



P&Z STAFF REPORT

Board of Appeals Hearing; June 8, 2017

Case: **V17-0026 – 471 Johnson Ferry Road**

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

Report Date: May 25, 2017

REQUEST

Variance from Section 103-73 (c) of the Development Regulations to allow a recently constructed second curb cut to remain on a Collector street.

APPLICANT

Property Owner: Bant Millichap	Petitioner: Bant Millichap	Representative: Nathan V. Hendricks III
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PROPERTY INFORMATION

Location:	471 Johnson Ferry Road
Council District:	3 - Burnett
Road frontage:	Approximately 100 feet
Acreage:	Approximately 0.6 acres
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single-family Dwelling
Overlay District:	Suburban District
Character Area	Protected Neighborhood

UPDATE MAY 25, 2017

The application was originally scheduled to be heard at the May 11, 2017, Board of Appeals meeting, but was administratively held due to faulty notice.

PROPOSED DEVELOPMENT

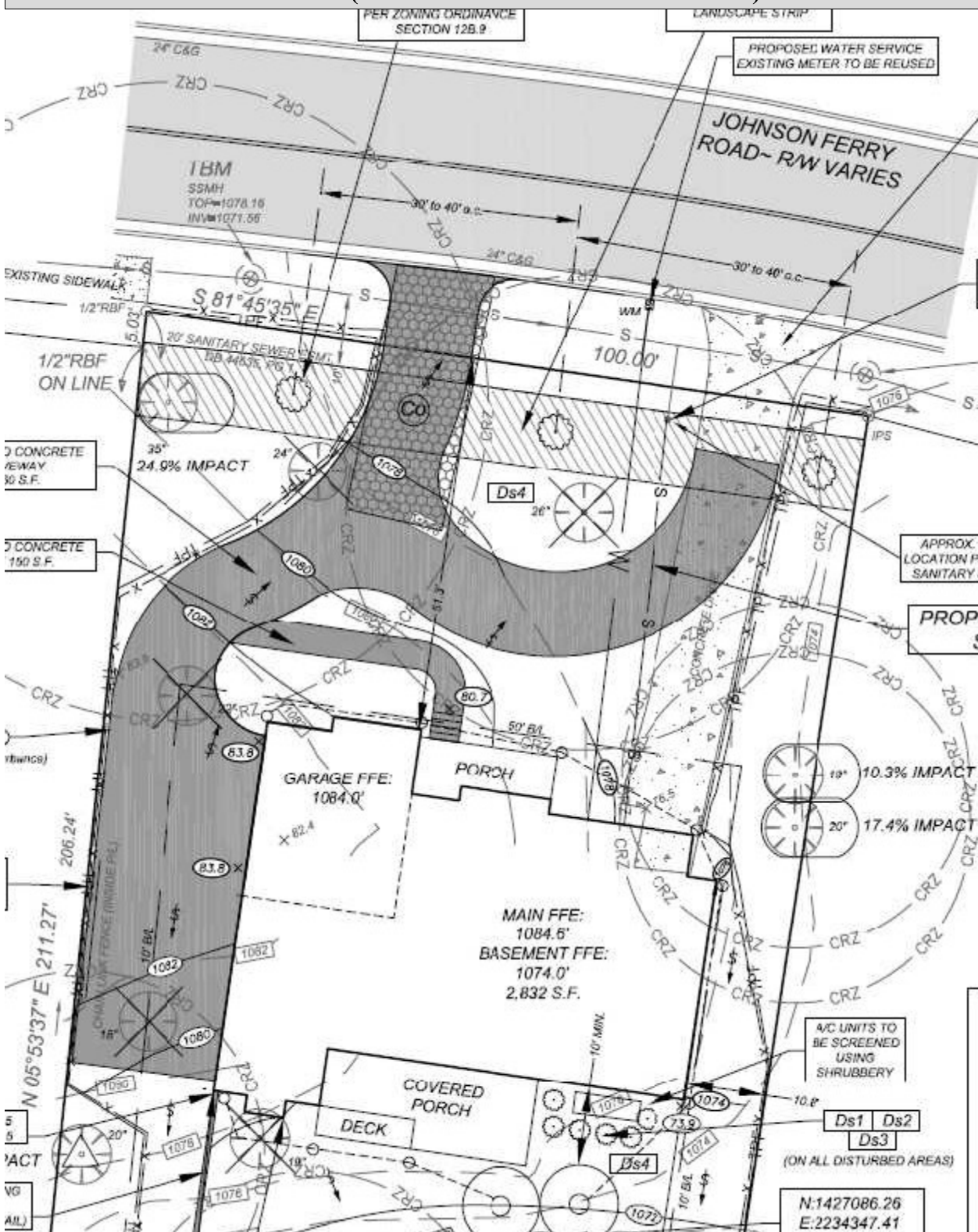
The applicant has recently constructed a new single-family residence. Contrary to the approved plan set, they installed a circular driveway with two curb cuts, which is not permitted on a Collector street, which Johnson Ferry Road is one. The applicant is applying for a Variance, after-the-fact, to bring the constructed driveway into conformance.

