



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Hearing; March 12, 2019

Case: **V19-0003 – 501 Brookfield Drive**

Staff Contact: Madalyn Smith (madalyn.smith@sandyspringsga.gov)

Report Date: February 22, 2019

REQUEST

Variance from Section 2.4.2 of the Development Code to encroach into the required side setback for the enclosure of an existing carport and a proposed garage addition; variance from Section 6.5.2 to allow a proposed front facing garage to extend approximately 9 feet beyond the front wall plane of the house.

APPLICANT

Prop. Owner: Blake and Paige Molina	Petitioner: Shona Griffin	Representative: Shona Griffin
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PROPERTY INFORMATION

Location:	501 Brookfield Drive
Council District:	District 5; DeJulio
Road frontage:	99.76'
Acreage:	0.344 acres
Existing Zoning:	RD-12
Existing Land Use:	Single Family Residence
Character Area	Protected Neighborhood
Hydrology	Nancy Creek Declared Sensitive Area
Required Setbacks	Front: 35 feet Side: 7 feet Rear: 25 feet
Lot Coverage	Maximum: 38% Existing: 33% Proposed: 34%

SUMMARY

The applicant is requesting two variances. One request is to allow for the enclosure of an existing carport that encroaches into the side setback and also allow an additional encroachment of approximately 100 square feet into the required side setback for the

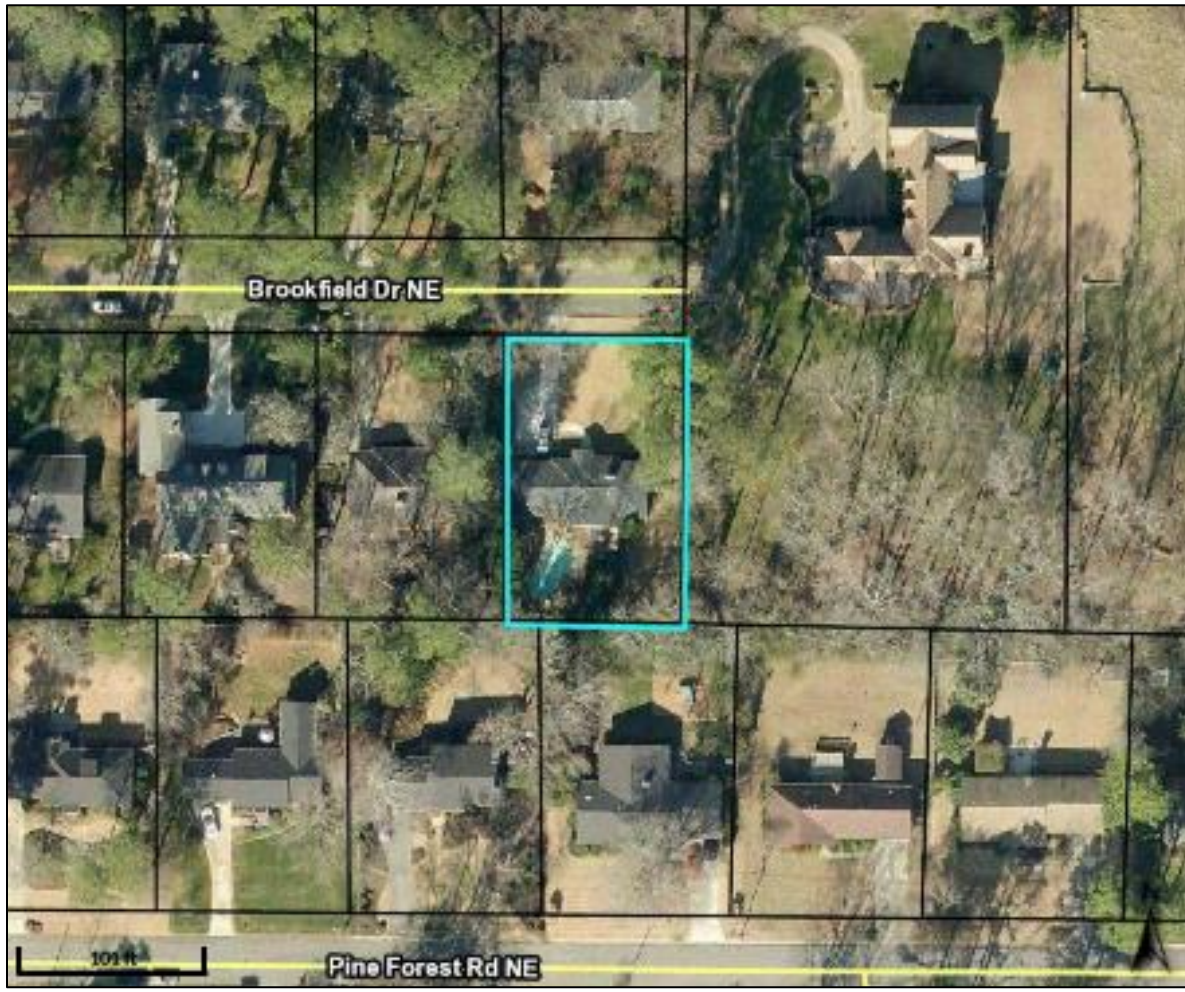
construction of an attached one-car garage. The second request is to allow the proposed one-car garage to extend approximately 9 feet beyond the front wall plane of the house. The front wall plane is defined as the building facade facing the primary street right-of-way or if the facade is articulated, the front wall plane is the wall of a conditioned space closest to the right-of-way.

