



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Hearing; May 14, 2019

Case: **V19-0008 – 6280 Cherry Tree Lane**

Staff Madalyn Smith (madalyn.smith@sandyspringsga.gov)

Contact:

Report Date: April 25, 2019

REQUEST

Variance from Section 2.3.2.A to encroach into the required 50 foot primary street setback and variance from Section 9.2.4 to allow additional encroachment into the required 50 foot undisturbed buffer and 25 foot impervious setback.

APPLICANT

Prop. Owner: Joseph Embro, Jr.	Petitioner: Henry Bissell	Representative: Henry Bissell
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PROPERTY INFORMATION

Location:	6280 Cherry Tree Lane
Council District:	District 4; Reichel
Road frontage:	149.91'
Acreage:	0.68 acres
Existing Zoning:	RD-18
Existing Land Use:	Vacant property
Character Area	Protected Neighborhood

SUMMARY

The applicant is requesting two variances for the construction of a new 2924 SF home and 774 SF garage. The first variance is to allow an encroachment of up to 8 feet into the required 50 foot primary street setback. The second request is a stream buffer variance to allow additional encroachment of 112 SF into the 50 foot undisturbed buffer and an additional 1270 SF into the 25 foot impervious setback.

The site is currently vacant. The property was previously developed, but all that remains is the foundation of the previous home and detached garage. There is a stream in the rear. The stream buffers are overgrown with nonnative species such as English ivy and bamboo. It is also clear that the site has been used for illegal dumping and has been subject to other forms of vandalization, such as graffiti.

RECOMMENDATION
Department of Community Development
Approval Conditional of the variance request

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AERIAL IMAGE



SITE VISIT 04-16-2019

View from across the street:



Former location of the detached garage:



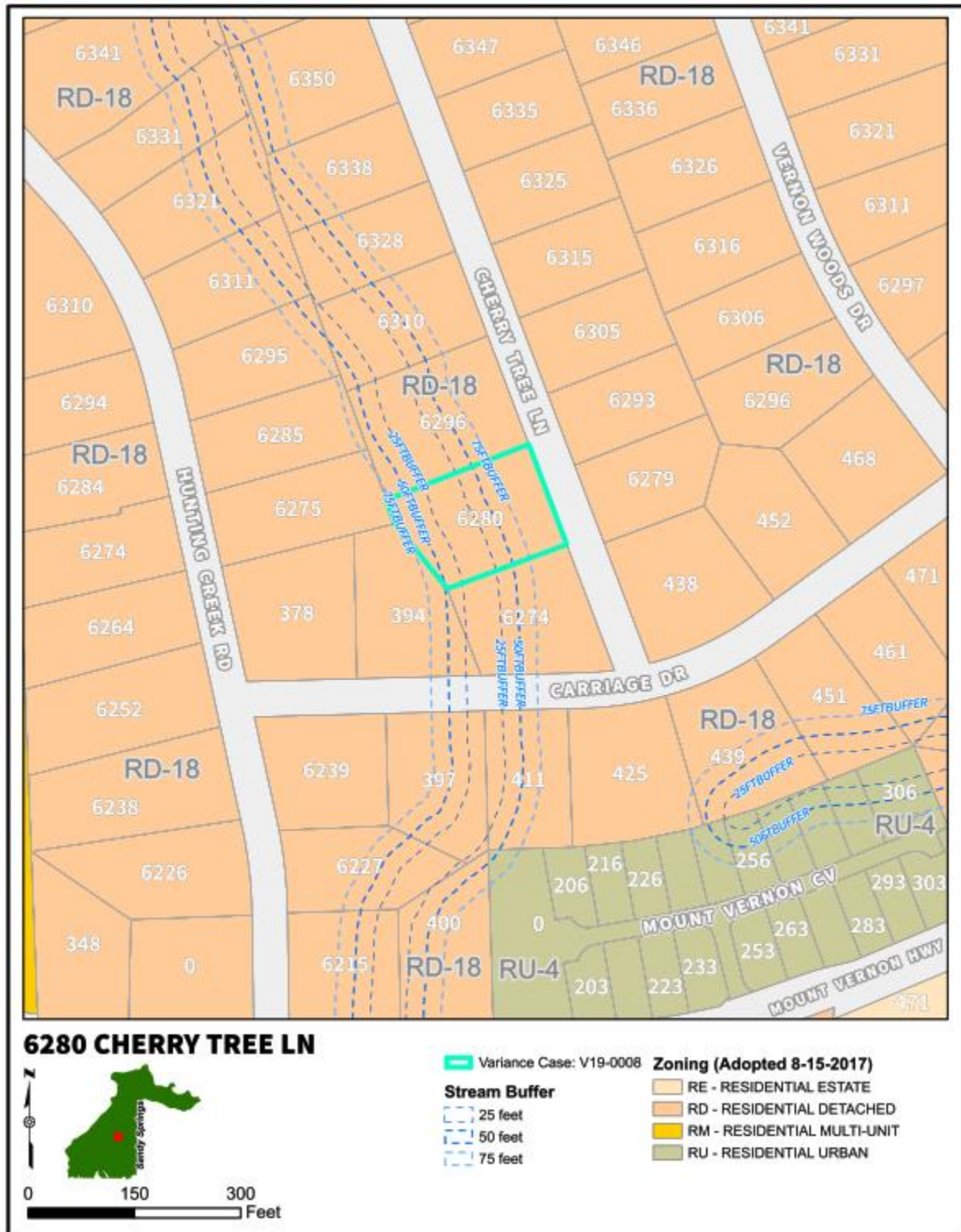
Large pile of dirt and debris near center of property:



