



Variance Petition No. 201203415

HEARING & MEETING DATES

Board of Appeals Hearing

March 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
James Dorian

Petitioner
Revival Construction

Representative
Wright Marshall

PROPERTY INFORMATION

Address, Land Lot(s), and District
400 Ferry Landing
Land Lot 207, 17th District

Council District
3

Frontage
Approximately 150 feet of frontage along Ferry Landing.

Area
The subject property has a total area of approximately .738 acres.

Existing Zoning and Use
The lot is zoned R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z69-052. The property is currently developed with a residence.

Overlay District
N/A

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

INTENT

The applicant is proposing to expand an existing garage and construct an additional freestanding garage. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion.
2. Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201203415 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL**

BOARD OF APPEALS ACTION

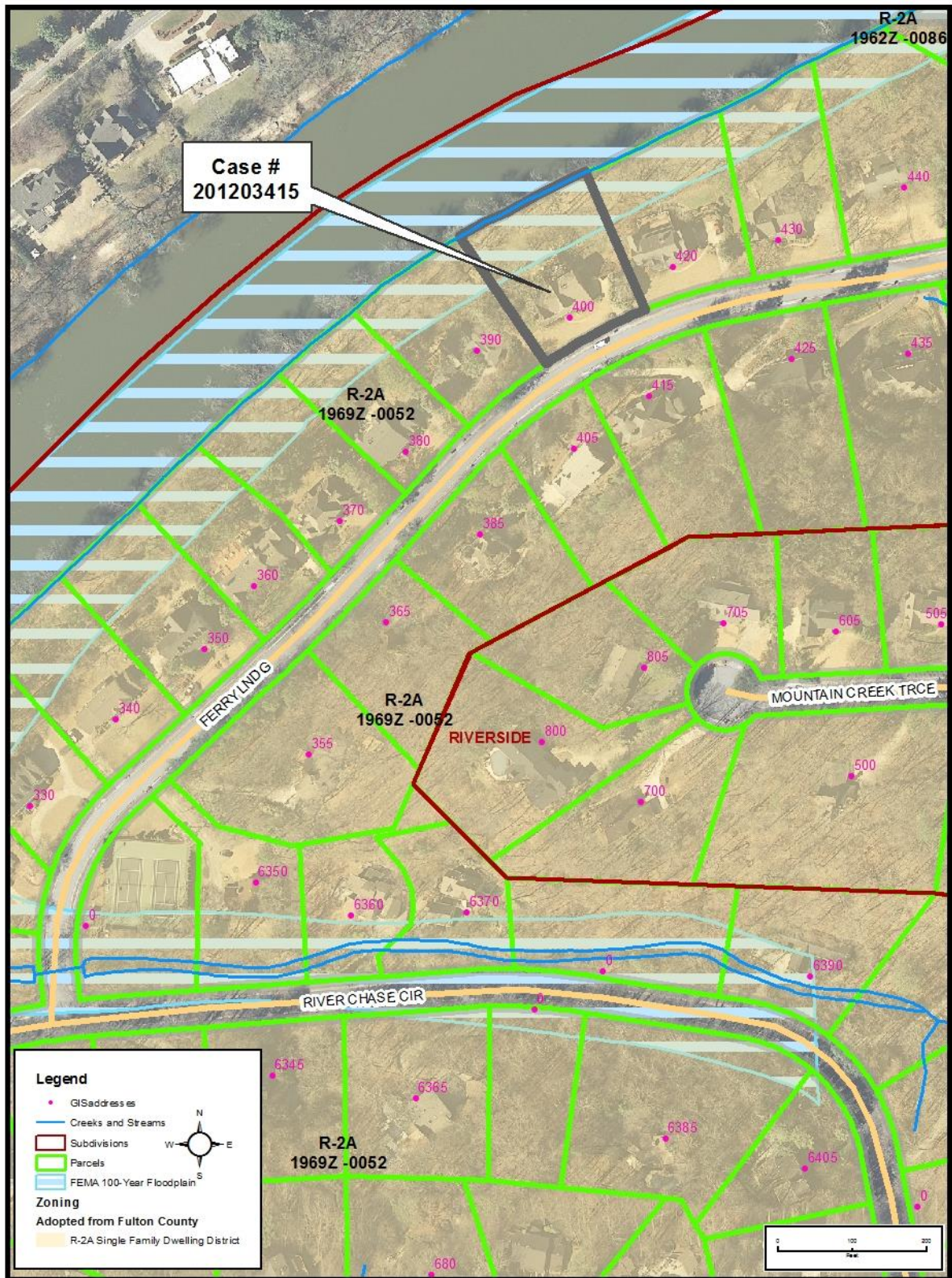
March 15, 2013 Hearing

201203415 – Deferred to April 11, 2013

At the March 15, 2013 meeting the Board of Appeals deferred this item to April 11, 2013 to allow the applicant time to submit a revised site plan that reduces the encroachment into the side yard setback. (4-2, Carpinella, Coan, A. Johnson, and Moller in support; Nodvin and Sandler in opposition; E. Johnson absent). The applicant submitted previously evaluated alternatives and a landscape plan for the preferred alternative.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 11, 2013.

400 Ferry Landing



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 11, 2013.

Enforcement & Permit History:

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

Standards for Consideration

VARIANCE #1

Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

Many of the homes along this street are pushed closer to the street than the current required front yard setback requires. The Chattahoochee River runs along many of these parcels, including the one in question. The expansion of the garage, which currently encroaches into the setback, is in harmony with the intent of the ordinance. Additionally, the proposed encroachment into the front yard setback preserves the character of the district, and this community, as described in the purpose of the ordinance. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The existing residence developed on this parcel is a legal non-conforming structure. Additionally, given the proximity of this parcel to the Chattahoochee River, and associated flood plains, topography issues, and environmental concerns, the applicant is left with few options for developable space. The existing home, and this proposed addition, will not encroach further into the setback in question. Based on these considerations, staff is of the opinion that this condition has been satisfied.

