



P&Z STAFF REPORT

Board of Appeals Hearing; April 14, 2016

Case: **V16-0020 – 5260 West Kingston Court**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: March 31, 2016

REQUEST

Three (3) Variances from Development Regulations 109-225: Request to bring nonconforming structure encroaching into the 25 foot and 50 foot stream buffers and 75 foot impervious surface setback into conformity. Request to encroach into 50 foot stream buffer and 75 foot impervious surface setback to allow for a 288 square foot addition to an existing single family residence. Request to allow for the construction of a 247 square foot accessory detached single-car garage and 50 square feet of new driveway within the 75-foot impervious setback.

APPLICANT

Property Owner: Alan Clark	Petitioner: Alan Clark	Representative: N/A
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PROPERTY INFORMATION

Location:	5260 West Kingston Court
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 200 feet along West Kingston Court
Acreage:	2.46 acres
Existing Zoning:	R-2 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R0-1 (0-1 units per acre)

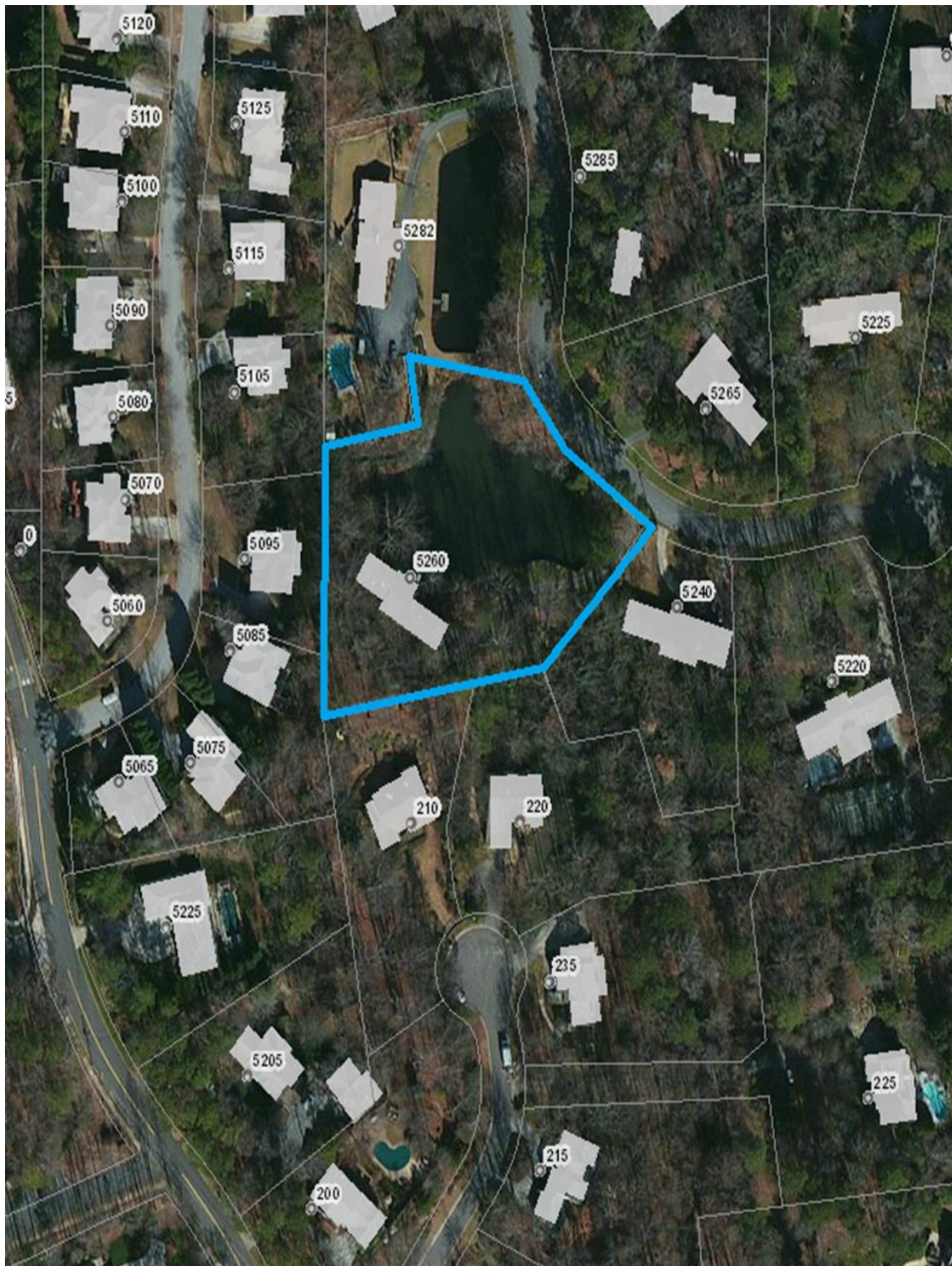
SUMMARY

The applicant is requesting variances to bring into conformity an existing home that was constructed in 1966 and is located within the 25-foot State stream buffer, and to allow for a 288 square foot laundry room addition to the rear of the home. An additional variance would allow for the construction of a 247 square foot detached single-car garage of which approximately 60 percent of the structure would be within the 75-foot impervious

setback/buffer. The 2.46-acre site includes a stream and pond in the front yard. These two water features are separated by a small earthen berm. The home and accessory structures that include two decks (upper and lower), and a boat dock at grade are located within the required 25-foot and 50-foot stream buffers and extend back into the 75-foot impervious surface setback. The encroachment is entirely within the stream buffer extending to zero feet with the aforementioned decks crossing the stream and boat dock extending to the pond. Before the applicant can be permitted to add to a non-conforming structure or add the garage, variances would be required to bring the existing encroachments into compliance with current stream buffer and impervious setback requirements. Including the overhang, the total roof area of the proposed laundry room addition would be 390 square feet and the total roof area of the garage would be 235 square feet (391 x 60%) and 50 square feet of additional driveway. This equals a total of 675 square feet of new impervious surface and the proposed mitigation is based on this number. The garage would extend 9 feet into the 75-foot impervious setback.