The subject property is located in the Meadowbrook Heights subdivision along Brookfield Drive—east of the intersection of Windsor Parkway and Roswell Road and west of GA400. The site is currently developed with a 1,699 square foot single family residence with an attached carport. The existing home was constructed in 1958 and meets the City’s required front, rear, and opposite side setbacks; the existing carport currently encroaches into to required 7 foot setback by a maximum of 5 feet.

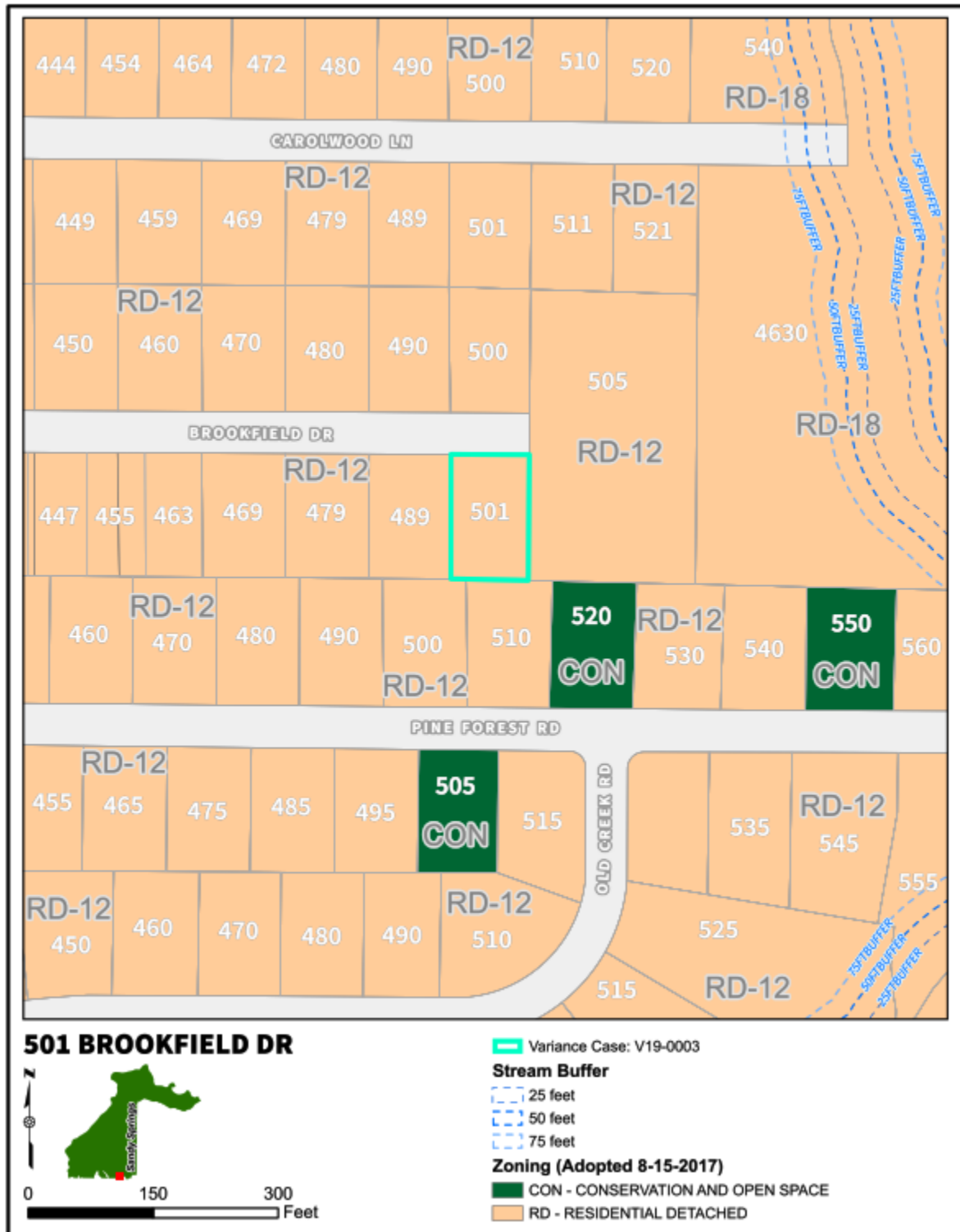
The applicant is proposing to enclose the existing carport for a laundry room/mudroom. The applicant is then proposing the addition of a one car garage extending in front of the current carport. The current carport encroaches approximately 120 square feet into the required side setback on the west side of the property. The proposed garage addition would add approximately 40 square feet of additional encroachment into the side setback. In total, the proposal would sit a minimum of two feet and a maximum of 3.4 feet from the property line. The garage door would be positioned approximately 9 feet beyond the front wall plane of the house, thus extending 14 feet closer to the right-of-way than allowed by Code.

