
Road frontage:	Approximately 150 feet along Cameron Manor Way
Acreage:	0.23 acre
Existing Zoning:	TR (Townhouse Residential District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R5-8 (5-8 units per acre)

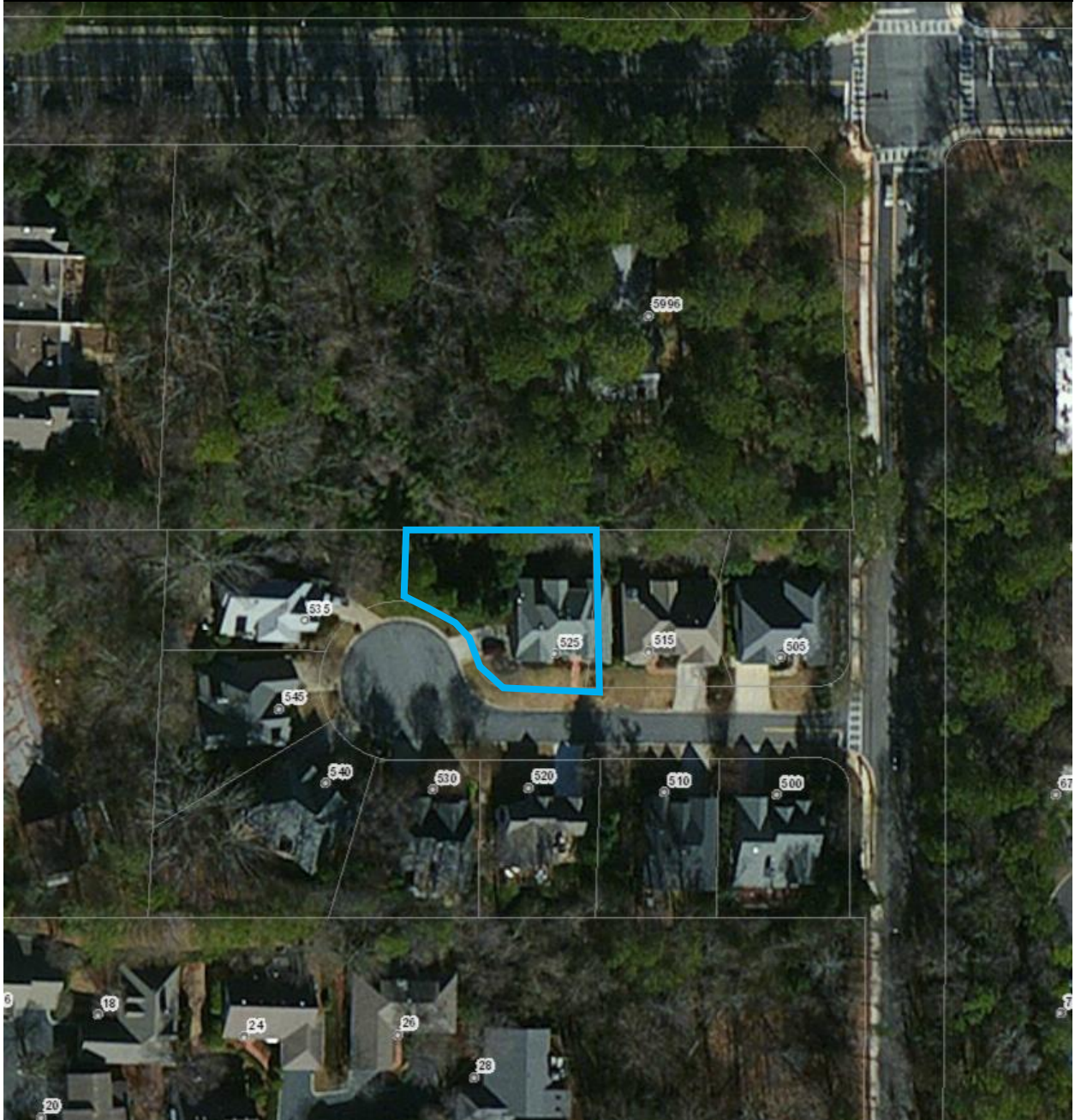
SUMMARY

The applicant is requesting this variance to encroach to within three (3) feet of the rear property line to allow for the replacement and expansion of an existing patio that is in disrepair and slowly detaching from the residence. Currently the patio is 21 feet from the property line; however, there is an existing stone wall and steps that extend to within three (3) of the property line. As part of the replacement the

proposal includes expanding the patio further into the rear yard. The requested encroachment is 27 feet total, however, it should be noted that a ten-foot encroachment for a patio is allowed without a variance. The patio would extend to within three feet of the property line. The patio would be at-grade and no building structures are proposed as part of this request.