VARIANCE #2

Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the ordinance is to preserve the character of the neighborhood and ensure that development occurs in a meaningful and organized way; the proposed encroachment of a detached garage is in harmony with the intent, and with the surrounding homes. Many of the houses on the street have seen renovations and changes in footprints over the years, including detached or additional structures attached to the main dwelling. There will continue to be a buffer between this residence and the neighbor opposite the effected property line. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The existing residence developed on this parcel is a legal non-conforming structure. Additionally, given the proximity of this parcel to the Chattahoochee River, and associated flood plains, topography issues, and environmental concerns, the applicant is left with few options for developable space. The existing home, and this proposed detached garage, are minimally invasive towards the existing topology and flood plain. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

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

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the first variance request, to allow for the expansion of an existing garage, and **APPROVAL CONDITIONAL** of the second variance request, to allow for the construction of a detached garage.

Recommended Condition(s)

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

- 1) To reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion, as shown on the "Planting Plan – Alternative 'A'" site plan dated received March 29, 2013 by the Department of Community Development.
- 2) To reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage, as shown on the "Planting Plan – Alternative 'A'" site plan dated received March 29, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received December 28, 2013

Initial Site Plan – Dated received January 14, 2013

Revised Site Plan & Alternatives – Dated received March 29, 2013

Photographs



Variance Petition No. 201300002

HEARING & MEETING DATES

Board of Appeals Hearing

March 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Andrew Peskel

Petitioner
Andrew Peskel

Representative
Andrew Peskel

PROPERTY INFORMATION

Address, Land Lot(s), and District
4555 Northside Drive
Land Lot 162, 17th District

Council District
6

Frontage
Approximately 82.81 feet of frontage along Northside Drive and 161.80 feet of frontage along Highcourt Road.

Area
The subject property has a total area of approximately .42 acres.