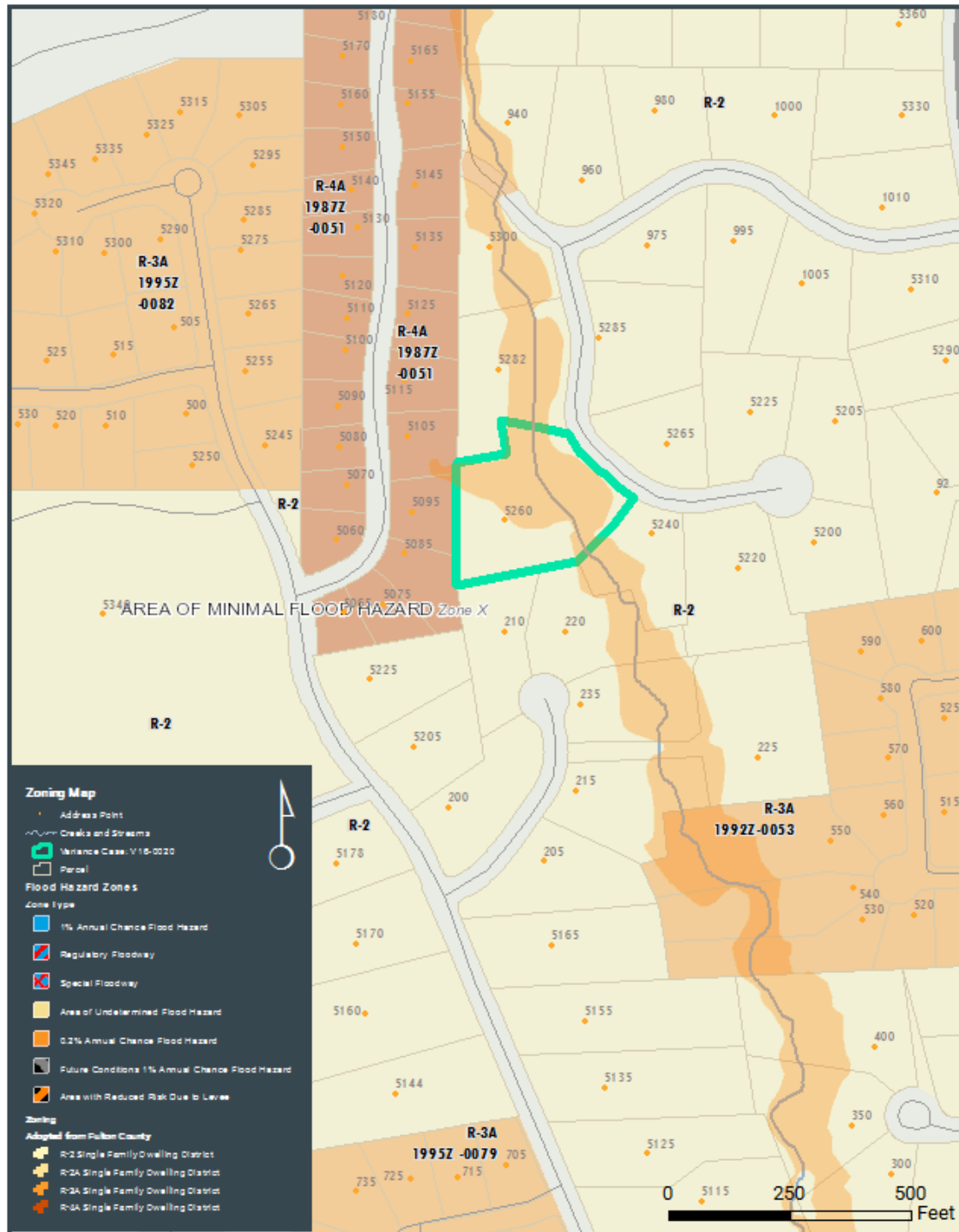
RECOMMENDATION
Department of Community Development
Approval conditional of the variance requests

AERIAL IMAGE



ZONING MAP

5260 West Kingston Court



VARIANCE CONSIDERATION

Sec. 109-225. - Land development requirements: *Variances will be considered only in the following cases:*

a.

When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

b.

Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Request: *(Development Regulations 109-225) Request to allow an encroachment to zero feet into the minimum required 25-foot and 50-foot minimum stream buffer requirement, and 75-foot impervious side yard setback for an existing carport;*

Finding: The existing house pre-dates the City's Land Development requirements and the applicant is proposing to add a laundry room to the rear of the existing residence and construct a single-car garage. The existing structures encroach up to and beyond the stream where a boat dock is positioned on the pond. The planned improvements would produce approximately 67 cubic feet of additional runoff and would be offset by a total mitigation of 82 cubic feet. The proposed addition and garage would be considered small and supported by mitigation, which will result in a net reduction in runoff. It is not anticipated that the applicant's proposed construction will adversely impact the stream. Approval of this request and the planned improvements would also bring the structure into compliance with the land development requirements and would be in harmony with the general purpose and intent of the stream buffer regulations.

*Staff recommends **APPROVAL CONDITIONAL***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in **Sec. 109-225. - Land development requirements:** of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of variance request V16-0020 to bring the existing structures into conformity, to allow a 288 square foot addition and to allow for the construction of a 247 square foot accessory detached single-car garage with a 9-foot encroachment into the 75-foot impervious buffer.

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

1. To allow an existing residence, decks and boat dock to encroach into the required 25-foot foot stream buffer, the proposed home addition and single-car garage, as shown on the site plan and design plan dated received March 11, 2016 by the Department of Community Development.
2. To provide mitigation with a 10-foot x 10-foot x 9 inch rain garden with a capacity of 75 cubic feet and install a 50 gallon rain barrel per the plans dated received March 11, 2016 by the Department of Community Development.
3. Any revisions of the submitted plans must be reviewed and approved by Staff.

V16-0020
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FEB 18 2016

City of Sandy Springs
Community Development

VARIANCE PRE-APPLICATION REVIEW

TYPE OF VARIANCE:

Administrative: ☐	Administrative Minor: ☐	Minor: ☐
Primary: ☒	Secondary/Interpretation: ☐	River Corridor: ☐
Subdivision Regulations: ☐	Other: ☐	

Applicant: Alan Clark Address: _____
Phone: 678-474-6381 Fax: _____
Email: alandclark@comcast.net
Subject Property Address: 5240 W. Kingston Ct Tax PIN(s): 12-001500040037
Existing Zoning: R2 Zoning Case History: _____
Land Lot(s): 15 District: 17th
Subdivision Name: _____
Unit/Phase: _____ Lot No. (s): _____
Total Acreage: 2.46 Council District: _____
Lot Frontage: _____ Future Land Use: _____

Owner: Alan Clark, Mina Chan Address: same as above
Phone: _____ Fax: _____
Email: _____

Representative: _____ Address: _____
Phone: _____ Fax: _____
Email: _____ Overlay District (if applicable): _____

Topo Map Required? _____

Stream(s) within 100' of subject property Yes ☒ No ☐

City Arborist visit required to verify Streams (Michael Barnett 770-206-1572) Yes ☒ No ☐

Notified applicant of required plans Yes ☒ No ☐ Verified compliance with other regulations Yes ☒ No ☐

Planner Initials AMC

REQUESTED VARIANCES:

Article/Section: 109.225 Request: encroach into 50' stream buffer & 75' impervious surface setback for addition to existing house and construction of single car garage

Article/Section: 109.225 Request: Request to bring nonconforming structure into compliance - single family res. encroaching 10' 25' 50' 75' buffer

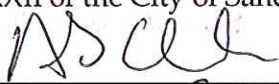
Article/Section: _____ Request: _____

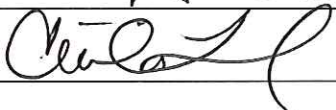
Article/Section: _____ Request: _____

ADDITIONAL INFORMATION: _____

ATTENDANCE IS REQUIRED AT THE FOLLOWING MEETINGS: 4/14/16 BOA

APPLICANT'S SIGNATURE: To the best of my knowledge, this pre-application review is correct and complete. If additional variances are determined to be necessary, I understand that I am responsible for filing an appeal as specified by Article XXII of the City of Sandy Springs Zoning Ordinance.

Applicant:  Date: 2/18/16

Planner:  Date: 2/18/16

V16-0020

RECEIVED

FEB 18 2016



VARIANCE APPLICATION

ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF FILING.

City of Sandy Springs

Community Development

AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK ✓
PRIMARY/SECONDARY VARIANCE:			
1	Pre-Application Review Form	1 copy	✓
2	Variance Application	1 original plus 1 additional copy if petition includes a concurrent variance	
3	Fee	See attached schedule	
4	Site Plan drawn to scale; one of the required copies must be 8 1/2" x 11"; for sign variances 11"x17"	1 copy of scaled site plan and 2 copies of 8 1/2" x 11" site plan; plus 1 additional copy if petition includes a concurrent variance; electronic copy of scaled site plan	✓
5	Survey with Topography & Trees; one of the required copies must be 8 1/2" x 11"; for sign variances 11"x17"	1 copy	
6	Legal Description of Property Metes & Bounds	1 copy plus 1 additional copy if petition includes a concurrent variance	
7	Letter of Appeal	2 copies; plus 1 additional copy if petition includes a concurrent variance; plus 1 additional copy if project includes a DRI or MARTA review	✓
8	Sign or wall elevations with dimensions (if applicable)	1 copy; plus 1 additional copy if petition includes a concurrent variance	
9	Site Plan Checklist	1 original	✓
10	Sign Posting Requirements	1 original	
MINOR/ADMINISTRATIVE/ADMINISTRATIVE MINOR VARIANCE:			
1	Pre-Application Review Form	1 copy	
2	Variance Application	1 original	
3	Fee		
4	Site Plan (drawn to scale); one of the required copies must be 8 1/2" x 11"	1 copy of each size	
5	Survey with Topography & Trees	1 copy	
6	Legal Description of Property Metes & Bounds	1 copy plus 1 additional copy if petition includes a concurrent variance	
7	Letter of Appeal	1 copy	
8	Letters from Adjacent Property Owners (Minor variance only)	1 original	
9	Site Plan Checklist	1 original	
10	Sign Posting Requirements	1 original	