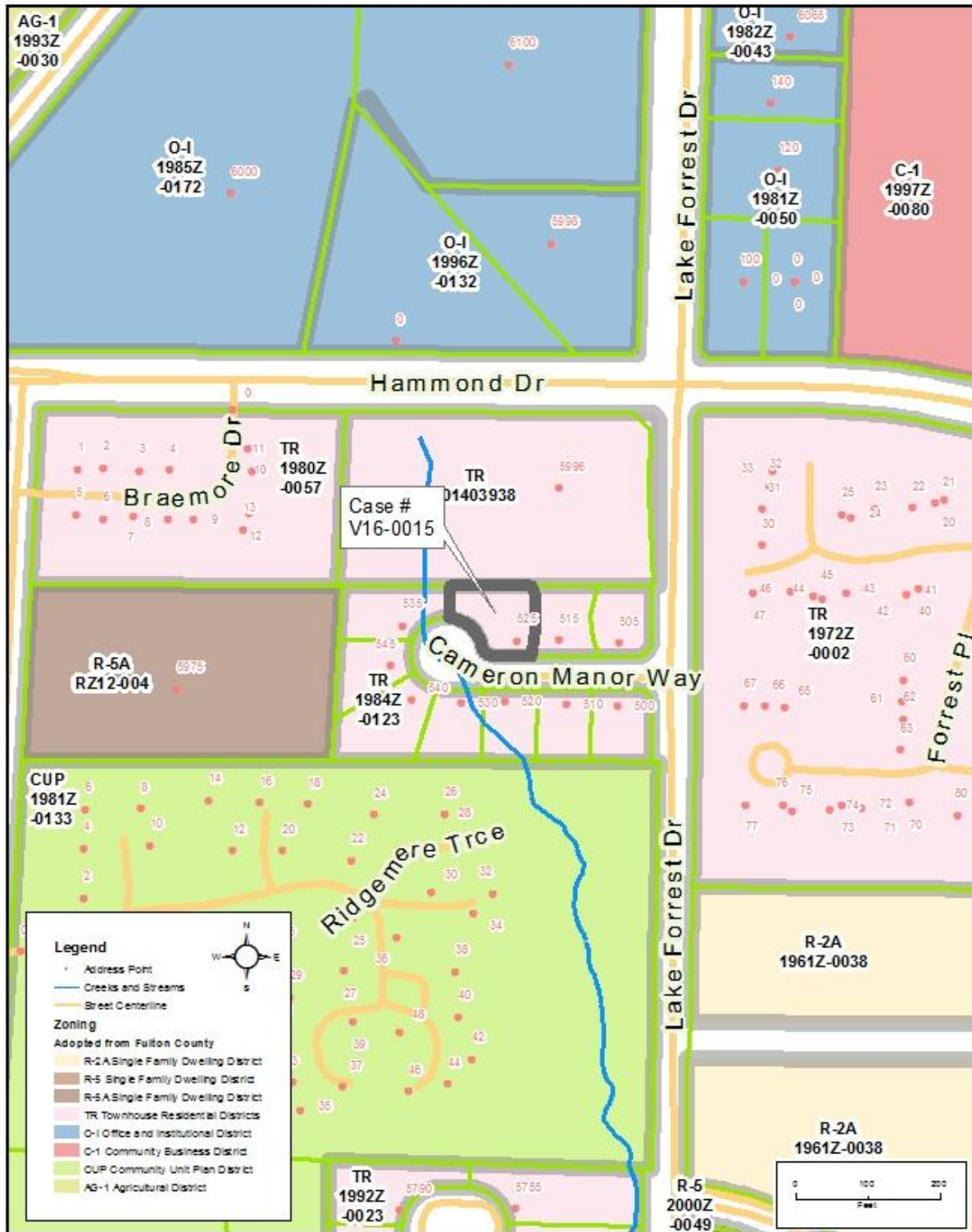
RECOMMENDATION
Department of Community Development
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP

525 Cameron Manor Way



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: (4.3.4.B.2.) *Request to allow an encroachment of 27 feet into the required 30 foot minimum rear yard setback for the replacement and expansion of an existing brick patio;*

Finding: The existing residence pre-dates the City's Zoning Ordinance and the applicant is proposing to replace and extend an at-grade patio to the rear of the residence. The letter of appeal indicates that the existing brick patio is sinking and detaching from the residence due to soil conditions. The proposed patio would be constructed with flagstones and would extend to within three (3) feet of the rear property line, where the subject lot adjoins a new development under construction by Sheehan Homes. Land disturbance for this development and construction of new townhomes is extensive and has encroached onto the subject property. Some landscaping was removed from the subject property due to this encroachment, and the applicant stated that the builder was going to replace this vegetation. This construction and encroachment gives supporting grounds for the applicant to encroach into the building setback. Also, the applicant has indicated that installation of the subject patio would require heavy machinery (bobcat), which would have access from the site that is presently under construction. Since the proposed improvement is at-grade and encroaches on a property line where extensive work is in progress, approval of the requested Variance would be suitable with the adjacent property and in harmony with the general purpose and intent of the Zoning Ordinance.

*Staff recommends **APPROVAL CONDITIONAL***

COMMENTS FROM OTHER PARTIES

Lane Wolbe, **Support**

Jeff Herman, **Support**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V16-0015 to allow the proposed patio to encroach 27 feet into the required 30 foot minimum rear yard setback.

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

1. To allow the proposed patio to encroach into the required 30 foot minimum rear yard setback, as shown on the site plan and design plan dated received February 2, 2016, by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V15-0053 – 49 West Belle Isle Road**

Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)

Report Date: March 1, 2016

REQUEST

Variance from Section 6.3.3.D of the City of Sandy Springs Zoning Ordinance to encroach ~~fifteen (15)~~ twenty (20) feet into the twenty-five (25) foot required minimum rear yard to construct a new detached two-car garage.

APPLICANT

Property Owner: Jennifer Kalmes	Petitioner: LUXE Homes, Inc.	Representative: William Bhame
------------------------------------	---------------------------------	----------------------------------

PROPERTY INFORMATION

Location:	49 West Belle Isle Road
Council District:	6; Andy Bauman
Road frontage:	Approximately 100.14 feet along West Belle Isle Road
Acreage:	0.367 acre
Existing Zoning:	R-4 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R2-3 (2-3 units per acre)

