



Variance Petition No. 201500032

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015 (Deferred)
April 9, 2015 (Meeting Cancelled)
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Roswell Road Redevelopment Partners, LLC	Woody King	Woody King

PROPERTY INFORMATION

Address, Land Lot(s), and District	4995 and 4985 Rebel Trail Land Lot 163, 17 th District
Council District	6 (Andy Bauman)
Frontage	Approximately 199.79 feet of frontage along Rebel Trail.
Area	Approximately 3.225 acres (140,481 square feet)
Existing Zoning	R-2 (Single Family Dwelling District)
Existing Use	Vacant
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to build a driveway to allow access unto the property. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback to allow a driveway.

The driveway crosses two parcels. The applicant is the authorized agent for both parcel owners.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500032 – 1) APPROVAL CONDITIONAL

VARIANCE #1

One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback to allow a driveway.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	1,062 sf	1,062 sf
25' – 50' City Stream Buffer	150 sf	728 sf	578 sf
50' – 75' Impervious Surface Setback	0 sf	2,119 sf	2,119 sf *
Total Impervious Surface encroaching in Stream Buffer	150 sf	3,909 sf	3,759 sf

*net change on the site plan is listed as “2,828”, this is typographical error and it should be “2,119.”

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(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.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream buffers cover approximately three-fourths of the subject property. Additionally, the topography slopes towards the middle of the property. In order to build a home on the property, a driveway has to be built first. The proposed driveway is within all three of the applicable stream buffer however, Section 109-222(c)(1)a. exempts a stream crossing by a driveway, transportation route or utility line. Therefore a perpendicular crossing to access the property onto the 50' Undisturbed Buffer and the 25' State Waters Buffer is permissible. The portion of the driveway that is not a part of the crossing requires a variance. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that this condition has been satisfied.

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

Finding:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the northeast of the lot. In order for the applicant to access the property an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is rectangular in shape and slopes from northeast to southwest. Three-fourths of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of the deck is severely limited. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff. There are limited options to access the property. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practices (BMPs) during the construction of the driveway. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The proposed location of the driveway eliminates any encroachment into the twenty-five (25) foot state buffer and the impervious surface in the fifty (50) foot undisturbed buffer. The only portion requiring a variance is within the 75' City of Sandy Springs Buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, and Transportation. Arborist made the following comments:

Arborist	• An impervious surface be used. • Replanting of the buffer where sparsely vegetated.
----------	--

Additional Information

Three letters of opposition was received dated March 13, 2015 and April 27, 2015.