- ITEM 1. **PREAPPLICATION REVIEW MEETING AND FORM:** () or to submitting an application, all applicants are required to meet with a current planner who will review the applicant's proposal and site plan and complete a Pre-application Review Form. This meeting must be completed by the Friday before Tuesday's filing deadline. Applicants are required to bring the site plan, property address, and tax parcel identification number(s) to the meeting. Call 770-730-5600 to schedule an appointment.
- ITEM 2. **APPLICATION FORM:** Original and notarized signatures of the property owner(s) and applicant(s) or notarized statement by the applicant as to ownership are required.
- ITEM 3. **FEE:** See attached fee schedule.
- ITEM 4. **SITE PLAN:** Site plans should be no larger than 30" x 42" (one should be 8 1/2" x 11") and drawn to scale.
- ITEM 5. **SURVEY WITH TOPOGRAPHY & TREES:** Topography maps may be required by the Department
- ITEM 6. **LEGAL DESCRIPTION:** The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.
- ITEM 7. **LETTER OF APPEAL:** The Letter of Appeal should state the hardship, background and justification for the variance request and any additional information to support the request. The hardship should address the property's limitations preventing compliance with the zoning standards. Refer to Article 22, Section of the City of Sandy Springs Zoning Ordinance for additional information. Detail must be based on one of three variance considerations as follows:
- 22.3.1. **VARIANCE CONSIDERATIONS.** Variances may be considered in all districts. Primary variances and concurrent variances shall only be granted upon showing that:
- 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,
 - 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,
 - 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.
- ITEM 8. **SIGN OR WALL ELEVATIONS.** If the requested modification is pertinent to signage, sign and/or wall elevations and other details shall be required as appropriate.
- ITEM 9. **SITE PLAN CHECKLIST:** The site plan checklist details the minimum requirements for site plans submitted with variance applications. Prior to submitting an application, a review of the site plan and sign-off by the Department of Community Development is required.

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION I OR II:

SECTION I. VARIANCES REQUIRING A PUBLIC HEARING BY THE BOARD OF APPEALS.

- ☒ 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Ordinance and other City Ordinances.
- ☐ 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the City of Sandy Springs, or relief from Minor, Administrative or Administrative Minor requests.

SECTION II. MINOR, ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES (NO PUBLIC HEARING IS REQUIRED).

- ☐ 1) **MINOR VARIANCE:** Relief from the minimum yard requirements not to exceed 10% of the required setback (e.g. 35-foot front yard = 3.5 foot variance).
- ☐ 2) **ADMINISTRATIVE VARIANCE.** Relief from the requirements of Article XXXIV, Development Regulations.
- ☐ 3) **ADMINISTRATIVE MINOR VARIANCE.** Relief of 1 foot or less from the required building setback.

SECTION III. DESCRIPTION OF VARIANCE REQUEST. Please provide details of the requested variance.

ORDINANCE: STREAM BUFFER ARTICLE: 109 SECTION: 225 PARAGRAPH: a2

Addition of 324 sq. ft extension to house and single car garage within 75 ft stream buffer / impervious setback

ORDINANCE: STREAM BUFFER ARTICLE: 109 SECTION: 228 PARAGRAPH: a

Increase area of existing non-conformant structure (existing house)

ORDINANCE: _____ ARTICLE: _____ SECTION: _____ PARAGRAPH: _____

ORDINANCE: _____ ARTICLE: _____ SECTION: _____ PARAGRAPH: _____

ORDINANCE: _____ ARTICLE: _____ SECTION: _____ PARAGRAPH: _____

SECTION IV. LEGAL DESCRIPTION OF PROPERTY.

PROPERTY ADDRESS: 5260 WEST KINSTON CT, SANDY SPRINGS, GA 30342

TAX ID#: 17 0015 0004 0037 UNIT/PHASE: _____

LAND LOT(S): 15 DISTRICT: 17th

SUBDIVISION NAME: JAMES KEELIN

LOT(S): B 3

LEGAL ROAD FRONTAGE: WEST KINSTON COURT

SECTION IV.**OWNER/PETITIONER**

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

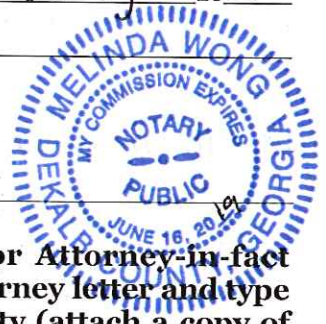
- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

ALAN D CLARK
TYPE OR PRINT OWNER'S NAME
5260 WEST KINGSTON CT
ADDRESS
SANDY SPRINGS, GA 30342
CITY & STATE GA ZIP CODE 30342
OWNER'S SIGNATURE [Signature] PHONE NUMBER 678-474-6381

Sworn to and subscribed before me this the

16th Day of February 2016
[Signature]
NOTARY PUBLIC



PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Sworn to and subscribed before me this the

TYPE OR PRINT PETITIONER'S NAME

ADDRESS

CITY & STATE ZIP CODE

PETITIONER'S SIGNATURE PHONE NUMBER

Day of _____ 20____

NOTARY PUBLIC

SECTION V.**ATTORNEY / AGENT**

Check One: ☐ Attorney ☐ Agent

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE ZIP CODE

PETITIONER'S SIGNATURE PHONE NUMBER

SITE PLAN CHECKLIST

Site plans for variance must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

ITEM #	DESCRIPTION	CHECK ✓
1.	Key and/or legend and site location map with North arrow	✓
2.	Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning	✓
3.	Acreage of subject property	✓
4.	Location of land lot lines and identification of land lots	✓
5.	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property	✓
6.	Proposed streets on the subject site	
7.	Posted speed limits on all adjoining roads	
8.	Current zoning of the subject site and adjoining properties	✓
9.	Existing buildings with square footages and heights (stories and feet), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property	
10.	List of all variances requested and location on property	✓
11.	Location of proposed buildings with total square footage; if proposed is an addition to an existing building include floor plan	✓
12.	Layout and minimum lot size of proposed single family residential lots	
13.	Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects	✓
14.	Location of major overhead and underground electrical and petroleum transmission/conveyance lines	
15.	Required and/or proposed setbacks	✓
16.	100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps	
17.	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	
18.	Required and proposed parking spaces; Loading and unloading facilities	
19.	Lakes, streams and other waters on the site and associated buffers	✓
20.	Proposed stormwater management facilities	
21.	Tree lines, woodlands and open fields on subject site	
22.	For variances related to stream buffers, include an Impervious Surface Chart with square footages of: _____ Total area of existing encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers); _____ Total area of proposed encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers); _____ Total area of increased encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers)	✓
23.	A Development Statistics Summary Chart with percentage (%) of total site coverage: _____ Total area of site (total acres or sq. feet = 100%); _____ Buildings (sq. feet and %); _____ Parking spaces (number and %); _____ Total impervious surface (sq. feet and %); _____ Landscaping (sq. feet and %); _____ Flood plain (sq. feet and %); _____ Undeveloped and/or open space (sq. feet and %)	✓
24.	For variances related to zoning and/or stream buffers, include limits of disturbance.	

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified.*

Staff signature: _____

Date: 2/18/16

Planning & Zoning Division
Department of Community Development

Staff printed name: _____

Cecilia Leal

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the City of Sandy Springs Zoning Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: _____

Date: 2/18/16

Applicant printed name: ALAN CLARK

Variances and Fees

MINOR VARIANCE, ADMINISTRATIVE VARIANCE, ADMINISTRATIVE MINOR VARIANCE, PRIMARY VARIANCE, SECONDARY VARIANCE, BUILDING CODE VARIANCE	Single-Family Residential Zoning Districts and AG-1 District for Residential uses only	\$250 plus \$50 for each additional variance request on the same piece of property
	Multi-Family Districts, Non- Residential Districts, and Commercial Uses in Residential or AG-1 Districts	\$350 plus \$100 for each additional variance request
	All Signs	\$350 plus \$100 for each additional variance request

City of Sandy Springs Sign Posting Information

The Planner will provide sign pickup date and posting deadlines.