Existing Zoning and Use
The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential 0-0.5, 0 to 0.5 units per acre

INTENT

The applicant is proposing to construct a single family residence. The applicant is requesting three (3) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.1.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to fifty (50) feet to allow for the construction of a single family residence.
2. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to eighteen (18) and thirty (30) feet, respectively, to allow for the construction of a single family residence.
3. Variance for Section 6.1.3.D of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to thirty-five (35) feet to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201300002 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL
3) APPROVAL CONDITIONAL**

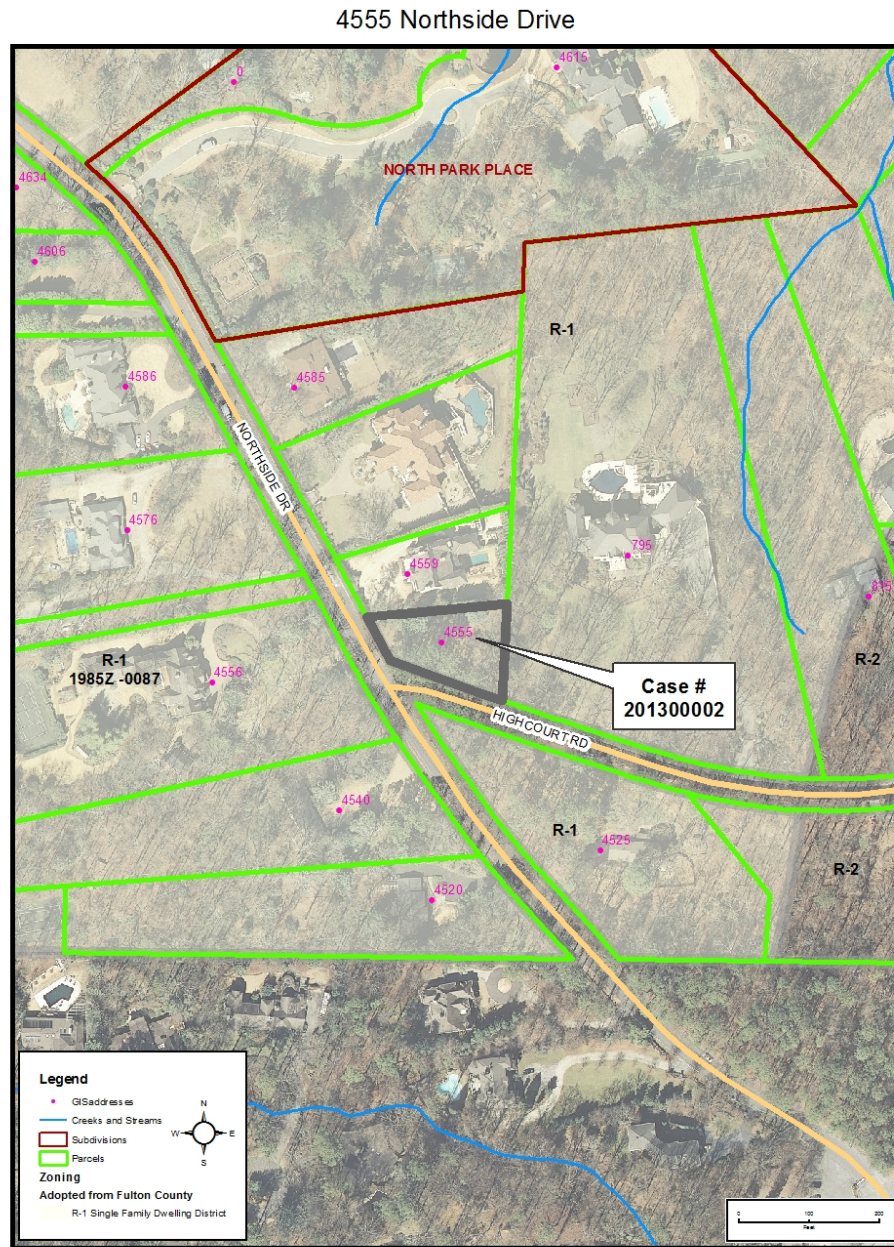
BOARD OF APPEALS ACTION

March 15, 2013 Hearing

201300002 – Deferred to April 11, 2013

At the March 15, 2013 meeting the Board of Appeals deferred this item to April 11, 2013 to allow the applicant time to submit a revised site plan that reduces the encroachment into the interior side yard and rear yard setbacks. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson absent). The applicant has submitted a revised site plan that shows reduced encroachments into the interior side yard and rear yard setbacks.

