



Variance Petition No. V10-014

HEARING & MEETING DATES

Mayor and City Council Hearing

June 1, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
City of Sandy Springs	City of Sandy Springs	Public Works Department

PROPERTY INFORMATION

Address, Land Lot(s), and District	Peachtree-Dunwoody Road (Public Right-of-Way in front of 7340 and 7350 Peachtree-Dunwoody Road) Land Lot 22, District 17
Council District	4
Frontage	Approximately 300 feet of frontage along the west side of Peachtree-Dunwoody Road.
Existing Zoning and Use	Public Right-of-Way (unzoned)
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	N/A

INTENT

For the Peachtree-Dunwoody Road Intersection Improvement Project (T-0026), the Public Works Department has requested a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow encroachments into the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback).

T-0026 Peachtree Dunwoody Road Intersection Improvement will add turn lanes at the intersection of Peachtree-Dunwoody Road and Spalding Drive. The project also includes installation of sidewalk to enhance pedestrian access and safety. This section of Peachtree-Dunwoody Road is currently the only length without sidewalk between the North Springs MARTA Station and Spalding Drive. There is an approximately 300 foot section of the project that is impacted by the required stream buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-014 - 1) APPROVAL CONDITIONAL

Parcel Map

7340 and 7350 Peachtree Dunwoody Road



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

Findings of Fact

The applicant is requesting variances from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to zero (0) feet.

The existing roadway currently has a similar encroachment due to the stream being exposed in some areas and piped in others immediately adjacent to the right-of-way. The existing area of encroachment into the 50 foot undisturbed natural buffer is 6,412 square feet. The T-0026 project would add 2,480 square feet to this encroachment. Additionally, the project would add 8,303 square feet of encroachment into the 25 foot impervious surface setback.

Buffer Requirement	Current Encroachment (square feet)	Proposed Encroachment (square feet)
25 foot state/city buffer	3,843	7,186
50 foot undisturbed natural buffer	6,412	8,892
25 foot impervious surface setback	0	8,303
TOTAL	10,255	24,381

The Public Works Department has provided a memorandum (Exhibit 1) detailing the project and proposed mitigation. Additionally, the department has provided a site plan (Exhibit 2) depicting the areas of existing and proposed encroachments.

Standards for Consideration

Stream Buffer Protection Ordinance

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 stream buffer covers the entirety of this portion of the T-0026 project. Relief from this requirement would not be a detriment to the public as the existing roadway is currently located in the stream buffer. Staff is of the opinion that the physical conditions

in the immediate area of the project prevent land development unless a buffer variance is granted. Based on these reasons, staff is of the opinion 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:

The stream buffer covers the entirety of this portion of the T-0026 project. The project would not be able to be completed without relief from the stream buffer requirements. Staff is of the opinion that there is an unusual circumstance when the minimum buffer requirement is strictly applied and that an extreme hardship would be created. Based on these reasons, staff is of the opinion 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 project limits fall completely within in the stream buffer area as shown on the site plan provided by the Public Works Department (Exhibit 2).

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

Finding:

The stream buffer covers the entirety of this portion of the T-0026 project as shown on the site plan provided by the Public Works Department (Exhibit 2).

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

Findings:

The existing area of encroachment into the 50 foot undisturbed natural buffer is 6,412 square feet. The T-0026 project would add 2,480 square feet to this encroachment. Additionally, the project would add 8,303 square feet of encroachment into the 25 foot impervious surface setback.

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

Findings:

The Public Works Department has considered alternative designs and has determined that the current proposal will have the least impact on the stream buffer as outlined in the memorandum provided (Exhibit 1).

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

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Hearing on June 1, 2010

Findings:

Best Management Practice (BMP) will be required during the construction project. 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:

Staff is of the opinion that issuance of the variance is at least as protective of the natural resources and environment as the existing site conditions.