Once you are notified:

1. The sign(s) shall be picked up at time of application from staff.
2. The signs are roughly 9 square feet (3 x 3). Please be prepared to obtain some type of posts that will secure the signs in the ground.
3. The signs must be posted by 8:30 a.m. on the deadline day.
4. Should the petition be deferred, the petitioner is required to post an updated sign with new hearing dates twenty (20) days prior to the next scheduled hearing date. When a land use petition is deferred for less than twenty (20) days, posting an updated sign is not required. Sign posting on trees and utility poles is not allowed.
5. The failure of a petitioner or agent on two (2) consecutive occasions to post notice as required by the Zoning Ordinance in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied and shall be subject to all provisions herein relating to denied petitions.
6. The applicant shall submit a date stamped photograph of the sign as posted to the Department of Community Development.
7. Please be advised that the applicant is responsible for removing the posted sign (s) within forty-eight (48) hours after the case process is fully completed. A citation will be issued for signs not removed within the forty-eight (48) hours.
8. The cost of each sign is \$25.00



PLANNER SIGNATURE



APPLICANT SIGNATURE

Alan Clark and Mina Chan
5260 West Kingston Court
Sandy Springs, GA 30342

Email - alandclark@comcast.net

February 16th 2016

City of Sandy Springs, GA
Department of Community Development

Re: Request for Zoning Variance for:

5260 West Kingston Court.
Sandy Springs, GA 30342
Parcel 17 001500040037
Land lot 15, 17th District, Block B, Lot 3

The home was constructed in 1966 by James Keelin, an architect and the original owner and sub-divider of Land Lot 15. The lot is 2.46 acres in size and contains a 1 acre lake and a stream. At the time of construction there were no stream buffer or setback requirements and the home was built according to the regulations in force at the time. With the introduction of stream buffers by the State of Georgia and, following its establishment, by the City of Sandy Springs, the home is now entirely contained within the 75 ft stream buffer and impervious setback. With the combined impact of the lake, stream buffers and setbacks, only 0.1 acres of the 2.46 acres could be used without requiring a zoning variance, which creates severe hardship for us.

We would like to make some minor improvements to the home, comprising a 324 square foot extension to accomodate a main floor laundry room, exercise room and bathroom, and a detached 234 square foot single car garage. The main floor of the house is 2040 square feet, the extension will increase this by 15.8% to 2364 square feet.

The extension will be on the rear of the house, the side furthest from the stream, and will not be visible from the street; the extension would be located almost entirely within the 25 ft impervious setback (between 50 ft and 75 ft from the stream). The garage will also be behind the house and partially within the 25 ft impervious setback.

We propose to mitigate the additional stormwater runoff from the additional impervious surface through the construction of a 90 square foot rain garden to provide temporary retention of storm water, and the installation of a rain water barrel to hold water than can be used for irrigation.

The other homes in West Kingston Court were also built in the mid-1960's and are of similar appearance. The extension and the garage will be built using a style consistent with the main house and will not be detrimental to the house or the subdivision.

RECEIVED

FEB 18 2016

City of Sandy Springs
Community Development

We request that the Board of Appeals grant a Zoning Variance in order that we may improve our home.

Sincerely

A handwritten signature in black ink, appearing to read 'Alan Clark', followed by a period.

Alan Clark
Homeowner

RECEIVED

FEB 18 2016

City of Sandy Springs
Community Development

Alan Clark and Mina Chan
5260 West Kingston Court
Sandy Springs, GA 30342

Email - alandclark@comcast.net

February 16th 2016

City of Sandy Springs, GA
Department of Community Development

Re: Request for Zoning Variance for:

5260 West Kingston Court.
Sandy Springs, GA 30342
Parcel 17 001500040037
Land lot 15, 17th District, Block B, Lot 3

The home was constructed in 1966 by James Keelin, an architect and the original owner and sub-divider of Land Lot 15. The lot is 2.46 acres in size and contains a 1 acre lake and a stream. At the time of construction there were no stream buffer or setback requirements and the home was built according to the regulations in force at the time. With the introduction of stream buffers by the State of Georgia and, following its establishment, by the City of Sandy Springs, the home is now entirely contained within the 75 ft stream buffer and impervious setback. With the combined impact of the lake, stream buffers and setbacks, only 0.1 acres of the 2.46 acres could be used without requiring a zoning variance, which creates severe hardship for us.

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We propose to mitigate the additional stormwater runoff from the additional impervious surface through the construction of a 90 square foot rain garden to provide temporary retention of storm water, and the installation of a rain water barrel to hold water than can be used for irrigation.

The other homes in West Kingston Court were also built in the mid-1960's and are of similar appearance. The extension and the garage will be built using a style consistent with the main house and will not be detrimental to the house or the subdivision.

We request that the Board of Appeals grant a Zoning Variance in order that we may improve our home.

Sincerely

A handwritten signature in cursive script, appearing to read 'Alan Clark', followed by a period.

Alan Clark
Homeowner

Legal Description of 5260 West Kingston Court

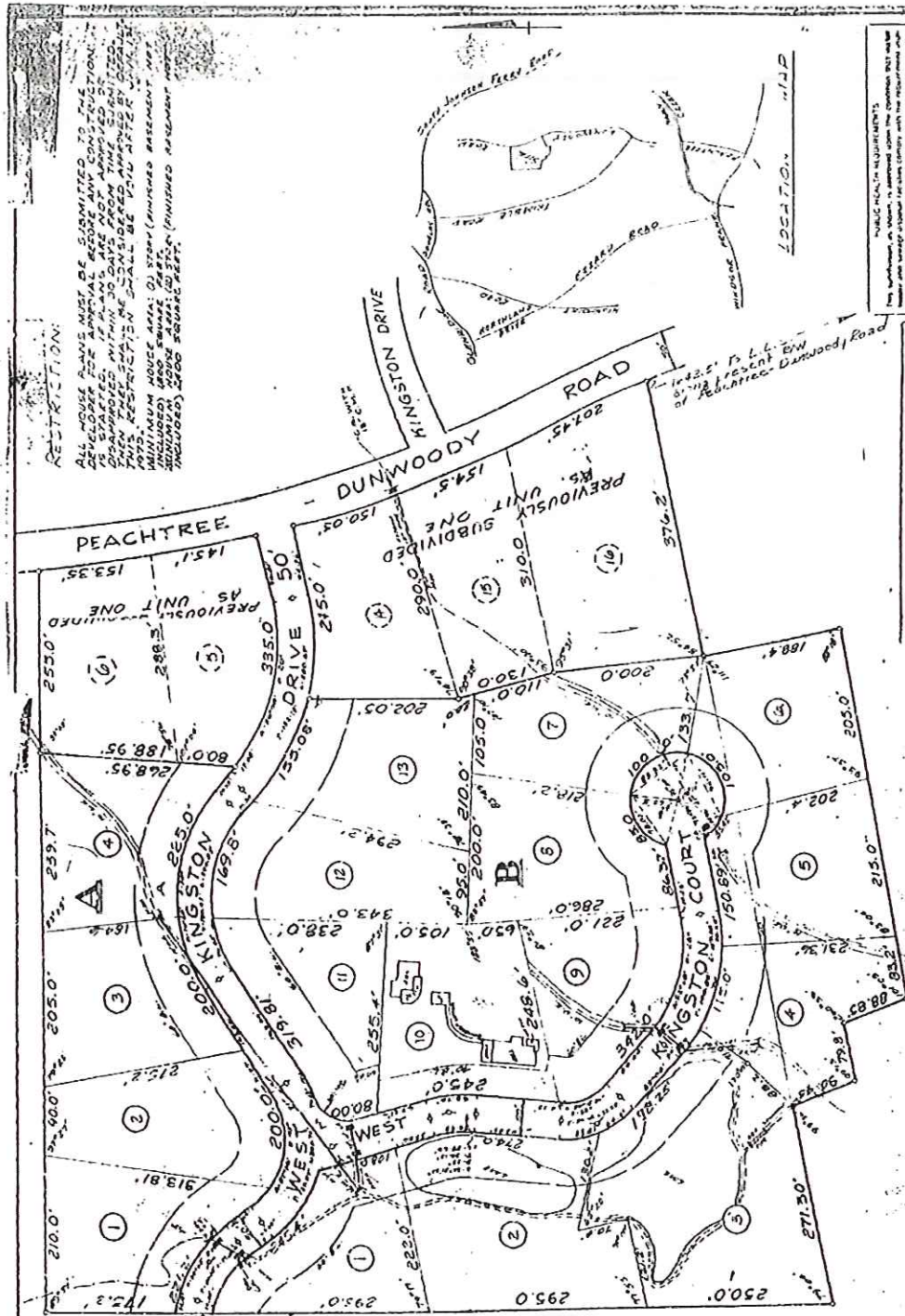
All that tract or parcel of land lying and being in Land Lot 15 of the 17th District, Fulton County, Georgia being Lot 3, Block B, Unit One and Two, Subdivision for James M. Keelin, as per plat recorded in Plat Book 83, Page 14, Fulton County records, which plat is incorporated herein and made a part hereof by this reference