RECOMMENDATION

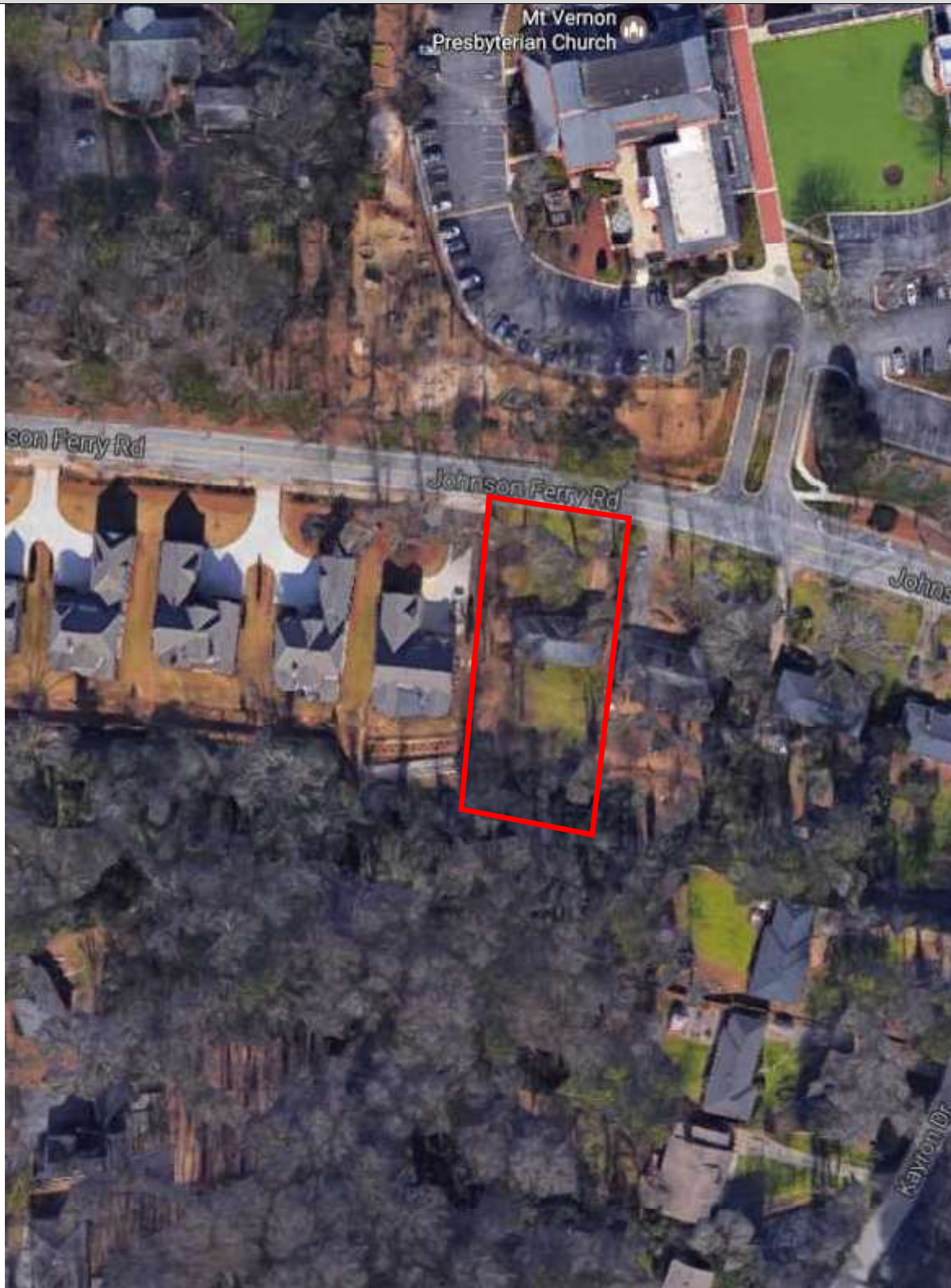
Department of Community Development

Staff recommends **DENIAL** of V17-0026.

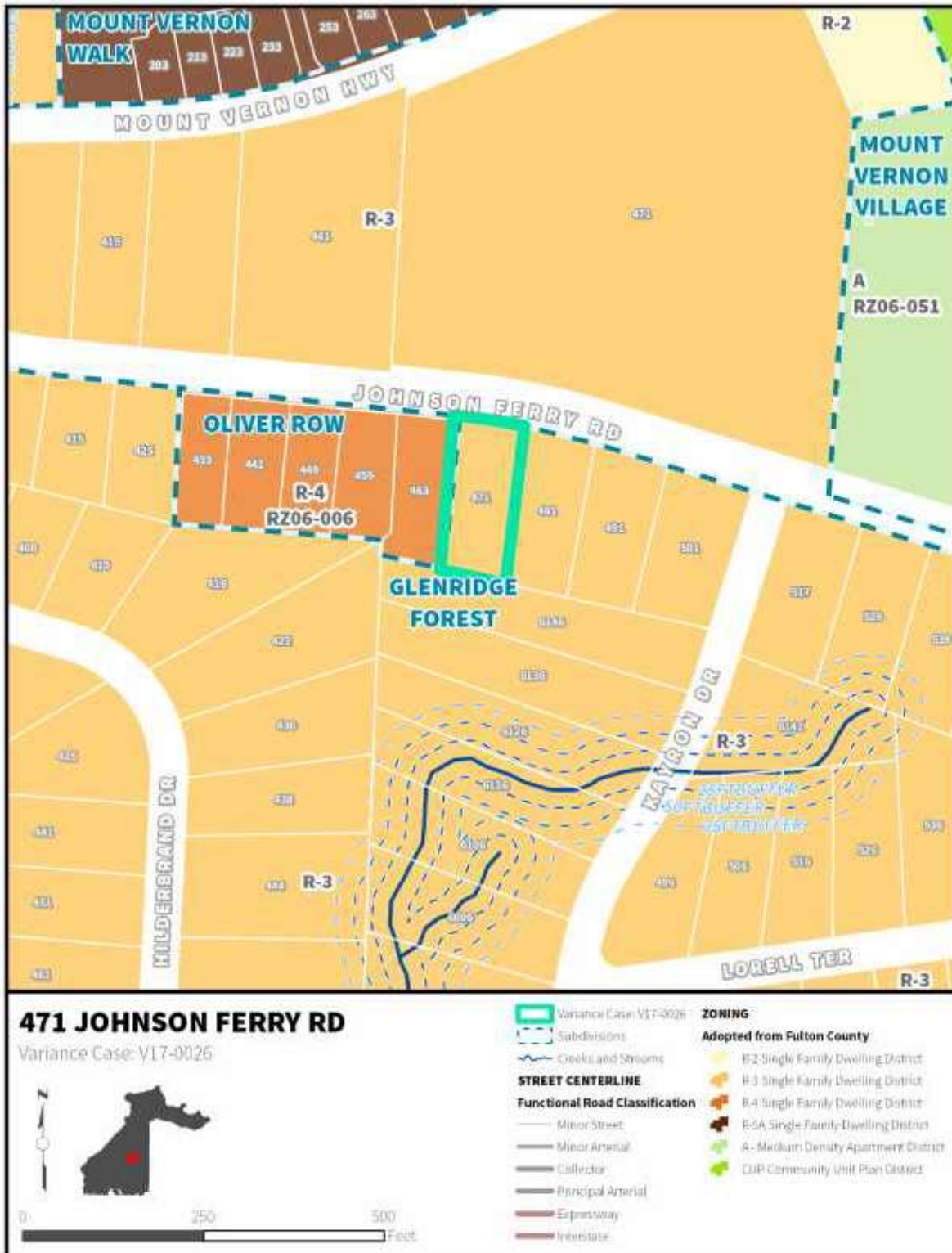
SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



AERIAL IMAGE



ZONING MAP



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. 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 shall demonstrate that:

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

Finding:

The subject property owner recently constructed a new single-family residence, including site work that was not consistent with the approved building permit (*Exhibit 1*). The builder constructed a circular driveway with two curb cuts, and upon inspection, a City Inspector noticed the plan inconsistency. Subsequently, Staff notified the property owner and builder on February 28, 2017 that the second curb cut would not be permitted. The builder submitted a permit revision, showing one curb cut on March 16, 2017, which Staff subsequently approved on March 21, 2017 (*Exhibit 2*).

The Streck family, as the buyer of the property, made their purchase offer on March 22, 2017. Therefore, Staff believes that the buyer was aware that the second curb cut would not be permitted at the time they made their offer.

In the Special Stipulations, which are part of their offer, the buyer agreed to buy the property even in the case the Board of Appeals does not grant the Variance (*Exhibit 3*). Said stipulation requires the builder to remove the left side of the driveway, replace the driveway with sod, create a flagstone paver walkway to the front porch, and increase the width and depth of the parking pad in the rear of the property. Staff finds that the willingness to purchase the property with or without the second curb cut shows that the buyer views the lack of a second curb cut as an inconvenience, as opposed to a hardship.

The adopted Sandy Springs Bicycle, Pedestrian and Trail Plan shows Johnson Ferry Road as a key connection between the City Center and Perimeter Center, and programs improvement projects for bike and pedestrian infrastructure. Project B28 will construct a bicycle sidepath, while project S05 will construct sidewalks on both sides of Johnson Ferry Road. Project S05 is labeled as a Top 10 citywide Priority Pedestrian Facility.

The TSPLOST will provide funding for the sidewalk project along Johnson Ferry Road, with the engineering design to begin in May 2017 and with anticipated construction to begin in April 2018. The goals of these projects are to create safe and attractive alternative transportation options, and to relieve vehicular traffic. Planning research shows that curb cuts create conflict points, which will reduce safety. In addition, reducing curb cuts will create a more attractive environment for pedestrians and cyclists, which supports the Comprehensive Plan goal LU-B2: “Establish a Compact, Connected and Walkable Community Form”.

Therefore, Staff finds that permitting the second curb cut to remain would be inconsistent with the Comprehensive Plan, would be detrimental to the public good, safety, and welfare, and would limit the success of programmed City transportation projects. Since the City incorporated, the City has been consistent in eliminating the total number of curb cuts on Johnson Ferry Road. Immediately to the west of the subject property, Mayor and City Council required five houses to share three driveways on Johnson Ferry Road (*Exhibit 4 & 5*). Further east, the Sandy Springs Village at Glenridge development has no direct driveway access on Johnson Ferry Road. In opposition, the circular driveway for the property the applicant references (405 Johnson Ferry Road), was already in place when the City incorporated and is non-conforming. It therefore is not a valid representation of the City’s policies.

In conversations with the builder, the applicant, and the potential buyer, Staff has offered assistance in finding a mutually agreeable solution to the turnaround dilemma. The applicant and the buyer rejected potential solutions with reference to safety concerns, decreased convenience, and aesthetics. In Staff’s opinion, however, the safety concerns, as expressed by the applicant, are invalid. The applicant intends to park the van at the rear of the driveway. Therefore, to leave the property, a driver has to back out first with or without the circular driveway. With or without the circular driveway, the driver then has to turn the vehicle, and can drive forward onto Johnson Ferry Road (*Exhibit 6*). Staff maintains its position to work closely with the applicant to find a permissible alternative solution.

On May 18th, the applicant submitted an engineering analysis that reviewed the turning capabilities of the van, with regards to the site layout (*Exhibit 7*). The Autoturn analysis shows that the vehicle can safely conduct a two-point turn from the parking area behind the garage, utilizing a turnaround pad in the front yard. The provided analysis depicts that the second curb cut and the second driveway leg are not required for safe maneuvering of the van.

The applicant’s engineering analysis describes use of the circular driveway to park additional cars (*Exhibit 8*). The Zoning Ordinance, however, does not allow for vehicle parking in the front yard to prevent clutter, allow for greenspace, and maintain the community character. Therefore, Staff rejects the underlying premise contained in the engineering analysis.

COMMENTS FROM OTHER PARTIES
Staff has received 11 emails in support and one email in opposition to the project.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V17-0026 to allow a recently constructed second curb cut to remain on a Collector street.

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

1. To allow a recently constructed second curb cut to remain on a Collector street, as shown on the site plan prepared by GA Land Surveyor, LLC, dated March 29, 2017, and received by the Department of Community Development April 4, 2017, to remain.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy.
4. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.