Conclusion

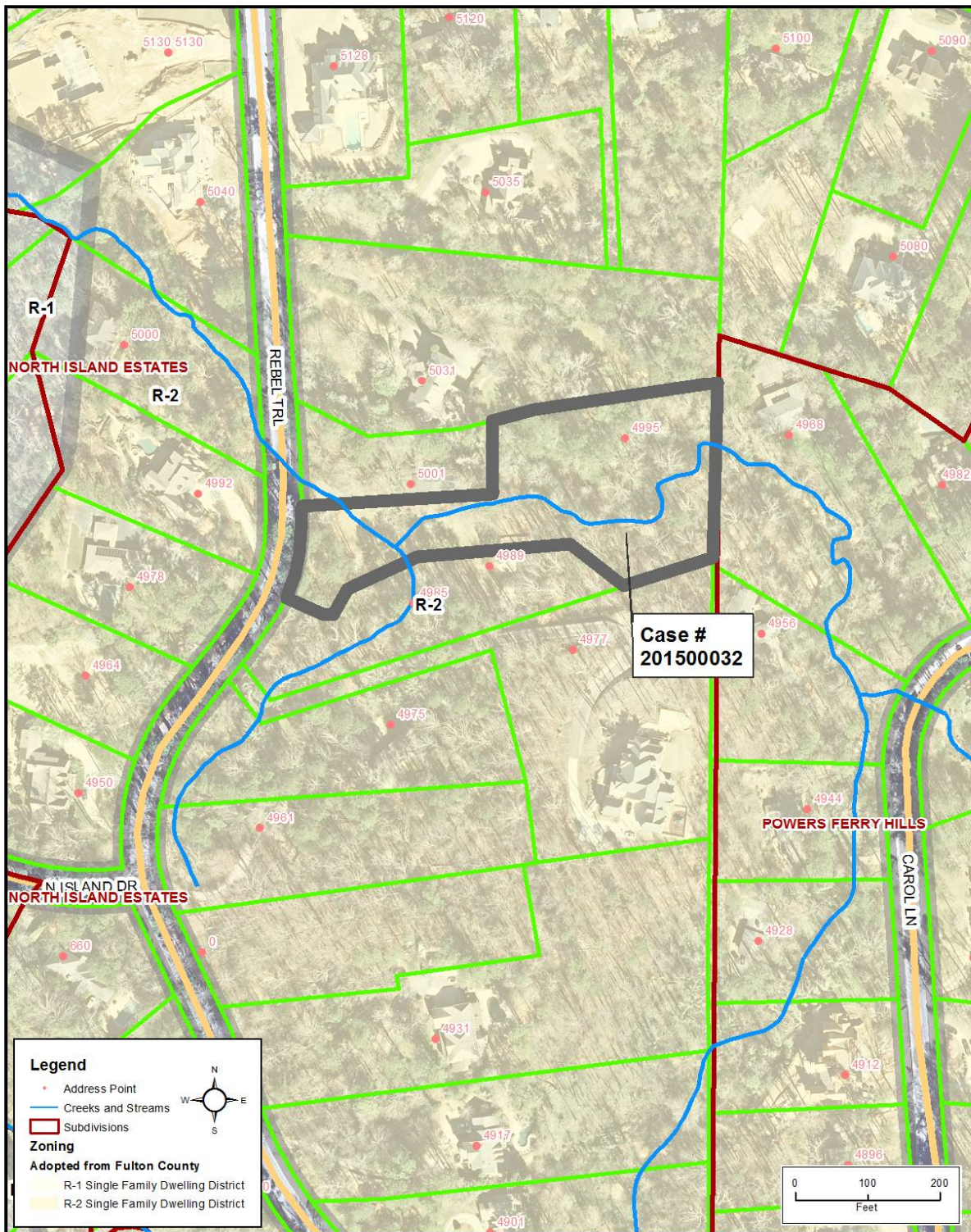
Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Please note creation of a new lot with limited buildable areas does not constitute a hardship for any future variance applications to increase the buildable area of the lot. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to rebuild fence and monument in its current location.

Recommended Condition(s)

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

1. To encroach into the required seventy-five (75) foot impervious surface setback to allow construction of a driveway to provide access unto the property for a single family dwelling unit, as shown on the Proposed Site Plan dated received January 6, 2015 by the Department of Community Development.
2. Submit recorded copy of ingress/egress easement across adjacent parcel prior to receiving building permit.
3. An impervious surface be used for the portion within the buffer.
4. Replanting of the buffer where sparsely vegetated. Approval of City Arborist required before certificate of completion is issued.

4995 Rebel Trail





Variance Petition No. 201500387

HEARING & MEETING DATES

Board of Appeals Hearing
April 9, 2015 (Meeting Cancelled)
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner

John Troy Green

Petitioner

Edward J. Levin

Representative

Edward J. Levin

PROPERTY INFORMATION

Address, Land Lot(s), and District Glencastle Drive, Lot 25 Glencastle Estates
Land Lot 135, 17th District

Council District 6 (Andy Bauman)

Frontage Approximately 186.99 feet of frontage along Glencastle Drive

Area Approximately 1.04 acres (45,110 square feet)

Existing Zoning R-2 (Single Family Dwelling District)

Existing Use Vacant lot

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential, 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to construct a single family dwelling unit. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. One (1) primary variance from Section 6.2.3.(B) of the Zoning Ordinance to reduce the minimum front yard setback from 60' to 40' for construction of a single family house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500387 – 1) APPROVAL CONDITIONAL

RESCHEDULED FROM PRIOR SCHEDULED DATE DUE TO BOA MEETING CANCELLATION

Standards for Consideration

VARIANCE #1

Primary variance from Section 6.2.3.(B) of the Zoning Ordinance to reduce the minimum front yard setback from 60' to 40' for construction of a single family house.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. This request to encroach into the minimum front yard to construct a single family dwelling unit is in harmony with the neighborhood. This is a lot of record, created prior to enactment of the stream buffer regulations. Stream buffers cover more than 50% of the property and the 100 Year Flood Plain also covers much of the lot. The proposed single family dwelling will be constructed outside of the stream buffers and would encroach twenty (20) feet into the required sixty (60) feet front yard setback. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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;

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream buffers covers over 50% of the property towards the rear and the 100 Year Flood Elevation at the front of the property that may limit construction in that area, limiting the amount of buildable area available. Presently, a home could be constructed at the front of the property if a flood study demonstrates that the proposed home is constructible within the 100 year flood limits. Any construction within the 100 Year Flood Plain would be required to certify no negative impact on the floodplain. That is, any cut and fill would have to be balanced to ensure no rise in the floodplain. The variance would allow a single family dwelling unit to be constructed in outside of the stream buffers, but twenty (20) feet into the minimum front yard setback. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, March 4, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Arborist, and Transportation.

Building and Permitting	) The applicant shall provide a flood study in accordance to the City of Sandy Springs Regulations to show the house is constructible within the 100 year flood limits.) The applicant shall provide an as-built foundation form survey signed and sealed by a Georgia Registered Surveyor to be reviewed by the Community Development Director.
-------------------------	---

	) The as-built foundation form survey shall include all City and State buffers.) All City and State stream buffers shall be field located and flagged on site.) The applicant shall pass a site inspection prior to proceeding with the foundation installation.
Transportation	) Proposed access shall meet requirements of Section 103-73 for residential driveway design and Section 103-77 for sight distance.) The posted speed limit of Glencastle Drive is 25 miles per hour. It is not apparent from proposed site plan that access meets required sight distance.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to build a garage.

Recommended Condition(s)

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

1. To reduce the minimum front yard setback from 60' to 40 for the construction of a single family dwelling unit, as shown on the Proposed Site Plan dated received February 3, 2015 by the Department of Community Development.
2. The applicant shall provide a flood study in accordance to the City of Sandy Springs Regulations to show compliance with the floodplain regulations.
3. Provide an as-built foundation form survey signed and sealed by a Georgia Registered Surveyor including all City and State buffers to be reviewed by the Community Development Director.
4. All City and State stream buffers shall be field located and flagged on site.
5. Approval of a site inspection is required prior to proceeding with the foundation installation.
6. Proposed access shall meet requirements of Section 103-73 for residential driveway design and Section 103-77 for sight distance.

0 Glencastle Drive





Variance Petition No. 201500421

HEARING & MEETING DATES

Board of Appeals Hearing
April 9, 2015 (Meeting Canceled)
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kaiser Foundation Health Plan of Georgia.	Kaiser Permanente Nat. Facilities Service	Altair Sign / Lewis Holland

PROPERTY INFORMATION

Address, Land Lot(s), and District	20 Glenlake Parkway NE Land Lot 34, 17 District
Council District	4
Frontage	Approximately 1,298.7 feet of frontage along the western side of Glenlake Parkway
Area	The subject property has a total area of 15 acres (653,356.44 square feet).
Existing Zoning and Use	O-I (Office & Institutional District) conditional under zoning case 1988Z-160. The subject parcel is currently developed with an office building.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Living Working Community (L-WC)

INTENT

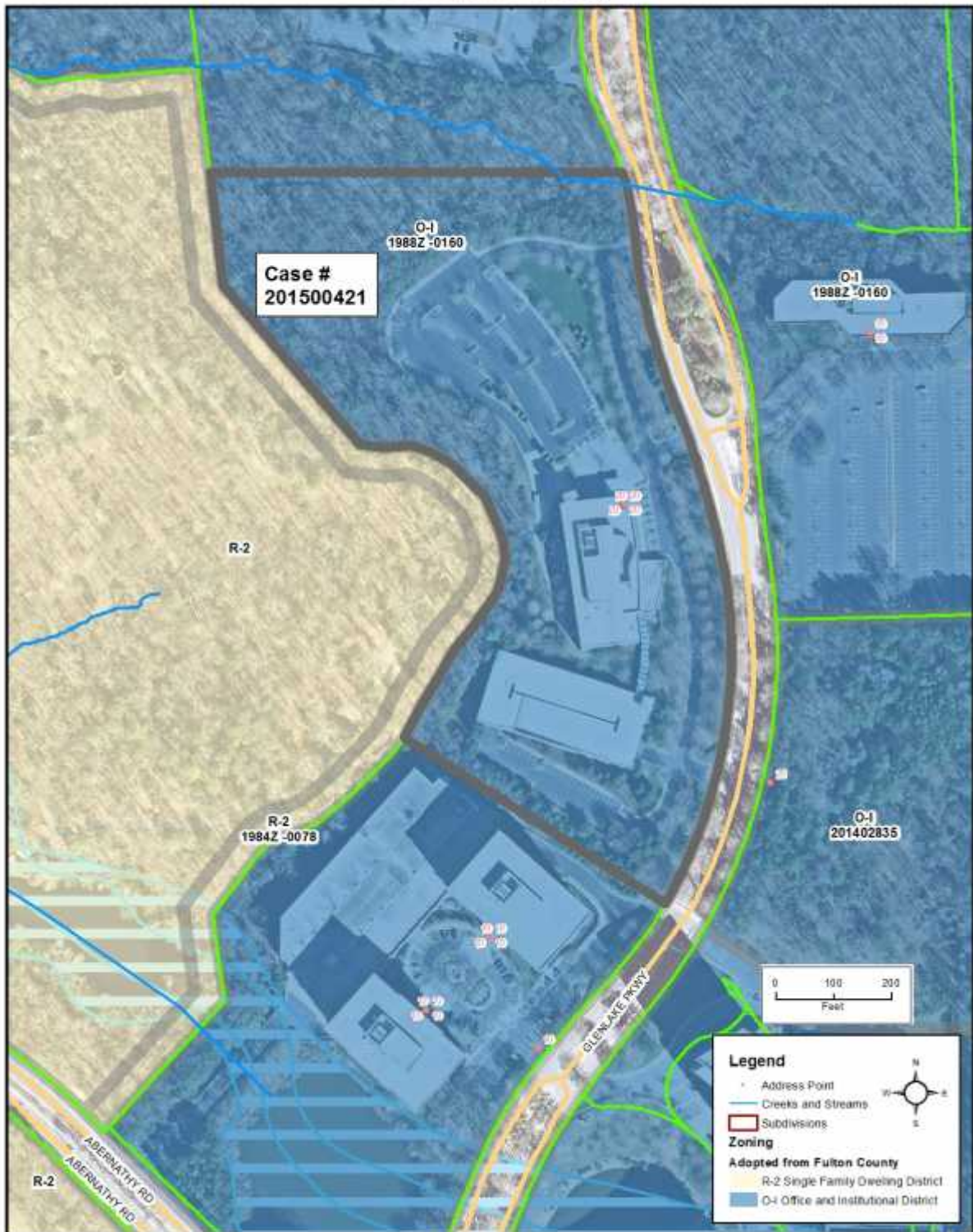
The applicant is seeking a primary variance from Section 33.26.D.1.c. of the Sandy Springs Zoning Ordinance to allow a second ID monument where only one is allowed.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500421-1) APPROVAL CONDITIONAL

Parcel Map

20 Glenlake Parkway



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 14, 2015

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

CASE NUMBER: 201500421

STAFF CONTACT: Cristina Nelson, Senior Planner 770-206-1516
E-mail: cnelson@sandyspringsga.gov

Staff Analysis:

The subject property is a four level medical facility with 1,298.7 linear feet of road frontage along the western side of Glenlake Parkway. The property has two major entrances to direct patients to the proper building areas to access specific departments for treatment.

The applicant states "As we have resided in our building, we have learned that it is difficult for others to find our facility and to access specific departments. As such, we desire to place an identifying sign on our property at each entrance."

The primary Identification sign will be located at the main entrance to the property and the secondary sign will be located at the most northern entrance farthest from the main traffic flow. There is a significant separation (approximately 600') between the two entrances. The applicant states "Due to the exceptionally long road frontage and to enhance our ability to direct our patients to the proper departments within the property for medical treatments, it is our opinion that a second monument sign is necessary and in the best interest of our members".

The applicant is seeking a primary variance from the Zoning Ordinance to allow for a second ID monument where only one is allowed. The proposed ID monument measures approximately five (5) feet height, and (24) square feet of sign area.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.D.1.

- c. *One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated unless backlit illumination is used. Except for gas stations, changeable copy shall not be permitted.*
- d. *Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.*

History

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.C.1.c

- 1) To allow a second ID monument where only one is allowed

Section 33.12.D. Standards

“The standards which shall be considered for granting a variance from the standards of this Article shall be only the following”:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The site layout, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. There is approximately 1,298.7 linear feet of road frontage along Glenlake Parkway, approximately five hundred (600) feet separation between the entrances and approximately five hundred (600) feet of curvature on the road between entrance 1 and entrance 2. Staff is of the opinion that the topography of the lot presents challenges and justifies the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

When approaching the site traveling northbound along Glenlake Parkway, none of the existing buildings are accessible from the road unless the entrances are used. A similar situation exists for motorists traveling southbound on Glenlake Parkway. Therefore a motorist traveling northbound or southbound does not have sufficient time to identify the intended location and adequately to determine access locations if there is a single sign located at either entrance or in the middle of the property frontage; the presence of vegetation between the road, the buildings, and parking lot, limits the placement and visibility of the signage. Staff is of the opinion that the natural features of the lot on which the sign is to be located and of the land immediately adjacent to the lot present challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on March 4, 2015, at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs. Staff is of opinion that the characteristics of this development preclude the applicant from having a sign that is completely in compliance with the standards. Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and reasonable level of signage visibility for Kaiser Permanente. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of variance petition.

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

- 1) To allow for a second ID monument type sign (sign #2) along the west side of Glenlake Parkway frontage pursuant to the sign location, submitted by the applicant, and dated received February 26, 2015 by the Department of Community Development.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 14, 2015

- 2) That the total sign area for sign #2 shall not exceed twenty-four (24) square feet, pursuant to the sign design detail, submitted by the applicant, dated received February 26, 2015 by the Department of Community Development.
- 3) That sign #2 shall not exceed five (5) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received February 26, 2015 by the Department of Community Development.
- 4) That sign #2 base shall be constructed of the same architectural masonry material as the main sign or sign #1, dated received February 26, 2015 by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Details and Photographs.



Variance Petition No. 201500717

HEARING & MEETING DATES

Board of Appeals Hearing

May 14, 2015 – Deferral

June 11, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner

DDR

Petitioner

Linda Mackay

Representative

Linda Mackay

PROPERTY INFORMATION

Address, Land Lot(s), and District 1155 Mount Vernon Highway
Land Lot 19, 17th District

Council District 5

Frontage Approximately 1,000 feet of frontage along the southeast side of Mt. Vernon Highway and 620 feet along the northeast side of Perimeter Center West.

Area Approximately 30.41 acres

Existing Zoning C-1 (Community Business District) pursuant to Sandy Springs rezoning case RZ09-006/CV09-015.

Existing Use Shopping center

Overlay District Perimeter Community Improvement Design District

2027 Comprehensive Future Land Use Map Designation Living-Working Regional (LWR), Node 6: PCID (Perimeter Community Improvement District – Live Work Regional only)

REQUEST

The applicant is proposing to allow a tent and sign in association with roadside vending. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 19.3.14.1.B.11 of the Zoning Ordinance to allow tents and tarps.
2. Variance from Section 19.3.14.1.B.12 of the Zoning Ordinance to allow signs advertising the vending operation.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500717 – 1) APPROVAL CONDITIONAL

201500717 – 2) APPROVAL CONDITIONAL

Standards for Consideration

VARIANCE #1

Variance from Section 19.3.14.1.B.11 of the Zoning Ordinance to allow tents and tarps

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

Previously there was a section in the Zoning Ordinance that allowed the use of tents in the seasonal sale of items related to calendar holidays. When the text was taken out of the Zoning Ordinance permits were still issued to seasonal businesses who had tents as a part of their display. The intent of the ordinance is to prevent the long-term sale of crafts, clothing, etc. from temporary structures in residential neighborhoods. The intent of the ordinance is not to prohibit the use of tents in the seasonal sale of items such as, Christmas trees, Halloween pumpkins, fireworks, etc. The proposed display would not be obtrusive to any residential neighborhoods and would be located at the edge of a parking lot in a commercial shopping center, along Mount Vernon Highway. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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,

Not applicable.

VARIANCE #2

Variance from Section 19.3.14.1.B.12 of the Zoning Ordinance to allow signs advertising the vending operation.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the ordinance is to prevent the cluttering of sites with signage. The proposed display would be limited to the maximum allowances for banners placed on commercial property. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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,

Not applicable.

Department Comments

Focus Meeting held on Wednesday April 1, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Arborist, or Transportation.

Additional Items

One letter of opposition was received dated April 30, 2015.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request to allow tents and tarps in association with roadside vending and **APPROVAL CONDITIONAL** of the variance request to allow signs advertising the vending operation.

Recommended Condition(s)

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

- 1) To allow one (1) 40x60 tent for a period of eleven (11) days commencing on June 25, 2015 and expiring on July 5, 2015, as shown on the site plan dated received February 27, 2015 by the Department of Community Development.
- 2) To allow one (1) thirty-two (32) square foot sign advertising the vending operation, for a period of eleven (11) days commencing on June 25, 2015 and expiring on July 5, 2015, as shown on the site plan dated received February 27, 2015 by the Department of Community Development.

Legend

- Address Point
- Creeks and Streams
- Subdivisions
- Zoning**

Adopted from Fulton County

- A-L Apartment Limited Dwelling District
- O-1 Office and Institutional District
- C-1 Community Business District

Map Labels:

- NORTH PARK PL
- ABERNATHY RD
- WINDSOR AT MOUNT VERNON
- PERMETER POINTE
- PERMETER PKWY
- PERMETER CTR
- PERMETER PLACE
- Case # 201500717
- 1987Z-0128
- 1994Z-0119
- 1985Z-0102
- 1995Z-0101
- 1994Z-0050
- 1988Z-0101

Scale: 0, 100, 200 Feet



Variance Petition No. 201500754

HEARING & MEETING DATES

Board of Appeals Hearing
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner

William Withrow

Petitioner

Jones Pierce Architects

Representative

Bryan Jones

PROPERTY INFORMATION

Address, Land Lot(s), and District	5270 Mount Vernon Parkway Land Lot 164, 17 th District
Council District	6 (Andy Bauman)
Frontage	Approximately 142.10 feet of frontage along Mount Vernon Parkway
Area	Approximately 1.241 acres (54,057.96 square feet)
Existing Zoning	R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z61-0044.
Existing Use	Single family residence
Overlay District	N/A

2027 Comprehensive

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

INTENT

The applicant is proposing to enlarge and improve the existing residence. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Primary variance from Section 6.3.3 (c) of the Zoning Ordinance to encroach into the minimum side yard to improve and enlarge an existing residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500754 – 1) APPROVAL CONDITIONAL

Standards for Consideration

VARIANCE #1

Primary variance from Section 6.3.3 (c) of the Zoning Ordinance to encroach into the minimum side yard to build a pergola.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The request to encroach into the minimum side yard to expand the current footprint is in harmony with the uniformity of the neighborhood. The applicant indicates that the proposed changes are in keeping with the mid-century architectural styling of the current residence. The existing roofline will remain and be extended by 3'-9" to the rear and 3'-6" to the front. The current roof slope will be slightly enlarged and extended by 14'-6" to the right side and 4'11" to the left side. The applicant has also proposed to expand a portion of the home by 8'-8" to the rear. The current open two-car carport will be replaced by a two-car garage that will encroach onto the side yard setback by 5'-0". Based on these considerations, staff is of the opinion that this condition has been satisfied.

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,

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The existing roofline will remain and be extended by 3'-9" to the rear and 3'-6" to the front. The current roof slope will be slightly enlarged and extended by 14'-6" to the right side and 4'11" to the left side. The applicant has also proposed to expand a portion of the home by 8'-8" to the rear. The current open two-car carport will be replaced by a two-car garage that will encroach onto the side yard setback by 5'-0". Because of the topography in the front and rear of the property and an existing back yard pool, expanding the home sideways would be the best option. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, April 1, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Arborist, and Transportation.

N/A	
-----	--

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to build a pergola.

Additional Items

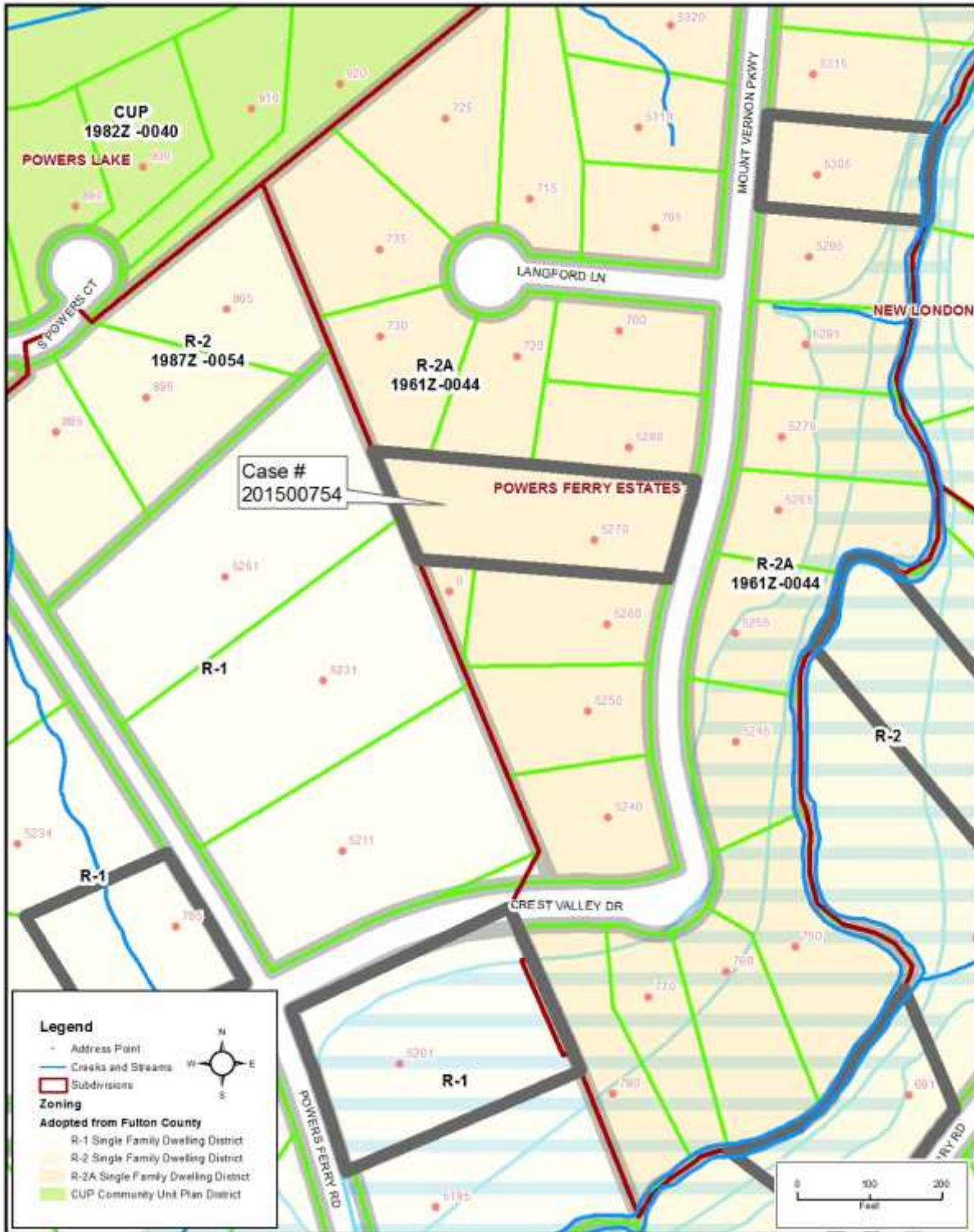
No letters of support or opposition was received.

Recommended Condition(s)

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

1. To encroach into the minimum side yard setback by 4'11" for the enlargement and improvement of a single family residence, as shown on the Site Plan & Zoning Data dated received March 3, 2015 by the Department of Community Development.

5270 Mount Vernon Parkway





Variance Petition No. 201500757

HEARING & MEETING DATES

Board of Appeals Hearing
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
James & Lori Welch	James & Lori Welch	James & Lori Welch

PROPERTY INFORMATION

Address, Land Lot(s), and District	6251 Mountain Brook Way Land Lot 167, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 171.28 feet of frontage along Mountain Brook Way
Area	Approximately 0.607208 acres (26,449.98048 square feet)
Existing Zoning	R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z62-0086.
Existing Use	Single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to build a garden shed in their rear minimum yard. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Primary variance from Section 6.3.3 (d) of the Zoning Ordinance to encroach into the minimum rear yard to allow a garden shed.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500757 – 1) DENIAL

Standards for Consideration

VARIANCE #1

Primary variance from Section 6.3.3 (d) of the Zoning Ordinance to encroach into the minimum side yard to build a pergola.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The applicant indicated the garden shed would be built in the minimum yard however, a site visit from a prior visit referencing variance application 201500024 proved that the garden shed had been partially built and the applicant discontinued building to obtain a variance. The garden shed is located entirely outside of the non-buildable area, less than five (5) feet from the rear property line. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

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,

The property's shape, topography, and physical conditions existed after the adoption of the ordinance. After reviewing the survey and visiting the property, staff believes the above conditions of the property do not significantly limit the buildable area for garden shed and therefore do not create a hardship. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday, April 1, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Arborist, and Transportation.

N/A	
-----	--

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance requests to build a garden shed.

Additional Items

Two letters of support were received dated March 3, 2015 and March 4, 2015.

6251 Mountain Brook Way





Variance Petition No. 201500020

HEARING & MEETING DATES

Board of Appeals Hearing
April 9, 2015 (Meeting Cancelled)
May 14, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
State Bank & Trust Company	William C. Boyajan	William J. Sheppard

PROPERTY INFORMATION

Address, Land Lot(s), and District	5350 Powers Ferry Road Land Lot 164&175, 17 th District
Council District	6 (Andy Bauman)
Frontage	Approximately 287.50 feet of frontage along the west side of Powers Ferry Road
Area	Approximately 1.5359 acres
Existing Zoning	R-2 (Single family dwelling district) subject to 2001Z-0134
Existing Use	Formerly developed with single-family dwelling
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre (R1-2)

INTENT

The applicant is requesting one (1) primary variance(s) as follows:

1. A primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the fifty (50) foot undisturbed setback and the seventy-five (75) foot impervious surface setback to extend an existing driveway.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500020 – 1) WITHDRAWAL

Staff has addressed questions regarding the proposed subdivision of the parcel with the new representative. Based on these discussions, staff is recommending withdrawal as the proposed stream crossing is perpendicular and does not require a variance. The applicant has requested a withdrawal.

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to extend an existing driveway.

Standards for Consideration

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(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.*

(5) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*
- b. The locations of all streams on the property, including along property boundaries;*
- c. The location and extent of the proposed buffer or setback intrusion;*
- d. Whether alternative designs are possible which require less intrusion or no intrusion;*
- e. The long-term and construction water quality impacts of the proposed variance;*
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.*

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff recommends **WITHDRAWAL** of the variance requests to extend an existing driveway.

ATTACHMENTS:

Parcel Map

Letter of Intent – Dated received January 6, 2015

Withdrawal Request – Dated received April 2, 2015

Proposed Site Plan – Dated received January 6, 2015

Conditions and Site Plan of Fulton County Rezoning File 2001Z-0134 – Dated received January 6, 2015

Site Photographs

5350 Powers Ferry Road