Copy of Plat Book 83, Page 14 attached hereto

RECEIVED

FEB 18 2016

City of Sandy Springs
Community Development



DEFINITION:

ALL MOUSE PLANS MUST BE SUBMITTED TO THE DEVELOPER FOR FINAL REVIEW AND APPROVAL. DISAPPROVED WITHIN 30 DAYS FROM THE DATE WHEN THEY SHALL BE CONSIDERED APPROVED BY DEATH. THIS RESTRICTION SHALL BE VOID AFTER 30 DAYS.

MINIMUM MOUSE AREA: 0.1 STORY (UNFLOORED BASEMENT NOT INCLUDED) AND 500 SQ. FT.

MINIMUM MOUSE AREA: 0.1 STORY (FINISHED BASEMENT NOT INCLUDED) AND 500 SQ. FT.

Any subcommittee in question is empowered upon the grounds that such a subcommittee is necessary to carry out the purposes and objectives of the committee and to assist the committee in its work.

OTHER FACTORS

SEVERE EXHAUSTION AND FUTURE STRESS

The addresses at the time of death, "house 1" for the kindergarten in garden, "house 2" for the primary school, and "house 3" for the secondary school, all had a "house" in their name. The "house" in the name of the secondary school was a "house" in the name of the secondary school, and the "house" in the name of the secondary school was a "house" in the name of the secondary school.

7-29-65

DATE

St. Duke

Future - 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 26

WATER, N. B.
PAPER BY A. B.
NO. 62110-0112
JULY 14, 1968
SCALE 1" = 100'

FINDING APPROVAL

This map was been approved by resolution by the Commission of Public and Resources of Tucson County, Arizona, on _____, 1965, in accordance with existing laws and regulations.

Edward A. Gandy Date: 8-4-1965
County Engineer

Robert J. [illegible] Date: 7-28-1965
County Engineer

W. J. [illegible] Date: 7-7-1965
County Engineer

Continued on p. 16. According
 This is to certify that this list has been
 recorded in List Book 83, Page 14
 of Fulton County Records, on 8-15-
 1965. *N.C.M. 1965*
 Notary Public
 Fulton County, Georgia

UNIT ONE & TWO
SUBDIVISION FOR

JAMES M. KEELIN

LOCATED IN

LAND LOT 15-17TH DISTRICT
FULTON COUNTY, GEORGIA

0 100 200 300 400

GRAPHIC SCALE IN FEET

This plan is approved with the understanding that assessment is granted Fulton County along all road frontage for the purpose of sloping and the following:

3' to 8' - not less than 3 to 1 slope
9' to 10' depth - not less than 2 to 1 slope
10' or more depth - 2 1/2 to 2 slope

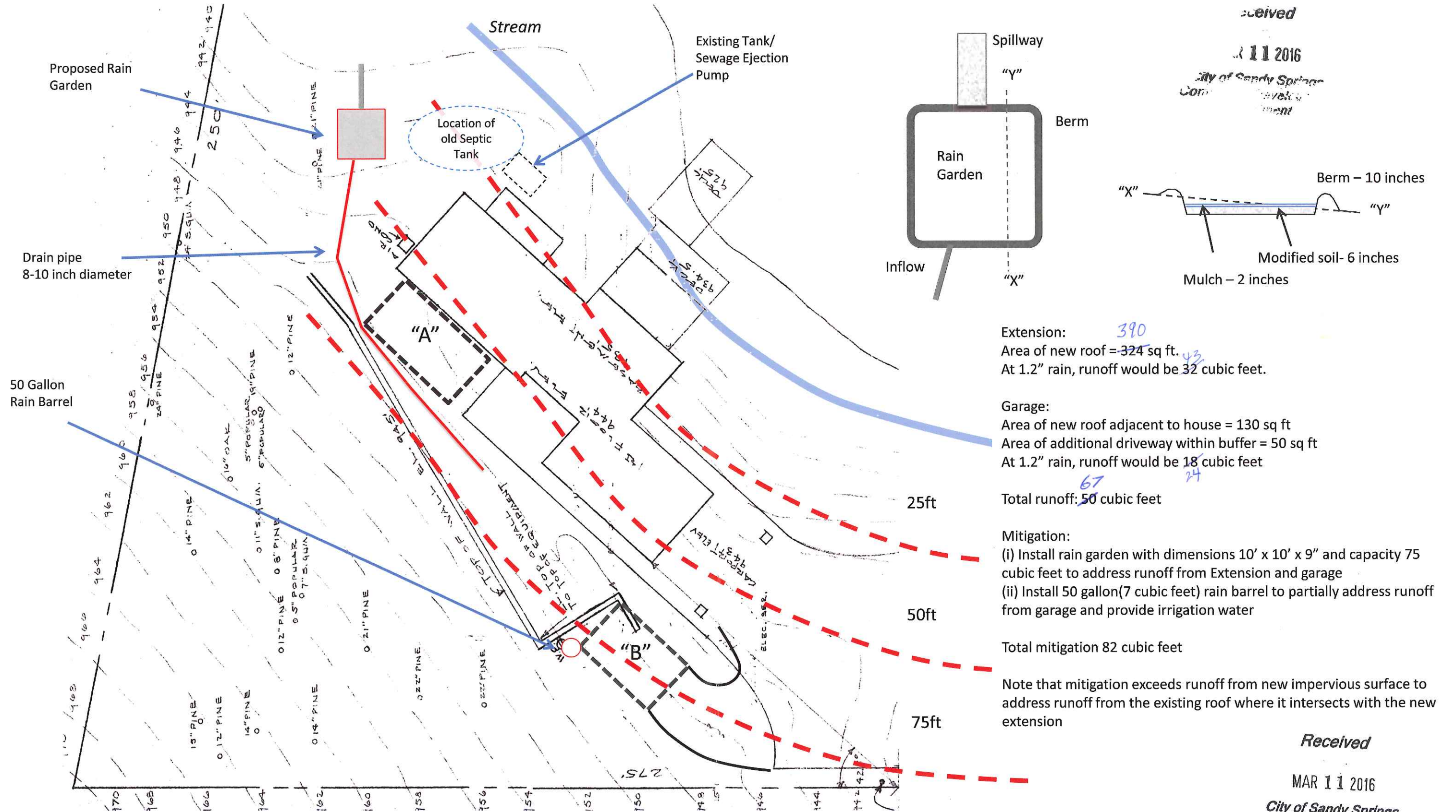
RECEIVED

FEB 18 2016

City of Sandy Springs
Community Development

Edw. Nelson Jr.

