



P&Z STAFF REPORT

Board of Appeals Hearing; April 13, 2017

Case: **V17-0020 – 606 Old Cobblestone Drive**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: March 30, 2017

REQUEST

Variance from Section 5.1.3.D of the Zoning Ordinance to allow a recently constructed pavilion, which encroaches approximately 34.9 feet into the minimum rear yard, to remain.

APPLICANT

Property Owner: Joanne E. Black	Petitioner: Joanne E. Black	Representative: Hadeel Maseoud, Curran Legal
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PROPERTY INFORMATION

Location:	606 Old Cobblestone Drive
Council District:	1 - Paulson
Road frontage:	Approximately 35 feet
Acreage:	Approximately 1.9 acres
Existing Zoning:	AG-1 (Agricultural District)
Existing Land Use:	Single-family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Character Area	Protected Neighborhood

PROPOSED DEVELOPMENT

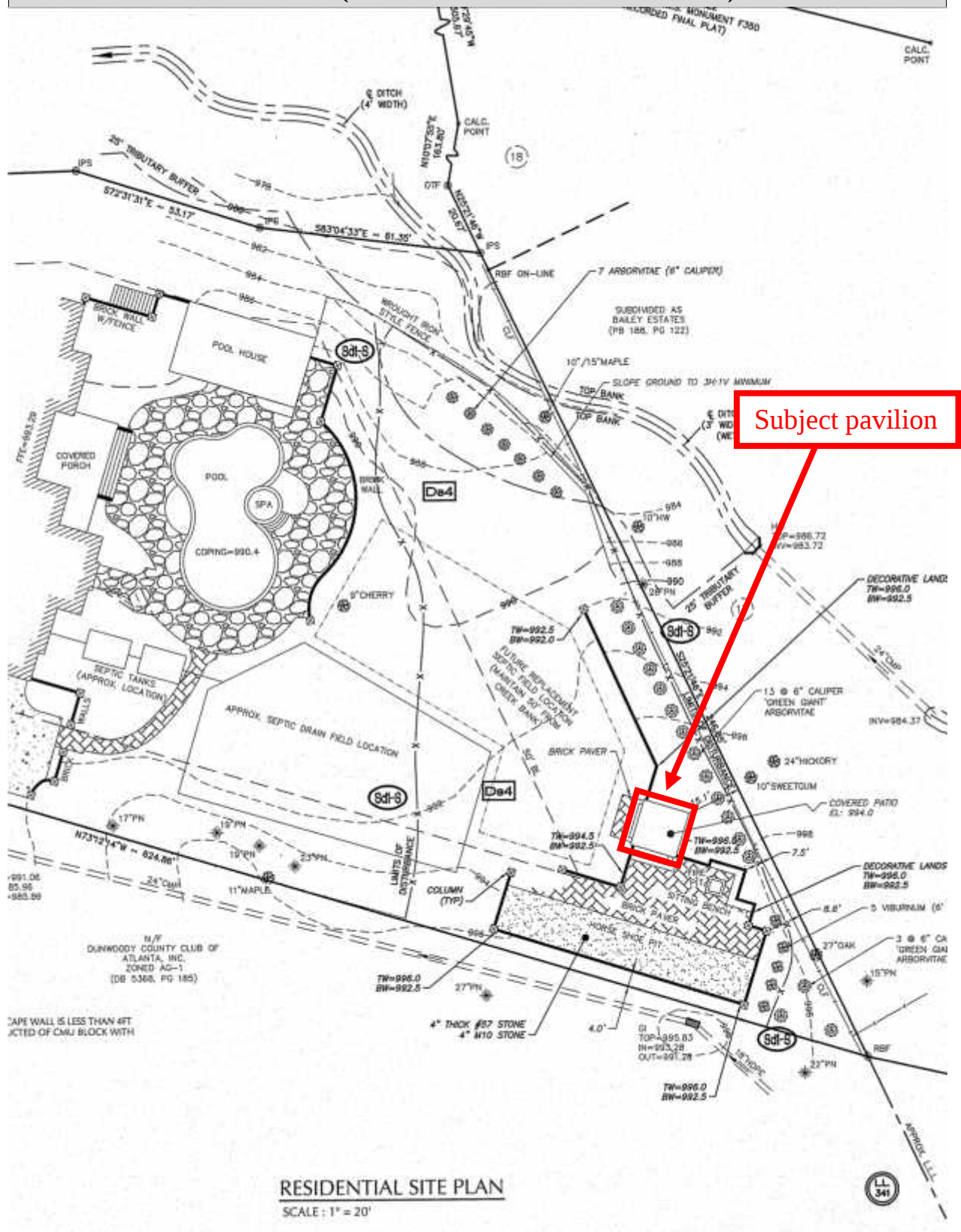
The applicant has recently installed an outside amenity area that includes a paver patio, fire pit, several walls, and a pavilion. Originally, the applicant installed the improvements prior to obtaining a building permit. Subsequently, the applicant received a Notice of Violation. Only the pavilion requires a Variance to remain approximately 15 feet away from the rear lot line in the minimum rear yard.