Parcel Map



Enforcement & Permit History:

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

Standards for Consideration

1. Variance from Section 6.1.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to fifty-four (54) feet to allow for the construction of a single family residence.
2. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twelve and three-tenths (12.3) and thirty-five and nine-tenths (35.9) feet, respectively, to allow for the construction of a single family residence.
3. Variance for Section 6.1.3.D of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to twenty-nine and nine-tenths (29.9) feet to allow for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

This parcel is a legal lot of record in an R-1 (Single Family Dwelling District) zoning district. The lot is .42 acres in size, much smaller than the required 2 acres of an R-1 zoning designation. The proposed site plan show the residence pushed back from each of the street frontages, intending to minimize the encroachments into the front and side corner setbacks, and to ensure that the proposed development is in harmony with the intent of the ordinance and the existing residential lots in the area. Based on this, staff is of the opinion that this site plan is in accordance with the general purpose and intent of the ordinance. Staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The property is slightly irregular in shape and is a recorded lot of record that is much smaller than the district minimums; the requirement of an R-1 district is 2 acres, while this lot was recorded at .42 acres. The small size of the lot and the current setbacks create an unnecessary hardship for the owner. Staff is of the opinion that this condition has been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday February 6, 2013 at which no additional comments were provided.

Sandy Springs Public Works	For informational purposes only, Northside Drive is included in the Sidewalk Master Plan network.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of these variance requests to allow for the construction of a single family residence.

Recommended Condition(s)

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

- 1) To reduce the required sixty (60) foot front yard setback to fifty (50) feet to allow for the construction of a single family residence, as shown on the site plan dated received January 2, 2013 by the Department of Community Development.
- 2) To reduce the required twenty-five (25) and forty (40) foot side yard setbacks to eighteen (18) and thirty (30) feet, respectively, to allow for the construction of a single family residence.
- 3) To reduce the required fifty (50) foot front yard setback to thirty-five (35) feet to allow for the construction of a single family residence.

ATTACHMENTS:

Revised Letter of Appeal – Dated received April 2, 2013

Site Plan – Dated received January 2, 2013

Revised Site Plan – Dated received April 2, 2013

Photographs



Variance Petition No. 201300047

HEARING & MEETING DATES

Board of Appeals Hearing

March 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Bradley Podraza

Petitioner
Gail Glozier

Representative
Gail Glozier

PROPERTY INFORMATION

Address, Land Lot(s), and District
402 Carolwood Lane
Land Lot 66, 17th District

Council District
5

Frontage
Approximately 70 feet of frontage along Carolwood Lane and 37.02 feet of frontage along Windsor Parkway.

Area
The subject property has a total area of approximately .246 acres.

Existing Zoning and Use
The lot is zoned R-4 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential 2-3, 2 to 3 units per acre

INTENT

The applicant is proposing to construct a single family residence. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required seven (7) foot side yard setback to three and eight tenths (3.8) feet to allow for the construction of second story.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300047 – 1) APPROVAL CONDITIONAL

Parcel Map

402 Carolwood Lane



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

Enforcement & Permit History:

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

Standards for Consideration

Variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required seven (7) foot side yard setback to three and eight tenths (3.8) feet to allow for the construction of second story.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The applicant is constructing a second story on an existing house. They will not be increasing the foundation or encroachment into the setback. The existing house, the first story of the proposed house, already encroaches into the setback to the extent provided in this variance request. Additionally, the proposed elevations for the home are intended to be in aesthetic harmony with existing structure and other homes in the neighborhood. Staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The property sits on a fairly narrow and irregularly shaped lot. Additionally, the house, as constructed originally, encroaches into the required side yard setback. Staff is of the opinion that this condition has been satisfied.

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

Not Applicable.

Department Comments

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

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of this variance request to allow for the placement of a generator.