Proposed Mitigation – location of Rain Garden and Rain Barrel



Scale 1 in to 20 ft

5260 West Kingston Court Variance
Alan Clark and Mina Chan

Version 2
February 18 2016

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Received
MAR 11 2016
City of Sandy Springs
Community Development
Department

V16-0020

North

5260 West Kingston Court – Site Plan

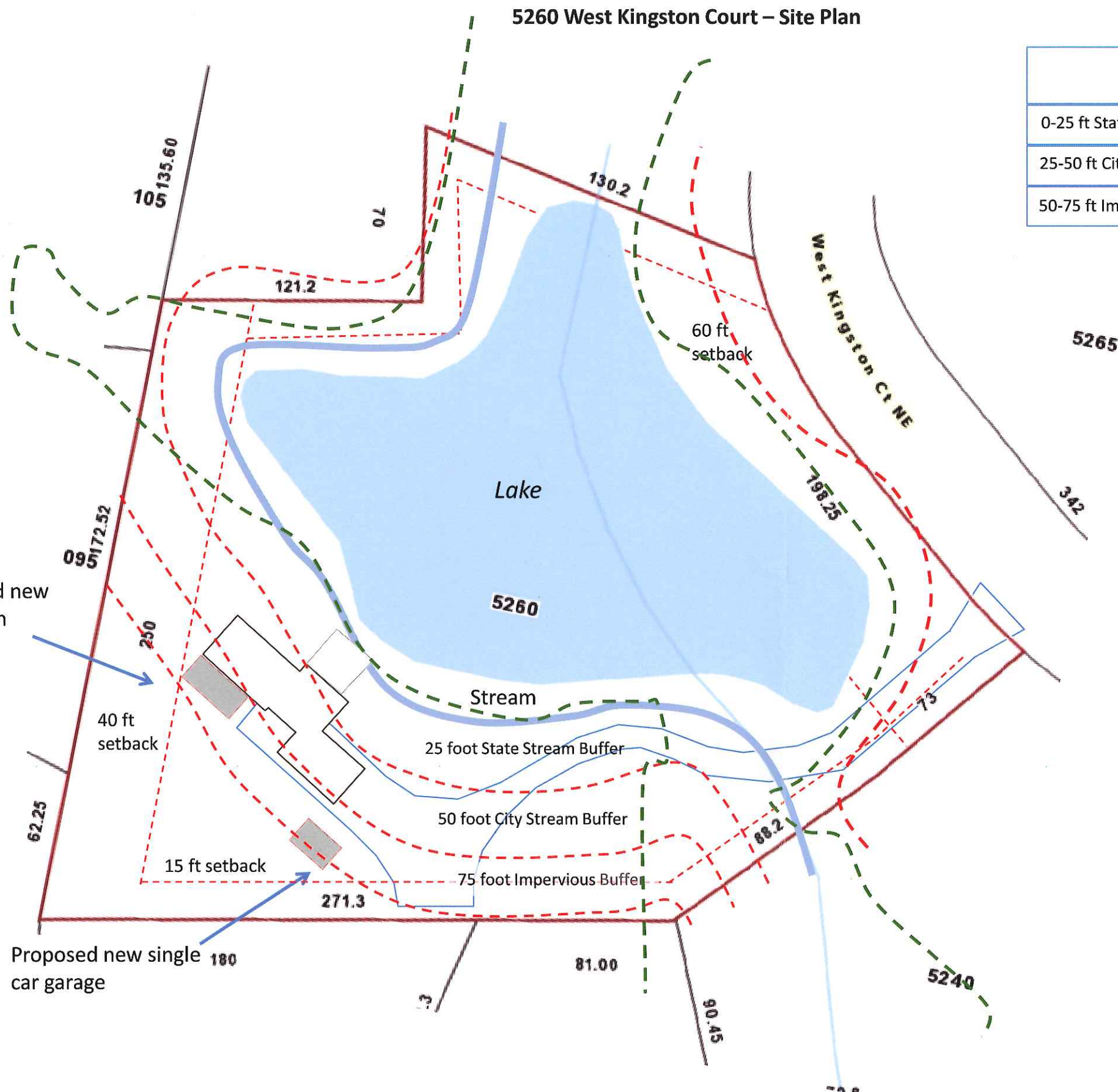
Dimensions of stream buffer zones, excluding one acre of lake

	Total Buffer	Existing Encroachment	Proposed Encroachment	Total Encroachment
0-25 ft State Buffer	21250	2564	0	2564
25-50 ft City Buffer	9125	3994	0	3994
50-75 ft Impervious	8125	1698	514	2212

Dimensions in square feet
Existing encroachment includes driveway

Proposed new extension

Proposed new single car garage



Address: 5260 West Kingston Court
Sandy Springs
GA 30342
Tax ID: 17 001500040037
Property Acreage: 2.4 acres
Zoning: R2
Existing house: Single storey with part finished basement
Main floor

Lot size: 107,158 sq ft, 2.46 acres
Lake: 1 acre, 40%
Stream buffers: 38,500 sq ft, 36%
House, car port and pathways: 2,800 sq ft, 3%
Driveway and parking: 5,500 sq ft, 5%

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City of Sandy Springs
Community Development
Department

