



Variance Petition No. 201300216

HEARING & MEETING DATES

Board of Appeals Hearing
April 11, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Alan and Elaine Dinerman	Alan and Elaine Dinerman	Alan and Elaine Dinerman

PROPERTY INFORMATION

Address, Land Lot(s), and District	6895 Heathfield Drive Land Lot 126, 17 th District
Council District	3
Frontage	Approximately 100 feet of frontage
Area	Approximately .458 acres
Existing Zoning	R-3 pursuant to Fulton County case Z56-0004
Existing Use	Residence
Overlay District	N/A

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

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

1. Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to seven (7) feet to allow for the expansion of a carport.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300216 – 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:

The construction of the carport would be imposed on the current concrete driveway which is already in the ten foot side yard setback and would not disturb any surrounding trees or landscaping. As a result, neighbors adjacent to the property would be shielded from the carport by the existing shrubbery and trees. Staff is of the opinion that this condition has been satisfied.

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

Finding:

The lot is shy of the width required for this zoning designation, and as such, the existing home encroaches into the existing side yard setbacks. The narrowness of the lot creates an unnecessary hardship for the owner and limits the available developable area where a garage expansion can be constructed. As a result, there are no alternatives. Staff is of the opinion that this condition has been satisfied.

Department Comments

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

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 expansion of a carport.

Recommended Condition(s)

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

- 1) To reduce the required ten (10) foot side yard setback to seven (7) feet to allow for the expansion of a carport, as shown on the site plan dated received January 24, 2013 by the Department of Community Development.

ATTACHMENTS:

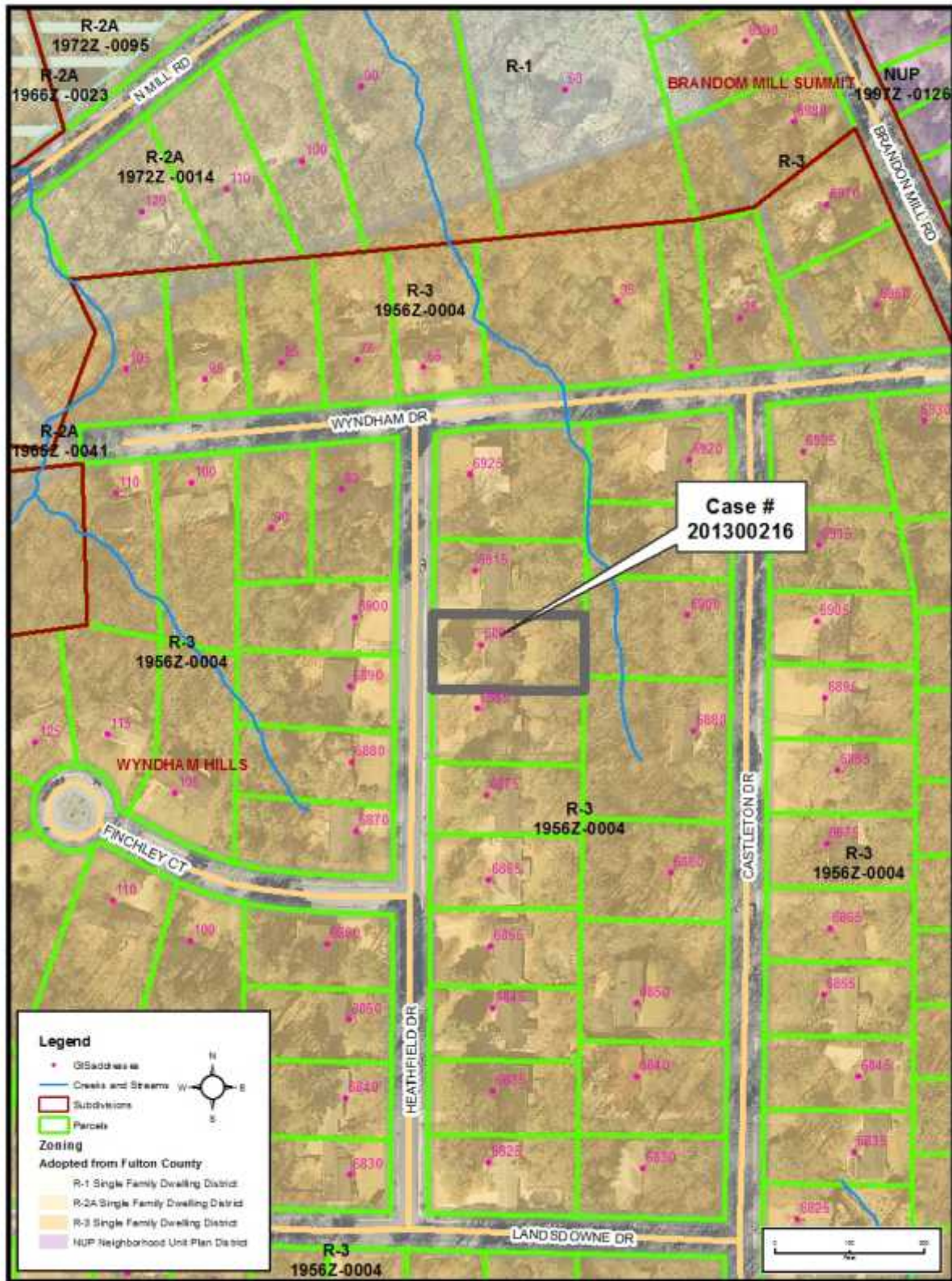
Letter of Appeal – Dated received January 24, 2013

Site Plan – Dated received January 24, 2013

Letter of Support from Neighbor – Dated received January 24, 2013

Photographs

6895 Heathfield Drive



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



Variance Petition No. 201300276

HEARING & MEETING DATES

Board of Appeals Hearing
April 11, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Bobby Rosenbloum

Petitioner
Edward Alshut

Representative
Edward Alshut

PROPERTY INFORMATION

Address, Land Lot(s), and District 110 Franklin Place
Land Lot 67, 17th District

Council District 5

Frontage Approximately 101 feet of frontage

Area Approximately .41 acres

Existing Zoning R-3 Single Family Dwelling District

Existing Use Residence

Overlay District N/A

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

INTENT

The applicant is proposing to reduce the side yard setback to allow for the construction of a shaded outdoor seating area adjacent to the existing pool. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot rear yard setback to twenty (20) feet to allow for the construction of an accessory structure.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300276 – 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:

The proposed canopy would be constructed in the northwest corner of the rear yard behind the house and garage which would completely obstruct the view of the structure from the street. Views of the structure are further limited by a thirty (30) foot tall evergreen tree line to the north and west of the site, a ten (10)

foot grade change and retaining wall to the north, and a fence and retaining wall to the south. 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 has a shallow rear yard which limits the possible location of an accessory structure and a ten (10) foot grade change to the north which limits the available area for construction. These restrictions limit both the buildable land available and the location of the accessory structure. 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: Transportation, Building and Permitting, Fire, code Enforcement, Site Development, or Arborist.

Conclusion

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

Recommended Condition(s)

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

- 1) To reduce the required thirty-five (35) foot rear yard setback to twenty (20) feet to allow for the construction of an accessory structure, as shown on the site plan dated received January 29, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received January 29, 2013

Site Plan – Dated received January 29, 2013

Renderings – Dated received January 29, 2013

Topography Map, printed from Sandy Springs GIS

Letter of Support from Neighbor – Dated received January 29, 2013

Photographs

110 Franklin Place



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



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**

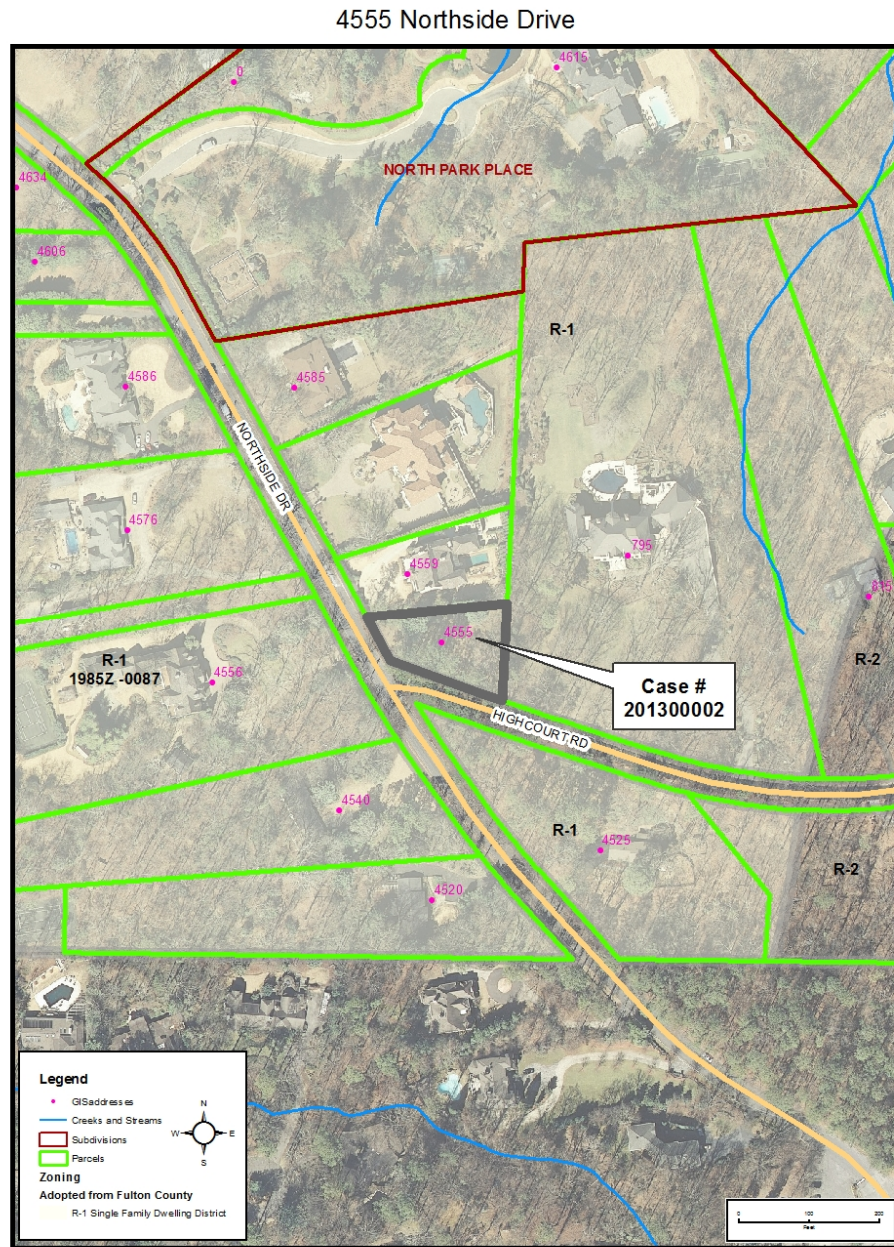
BOARD OF APPEALS ACTION

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