



Variance Petition No. 201300002

HEARING & MEETING DATES

Board of Appeals Hearing

June 13, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Andrew Peskel

Petitioner
Andrew Peskel

Representative
Andrew Peskel

PROPERTY INFORMATION

Address, Land Lot(s), and District
4555 Northside Drive
Land Lot 162, 17th District

Council District
6

Frontage
Approximately 82.81 feet of frontage along Northside Drive and 161.80 feet of frontage along Highcourt Road.

Area
The subject property has a total area of approximately .42 acres.

Existing Zoning and Use
The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential 0-0.5, 0 to 0.5 units per acre

INTENT

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

1. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twenty (20) and thirty (30) feet, respectively, to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300002 – 1) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

May 9, 2013 Hearing

201300002 – Variance Requests 1 & 3 Approved, Request 2 Deferred to June 13, 2013

At the May 9, 2013 meeting the Board of Appeals approved variance requests one and three, related to the front and rear yard setbacks, and deferred the second request, related to the side yard setbacks. The front yard setback was reduced to fifty (50) feet and the rear yard setback

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 13, 2013.

was reduced to twenty-five (25) feet. The Board asked applicant to reevaluate the proposed site plan to determine whether his original request of reducing the twenty-five (25) foot and forty (40) foot side yard setback to eighteen (18) feet and thirty (30) feet, respectively, were still necessary. The two motions for approval and one for deferral were each approved by the board unanimously. (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent.) The applicant presented a revised site plan to staff, addressing the concerns of the Board, still showing a reduction in the side yard setbacks from twenty-five (25) and forty (40) feet, but to only twenty (20) and thirty (30) feet, respectively. The applicant considered the Board's concerns, and reviewed the site plan thoroughly; however, reducing the proposed reductions beyond what has been resubmitted was still very limiting to the floor plan.

April 11, 2013 Hearing

201300002 – Deferred to May 9, 2013

At the April 11, 2013 meeting the Board of Appeals deferred this item to May 9, 2013 to allow the applicant to establish elevations and design criteria to ensure that the proposed development is in harmony with the existing neighborhood. (7-0, Coan, Sandler, Carpinella, A. Johnson, E. Johnson, Moller, and Nodvin). The applicant has indicated that he will establish design criteria that will guarantee harmony with the neighborhood and address the neighboring land owners' concerns, and is prepared to do so at the May meeting.