Recommended Condition(s)

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

- 1) To reduce the required seven (7) foot side yard setback to three and eight tenths (3.8) feet to allow for the construction of second story, as shown on the site plan dated received January 7, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received January 7, 2013

Site Plan – Dated received January 7, 2013

Letter of Support from Neighbor – Dated received January 7, 2013

Elevations – Dated received March 5, 2013

Photographs



Variance Petition No. 201300226

HEARING & MEETING DATES

Board of Appeals Hearing
March 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Alan McRae

Petitioner
Alan McRae

Representative
William Woodson Galloway

PROPERTY INFORMATION

Address, Land Lot(s), and District	499 Johnson Ferry Road Land Lot 130, 17 th District
Council District	3
Frontage	Approximately 778.64 feet of frontage
Area	Approximately 7.174 acres
Existing Zoning	NUP pursuant to Fulton County case Z98-0035
Existing Use	Residence
Overlay District	Suburban District
2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a pool in the rear of the existing home, which by definition is the front yard of the parcel. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 19.3.15.B.1 of the Zoning Ordinance to allow for a pool and pool equipment to be located in a front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

2013000226 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

As written, the ordinance allows pools to be located in rear and side yards, so as to prevent outdoor recreational areas to be located between the street right-of-way and the residence; however, the topography, landscaping, and existing development of this parcel, are such that nothing is visible from the street. Additionally, the existing home is oriented towards the interior of the lot. Based on the existing conditions, the proposed location of the pool is in harmony with the intent of the ordinance in that it is preserving the

character of the districts and protecting the quality of neighboring developments. Staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

As shown on the grading plan, attached as part of the Letter of Appeal, titled Exhibit "A," there are significant changes in grade heading north and west from the existing residence towards the rear and side yards. The existing home sits on a hill, with very little developable area in the true rear and side yards that is not subject to significant grade changes; heading north from the house towards the rear lot line, the grade drops significantly, and towards the side lot line, west of the home beyond the front plane of the house, the grade again drops. Taking into consideration the topography of the lot, and the work and environmental impacts associated with changing the topography, there is an unnecessary hardship for the owner. Staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday March 6, 2013, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation provided the following:

<i>Capital Improvement Program (CIP)</i>	The property frontage on Johnson Ferry Road is included in CIP Project T-0001 (Abernathy/Johnson Ferry widening) currently being completed by Georgia Department of Transportation (GDOT). The application should reflect current as-built plans and ROW agreements if it does not already.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of this variance request to allow a pool and pool equipment to be located in a front yard.

Recommended Condition(s)

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

- 1) To allow for a pool and pool equipment to be located in a front yard, as shown on the site plan dated received February 19, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Amended Letter of Appeal – Dated received March 28, 2013
Site Plan – Dated received February 19, 2013
Photographs

Case # 201300226

Legend

- * Address
- Creeks and Streams
- Subdivisions
- Parcels

Zoning
Adopted from Fulton County

- R-1 Single Family Dwelling District
- R-2 Single Family Dwelling District
- R-2A Single Family Dwelling District
- R-3 Single Family Dwelling District
- NUP Neighborhood Unit Plan District

CA 4.4.2013



Variance Petition No. 2013000029

HEARING & MEETING DATES

Board of Appeals Hearing

March 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
David Diprima

Petitioner
David Diprima

Representative
David Diprima

PROPERTY INFORMATION

Address, Land Lot(s), and District 4966 Long Island Drive, NW
Land Lot 120, 17th District

Council District 6

Frontage Approximately 105 feet of frontage along Long Island Drive.

Area The subject property has a total area of approximately .595 acres.

Existing Zoning and Use The lot is zoned R-2 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District N/A

2027

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

INTENT

The applicant is proposing to reduce the side yard setback to allow for the installation of a generator. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

