



Variance Petition No. V08-015

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 10, 2008 (Deferred)

May 8, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Charles Sechler

Petitioner

Charles Sechler

Representative

William Woodson
Galloway

PROPERTY INFORMATION

Address, Land Lot(s), and District 260 Trimble Crest Drive
Land Lot(s) 14 District 17

Council District 5

Frontage and Area 108 feet of frontage along the north side of Trimble Crest Drive. The subject property has a total area of approximately 0.73 acre(s).

Existing Zoning and Use CUP (Community Unit Plan District) under zoning case Z99-063. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

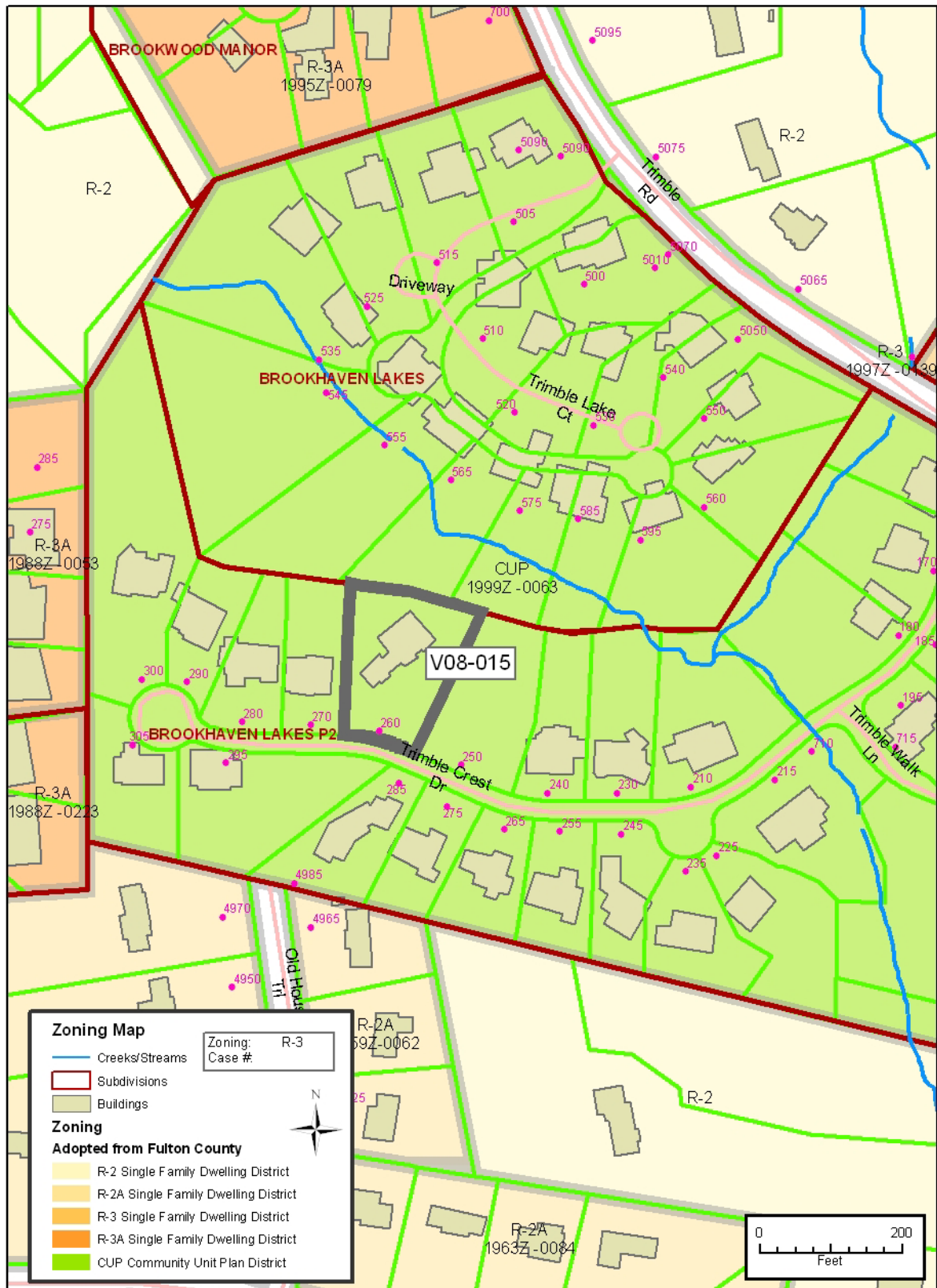
The applicant is seeking a primary variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (fifty feet of an undisturbed natural buffer plus twenty-five feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for the construction of a pool (with associated items) and to allow existing structures to become conforming.

BACKGROUND:

The subject application was deferred for thirty (30) days at the April 10, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to provide an alternate pool design that would impact the stream buffer less than originally planned.

Parcel Map

260 Trimble Crest Drive



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

CASE NUMBER: V08-015

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

REQUEST:

The applicant is requesting relief from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (fifty feet of an undisturbed natural buffer plus twenty-five feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for the construction of a pool (with associated items) and to allow existing structures to become conforming.

ANALYSIS:

The subject application was deferred at the April 10, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to provide an alternate pool design that would impact the stream buffer less than originally planned. The applicant has provided revised plans showing the proposed pool and pool deck to be set back 32.5 feet away from the wretsted vegetation compared to being set back 26 feet as originally proposed. The originally proposed pool deck was 980.59 square feet compared to 527.73 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the fifty (50) foot undisturbed natural buffer was 611.87 square feet compared to 233.7 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the twenty-five (25) foot impervious surface setback was 242.82 square feet compared to 522.17 square feet shown on the revised proposed site plan. The revised proposed site plan reflects a decrease of 98.82 square feet in total impervious surface originally proposed. Additionally, the amount of anticipated new land disturbance within the fifty (50) foot undisturbed natural buffer has been reduced from 1,350 square feet to approximately 800 square feet.

Staff notes that the subject property, as a part of the Brookhaven Lakes subdivision, was originally platted in 2001 under Fulton County. With Fulton County, a permit for the current house was applied for in August of 2003. The permit was issued in September of 2005 under Fulton County. With its incorporation, Sandy Springs took over the inspection portion of the permit process. It cannot be determined if the existing improvements (house, garage, driveway, and retaining walls) are "grandfathered" in terms of being within the seventy-five (75) foot stream buffer.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape, a lake adjacent to the west side property line, pipeline easements running diagonally across the front eastern portion of the property, and a floodplain in the back eastern portion of the property. A topographical map and photos indicate the yard to slope northward, towards the lake and floodplain located at the back portion of the subject property. Existing structures (house, garage, driveway, and retaining walls) encroach into the seventy-five (75) foot stream buffer.

The applicant states that the final plat for the subject property was recorded in March 2001, when the total required stream buffer was twenty-five (25) feet. Therefore, the layout of the existing residence, retaining walls and/or orientation of the home was based upon maintaining a twenty-five (25) foot buffer adjacent to the detention pond/lake. The retaining walls which were installed and the grading which was done as a part of the original construction clearly anticipated the installation of a pool just outside the then required twenty-five (25) foot buffer area. The area between the existing house and the detention pond was cleared and graded at the time of construction; therefore, no trees will be removed in order to construct the proposed pool.

The applicant states that besides addressing existing structures, the variance request includes the installation of a proposed pool fence, pool deck, pool, and a flo-well storm water leaching system. Additionally, the applicant states that significant effort has been put forth to minimize the amount of impervious surface and impact on the buffer area by changing the original design of the pool and deck area. The applicant further states that due to the orientation of the existing home and the limitations of the subject property (pipeline easements, flood plain, and required stream buffer), there is no other area to place the proposed pool. And considering the condition of the back yard, it is not feasible to maintain an undisturbed buffer between the existing house and lake, as there would be no usable backyard for the home. It is anticipated that approximately 800 square feet of land disturbance would occur within the fifty (50) foot undisturbed natural buffer for the construction of the proposed pool fence, pool deck, pool, pool equipment, and a flo-well storm water leaching system.

The applicant states that the proposed pool and landscaping will introduce best management practices to prevent the additional impervious surface from adversely affecting the water quality in the area. The lake adjacent to the subject property is a man made detention pond constructed as a part of the subdivision. The applicant states that every effort would be made to work with the City to develop a mitigation plan to ensure that there will be no adverse impact on the water quality of the detention pond/lake as a result of these improvements, thereby satisfying the intent of the City of Sandy Springs Stream Buffer Protection Ordinance.

POOL SETBACK STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	N/A	N/A	N/A
Min. Rear Yard Setback:	10 feet	Approx. 33 feet	Meets requirements
Min. Interior Side Yard Setback:	10 feet	Approx. 16 feet	Meets requirements
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A

Department Comments

The staff held a Focus Meeting on March 5, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The site is existing non-conforming building permit issued by Fulton County.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

Existing structures (house, garage, driveway, and retaining walls) encroach into the seventy-five (75) foot stream buffer.

The applicant states that the final plat for the subject property was recorded in March 2001, when the total required stream buffer was twenty-five (25) feet. Therefore, the layout of the existing residence, retaining walls and/or orientation of the home was based upon maintaining a twenty-five (25) foot buffer adjacent to the detention pond/lake. The retaining walls which were installed and the grading which was done as a part of the original construction clearly anticipated the installation of a pool just outside the then required twenty-five (25) foot buffer area. The area between the existing house and the detention pond was cleared and graded at the time of construction; therefore, no trees will be removed in order to construct the proposed pool. The applicant states that considering the condition of the back yard, it is not feasible to maintain an undisturbed buffer between the existing house and lake, as there would be no usable backyard for the home.

The applicant states that significant effort has been put forth to minimize the amount of impervious surface and impact on the buffer area by changing the original design of the pool and deck area.

The applicant states that the proposed pool and landscaping will introduce best management practices to prevent the additional impervious surface from adversely affecting the water quality in the area. The lake adjacent to the subject property is a man made detention pond constructed as a part of the subdivision. The applicant states that every effort would be made to work with the City to develop a mitigation plan to ensure that there will be no adverse impact on the water quality of the detention pond/lake as a result of these improvements, thereby satisfying the intent of the City of Sandy Springs Stream Buffer Protection Ordinance.

The applicant has provided revised plans showing the proposed pool and pool deck to be set back 32.5 feet away from the wooded vegetation compared to being set back 26 feet as originally proposed. The originally proposed pool deck was 980.59 square feet compared to 527.73 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the fifty (50) foot undisturbed natural buffer was 611.87 square feet compared to 233.7 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the twenty-five (25) foot impervious surface setback was 242.82 square feet compared to 522.17 square feet shown on the revised proposed site plan. The revised proposed site plan reflects a decrease of 98.82 square feet in total impervious surface originally proposed. Additionally, the amount of anticipated new land disturbance within the fifty (50) foot undisturbed natural buffer has been reduced from 1,350 square feet to approximately 800 square feet.

2. *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;*

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape, a lake adjacent to the west side property line, pipeline easements running diagonally across the front eastern portion of the property, and a floodplain in the back eastern portion of the property. A topographical map and photos indicate the yard to slope northward, towards the lake and floodplain located at the back portion of the subject property.

The applicant states that due to the orientation of the existing home and the limitations of the subject property (pipeline easements, flood plain, and required stream buffer), there is no other area to place the proposed pool.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the proposed pool and deck shall be constructed in accordance with the Proposed Site Plan and Landscape Plan, provided by the applicant dated received April 25, 2008 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) impervious surface setback reduced to a minimum of a twenty-nine (26) foot undisturbed natural buffer where necessary to accommodate the portion of the encroachment of the proposed pool fence, pool deck, pool, pool equipment, and a flo-well storm water leaching system requiring no more than 800 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer, and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a twenty-five (25) foot undisturbed natural buffer to allow existing structures (house, garage, driveway, and retaining walls) to remain.
2. All patios and pool decks shall be constructed with a pervious pavers system.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. Turf grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
12. The proposed pool shall be a saline pool.

ATTACHMENTS: Letter of appeal, site plans, and letters of support.



Variance Petition No. V08-021

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 8, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sears Partners, LLC	Craig Sears	Craig Sears

PROPERTY INFORMATION

Address, Land Lot, and District	5511 Wing Street Land Lot 363, District 6
Council District	2
Frontage and Area	70 feet of frontage along the northwest side of Wing Street. The subject property has a total area of approximately 0.37 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R5-8 Residential (5 to 8 units per acre)

INTENT

The applicant is seeking a primary variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for completion of an eighty (80) foot long unfinished retaining wall. The completion of the wall would include making it a gravity wall that would involve excavation, then backfilling, of an area of approximately 350 square feet.

A citation was issued to the applicant on June 28, 2007 for building a retaining wall without a permit. The ensuing court case that resulted from the citation has since been adjudicated. The applicant was fined and ordered either receive a variance to permit the wall or remove the wall.

Under variance application V07-057, the applicant sought a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-five (25) foot undisturbed buffer to allow for a retaining wall under construction to

remain in its current location and to be completed. At the October 11, 2007 hearing, the City of Sandy Springs Board of Zoning Appeals (BZA) denied variance petition V07-057.

At the January 10, 2008 Board of Zoning Appeals (BZA) meeting the applicant requested the BZA to initiate a variance application by waiving the six (6) month waiting period for an application for the same variance. The applicant stated that new information pertinent to the subject was not previously considered; however, the BZA did not see fit to waive the six (6) month waiting period for an application for the same variance. A minimum of six (6) months has now passed, and the same variance, previously considered under V07-057, is now being considered under V08-021. Application V08-021 includes completing the retaining wall as a gravity wall.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 8, 2008

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

CASE NUMBER: V08-021

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

REQUEST:

The applicant is requesting relief from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for completion of an eighty (80) foot long unfinished retaining wall. The completion of the wall would include making it a gravity wall that would involve excavating, then backfilling, an area of approximately 350 square feet.

ANALYSIS:

A citation was issued to the applicant on June 28, 2007 for building a retaining wall without a permit. The ensuing court case that resulted from the citation has since been adjudicated. The applicant was fined and ordered either receive a variance to permit the wall or remove the wall.

Under variance application V07-057, the applicant sought a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-five (25) foot undisturbed buffer to allow for a retaining wall (non-gravity) under construction to remain in its current location and to be completed. At the October 11, 2007 hearing, the City of Sandy Springs Board of Zoning Appeals (BZA) denied variance petition V07-057.

At the January 10, 2008 Board of Zoning Appeals (BZA) meeting the applicant requested the BZA to initiate a variance application by waiving the six (6) month waiting period for an application for the same variance. The applicant stated that new information pertinent to the subject was not previously considered; however, the BZA did not see fit to waive the six (6) month waiting period for an application for the same variance. A minimum of six (6) months has now passed, and the same variance, previously considered under V07-057, is now being considered under V08-021. Application V08-021 includes completing the retaining wall as a gravity wall.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape, a stream running diagonally through the rear western corner, and sloping topography in the rear of the lot. The existing house encroaches into the twenty-five (25) foot impervious surface setback.

The applicant states that due to the current drainage conditions of the subject property and adjacent properties, a persistent erosion problem existed. The run-off has caused loss of property, a hardship in stabilizing the slope (because nothing would grow on the steep muddy slope), and an unusable backyard. The retaining wall adds value to the community because it reduces erosion in the area and improves water quality as well. For improved drainage, the wall was constructed having gravel drainage beds and weep holes. Fill dirt was brought in from a neighboring lot; therefore, it does not change the soil makeup of the subject property. The wall, having gravel drainage beds and weep holes, and the fill dirt help reduce the sharp slope of the backyard resulting in a slower rate of water flow, thereby controlling erosion.

The applicant states that properties in the area are being improved, and the construction of the wall is in keeping with rising property values.

The applicant states that a Senior Ecologist has evaluated the wall and site and recommends strongly that the wall be allowed to stand. The Senior Ecologist believes that leaving the wall in place would be the best method to provide long term stabilization of the lot and benefits to the adjacent stream.

The applicant states that a Structural Engineer recommended making the wall into a gravity wall by pouring concrete in front of the wall. The concrete would be poured on the house side of the wall and, therefore, would not encroach into the State Buffer.

The applicant states that he has reached out to the surrounding neighbors, and over thirty-five (35) have signed a petition in support of keeping the wall.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	N/A	N/A
Min. Rear Yard Setback:	40 feet	N/A	N/A
Min. Interior Side Yard Setback:	15 feet	N/A	N/A
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	25 feet	50 foot reduction

Department Comments

The staff held a Focus Meeting on April 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The subject wall will have to be permitted and will have to be certified by an Engineer.
	Sandy Springs Landscape Architect/ Arborist	▪ Wall to be removed with oversight from a site inspector if not approved by the BZA. A “drop dead” date will be given if not approved.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The existing house encroaches into the twenty-five (25) foot impervious surface setback. The applicant has provided a site plan to document the above statement.

The applicant states that due to the current drainage conditions of the subject property and adjacent properties, a persistent erosion problem existed. The run-off has caused loss of property, a hardship in stabilizing the slope (because nothing would grow on the steep muddy slope), and an unusable backyard. The retaining wall adds value to the community because it reduces erosion in the area and improves water quality as well. For improved drainage, the wall was constructed having gravel drainage beds and weep holes. Fill dirt was brought in from a neighboring lot; therefore, it does not change the soil makeup of the subject property. The wall, having gravel drainage beds and weep holes, and the fill dirt help reduce the sharp slope of the backyard resulting in a slower rate of water flow, thereby controlling erosion. The applicant has provided a site plan, topographical map, and photographs to document the above statements.

The applicant states that properties in the area are being improved, and the construction of the wall is in keeping with rising property values.

The applicant states that a Senior Ecologist has evaluated the wall and site and recommends strongly that the wall be allowed to stand. The Senior Ecologist believes that leaving the wall in place would be the best method to provide long term stabilization of the lot and benefits to the adjacent stream. The applicant has provided supporting materials to document the above statements.

The applicant states that a Structural Engineer recommended making the wall into a gravity wall by pouring concrete in front of the wall. The concrete would be poured on the house side of the wall and, therefore, would not encroach into the State Buffer. The applicant has provided supporting materials to document the above statements.

The applicant states that he has reached out to the surrounding neighbors, and over thirty-five (35) have signed a petition in support of keeping the wall. The applicant has provided supporting materials to document the above statements.

2. *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;*

The applicant has submitted a site plan indicating the subject property to have a stream running diagonally through the rear western corner and sloping topography in the rear of the lot.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the retaining wall shall be completed as a gravity wall in accordance with the Proposed Site Plan and Engineering Plan, provided by the applicant dated received December 4, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a twenty-five (25) foot undisturbed buffer to accommodate the portion of the encroachment only. The completion of the wall would include making it a gravity wall that would involve excavating, then backfilling, an area of approximately 350 square feet.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The fifty (50) foot undisturbed natural buffer shall not be planted with grass and shall be planted to Buffer-Revegetation Standards as approved by the City Arborist.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit(s) for the site.

ATTACHMENTS: Letters of appeal, site plans, photographs, and supporting documents.



Variance Petition No. V08-022

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 8, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Mark Huff

Petitioner
Mark Huff

Representative
Mark Huff

PROPERTY INFORMATION

Address, Land 800 Marseilles Drive
Lots, and District Land Lots 165 & 166, District 17

Council District 6

Frontage and Area 305 feet of frontage along the south side of Marseilles Drive and 210 feet of frontage along the west side of Powers Ferry Road. The subject property has a total area of approximately 2.03 acres.

Existing Zoning and Use The majority of the lot is zoned R-1 (Single-family Dwelling District) and the minority of the lot is zoned R-2A (Single-family Dwelling District) under zoning case Z81-138. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive Future Land Use Map Designation R0-1 Residential (0 to 1 units per acre)

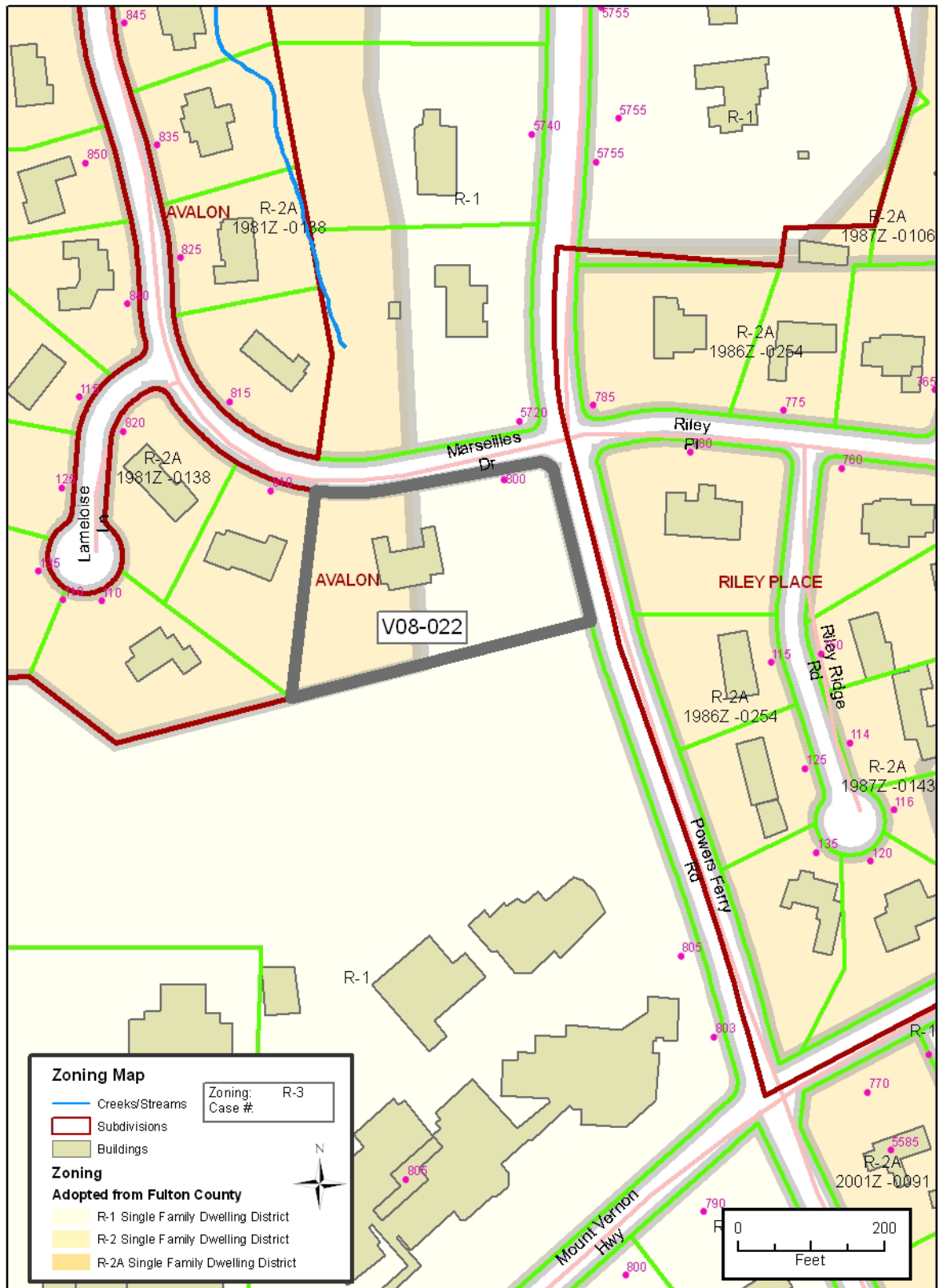
INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.1.3.I of the Zoning Ordinance to allow for an accessory structure (pool house) to be located in the front yard of a single-family dwelling and
- 2) Variance from Section 19.3.8.B.1 of the Zoning Ordinance to allow for a tennis court to be located in the front yard of a single-family dwelling.

Parcel Map

800 Marseilles Dr.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 8, 2008

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

CASE NUMBER: V08-022

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

REQUEST:

The applicant is requesting relief from Section 6.1.3.I of the Zoning Ordinance to allow for an accessory structure (pool house) to be located in the front yard of a single-family dwelling and from Section 19.3.8.B.1 of the Zoning Ordinance to allow for a tennis court to be located in the front yard of a single-family dwelling.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to be a corner lot, trapezoidal in shape, and wooded. The site plan also indicates that, even though the front property line is considered on Powers Ferry Road (the shortest property line adjoining a street), the house faces Marseilles Drive. Additionally, the site plan shows the existing house to be located closer to the north and west property lines than the south and east property lines. A topographical map and photos indicate the yard to have varying slopes.

The applicant states that the proposed location of the tennis court and pool house is the only place on property that they can go due to the existing pool, driveway, and setbacks. The tennis court and pool house will not fit in the far right corner behind the house. Additionally, the topography of the area in the far right corner behind the house has a very large slope with an extreme elevation change preventing the construction of a tennis court.

The applicant states that there are two other tennis courts located in the neighborhood and that almost ninety (90) percent of the neighbors of the Avallon neighborhood have approved putting the tennis court and pool house on the side of the house. Also, the Avallon architectural committee has given approval. The applicant further states that there is a large current existing vegetative buffer that shields the property from Powers Ferry Road; additional buffer will be added along the Marseilles Drive side of the tennis court. The Sandy Springs arborist has given approval for removing necessary trees for the proposed tennis court and pool house. Additionally, the applicant states that the proposed tennis court and pool house both comply with all setback restrictions. This site abuts two roadways and backs up to Holy Innocents School and their existing recreational baseball field; therefore, no neighbors will be negatively affected.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	50 feet	50 feet	meets
Min. Interior Side Yard Setback:	25 feet	25 feet	meets
Min. Side Yard Setback Adjacent to a Street :	40 feet	40 feet	meets

Department Comments

The staff held a Focus Meeting on April 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The proposed plan meets the minimum requirements of the Tree Conservation Ordinance.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that there are two other tennis courts located in the neighborhood and that almost ninety (90) percent of the neighbors of the Avallon neighborhood have approved putting the tennis court and pool house on the side of the house. Also, the Avallon architectural committee has given approval. The applicant further states that there is a large current existing vegetative buffer that shields the property from Powers Ferry Road; additional buffer will be added along the Marseilles Drive side of the tennis court. The Sandy Springs arborist has given approval for removing necessary trees for the proposed tennis court and pool house. Additionally, the applicant states that the proposed tennis court and pool house both comply with all setback restrictions. This site abuts two roadways and backs up to Holy Innocents School and their existing recreational baseball field; therefore, no neighbors will be negatively affected. The applicant has provided supporting materials to document the above statements.

2. *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;*

The applicant has submitted a site plan indicating the subject property to be a corner lot, trapezoidal in shape, and wooded. The site plan also indicates that, even though the front property line is considered on Powers Ferry Road (the shortest property line adjoining a street), the house faces Marseilles Drive. Additionally, the site plan shows the existing house to be located closer to the north and west property lines than the south and east property lines. A topographical map and photos indicate the yard to have varying slopes.

The applicant states that the proposed location of the tennis court and pool house is the only place on property that they can go due to the existing pool, driveway, and setbacks. The tennis court and pool house will not fit in the far right corner behind the house. Additionally, the topography of the area in the far right corner behind the house has a very large slope with an extreme elevation change preventing the construction of a tennis court. The applicant has provided supporting materials to document the above statements.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

- 1) That the proposed addition(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received March 4, 2008 by the Department of Community Development, showing an accessory structure (pool house) located in the front yard of a single-family dwelling and showing a tennis court located in the front yard of a single-family dwelling. The aforementioned site plan includes vegetative screening.
- 2) The exterior construction material, color, and design of the proposed pool house shall be similar to the maximum possible extent to the existing structure.

ATTACHMENTS: Letter of appeal, site plans, topographical map, support signatures, and photographs.