RECOMMENDATION
Department of Community Development
Staff recommends DENIAL of the requests

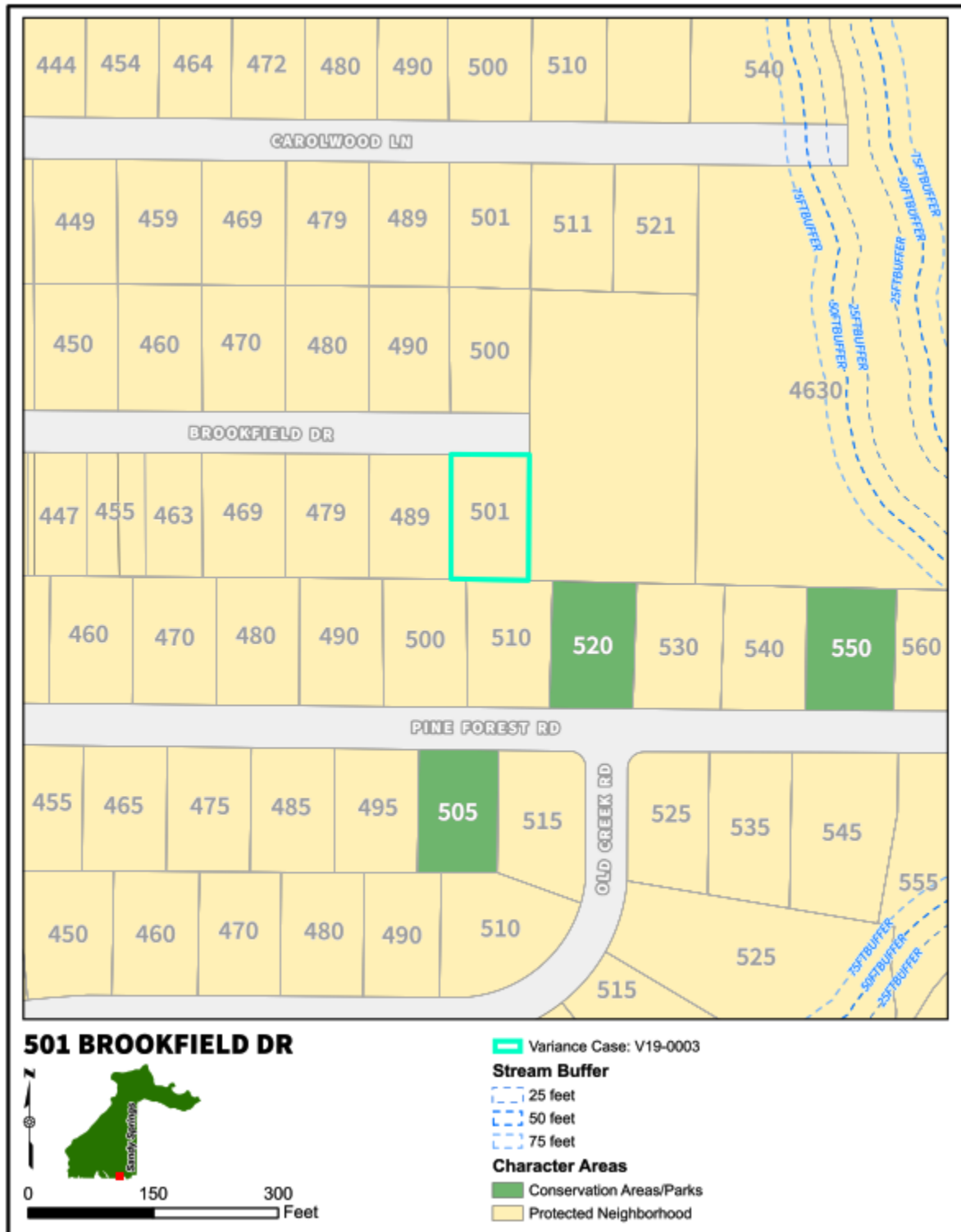
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Section 11.6.2.G. of the Development Code,