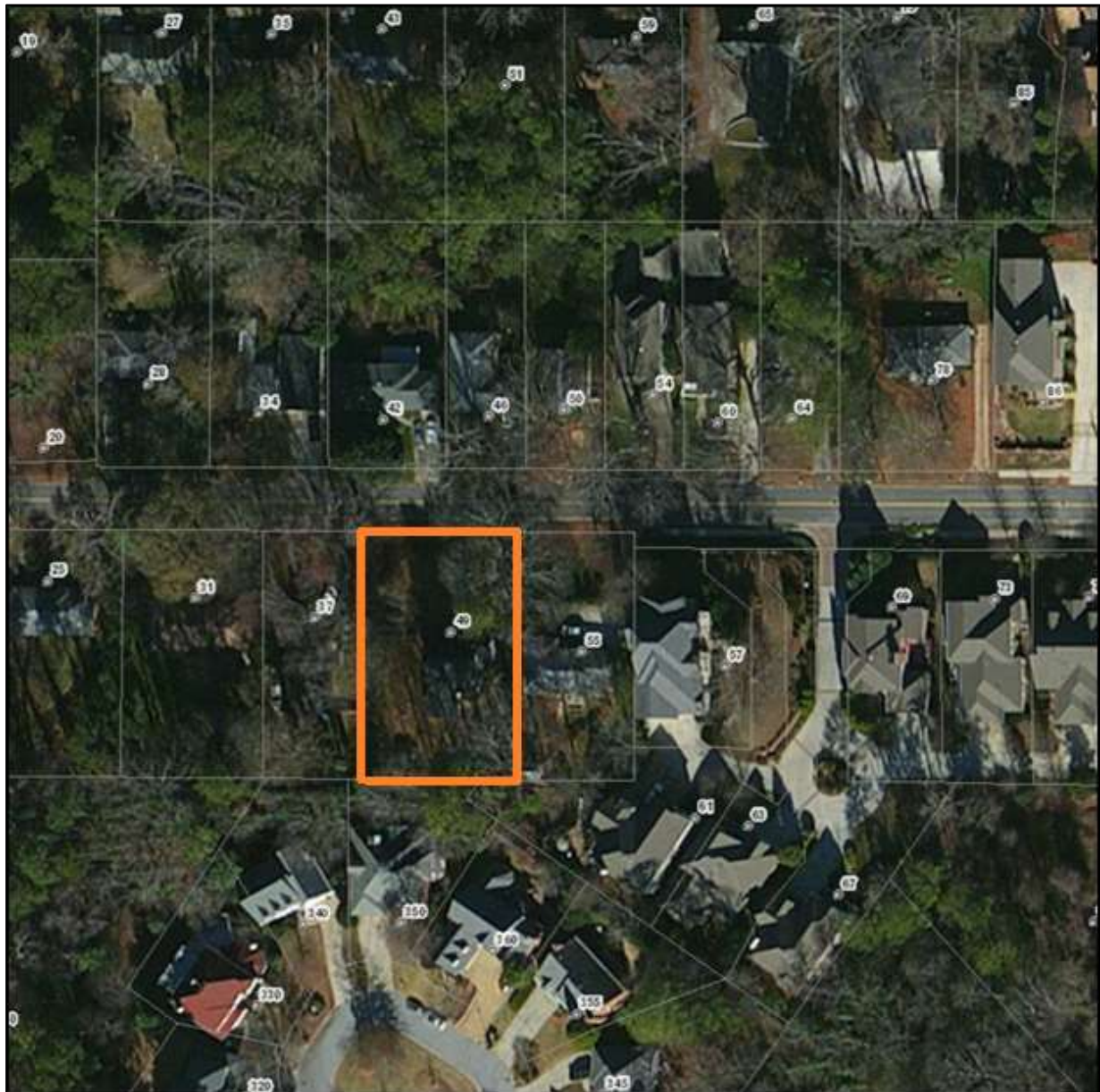
SUMMARY

The applicant is proposing to construct a detached two-car garage in the minimum rear yard of twenty-five (25) feet. The original variance request proposed the installation of the detached garage ten (10) feet from the rear property line. The revised request, as introduced at the February Board of Appeals hearing by the applicant, proposes the detached garage five (5) feet from the rear property line.

The revised proposal situates the garage into the southeastern side of the existing slope, attempting to minimize the visual impact of the garage upon adjacent neighbors. The proposed garage location utilizes the existing driveway, reducing the increase in impervious surface on site.