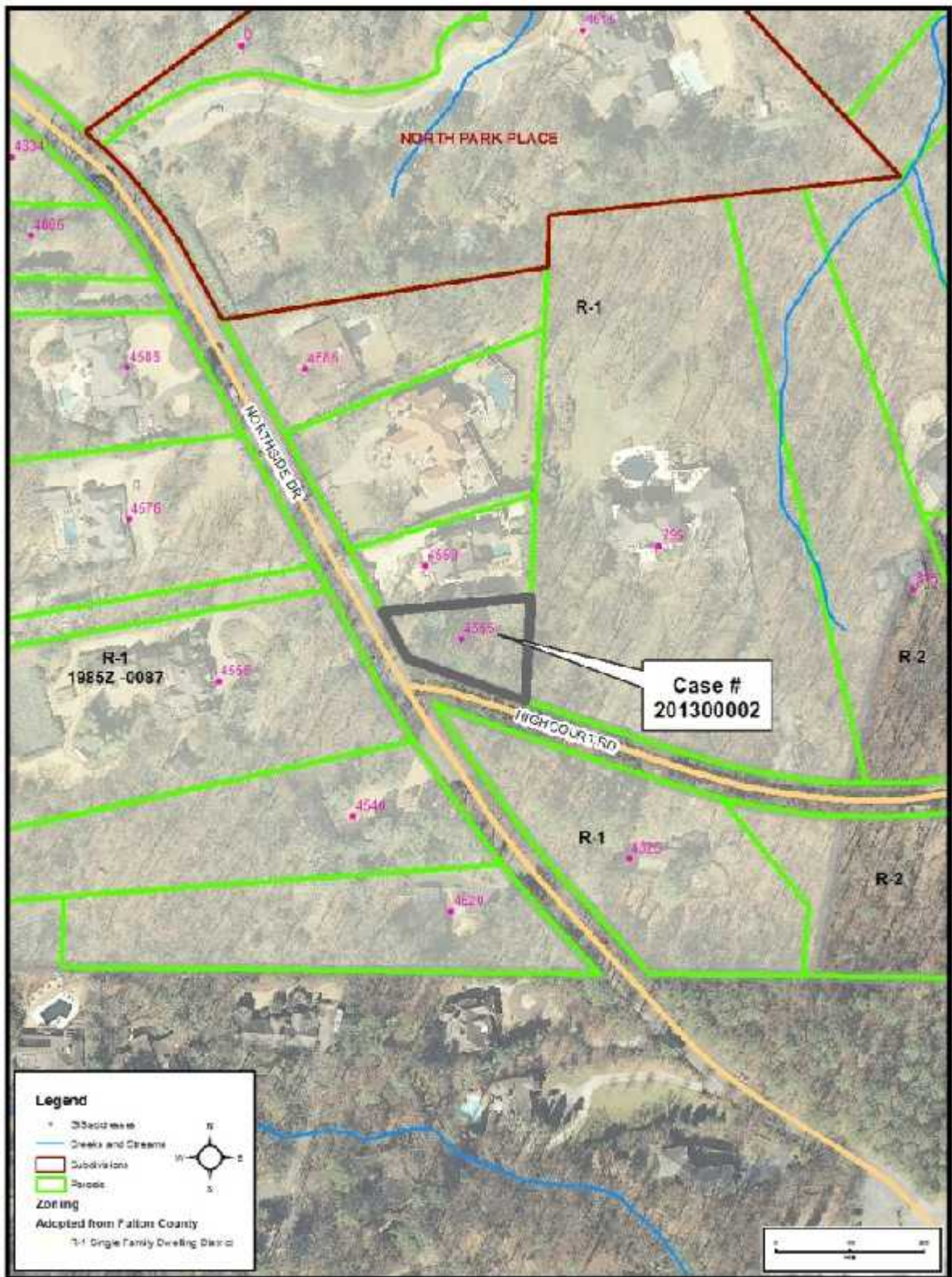
March 15, 2013 Hearing

201300002 – Deferred to April 11, 2013

At the March 15, 2013 meeting the Board of Appeals deferred this item to April 11, 2013 to allow the applicant time to submit a revised site plan that reduces the encroachment into the interior side yard and rear yard setbacks. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson absent). The applicant has submitted a revised site plan that shows reduced encroachments into the interior side yard and rear yard setbacks.

Parcel Map

4555 Northside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 13, 2013.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

1. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twenty (20) and thirty (30) feet, respectively, to allow for the construction of a single family residence.

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:

This parcel is a legal lot of record in an R-1 (Single Family Dwelling District) zoning district. The lot is .42 acres in size, much smaller than the required 2 acres of an R-1 zoning designation. The proposed site plan show the residence pushed back from each of the street frontages, intending to minimize the encroachments into the front and side corner setbacks, and to ensure that the proposed development is in harmony with the intent of the ordinance and the existing residential lots in the area. Based on this, staff is of the opinion that this site plan is in accordance with the general purpose and intent of the ordinance. 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,

Finding:

The property is slightly irregular in shape and is a recorded lot of record that is much smaller than the district minimums; the requirement of an R-1 district is 2 acres, while this lot was recorded at .42 acres. The small size of the lot and the current setbacks create an unnecessary hardship for the owner. Staff is of the opinion that 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 with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday February 6, 2013 at which no additional comments were provided.

Sandy Springs Public Works	For informational purposes only, Northside Drive is included in the Sidewalk Master Plan network.
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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 these variance requests to allow for the construction of a single family residence.

Recommended Condition(s)

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

- 1) To reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twenty (20) and thirty (30) feet, respectively, to allow for the construction of a single family residence, as shown on the site plan dated received June 3, 2013 by the Department of Community Development.

ATTACHMENTS:

Revised Letter of Appeal – Dated received April 2, 2013

Revised Site Plan – Dated received June 3, 2013

Floor Plan and Elevations – Dated received June 3, 2013

Photographs