



Variance Petition No. V11-008

HEARING & MEETING DATES

Board of Appeals Hearing

April 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
John and Tracy Wallace	John and Tracy Wallace	Rip Hooker

PROPERTY INFORMATION

Address, Land Lot(s), and District	235 Spalding Springs Lane Land Lot 384, District 18
Council District	1
Frontage	Approximately 53.43 feet of frontage on Spalding Springs Lane and 144.93 feet of frontage on Spalding Drive.
Area	The subject property has a total area of approximately 15,459 square feet.
Existing Zoning and Use	The lot is zoned R-4 (Single Family Dwelling District) under Fulton County Zoning case Z94-0014. The property is currently developed with a single family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is proposing to construct a pool, pool deck and pool equipment in a front yard and to reduce the required ten (10) foot setback to one (1) foot for the pool equipment. The property has two (2) frontages. The house orients toward Spalding Springs Lane making the frontage on Spalding Drive the rear of the house and the proposed location for the pool. The applicant is requesting two (2) primary variances:

- 1) Variance from Section 19.3.15.1 of the Zoning Ordinance to allow a pool, pool deck and pool equipment in a front yard.
- 2) Variance from Section 19.3.15.1 of the Zoning Ordinance to reduce the ten (10) foot setback to one (1) foot for the pool equipment.

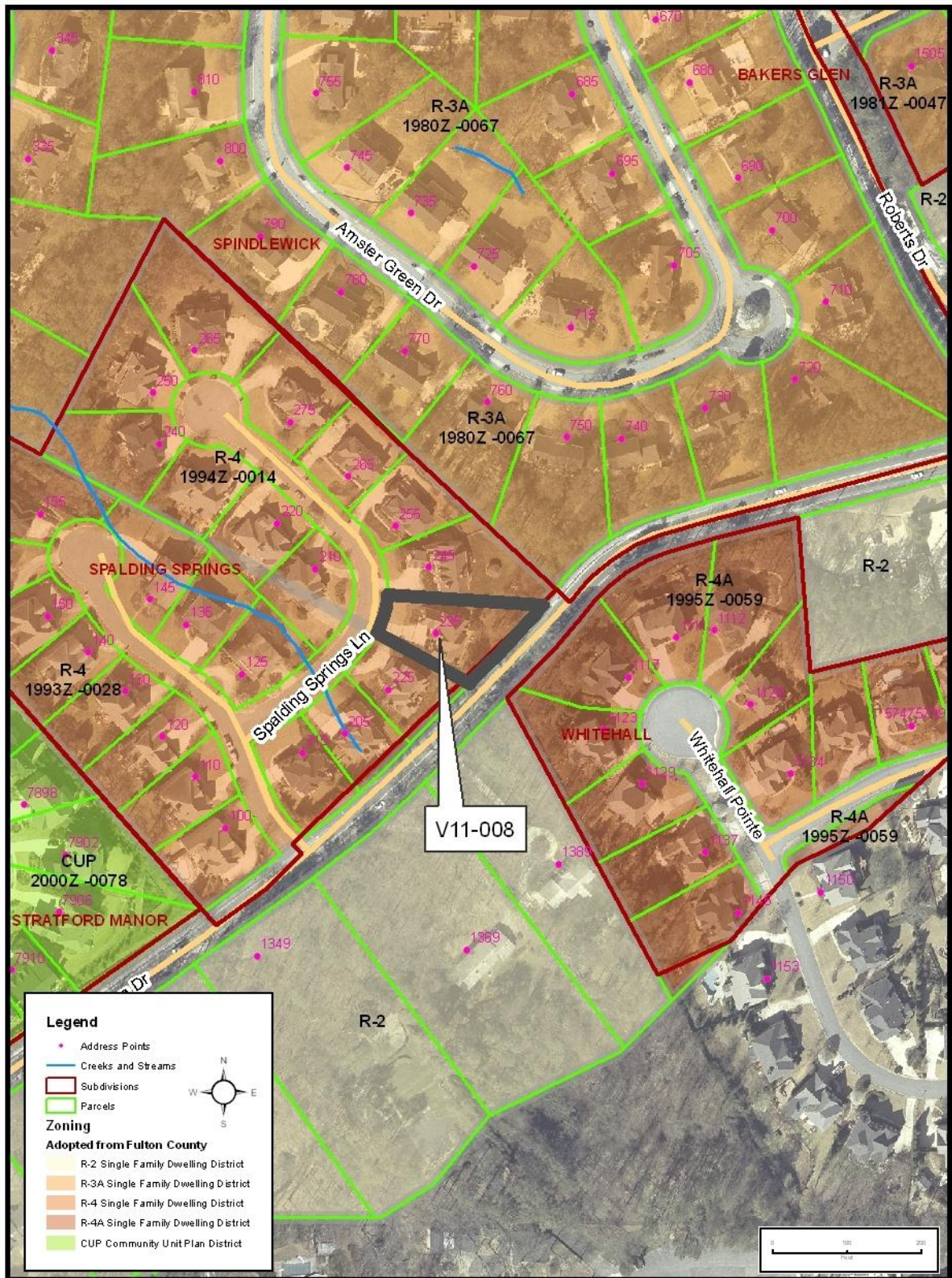
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-008 - 1) APPROVAL CONDITIONAL