RECOMMENDATION

Department of Community Development

Staff recommends **DENIAL** of V17-0020.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



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:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. 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;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

Finding:

The applicant recently constructed an outdoor recreation area in the back yard of the subject property that includes a paved patio, a horse shoe pit, a sitting bench, a fire pit, and an approximately 13-foot by 13-foot pavilion. After receiving neighbors' complaints, a City Inspector found that the applicant's contractor had conducted the work without a valid permit and issued a stop work order. To maintain the ground work, the applicant intends to apply for a land disturbance permit. However, the pavilion is an accessory structure that encroaches approximately 35 feet into the 50-foot minimum rear yard. Therefore, the applicant is requesting a Variance to allow the pavilion to remain in its present location. In addition to the recently installed features, the property is improved with a residence, a pool and associated pool deck, and a detached pool/club house.

The subject 1.9-acre parcel is a flag lot, as allowed under previous Fulton County subdivision regulations. Approximately one third of the parcel is located within the stem of the parcel, rendering it unusable for development. In addition, a stream is located along the northeastern property line. Due to the timing of the subdivision creation in 2005, this stream has an associated 25-foot stream buffer, which prevents grading or impervious surface. Therefore, Staff finds that there are extraordinary and exceptional conditions due to the shape and topography of the site.

The property was in possession of the Black family from 2005 until present, which includes the time the residence was designed and constructed (2007). Therefore, Staff finds that the applicant is responsible for the site layout of all improvements, to include any septic fields. Accordingly, the conditions that lead the applicant to apply for this variance are caused by the applicant or close relatives.

An entertainment area in the existing location to include the patio, the fire pit, the horseshoe pit, and the sitting bench is permissible. Only the pavilion is not in compliance with the required minimum setbacks. In addition, the property currently has a second amenity area that includes a pool, a spa, a pool deck, and

a pool/club house. Therefore, staff finds that the applicant has reasonable use of the area for entertainment purposes without the pavilion.

The property is in a Protected Neighborhood character area, and is located on an estate lot that is regulated by agricultural zoning. The expectation in these neighborhoods is for ample areas of open space to be preserved adjacent to neighboring properties. A structure 15 feet away from a rear property line is not consistent with said neighborhood character and would be detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

The neighbor immediately to the rear of the subject property (125 Green Fall Point) originally objected to the Variance request. In a subsequent update, they informed Staff they are no longer in opposition to the project.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 5.1.3.D of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of variance request V17-0020 to allow a recently constructed pavilion, which encroaches approximately 34.9 feet into the minimum rear yard, to remain.

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

1. To allow a recently constructed pavilion, as shown on the site plan prepared by Gaddy Suveying & Design, Inc., dated March 1, 2017, and received by the Department of Community Development March 7, 2017, to remain.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy.
4. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.