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*
 - 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;*
2. *Further, the application must demonstrate that:*
 - a) *Such conditions are not the result of action or inaction of the current property owner; and*
 - b) *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
 - 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.*

Findings

Request: *Variance from Section 2.4.2 of the Development Code to encroach into the required side setback for the enclosure of an existing carport and a proposed garage addition; variance from Section 6.5.2 to allow a proposed front facing garage to extend approximately 9 feet beyond the front wall plane of the house.*

Findings: The subject lot is part of the Meadowbrook Heights subdivision and is currently developed with a single family house with an attached carport on the west side of the house. The existing lot, house, and accessory structures pre-date the City's Development Code requirements.

The Code states in Section 6.1.2 that building setbacks apply to both principal and accessory buildings or structures except where the Code explicitly states otherwise. The Code also states in Section 6.5.2 that garage doors must be positioned at least 5 feet behind the front wall plane of the house. The applicant is proposing to enclose the existing carport, which currently encroaches into the side setback. The applicant is then proposing to construct a new one car garage where both the garage door is positioned 9 feet beyond the front wall plane of the home and encroaches into the side setback.

- a) *The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
- 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;*

The topography of the lot drops down from the northwest corner to the southeast corner by no more than 20 feet constituting a slope of approximately 11%. The lot drops most significantly along the east portion of the property making any additions or expansions on the east side of

the home more inconvenient. This type of topography is commonplace in Sandy Springs and staff does not find it to be extraordinary or exceptional.

East portion of the property:



The lot meets the lot width and lot area standards for the RD-12 zoning district. The existing house meets the setback requirements, but the carport encroaches into the required 7 foot side setback by 5 feet. Approximately 120 square feet of the carport encroaches into the required side setback.

Because neither the lot configuration nor the topography are considered extraordinary or exceptional, staff does not recognize a hardship.

Existing House:



Encroachment of Carport:

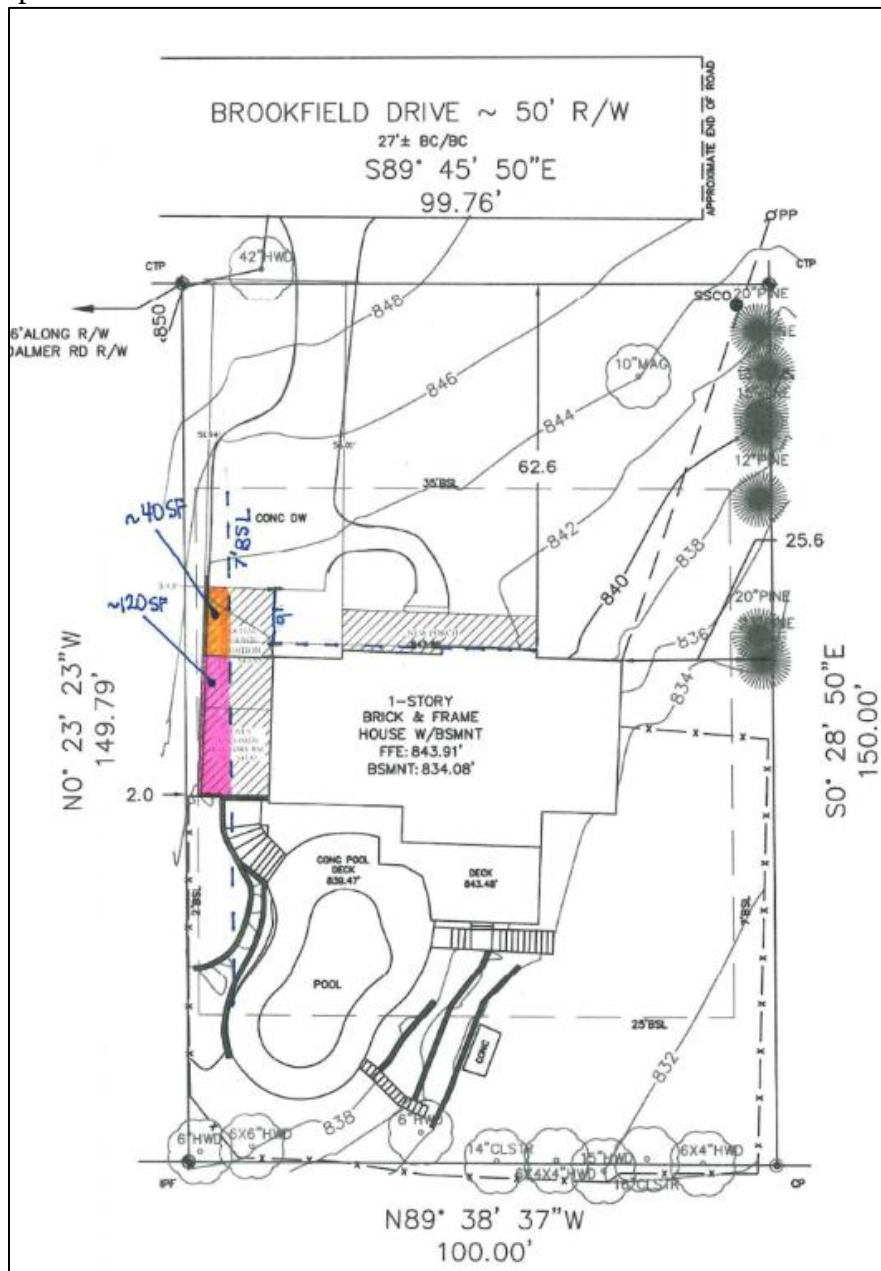


a) *Such conditions are not the result of action or inaction of the current property owner*

The conditions are not due to the action or inaction of the property owner—the homeowners moved into this home in 2016 and have not made any exterior updates since then.

b) *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property*

The applicant is proposing to *increase* the amount of encroachment in the side setback by approximately 40 square feet. The applicant is also proposing a new front facing garage that extends approximately 9 feet beyond the front wall plane of the home. Please refer to the proposed site plan below:



There is buildable area on the property that could be utilized for an addition which negates the need for any variance. Staff believes the requests are extensive and that the requests do not constitute the minimum relief necessary.

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.

Houses along Brookfield Drive do not have a consistent character. There are brand new homes with garages that meet the requirement of Section 6.5.2. There are older ranch homes with carports. There are also homes where the garages extend beyond the front wall plane of the home. This house is one of the last homes at a dead end. The next door neighbor has also signed a letter in support of the proposal. Therefore, staff believes the proposal would not be detrimental to public good, safety and welfare.

The intent of the Development Code is to uphold setbacks to maintain separation between buildings. The intent of requiring garages to be feet behind the front wall plane of the house is to make car uses less visible. Therefore, the requests are not consistent with the intent of the Development Code.

Overall, while the proposal does not necessarily constitute any harm it also does not meet the criteria for a hardship. For this reason, staff recommends denial.

COMMENTS FROM CITY STAFF

Building Plan Reviewer:

Change would be an aesthetic improvement.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 11.6.2.G of the Development Code. Based upon this review, staff recommends **DENIAL** of variance requests from Section 2.4.2 of the Development Code to encroach into the required side setback for the enclosure of an existing carport and a proposed garage addition and from Section 6.5.2 to allow a front facing garage to extend approximately 9 feet beyond the front wall plane of the house.

Should the Board of Appeals choose to approve the request, Staff recommends the following conditions:

1. The encroachment to be limited to a maximum of 5 feet into the west side setback
2. The proposed one car garage not to extend more than 9 feet beyond the front wall plane of the house.