V16-0020

Scale 1 in to 50 ft

5260 West Kingston Court Variance
Alan Clark and Mina Chan

Version 2
February 18 2016

Page 1 of 4

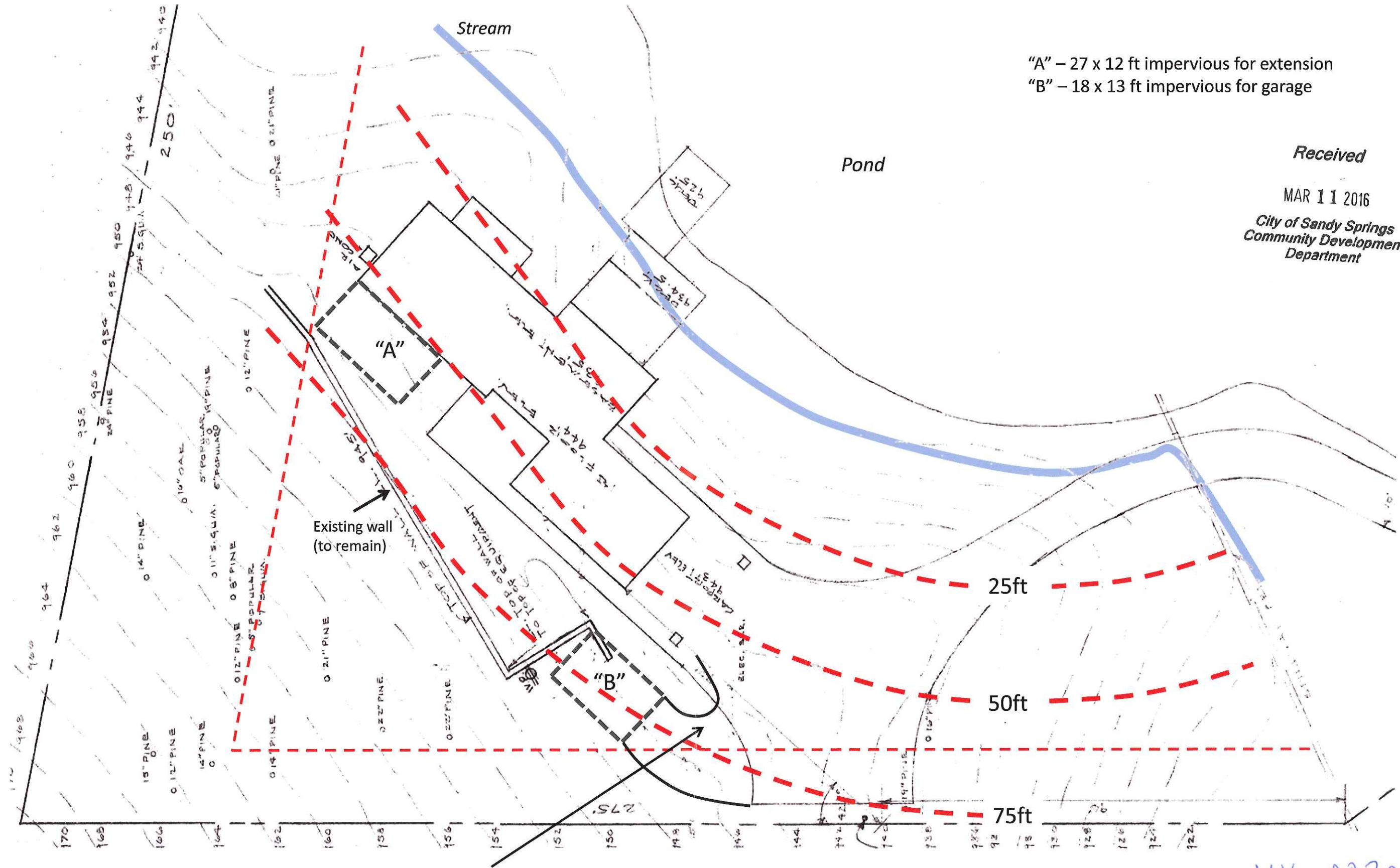
Stream Buffers and Proposed Development

"A" – 27 x 12 ft impervious for extension
 "B" – 18 x 13 ft impervious for garage

Received

MAR 11 2016

City of Sandy Springs
 Community Development
 Department



Small area of extension to existing asphalt driveway (50 sq ft within buffer)

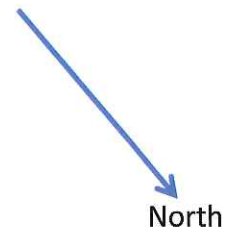
Scale 1 in to 20 ft

5260 West Kingston Court Variance
 Alan Clark and Mina Chan

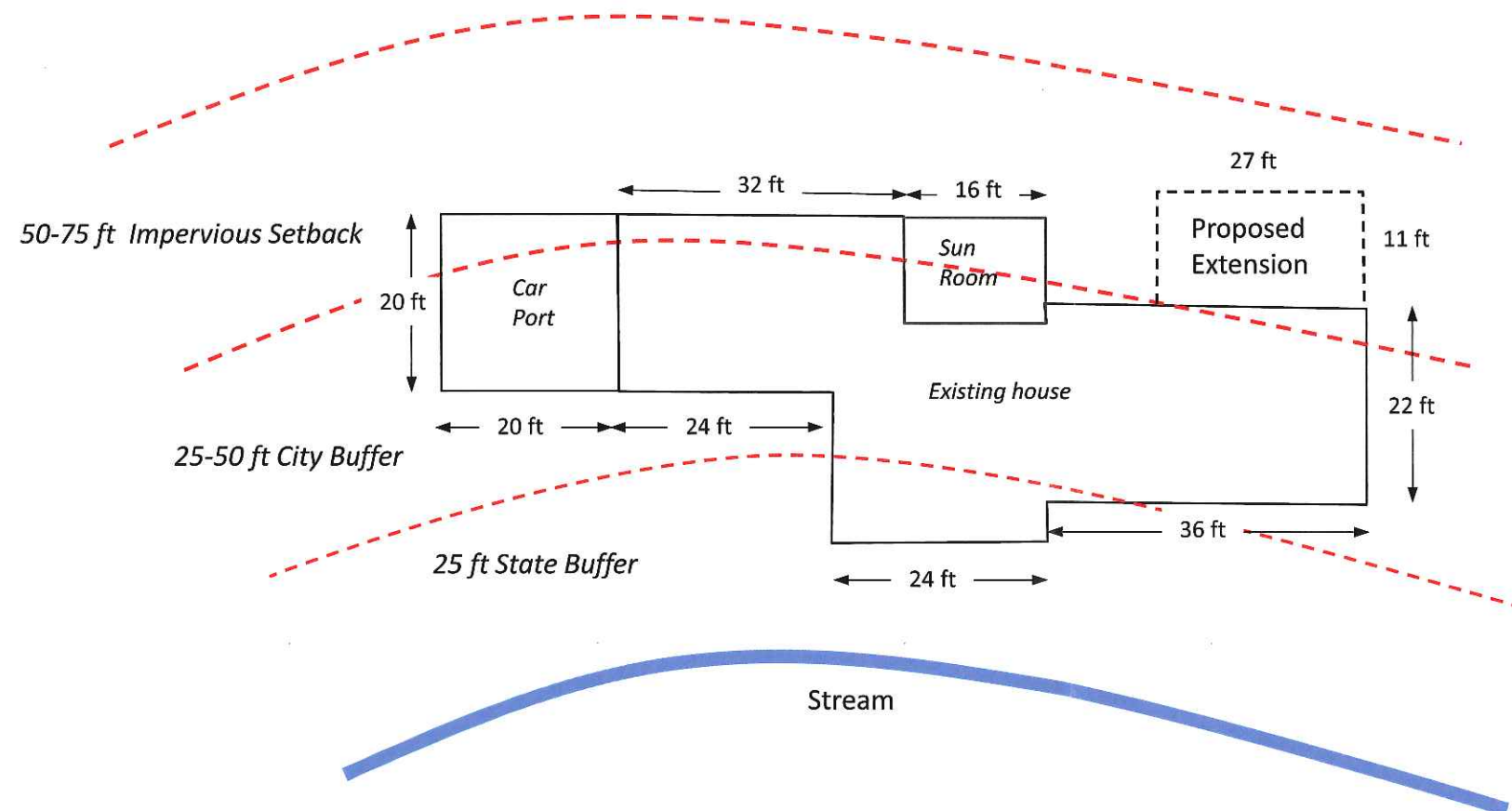
Version 2
 February 18 2016

Page 2 of 4

V16-0020



Proposed extension to house



Scale 1 in to 20 ft

5260 West Kingston Court Variance
Alan Clark and Mina Chan

Version 2
February 18 2016

Page 3 of 4

V/16-0020





















P&Z STAFF REPORT

Board of Appeals Hearing; April 14, 2016

Case: **V16-0021 – 85 N. Devereux Court**
Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: April 4, 2016

REQUESTS

One (1) primary variance from Section 109-225 of the Development Regulations to encroach 794 square feet into the additional 25 foot impervious surface setback to the stream buffer for the construction of a swimming pool, patio, and associated equipment.

APPLICANT

Property Owner: Scott Early	Petitioner: --	Representative: Atlanta Pools, Inc.
--------------------------------	-------------------	--

PROPERTY INFORMATION

Location:	85 North Devereux Court; Parcel #: 17 017400010458
Council District:	6; Andy Bauman
Road frontage:	Approximately 265 feet along Dupree Drive NW Approximately 95 feet along N. Devereux Ct. NW
Acreage:	0.683 acre
Existing Zoning:	R-3 (Single Family Dwelling District) per 2001Z-0138
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1 to 2 units per acre)