P&Z STAFF REPORT
Board of Appeals Hearing; April 13, 2017

Case: V17-0021 – 6455 Colebridge Road

Staff: Andy Mendzef (amendzef@sandyspringsga.gov)

Contact:

Report Date: March 16, 2017

REQUEST
Variance from section 6.4.3.B. to encroach five (5) feet into the required (50) foot front yard setback and a concurrent Variance from section 6.4.3.C. of the City of Sandy Springs Zoning Ordinance to encroach three (3) feet into the required (10) foot side yard setback to enclose an existing carport creating a garage and a second story addition above this proposed new garage of an existing single-family residence.

APPLICANT		
Property Owner: Michael R. Wise	Petitioner: Michael R. Wise	Representative: Michael R. Wise

PROPERTY INFORMATION	
Location:	6455 Colebridge Road
Council District:	3; Burnette
Road frontage:	Approximately 100 feet along Colebridge Road
Acreage:	0.55 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:	Protected Neighborhood

SUMMARY
The applicant is requesting two variances, one to encroach three feet into the required 10-foot side yard setback (north property line) and one to encroach five feet into the required 50-foot front yard setback, or to within seven feet and 45 feet of the property lines to allow for the construction of an addition to the existing residence. The subject property is located in

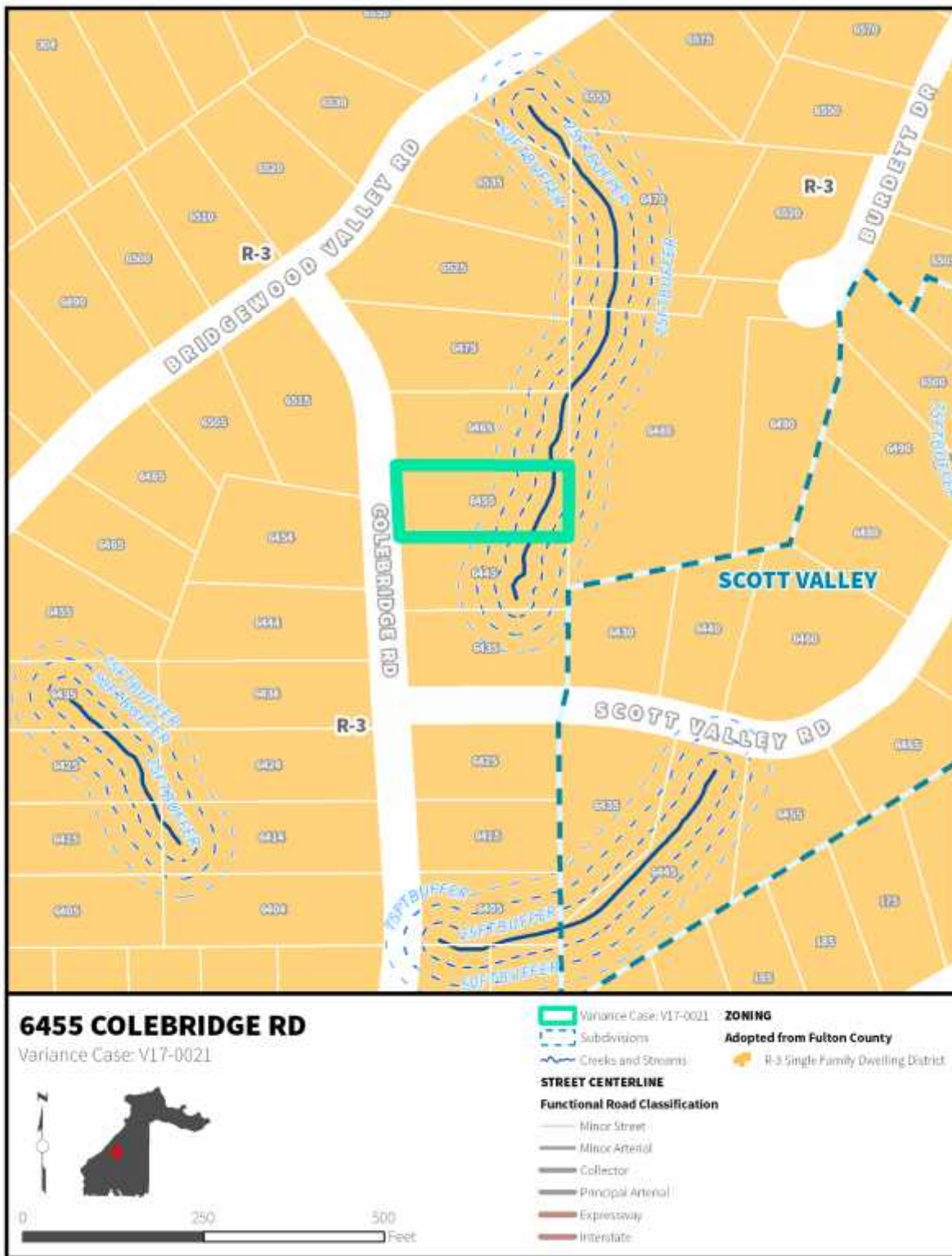
Mountaire Springs Subdivision on Colebridge Road, located southwest of the Abernathy Road/Johnson Ferry Road intersection. The site is developed with an existing 1,622 square foot, one-story, single family residence, attached carport and accessory uses. The planned project is to enclose the carport and construct a 600 square foot addition to the side and front of the home. The result would be a two-car garage and second story finished living space. Additional construction on the home would double the size of the house, but would not include any other yard encroachments. The front encroachment would be five feet and could be addressed administratively, however, since a variance is required for the side yard encroachment, both are being addressed through the public hearing process. The existing home was constructed in 1956 and the rear corner currently encroaches approximately 2.5 feet into the side yard setback, but otherwise meets the City's required front, rear and opposite side yard setbacks. The home was purchased by the current owners in 1999. Due to a stream buffer in the rear yard and the existing residential foot print, which the applicant wishes to maintain, the variances are being requested for the home improvement construction. A wooden picket fence is located along the subject property line where the encroachment occurs. The existing driveway extends from Colebridge Road and would continue to be used as access to the home.