V11-008 - 2) DENIAL

Parcel Map

235 Spalding Springs Lane



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 14, 2011

**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V11-008

STAFF CONTACT: Linda Abaray, Planner 770-206-1577
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Findings of Fact

The applicant is requesting relief from Section 19.3.15.1 of the Zoning Ordinance to construct a pool, pool deck and pool equipment in a front yard (Variance #1) and to reduce the required ten (10) foot setback to one (1) foot to allow the pool equipment (Variance #2). The property has two (2) frontages. The house orients toward Spalding Springs Lane making the frontage on Spalding Drive the rear of the house and the proposed location for the pool. The rear of the property is bordered by a brick wall screening the view of the back of the house from Spalding Drive.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 53.43 feet of frontage on Spalding Springs Lane and 144.93 feet of frontage on Spalding Drive. The property is rectangular in shape. The lot slopes from east (Spalding Drive) to the west (Spalding Springs Lane) dropping sixteen (16) feet. The proposed pool, pool deck and pool equipment (Variance #1) are shown behind the existing house and the proposed pool equipment (Variance #2) is shown one (1) foot from the north property line.

Staff notes that property has two (2) street frontages causing the lot to have two (2) front yards and no rear yard. The Zoning Ordinance requires swimming pool, pool decks and pool equipment to be located in side or rear yard and at least ten (10) feet from the property lines.

Staff notes the surrounding properties are zoned R-4 (Single Family Dwelling District) and R-3A (Single Family Dwelling District) to the north; to the east R-4A (Single Family Dwelling District) and R-2 (Single Family Dwelling District); R-4 (Single Family Dwelling District) and R-2 (Single Family Dwelling District) and R-4 (Single Family Dwelling District) to the west. Additionally, the double street frontage effects the surrounding properties and other properties in the neighborhood have pools in their rear yards.

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. The proposed pool, pool deck and pool equipment (Variance #1) would be located in the rear of the house adjacent to Spalding Drive. The pool and pool deck would comply with the setback standards in the Zoning Ordinance. The applicant is requesting to reduce the ten (10) foot setback to one (1) foot for the pool equipment (Variance #2). Additionally, the proposed pool, pool deck and pool equipment will be located in an area as not to be in view of adjacent properties or Spalding Drive. The pool equipment being located in the rear of the property would be in harmony with the intent of the ordinance. The reduction in the pool equipment setback would not be in harmony. Therefore, staff is of the opinion this condition has been satisfied for the pool, pool deck and pool equipment location in a front yard only (Variance #1). Staff is not of the opinion that this condition is satisfied for the reduction of the ten (10) foot setback to one (1) foot for the pool equipment (Variance #2).

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 subject parcel does exhibit extraordinary and exceptional conditions related to its topography. The topography does not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. The lot slopes from east (Spalding Drive) to the west (Spalding Springs Lane) dropping approximately sixteen (16) feet. However, the shape of the property does create a hardship to the owners. The property is rectangular in shape and has two (2) street frontages causing the lot to have two (2) front yards and no rear yard. The yard adjacent to Spalding Drive is surrounded by a brick wall screening this portion of the yard from Spalding Drive and neighboring properties. Installing a pool, pool deck and pool equipment behind the existing house would not create a detriment to the public. Therefore, staff is of the opinion this condition has been satisfied for the pool, pool deck and pool equipment location in a front yard only (Variance #1). Staff is not of the opinion that this condition is satisfied for the reduction of the ten (10) foot setback to one (1) foot for the pool equipment (Variance #2).

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 on March 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	If the Board decides to approve the variance it could be conditioned to providing screening from the Spalding Drive and the neighbors impacted by the equipment noise.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance request for the pool, pool deck and pool equipment location in a front yard only (Variance #1) and **DENIAL** of the request to reduce the ten (10) foot setback to one (1) foot for the pool equipment (Variance #2). The recommended conditions apply to the pool, pool deck and pool equipment location in a front yard only.

Recommended Condition(s)

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

1. The proposed pool, pool deck and pool equipment location in a front yard shall be in accordance with the proposed site plan, provided by the applicant dated received February 1, 2011 by the Department of Community Development, for the variance(s) herein, showing a pool, pool deck and pool equipment to be located in the a front yard, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1)

Pool layout

Topography plan

Rendering

Rear yard view points

Letters of Support

Photographs