Stream buffer overgrown with bamboo and English ivy:



ZONING MAP



Community Development



VARIANCE CONSIDERATIONS

Stream buffer variance considerations, per Section 9.2.4.B of the Development Code:

The following factors will be considered by the BOA 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 state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;*
- 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 water quality impacts of the proposed Variance; and*
- f. Whether issuance of the Variance is at least as protective of natural resources and the environment.*

Primary street setback variance considerations, per Section 11.6.2.G. of the Development Code,

1. Variances will only be granted upon showing that:

- a) The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
- b) There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application must demonstrate that:

- a) Such conditions are not the result of action or inaction of the current property owner; and*
- b) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- c) The variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

The expansion constitutes approximately 1382 SF of additional encroachment into the stream buffer. 1270 SF of the additional encroachment will be in the 25 foot impervious setback and 112 SF will be the 50 foot undisturbed buffer. The proposed house also expands into the front yard setback by about 8 feet and encroaches approximately 556 SF.

Existing and Proposed Encroachments (Approximate):

	Existing Encroachment (SF)	Proposed Encroachment (SF)
25' Undisturbed Buffer	0	0
50' Undisturbed Buffer	880	992
75' Impervious Setback	780	2050
Primary Street Setback	0	556

The conditions on this lot are not the fault of the potential owner. The creation of the lot and the previous home were constructed prior to the incorporation of Sandy Springs.

Alternative designs were considered and rejected. Utilizing the existing buildable area is not feasible as the area is too small for a typical Sandy Springs residence. The applicant explored several options for the existing footprint in terms of garage placement. The proposed footprint was chosen because it requires the least number of variances requested.

Due to the applicants stated intent to clean the debris from the stream, reduce the invasive species, and replant with native vegetation, it is the opinion of staff that this would enhance the condition of the stream long term.

Cherry Tree Lane is a residential street with a mix of newly redeveloped lots and older, well maintained ranch homes. It is out of character for the neighborhood to have a vacant, unkempt lot.



The home directly across the street



6280 Cherry Tree Lane, view from across the street



Piles of debris on site



Piles of dirt and debris on site as well as random litter

The four newest homes on Cherry Tree Lane range from 3300 SF to 5500 SF. This proposal is modest—by Sandy Springs standards—with a 2924 SF home. The proposed lot coverage is only 16.3%, well below the maximum allowed lot coverage of 35%.

The applicant is proposing to infill this lot with a fairly modest development and will properly maintain the land and the stream therefore staff finds the proposal to be in accordance with the general intent of the Development Code and Comprehensive Plan and believe the proposal will enhance the character of the neighborhood.

Because staff finds the presence of the stream presents a hardship to development on this property and that the request will result in a long term benefit to the property in terms of the quality of the stream and stream buffers and a considerable aesthetic improvement to the neighborhood character, staff recommends approval of the two variance request, subject to the conditions detailed in the recommendation below.

COMMENTS FROM CITY STAFF

Chief Environmental Compliance Officer:

I have reviewed the variance request for 6280 Cherry Tree Ln. I have visited the site and been present in the office meetings with the applicant. Based on the proposed use, the current unkempt conditions and the fact that a home was previously on the property, I can support the proposed plan. The applicant has made commitments to clean up and re-vegetate the areas in the stream buffer that will enhance water quality long term.

PUBLIC COMMENTS

One public comment was submitted in relation to this case. The comment was from a nearby neighbor in support of the requests.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the requests relative to the variance standards contained in Section 9.2.4.B and Section 11.6.2.G of the Development Code. Based upon this review, staff recommends **CONDITIONAL APPROVAL** of variance request V19-0008 to encroach an additional 1372 SF into the required stream buffers and encroach a maximum of 8 feet into the primary street setback.

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

1. To allow the construction of a single family home and attached garage subject to the footprint shown on the site plan submitted to staff on April 12, 2019 (Exhibit A).
2. As part of the building permit process, a complete Mitigation Plan must be submitted and approved by the Chief Environmental Compliance Officer.

3. Any minor revisions of the submitted site plan shall not include any further encroachment of the structure.
4. A Form Survey performed by a Professional Land Surveyor will be required prior to pouring the foundation and must be submitted to a Building Inspector.
5. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.

Exhibit A