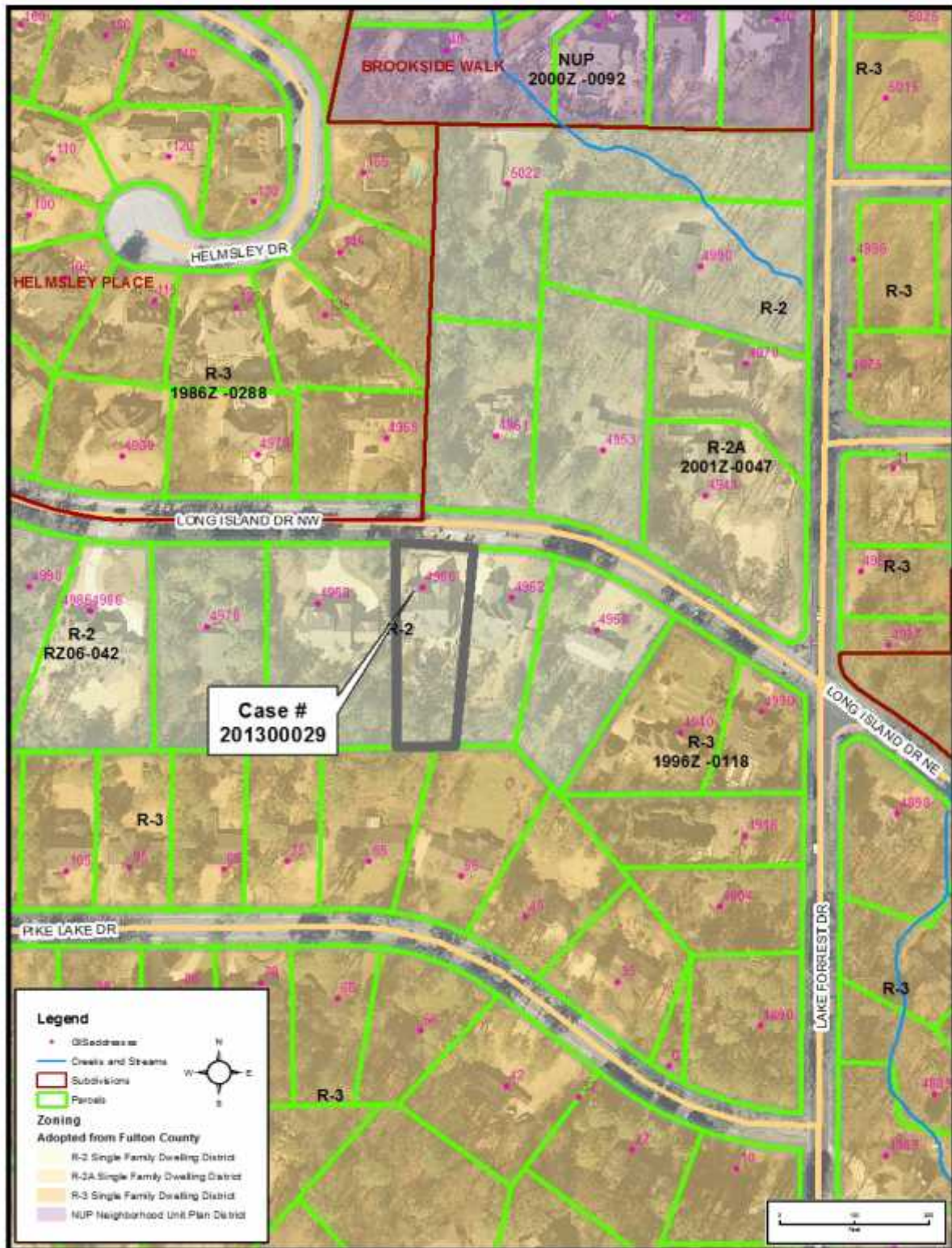
1. Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the side yard setback from fifteen (15) feet to six (6) feet to allow for the installation of a generator.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

2013000029 – 1) APPROVAL CONDITIONAL

Parcel Map

4966 Long Island Drive



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

Enforcement & Permit History:

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

Standards for Consideration

Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the side yard setback from ten (10) feet to allow for a generator.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The placement of the generator will be in the side yard of the house within an enclosed fence. The view of the generator from the neighbor's would be further obstructed by a rock wall and stair case. Staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The property sits on a narrow lot and the current Zoning Ordinance setback abuts directly to the property. The parcel is zoned R-2 with a 1 acre minimum lot area, but this parcel is 0.595 acres. This does not allow for the use of any of the applicants side yard. Staff is of the opinion that this condition has been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday February 6, 2013 and which no additional comments were provided.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of this variance request to allow for the placement of a generator.

Recommended Condition(s)

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

- 1) To reduce the required ten (10) foot side yard setback to six (6) feet to allow for the placement of a generator, as shown on the site plan dated received January 4, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received January 4, 2013

Site Plan – Dated received January 4, 2013

Letter of Support from Neighbor – Dated received February 25, 2013

Photographs