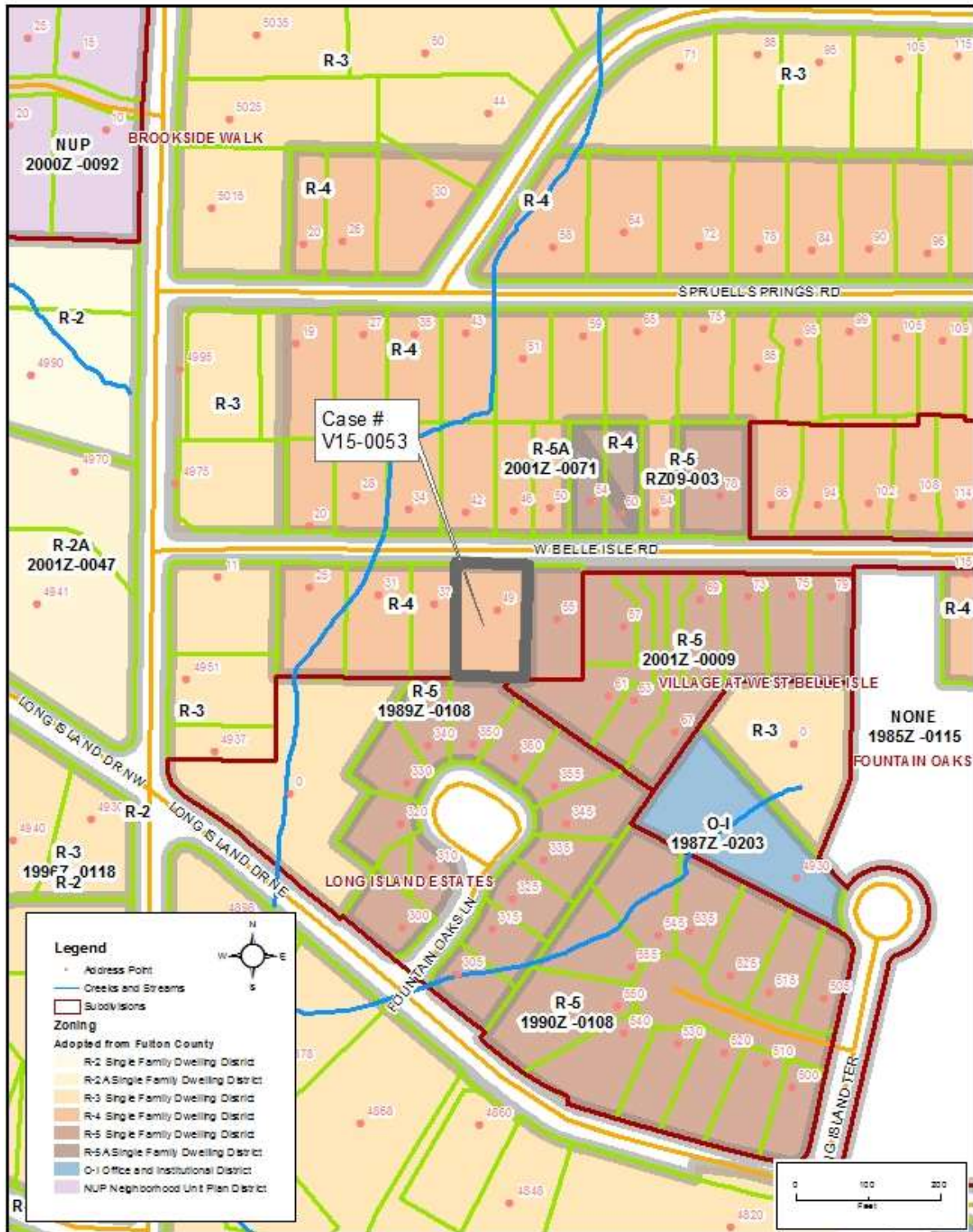
RECOMMENDATION	
Board of Appeals February 11, 2016	
Motion by E. Johnson, seconded by Moller, to defer until the March 10, 2016 Board of Appeals meeting	Yes: Lichtenstein, A. Johnson, Nodvin, E. Johnson, Moller Abstain: Sandler
Department of Community Development	
DENIAL of variance request V15-0053	

AERIAL IMAGE



ZONING MAP

49 West Belle Isle Road



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request: (6.3.3.D) Request to encroach twenty (20) feet into the required minimum rear yard of twenty-five (25) feet to construct a new detached two-car garage.

Finding: The property located at 49 West Belle Isle Road is located upon hillsides that rise dramatically at or close to the eastern and southeasterly property boundaries. The revised plan increases the proposed encroachment when compared to the original request. However, the revised request takes into consideration the topography of both the property itself and the immediately adjacent properties, reducing the proposed garage's visual impact upon the neighbors.

The proposed garage is twenty-two (22) feet by twenty-two (22) feet, totaling 484 square feet. Approximately 418 square feet (86%) of the proposed garage would be located within the minimum rear yard. The proposed garage would be constructed atop the existing impervious driveway. An existing storage building of approximately 80 square feet currently encroaches into the required minimum rear yard, which will be removed and replaced by landscaping within the remainder of the rear yard.