SUMMARY

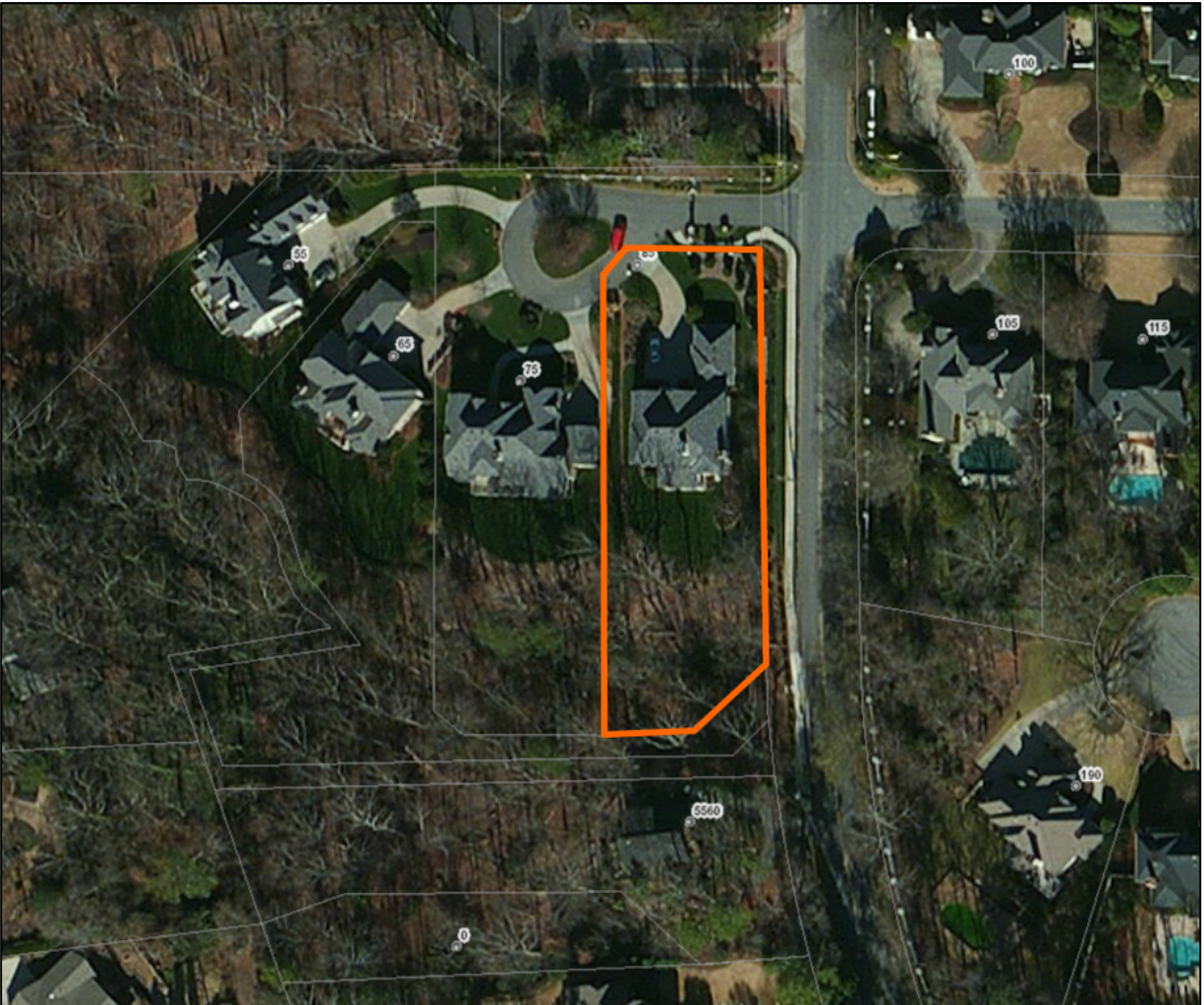
The applicant seeks to construct a pool in the rear yard of the dwelling. The pool and associated patio, equipment, etc. would encroach 794 square feet into the additional 25 foot impervious surface setback.

	Existing Encroachments	Proposed Increase in Encroachment	Total proposed encroachments	Percent Change
25' Stream Buffer				
50' Stream Buffer				
25' Impervious Surface Setback				

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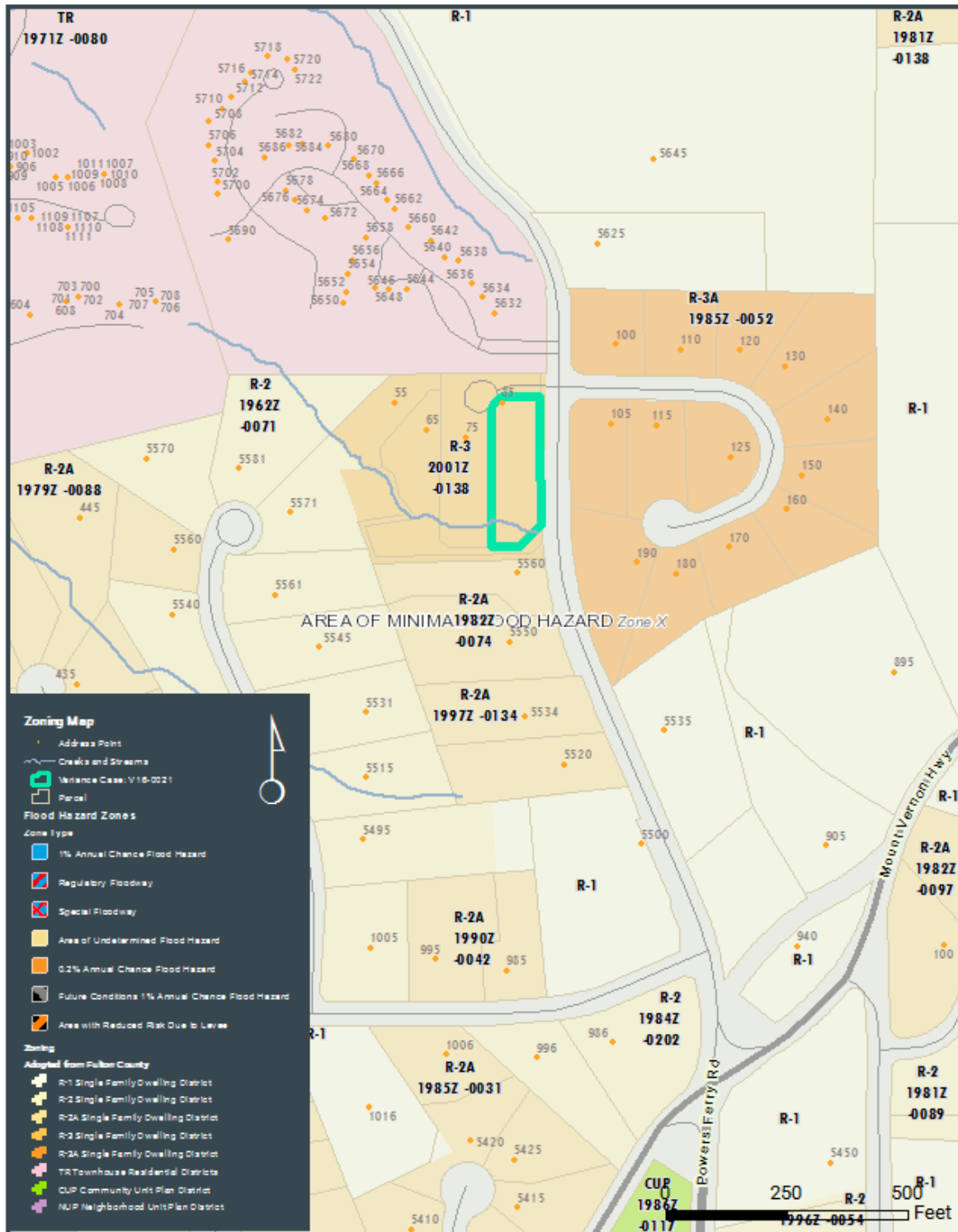
RECOMMENDATION
Department of Community Development
Staff recommends __ of variance request V16-0021.

AERIAL IMAGE



ZONING MAP

85 N Devereux Court



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:

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,

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.

Section 109-225(b) of the City's Development Regulations includes one or more criteria which must be met before a stream buffer variance can be approved by the Board of Appeals:

Section 109-225(b) Variance procedures. Variances from subsection (a) of this section may be granted in accordance with the following relevant provisions:

(1) Where a parcel was platted prior to the effective date of the ordinance from which this article is derived, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the city finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the city council may grant a variance from subsection (a) of this section, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. Once established by the city council, the board of appeals may grant a variance from subsection (a) of this section, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

[...]

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Request No.1: One (1) primary variance from Section 109-225 of the Development Regulations to encroach 794 square feet into the additional 25 foot impervious surface setback to the stream buffer for the construction of a swimming pool, patio, and associated equipment.

Finding:

Staff recommends

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION