



P&Z STAFF REPORT

Board of Appeals Hearing; May 12, 2016

Case: **V16-0036 – 5632 River Oaks Pl**

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

Report Date: May 5, 2016

REQUEST

Variance from Section 109-225 of the City of Sandy Springs Development Regulations to encroach 73 square feet into the 25-foot City impervious surface setback (25-foot additional impervious surface setback associated with a stream buffer) for the demolition of an existing deck and the construction of a sunroom and a deck.

APPLICANT

Property Owner: Perry Beam	Petitioner: --	Representative: GRI, Inc.
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PROPERTY INFORMATION

Location:	5632 River Oaks Pl
Council District:	6 - Bauman
Road frontage:	N/A
Acreage:	Approximately 1870 sq.ft.
Existing Zoning:	TR (Townhouse Residential District)
Existing Land Use:	Townhouse
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R12-20 (12-20 units per acre)

SUMMARY

The applicant is proposing to construct a deck and a sun room on the back of their townhouse. The sunroom will encroach 73 square feet into the 25-foot City impervious surface setback, requiring a variance from Section 109-225 of the Sandy Springs Development Regulations. To make room for the proposed improvements, the applicant will demolish an existing deck that encroaches 11 square feet into the 25-foot city impervious surface setback. To mitigate the anticipated impacts on the stream, the applicant proposes to retain storm water on the site in two rain barrels. These two rain barrels have a capacity of 92 gallons, which equates to a mitigation of 168 percent of the anticipated storm water impact.

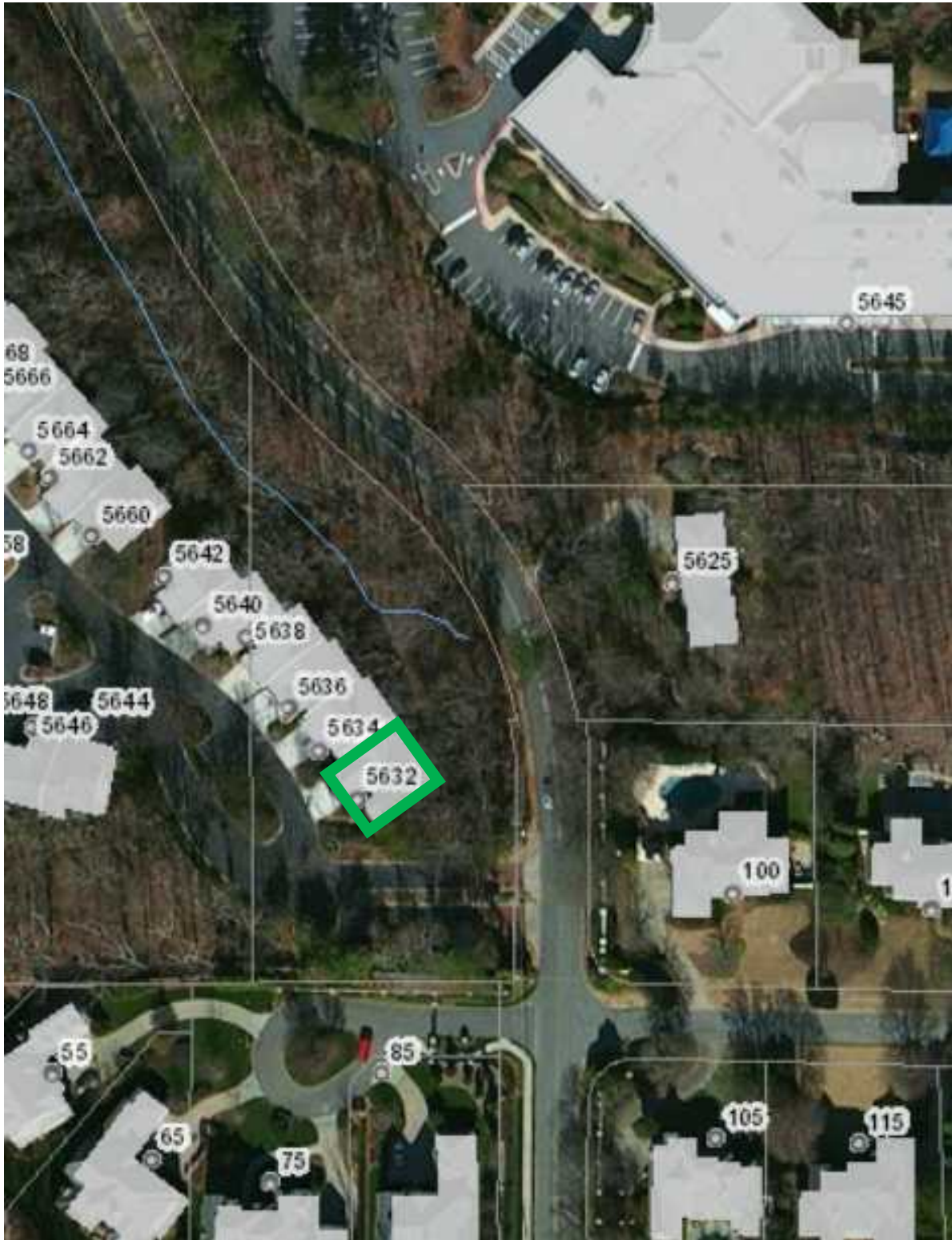
	Existing Encroachments (sf)	Proposed Increase in Encroachment (sf)	Total Proposed Encroachments (sf)	Percent Change
25' State Stream Buffer	0	0	0	0
50' City Stream Buffer	0	0	0	0
25' City Impervious Surface Setback	11	62	73	563

RECOMMENDATION

Department of Community Development
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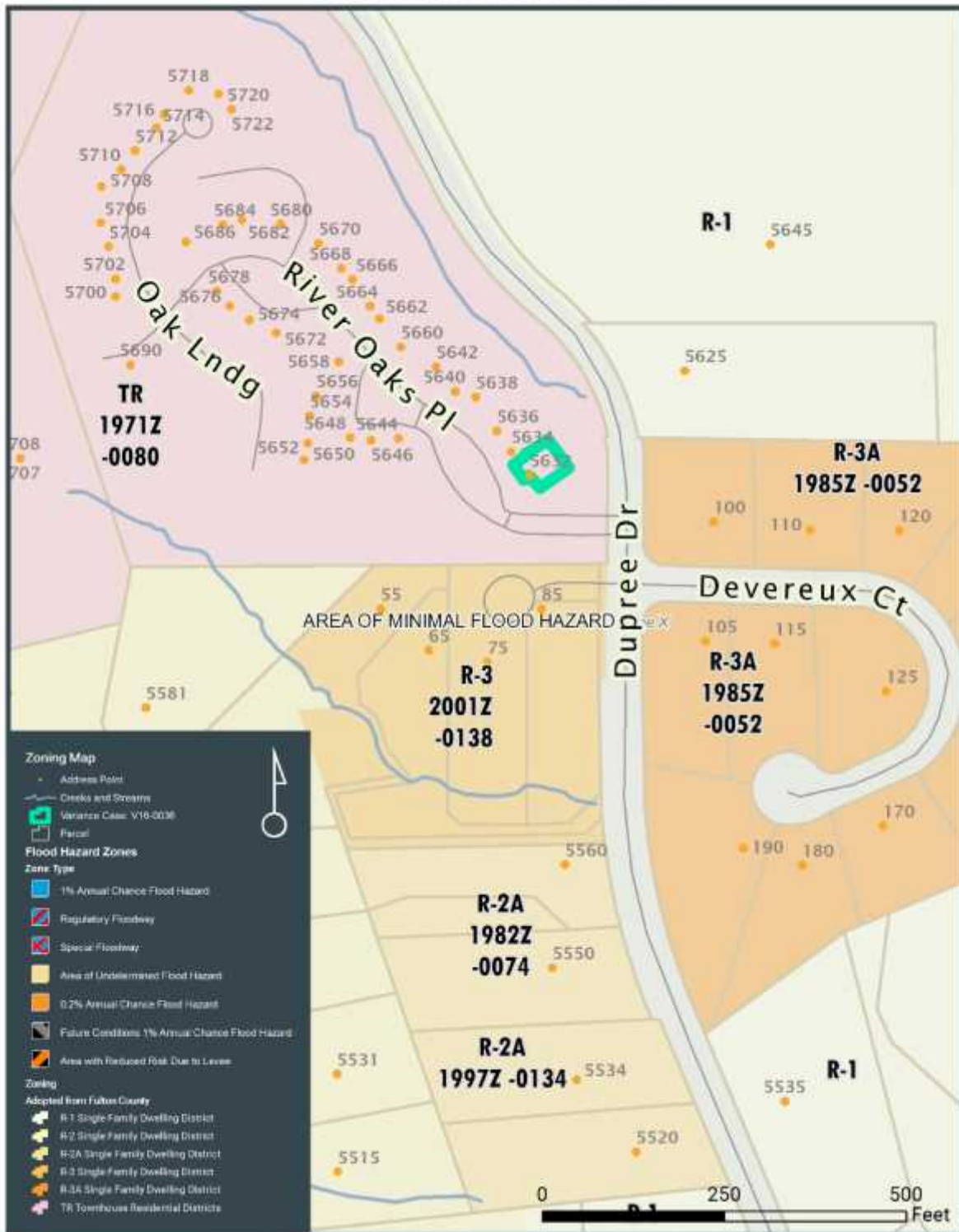
Approval conditional of the variance request

AERIAL IMAGE



ZONING MAP

5632 River Oaks Place



VARIANCE CONSIDERATION

Per Section 109-225 of the Development Regulations, 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 the article is derived prevents land development unless a buffer variance is granted.

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

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

Finding:

The existing house pre-dates the City's Development Regulations and the included stream buffer requirements. While the house does not encroach into either the 25-foot State stream buffer, the 50-foot City stream buffer, or the 25-foot City impervious surface setback, an existing deck on the back side of the residence encroaches into the 25-foot City impervious surface setback by 11 square feet. The applicant proposes to demolish the existing deck and replace it with a sun room and a new deck. The new deck will be outside of the 25-foot City impervious surface setback but the sun room encroaches 73 square feet into the 25-foot City impervious surface setback.

According to City requirements, the applicant has to retain the first 1.2 inches of rain fall on the site to prevent soil erosion into the stream. For the proposed 73 square feet of impervious surface, the volume of water to be retained on-site is 54.6 gallons. As a mitigation measure, the applicant proposes two rain barrels, holding a minimum of 92 gallons of runoff from the house roof. This represents a mitigation of 168 percent of the anticipated impact, and will decrease the impact on the stream compared to the existing situation.

The proposed sun room is in character with similar residences in the neighborhood; the neighboring structure has a similar sun room. The area between the back of the structure and Dupree Drive is heavily vegetated, providing only limited visibility of the proposed extension from the street.

Approval of this request would not adversely impact the stream 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 Section 109-225 of the Sandy Springs Development Regulations. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of variance request V16-0036 to allow a proposed sun room and a proposed deck to encroach 73 feet into the 25-foot City impervious surface setback.

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

1. To allow a proposed sun room and a proposed deck to encroach 73 feet into the 25-foot City impervious surface setback as shown on the site plan received April 1, 2016 by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. The installation and regular maintenance of two rain barrels with a minimum capacity of 92 gallons of water, or an alternative water quality installation that is sized to retain a minimum of 92 gallons of runoff as approved by the Department of Community Development.



P&Z STAFF REPORT

Board of Appeals Hearing; May 12, 2016

Case: **V16-0037 – 780 Starlight Lane**

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

Report Date: April 28, 2016

REQUEST

Request a variance from Development Regulations 109-225 to bring into conformance an 18 square foot encroachment into the 25 foot impervious surface setback for an existing single family residence. This will allow for an addition to the residence, which would occur outside the buffer and in conformity with applicable setbacks.

APPLICANT

Property Owner: 805 Capital, LLC	Petitioner: Spencer Byce	Representative: N/A
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PROPERTY INFORMATION

Location:	780 Starlight Lane
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 175 feet along Starlight Lane
Acreage:	.683 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:	R1-2 (1-2 units per acre)

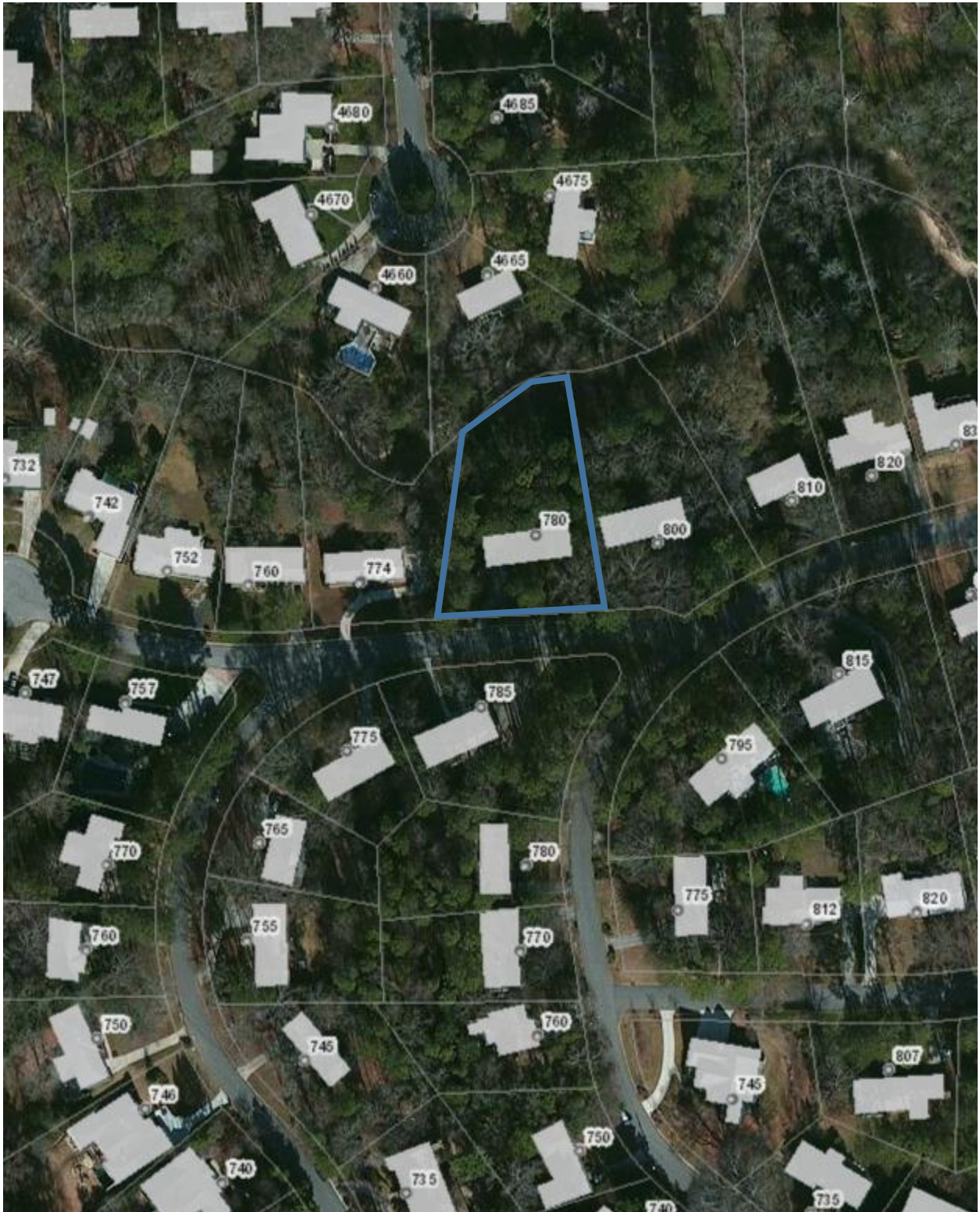
SUMMARY

The applicant is requesting a variance to bring into conformity an existing home that was constructed in 1958 and is partially located within the 25-foot impervious surface setback. This would allow for the expansion to the rear of the residence to enlarge the kitchen, master bedroom and bathroom and for the construction of a screened-in porch. Part of this proposal would include the removal of an existing deck that slightly encroaches the 25-foot impervious surface setback. It may also include the removal of a 28 square foot platform, a three foot high wooden fence and 46-foot long two-foot high retaining wall located within the 50-foot stream

buffer. Removal of these features would be conducted manually with no use of gas-powered machinery or further disturbance of the buffer. Since all proposed improvements are being constructed within the required setbacks and out of the impervious surface setback no mitigation is required; however, a rain barrel is being proposed to mitigate approximately 13 gallons of water created by the square feet of existing encroachment.

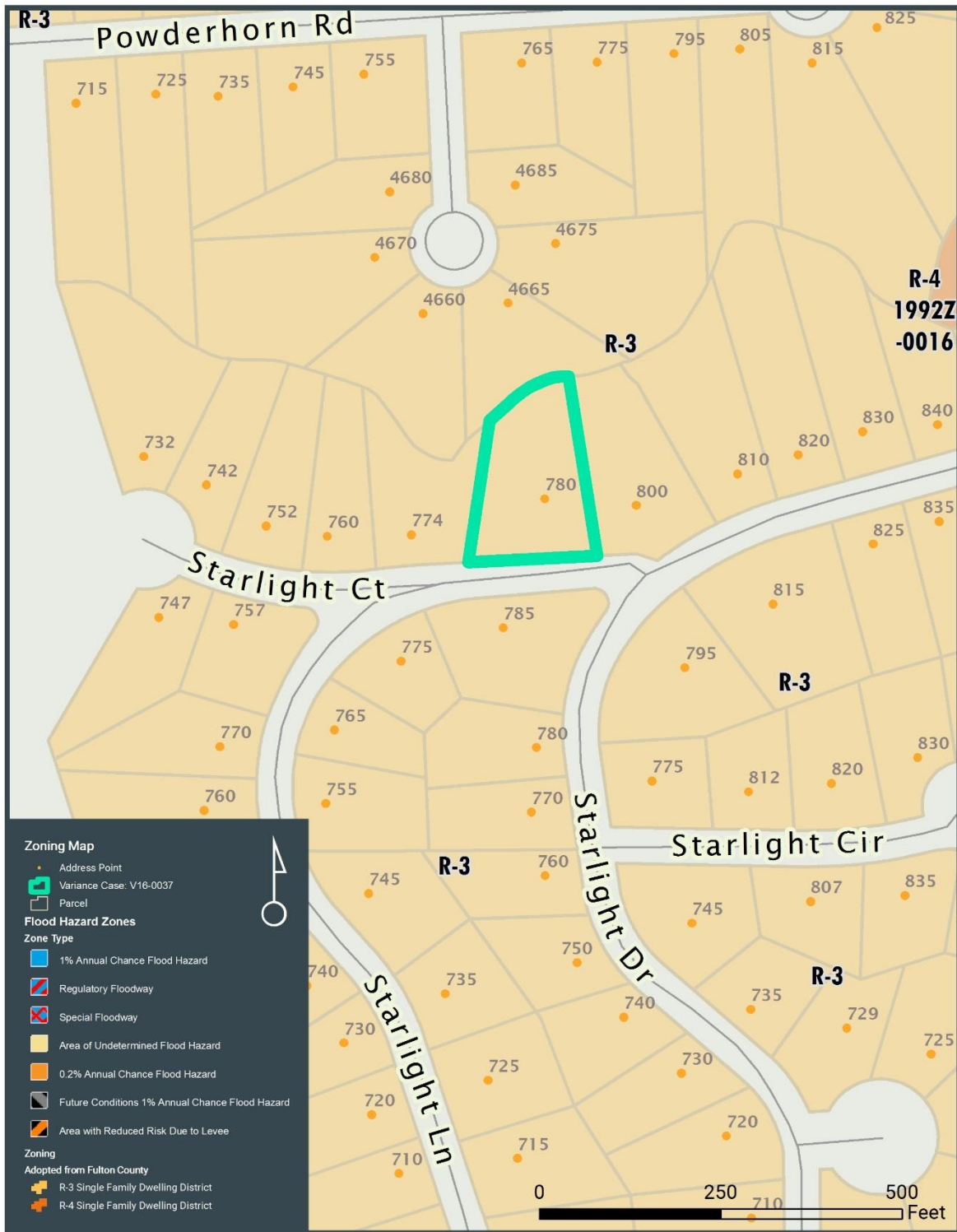
RECOMMENDATION
Department of Community Development
Approval Conditional of the variance requests

AERIAL IMAGE



ZONING MAP

780 Starlight Lane



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 space to the residence by expanding the kitchen, master bedroom and bathroom and for the construction of a screened-in porch. Approximately 18 square feet of the existing home and two square feet of an existing deck encroach into the 25-foot impervious surface setback associated with Nancy Creek. Approval of the variance would bring the residence into conformity with Section 109-225 of the Land Development Requirements and allow for the new construction, all of which would occur in conformance with the required building setbacks. The existing encroachments pre-date the ordinance and would be considered minimal and supported by mitigation, which will result in a net reduction in runoff. In conclusion, approval of this request brings 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 V16-0037 to bring the existing structure into conformity.

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

1. To allow the existing residence and deck to encroach into the 75-foot impervious surface setback as shown on the site plan and design plan dated received April 1, 2016 by the Department of Community Development.
2. To provide mitigation by installing a 50 gallon rain barrel per the letter of intent and site plan dated received April 25, 2016 by the Department of Community Development.
3. Any revisions of the submitted plans must be reviewed and approved by Staff.
4. The removal of the wooden fence, retaining wall and platform as shown in photos 1 – 3 shall be conducted manually without gas-powered machinery to further reduce any potential land disturbance in the 50-foot stream buffer.
5. New construction shall not be allowed within the “AE” flood zone unless a flood study certifying a “zero” rise is provided. The flood study must bear the seal of a Georgia Registered Professional Engineer.