RECOMMENDATION
Department of Community Development
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative variances, and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. 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;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.*

Request: (6.4.3.B.) and (6.4.3.C.) *Request to allow an encroachment of five feet into the required 50 foot front yard setback and 3 feet into the required ten (10) foot minimum side yard setback to allow for the construction of a home addition.*

Finding: The existing lot, house and accessory uses pre-date the City's Land Development requirements. The requested Variance would allow the applicant to enclose a carport and construct a second-story addition that would encroach approximately 5 feet into the required 50-foot front yard setback and three feet into the side yard setback. The home contains 1,622 square feet of floor area and the proposed addition consisting of a bonus room / storage area would add approximately 600 square feet of space. Since the home predates the City by approximately 50 years, the existing home's current location and setbacks appear standard for the neighborhood and due to a stream buffer in the rear yard any home improvements would be better suited away from the stream. As proposed, the addition of the second floor living space is relatively small and would not be expected to adversely impact the adjacent or nearby residences. The existing conditions are not the result of actions by the current owner and the proposed addition would avoid encroachment towards the stream. The Variance would allow minimum relief for the minor 625 square foot expansion and the planned expanded residence would be compatible within the subdivision. Approval of the Variance would be consistent with the general intent of the zoning ordinance and would not be expected to be detrimental to the public good, safety, and welfare. Therefore, staff recommends approval conditional of the Variance request.

Staff recommends APPROVAL CONDITIONAL

COMMENTS FROM OTHER PARTIES
None

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Staff has reviewed the request relative to the variance standards stated in Section 22.3.1 of the Zoning Ordinance, variances, administrative variances, and concurrent variances and based upon this review, staff recommends <u>APPROVAL CONDITIONAL</u> of variance request V17-0021 to allow the home addition within the 50-foot front yard setback and 10 foot side yard setback. Should the Board of Appeals choose to approve the requests, staff recommends the following conditions: 1. To allow enclosure of the carport and second floor addition to encroach a maximum of three feet into the required 10 foot side yard setback and five feet into the required 50-foot front yard setback, as shown on the submitted site plan dated January 24, 2016 (plat date) and received by the Department of Community Development on March 07, 2017. 2. Obtain necessary permits from the Department of Community Development for all additions. 3. Minor revisions of the submitted site plan, as determined by the Department of Community Development, may be reviewed and approved by staff. Any revision shall not include further encroachment of the use or structure. Any improvements that meet current setbacks would also be permitted. 4. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy. 5. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.