Department Comments

The following departmental comments have been provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Building Officer	There are no building requirements that need to be addressed at this time.																	
	Sandy Springs City Engineer	Obtain state stream buffer variance and comply with any conditions included in variance.																	
	Sandy Springs Chief Arborist	- Prior to the issuance of a land disturbance permit a State Buffer Variance will be required. - The existing vegetation on the east side of the feature will be cleared due to the proximity of the feature to the right of way. This understory consists of: Japanese Privet, Cherokee Rose, Hazel Alder, Elaeagnus, and Arrow Bamboo. Tree to be removed: <table border="1"> <thead> <tr> <th>Name</th><th>Quantity</th><th>Sizes (dbh in inches)</th></tr> </thead> <tbody> <tr> <td>Tulip Poplar</td><td>5</td><td>16, 12, 26, 2, 16</td></tr> <tr> <td>Red Maple</td><td>9</td><td>18, 12, 4, 10, 18, 20, 6, 12, 4</td></tr> <tr> <td>Sycamore</td><td>1</td><td>22</td></tr> <tr> <td>Pine</td><td>2</td><td>18, 26</td></tr> <tr> <td>Sweetgum</td><td>5</td><td>8, 6, 8, 12, 8</td></tr> </tbody> </table> - There is a group of pines 2" -5" in diameter that will be removed.	Name	Quantity	Sizes (dbh in inches)	Tulip Poplar	5	16, 12, 26, 2, 16	Red Maple	9	18, 12, 4, 10, 18, 20, 6, 12, 4	Sycamore	1	22	Pine	2	18, 26	Sweetgum	5
Name	Quantity	Sizes (dbh in inches)																	
Tulip Poplar	5	16, 12, 26, 2, 16																	
Red Maple	9	18, 12, 4, 10, 18, 20, 6, 12, 4																	
Sycamore	1	22																	
Pine	2	18, 26																	
Sweetgum	5	8, 6, 8, 12, 8																	
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no fire requirements that need to be addressed at this time.																	
TRANSPORTATION	Sandy Springs Transportation Planner	See attached memorandum (Exhibit 1).																	

Georgia
Department of
Transportation

- There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the requested variance.

Recommended Condition(s)

Should the Mayor and City Council choose to approve the request, staff recommends the following condition(s):

- 1) To the following stream buffer encroachments as shown on the site plan received by the Department of Community Development on May 4, 2010:

Buffer	Area of Encroachment (square feet)
25 foot state/city buffer	7,186
50 foot undisturbed natural buffer	8,892
25 foot impervious surface setback	8,303
TOTAL	24,381

- 2) The stream buffer shall be replanted to buffer standards to achieve a visual barrier along 7350 Peachtree Dunwoody Road (17-0022-LL-055-3), subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Exhibit 1 – Memorandum from the Public Works Department dated received May 4, 2010

Exhibit 2 – Site Plan dated received May 6, 2010

Photographs of Project Area dated received May 4, 2010



Variance Petition No. V10-011

HEARING & MEETING DATES

Board of Appeals Hearing

June 10, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner
David Stoll

Petitioner
David Stoll

Representative
David Stoll

PROPERTY INFORMATION

Address, Land Lot(s), and District
18 River Park Drive
Land Lot 86 & 127, District 17

Council District
3

Frontage
120 feet of frontage along the southeast side of River Park Drive.

Area
The subject property has a total area of approximately 0.88 acres.

Existing Zoning and Use
The lot is zoned R-2A (Single Family Dwelling District) under Fulton County zoning case Z62-0041. The property is currently developed with a residence.

Overlay District
N/A

2027

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

INTENT

The applicant is proposing to construct a detached carport which will encroach into the required forty (40) foot rear yard setback. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from forty (40) feet to six (6) feet to allow the construction of a detached carport.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-011 - 1) APPROVAL CONDITIONAL

18 River Park Drive



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

CASE NUMBER: V10-011

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct a four hundred ninety (490) square foot detached carport with a potting shed in the rear of the property. The carport will be approximately twenty (20) feet high from finished grade to the top of the cupola. The carport is proposed to encroach into the required forty (40) foot rear yard setback. The applicant is requesting one (1) primary variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from forty (40) feet to six (6) feet to allow for the construction of the carport and potting shed.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 120 feet of frontage along southeast side of River Park Drive. The property is trapezoidal in shape. The site is sloping from the north to the south. The site plan shows the existing house is approximately one hundred sixty six (166) feet from the right-of-way. The existing house is approximately one hundred six (106) feet behind the required sixty (60) foot front setback. The subject parcel slopes from one thousand fourteen (1,014) feet in elevation on the north corner of the property to nine hundred eighty (980) feet to the front of the house. This is a change in topography of thirty-four (34) feet. There is a twenty-four (24) foot change in elevation from the back of the house to the southern corner of the property. The proposed carport and potting shed would be located in the rear of the property six (6) feet from the property line.

The surrounding lots in the immediate vicinity are zoned R-2A (Single Family Dwelling District) the same as the subject parcel. The subdivision to the east is zoned R-2 (Single Family Dwelling District). The houses on the surrounding lots are positioned closer to the front setback line than the subject property.

Standards for Consideration

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public or adjacent properties. Due to the existing house

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 10, 2010

being set one hundred six (106) feet behind the sixty (60) foot front setback line, a carport located in the front would also require a variance. The proposed carport apparently will not intrude on light, air or other environmental aspects of the surrounding properties. The intent of the Zoning Ordinance is to promote health and general welfare. Therefore, staff is of the opinion 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,

Finding:

The subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The subject parcel slopes from one thousand fourteen (1014) feet in elevation on the north corner of the property to nine hundred eighty (980) feet to the front of the house. This is a change in topography of thirty-four (34) feet. There is a twenty-four (24) foot change in elevation from the back of the house to the southern corner of the property. Due to the topography of the lot an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on May 5, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received March 31, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required forty (40) foot minimum rear yard setback to six (6) feet to allow the detached carport, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal

Site plan/ elevations

Survey

Photographs



Variance Petition No. V10-012

HEARING & MEETING DATES

Board of Appeals Hearing

June 10, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Don & Kim Addington	Don & Kim Addington	North Atlanta Properties, Inc

PROPERTY INFORMATION

Address, Land Lot(s), and District	75 Forrest Lake Drive Land Lot 119, District 17
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Council District	6
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Frontage	159.56 feet of frontage along the north side Forrest Lake Drive and 126.12 feet of frontage along the west side of Merlendale Court.
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Area	The subject property has a total area of approximately 0.802 acres.
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Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District) The property is currently developed with a residence.
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Overlay District	N/A
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2027

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

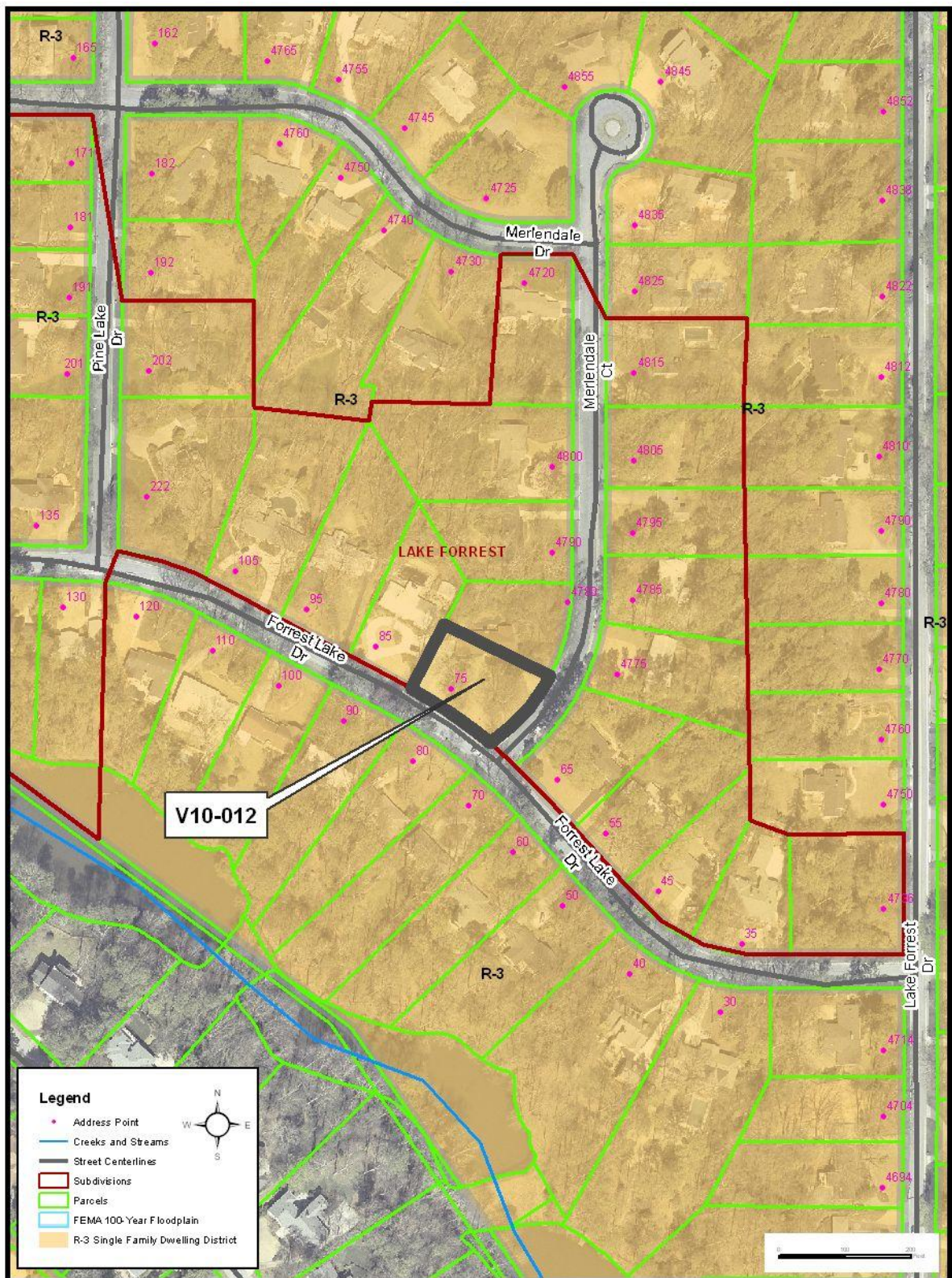
The applicant is proposing to construct a covered porch attached to the existing house which will encroach into the required ten (10) foot side yard setback. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required north side yard setback from ten (10) feet to four (4) feet to allow for the covered porch.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-012 - 1) APPROVAL CONDITIONAL

75 Forrest Lake Drive



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

CASE NUMBER: V10-012

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct a five hundred sixty seven (567) square foot covered porch attached to the existing house which will encroach into the required ten (10) foot north side yard setback. The applicant is requesting one (1) primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from ten (10) feet to four (4) feet to allow for the covered porch.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 159.56 feet of frontage along the north side of Forrest Lake Drive and 126.12 feet of frontage on the west side of Merlandale Court. The property is trapezoidal in shape. The subject parcel slopes from nine hundred ninety (990) feet in elevation on the north corner of the property to nine hundred seventy six (976) feet to the southern portion of the lot. This is a change in topography of fourteen (14) feet. The site plan also shows a sanitary sewer easement crossing the western corner of the property for approximately eight (80) feet and a twenty (20) foot drainage easement occupies the southern corner. The site plan shows the existing house angled to face the corner on the lot. The proposed covered porch would be located in the rear of the house over an existing patio.

The surrounding lots in the immediate vicinity are zoned R-3 (Single Family Dwelling District) the same as the subject parcel. There are other properties in the area which side setback encroachments.

Standards for Consideration

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent properties have encroachments into the side yard setback. Additionally, the applicant plans to extend and cover the existing

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 10, 2010

patio corner six (6) feet into the side yard setback (exhibit 2). The proposed covered porch would be approximately fourteen (14) feet (exhibit 3) from the closest house on the side. Therefore, staff is of the opinion 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,

Finding:

The subject parcel is similar to other residential properties in the City. The property has a change in topography of fourteen (14) feet from the northeastern corner to the southern corner. The property also has a sanitary sewer easement crossing the western corner of the property for approximately eight (80) feet and a twenty (20) foot drainage easement occupies the southern corner. The proposed covered porch is consistent with the angled location of the existing house. Additionally, if the applicant constructs the porch to be in compliance with the required setback the porch would either not flow with the layout of the existing house or the proposal would be reduced by half of the square footage. The shape and size of the existing lot does create an extraordinary and exceptional condition as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on May 5, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ Should the board approve the request the arborist recommend the following condition; the existing cyptomeria should be protected to provide screening for the neighbor.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance (s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received April 5, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required ten (10) foot minimum north side yard setback to four (4) feet to allow a covered porch, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Area of construction (exhibit 2)
Survey
Floor Plan
Left Elevation Porch Addition
Front Elevation Porch Addition
Letters of Support
Letter of opposition
Photographs



Variance Petition No. V10-013

HEARING & MEETING DATES

Board of Appeals Hearing

June 10, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner

Bryan Mermans

Petitioner

Bryan Mermans

Representative

Kelly Boudream

PROPERTY INFORMATION

Address, Land 4750 Mystic Drive

Lot(s), and District Land Lot 94, District 17

Council District 6

Frontage 125.00 feet of frontage along the west side Mystic Drive.

Area The subject property has a total area of approximately 0.82 acres.

Existing Zoning and Use The lot is zoned R-3 (Single Family Dwelling District) The property is currently developed with a residence.

Overlay District N/A

2027

Comprehensive

Future Land Use R1-2 Residential (1-2 units per acre)

Map Designation

INTENT

The applicant is proposing to construct an accessory structure (detached garage) in the front yard, which will encroach into the required ten (10) foot side yard setback. The applicant is requesting two (2) primary variance:

- 1) Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required north side yard setback from ten (10) feet to eight (8) feet to allow for a detached garage.
- 2) Variance from Section 6.4.3.I of the Zoning Ordinance to allow the accessory structure (detached garage) in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-013 - 1) DENIAL

V10-013 - 2) DENIAL

4750 Mystic Drive



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

CASE NUMBER: V10-013

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct an accessory structure (detached garage) in the front yard, which will encroach into the required ten (10) foot side yard setback. The applicant is requesting two (2) primary variances from Section 6.4.3.C, to reduce the required side yard setback from ten (10) feet to eight (8) feet to allow for a detached garage and from Section 6.4.3.I, to allow the accessory structure (detached garage) in the front yard.

The applicant has submitted a site plan (Exhibit 1) indicating the subject property to have 125 feet of frontage along the west side of Mystic Drive. The property is trapezoidal in shape. The site is sloping from the north to the south with a thirty-four (34) foot change in elevation. The site plan shows the existing house is approximately one hundred twenty (120) feet from the right-of-way. The existing home has an attached two car garage. The proposed detached single car garage would not encroach into the front yard setback, but would be in front of the existing house and would encroach into the side yard setback two (2) feet.

Staff is of the opinion that there are other locations on the property the proposed detached garage could be located without obtaining a variance. The applicant has not indicated to staff that alternative locations for the proposed garage have been explored.

The surrounding lots in the immediate vicinity are zoned R-3 (Single Family Dwelling District) the same as the subject parcel. The five (5) newer homes across the street have three (3) car garages attached to the existing homes. However, the majority of the established homes have carports or garages that are single or double.

Standards for Consideration

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:

Relief from this requirement is not in harmony with the intent of the Zoning Ordinance. As some adjacent properties have three (3) car garages they are not detached structures in the front yard. Additionally, the applicant has not indicated to staff that alternative

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 10, 2010

locations for the proposed garage have been explored. Staff is of the opinion that there are other locations on the property the proposed garage could be located without obtaining a variance. Therefore, staff is of the opinion 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,

Finding:

The subject parcel is similar to other residential properties in the City. The property has a change in topography of thirty-four (34) feet from the north corner to the south corner. However, the change in topography does not create an extraordinary and exceptional condition as defined by the City's Zoning Ordinance that precludes the applicant from locating a garage space within the buildable area of the lot. Therefore, staff is of the opinion this condition has not been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on May 5, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	Should the board approve the request the arborist recommends the following condition; add evergreen screening to a height of 50% of the total height of the structure.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance (s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received April 5, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required ten (10) foot minimum north side yard setback to eight (8) feet to allow a detached garage, where necessary, to accommodate the portion of the encroachment (s) only.
2. To allow an accessory structure (detached garage) to be located in the front yard as shown on the site plan, provided by the applicant dated received April 5, 2010 by the Department of Community Development.
3. Plant evergreen screening to a height of 50% of the total height of the structure along the north property line subject to the Sandy Spring Arborist approval.

ATTACHMENTS:

Letter of appeal
Site plan (Exhibit 1)
Survey (Exhibit 2)
Hardscape Plan (Exhibit 3)
Front & Rear Elevations (Exhibit 4)
Details (Exhibit 5)
Topographic Map
Sign off of Support
Letters of Opposition
Photographs