The house is presently undergoing major renovations on the western portion of the site which appears not to have taken into consideration the possible garage addition. There appears to be room for a one car garage that can fully be within the required rear and side yard building setbacks, although it is not the preferred choice for the applicant. Despite the topographical conditions on the site, it does not appear to prevent development that has the potential to comply with the requirements of the Zoning Ordinance, as the existing single family dwelling and additions all conform to present zoning requirements. The proposal is not in harmony with the general purpose and intent of the Zoning Ordinance, nor has a convincing hardship been established.

*Staff recommends **Denial***

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 **DENIAL** of the variance request V15-0053 to encroach twenty (20) feet into the required minimum rear yard of twenty-five (25) feet to construct a new detached two-car garage.



P&Z STAFF REPORT

Board of Appeals Hearing; March 10, 2016

Case: **V15-0057 – Cherokee Town & Country Club**
Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: March 1, 2016

REQUESTS

1. Variance from Section 109-225 of the Development Regulations to reduce the undisturbed natural vegetative buffer from 50' to 0' for the purpose of (a) installing a sea wall on South Course Hole #15 to prevent erosion into an existing lake, and (b) installing a sea wall to prevent erosion into an existing lake and to pipe an eroded stream channel on South Course, Hole #11;
2. Variance from Section 109-225 of the Development Regulations to reduce the additional impervious surface setback from 25' to 0' for the purpose of grading, filling, and earthmoving within the area, in accordance with development plans submitted with the application.

APPLICANT

Property Owner: Cherokee Town and Country Club, Inc.	Petitioner: Cherokee Town and Country Club, Inc.	Representative: Miles Hansford and Tallant, LLC
--	--	---

PROPERTY INFORMATION

Location:	655 Hightower Trail; Parcel #s: 17 0078 LL0101; 0127; 0135; 0077; 17 007900010298; 17 0028 LL0169; 0193; 0086; 06 0368 LL0392; 17 007800020074; 17 0079 LL0134
Council District:	2; Dishman
Road frontage:	-
Acreage:	68.91 acres
Existing Zoning:	R-2 per 1958Z-0022
Existing Land Use:	Golf Course and Country Club
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	PR: Private Recreational

SUMMARY

The Cherokee Town and Country Club has been issued Permit No. 42, pursuant to Project Number SAS-2015-00607 by the United States Army Corp of Engineers. Additionally, the applicant has applied for a stream buffer encroachment variance with the Georgia Department of Natural Resources, Environmental Protection Division, pursuant to File BV-060-15-10. A decision from EPD is expected by the time of the February 11, 2016, hearing.

The intent is to pipe a portion of the existing stream and install a sea wall on a portion of the lake at Hole 11, and to install a sea wall on a portion of the lake at Hole 15. The proposed sea wall on Hole 11 is 400 linear feet, and the sea wall on Hole 15 is 265 linear feet. The existing conditions of the open water ponds do not include robust vegetative buffer zones. Photos are attached to this report.

Remediation methods include:

-) Installation of two stone storage infiltration trenches near Hole 11;
-) Installation of one underground infiltration trench near Hole 15;
-) Installation of 750 sf of wetland plantings and 3,200 sf of riparian plantings along the pond's edge on Hole 11;
-) Installation of 450 sf of wetland plantings along the pond's edge on Hole 15;
-) Installation of 2,500 sf of riparian plantings along the pond's edge on Hole 18.

RECOMMENDATION

Board of Appeals: February 11, 2016

Motion by Moller to defer to March BOA meeting to allow applicant time to conduct analysis into measures of repairing existing stream corridor.
Seconded by E. Johnson

Motion Passes 5-1

In Favor: Moller, E. Johnson, Nodvin, Sandler, Lichtenstein
Opposed: A. Johnson

Department of Community Development

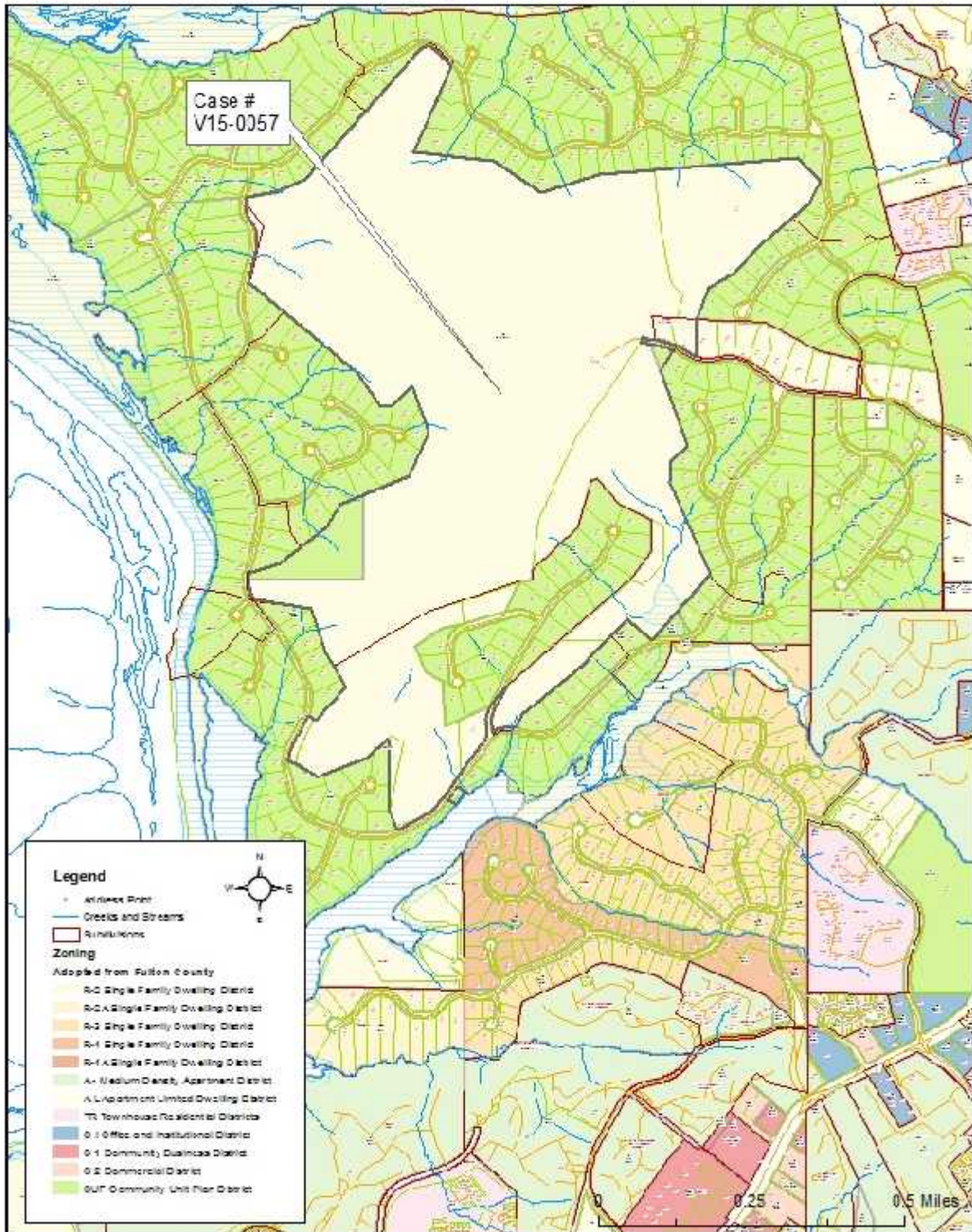
Staff recommends **Approval** of variance requests 1 and 2 of V15-0057 to allow the installation of two sea walls and the piping of a portion of the existing stream, subject to conditions.

AERIAL IMAGE



ZONING MAP

665 Hightower Trail



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Section 109-225(b) of the City's Development Regulations includes one or more criteria which must be met before a stream buffer variance can be approved by the Board of Appeals:

Section 109-225(b) Variance procedures. Variances from subsection (a) of this section may be granted in accordance with the following relevant provisions:

(1) Where a parcel was platted prior to the effective date of the ordinance from which this article is derived, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the city finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the city council may grant a variance from subsection (a) of this section, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. Once established by the city council, the board of appeals may grant a variance from subsection (a) of this section, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

[...]

(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.

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

Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Request No.1: *Variance from Section 109-225 of the Development Regulations to reduce the undisturbed natural vegetative buffer from 50' to 0' for the purpose of (a) installing a sea wall on South Course Hole #15 to prevent erosion into an existing lake, and (b) installing a sea wall to prevent erosion into an existing lake and to pipe an eroded stream channel on South Course, Hole #11.*

Finding: The Cherokee Town and Country Club golf course and lakes existed prior to the adoption of the City of Sandy Springs Development Regulations. Additionally, 109-222(c) of the Development Regulations excludes specific activities from the requirements of the article, including "Activities to restore and enhance the stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used." The purpose of the requested variances is to restore stream bank stability. Variances are required because the native vegetation and bioengineering techniques are not being used on

sections of the lakes where the sea walls will be installed. However, installation of the sea walls will serve dual purposes, to prevent erosion and to attenuate the velocity of runoff and allow more infiltration through the turf during rain events as a result of more gradual grades/slopes toward the ponds.

The Pond and Stream Bank Soil Loss analysis indicates that the installation of the sea wall and piping of the existing stream would reduce the net soil loss by 25.8% on Hole 11. The Pond Bank Soil Loss analysis indicates that the installation of the sea wall on Hole 15 would reduce the total soil loss by 60.2%.

The application proposes mitigation in two ways. Firstly, two stone storage infiltration trenches will be installed near Hole 11 and one underground infiltration trench will be installed near Hole 15. Additional mitigation will be provided through the installation of wetland and riparian plantings along the lakes of Holes 11, 15, and 18. No sea wall is proposed along Hole 18. A total of 1,200 sf of wetland plantings and 5,700 sf of riparian plantings are proposed. The plantings are proposed in areas outside the construction and vicinity of the sea wall, which are currently not vegetated, nor are they robust buffer zones. Staff finds that the variance should be approved, considering the overall improvement to the site's existing condition due to the installation of sea walls, mitigation through underground infiltration trenches, and proposed wetland and riparian plantings.

*Staff recommends **Approval***

Request No.2: *Variance from Section 109-225 of the Development Regulations to reduce the additional impervious surface setback from 25' to 0' for the purpose of grading, filling, and earthmoving within the area, in accordance with development plans submitted with the application.*

Finding: As indicated in the discussion of Request No. 1, the purpose of the variance request is to reduce existing and prevent future erosion of the stream channel and ponds. In order to install the sea walls and pipe the eroded stream channel, a variance to reduce the additional impervious surface setback would be required. Staff finds that the proposed sea walls and stream channel piping, alongside additional mitigation efforts, will promote the health of the water bodies within the country club.

*Staff recommends **Approval***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **Approval** of variance requests 1 and 2 of V15-0057 to allow the installation of two sea walls and the piping of a portion of the existing stream, subject to the following conditions:

1. City of Sandy Springs approved variance V15-0057 shall be null and void without approved variance from the Georgia EPD;
2. To pipe a maximum of 169 linear feet of a perennial stream located adjacent to Hole 11;
3. To allow the construction of a seawall for a maximum of 400 linear feet of an open water pond along Hole 11 as shown on the site plan dated received by the Department of Community Development on February 4, 2016;
4. To allow the construction of a seawall for a maximum of 265 linear feet of an open water pond along Hole 15 as shown on the site plan dated received by the Department of Community Development on January 25, 2016;
5. To the installation of two stone storage infiltration trenches near Hole 11 and one underground infiltration trench near Hole 15;
6. To a minimum of 750 sf of wetland plantings and 3,200 sf of riparian plantings along the pond's edge on Hole 11, as shown on the plans dated received by the Department of Community Development on February 4, 2016;
7. To a minimum of 450 sf of wetland plantings along the pond's edge on Hole 15, as shown on the plans dated received by the Department of Community Development on February 4, 2016;
8. To a minimum of 2,500 sf of riparian plantings along the pond's edge on Hole 18, as shown on the plans dated received by the Department of Community Development on February 4, 2016.