P&Z STAFF REPORT
Board of Appeals Hearing; April 13, 2017

Case: **V17-0025 – 6850 Heathfield Drive**

Staff: Andy Mendzef (amendzef@sandyspringsga.gov)

Contact:

Report Date: April 18, 2017

REQUEST
Variance from section 6.4.3.C. of the City of Sandy Springs Zoning Ordinance to encroach 2.5 feet into the required (10) foot side yard setback to enclose an existing carport creating a garage for an existing single-family residence.

APPLICANT		
Property Owner: Russell and Karen Goldman	Petitioner: Russell and Karen Goldman	Representative: Russell and Karen Goldman

PROPERTY INFORMATION	
Location:	6850 Heathfield Drive
Council District:	3; Burnette
Road frontage:	Approximately 100 feet along Heathfield Drive
Acreage:	0.46 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:	Protected Neighborhood

SUMMARY
The applicant is requesting a variance to enclose a carport that presently encroaches approximately two feet into the required 10-foot side yard setback (south property line) or to within approximately eight feet of the property line. The subject property is addressed as 6850 Heathfield Drive, which is within the Wyndam Hills Subdivision, located northwest of the Abernathy Road/Johnson Ferry Road intersection. The site is developed with an existing one-story, single family residence, attached carport and accessory uses. The proposed plan is to

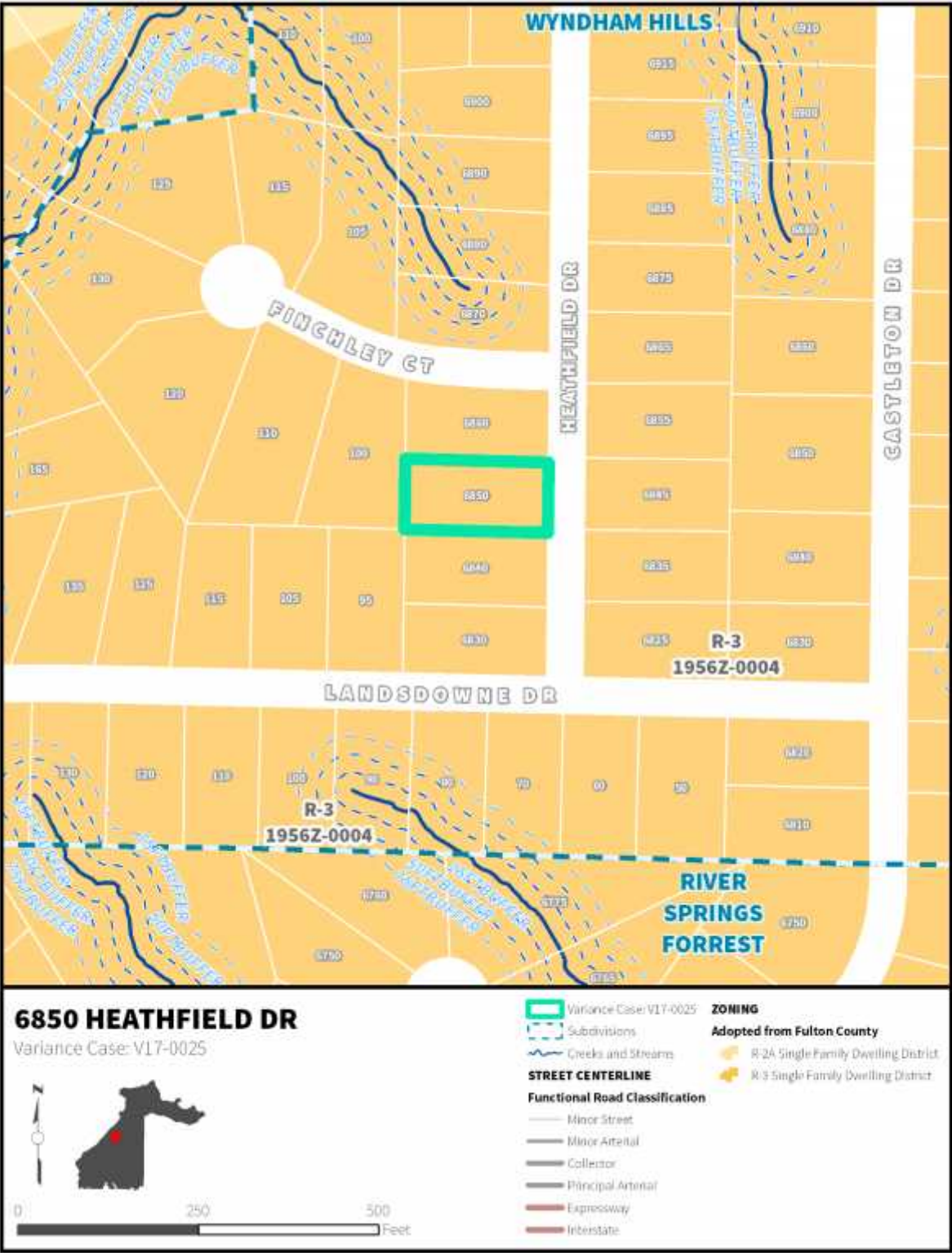
enclose the carport and renovate the home with updates and the addition of a master bath, laundry room, mudroom, and covered porch. The existing carport encroaches into the side yard setback necessitating the Variance. All other additions or renovations will be completed within the required setbacks. The result would be an updated residence with a two-car garage. The existing home was constructed several decades ago and the carport currently encroaches approximately two feet into the side yard setback, but otherwise meets the City's required front, rear and opposite side yard setbacks. The home was purchased by the current owners in 2015 and the applicant wishes to maintain the existing footprint of the carport. The existing driveway extends from Heathfield Drive and would continue to be used as access to the home.

RECOMMENDATION
Department of Community Development
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative variances, and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. 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;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.*

Request: (6.4.3.C.) *Request to allow an encroachment of two feet into the required ten (10) foot minimum side yard setback to allow for the enclosure of an existing carport.*

Finding: The existing lot, house and accessory uses pre-date the City's Land Development requirements. The requested Variance would allow the applicant to enclose a carport that currently encroaches approximately two feet into the required side yard setback. The application of the ordinance creates some unnecessary hardship due to the existing encroachment and modification of the carport requires a Variance. Converting the carport to a garage would be beneficial in providing an enclosure for vehicles and other items that may otherwise be visible from the street or adjoining properties. The Variance would provide the very minimum amount of relief necessary for reasonable use of the property. An improvement of this nature would be considered an overall positive to adjacent and nearby residences and the community in general. Although this project is part of a larger home improvement project, no further encroachment is being requested. The proposed two-car garage would seem a reasonable use of the property, a visual enhancement to the neighborhood and consistent with the general intent of the zoning ordinance. Approval of the Variance would not be expected to be detrimental to the public good, safety, and welfare. Therefore, staff recommends approval conditional of the Variance request.

Staff recommends **APPROVAL CONDITIONAL**

COMMENTS FROM OTHER PARTIES
None

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Staff has reviewed the request relative to the variance standards stated in Section 22.3.1 of the Zoning Ordinance, variances, administrative variances, and concurrent variances and based upon this review, staff recommends <u>APPROVAL CONDITIONAL</u> of variance request V17-0025 to allow enclosure of the carport without further encroachment within the 10 foot side yard setback. Should the Board of Appeals choose to approve the requests, staff recommends the following conditions: 1. To allow enclosure of the existing carport, which currently encroaches into the required 10 foot side yard setback, as shown on the submitted as-built survey, dated April 23, 2016 and received by the Department of Community Development on April 04, 2017. 2. Obtain necessary permits from the Department of Community Development for enclosures and additions. 3. Minor revisions of a submitted site plan, as determined by the Department of Community Development, may be reviewed and approved by staff. Any revision shall not include further encroachment of the use or structure. Any improvements that meet current setbacks would also be permitted. 4. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy. 5. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.