



Variance Petition No. V12-007

HEARING & MEETING DATES

Board of Appeals Hearing

June 14, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
David & Holly King	David & Holly King	Nathan V. Hendricks

PROPERTY INFORMATION

Address, Land Lot(s), and District	4850 Kendall Court Land Lot 67, District 17th
Council District	5
Frontage	Approximately 98.34 feet of frontage on the west side of Kendall Court
Area	The subject property has a total area of approximately 23,390 square feet
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District) The property is currently developed with a single family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1-2 units per acre)

INTENT

The applicant is proposing to construct a 400 square foot addition on to an existing single family home, which would encroach into the twenty-five (25) foot impervious setback. The applicant is requesting two (2) primary variances from the Stream Buffer Protection Ordinance and the Zoning Ordinance:

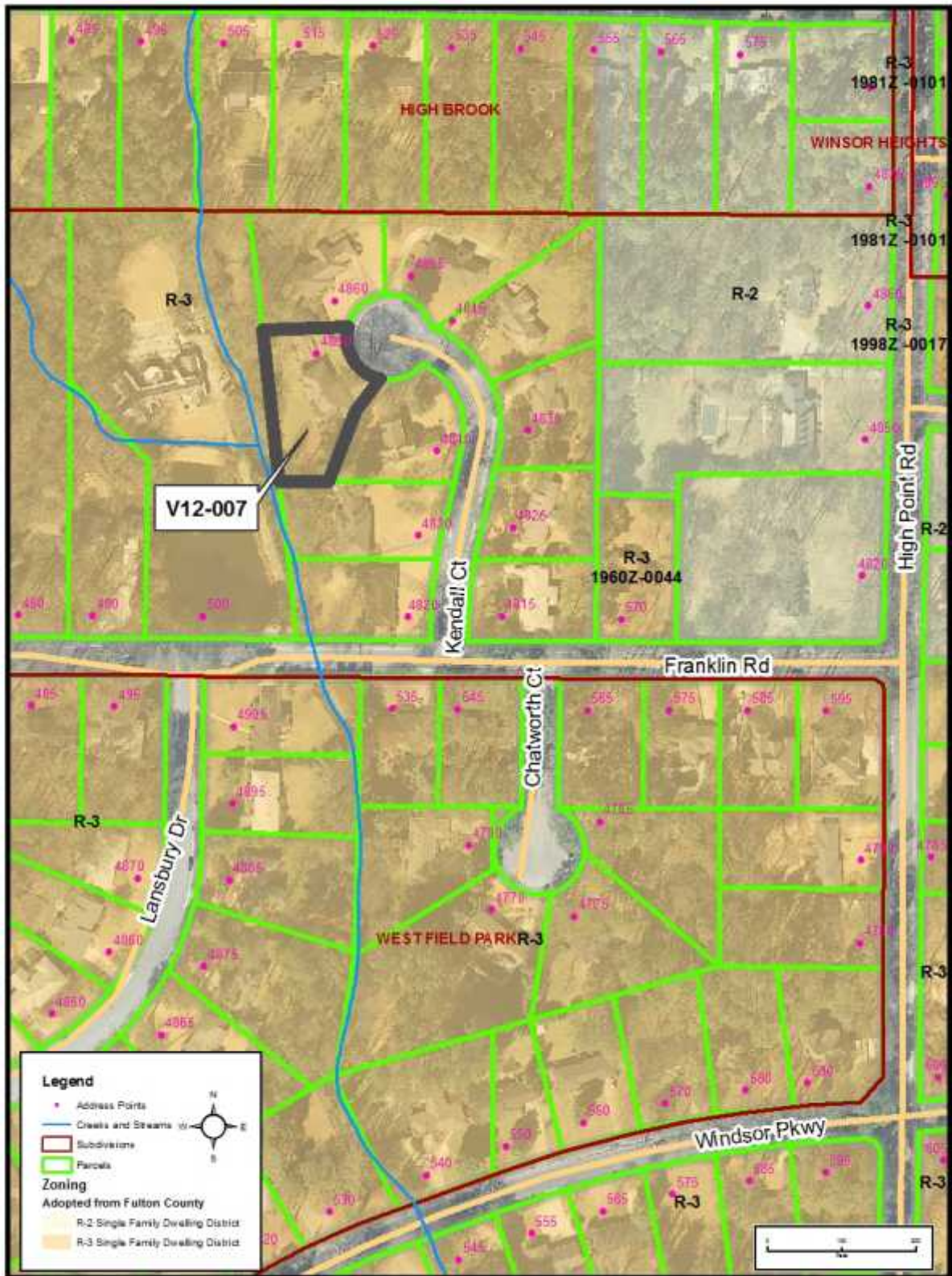
- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious surface setback to ten (10) feet to allow the construction of an addition to a single family residence.
- 2) Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to seven (7) feet, six (6) inches to allow the existing single family residence to remain.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12-007– 1) DENIAL
V12-007– 2) APPROVAL CONDITIONAL

Parcel Map

4850 Kendall Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 14, 2012.

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

CASE NUMBER: V12-007

STAFF CONTACT: Colleen Allen, City Planner 770-206-1515
E-mail: CAllen2@sandyspringsga.gov

Findings of Fact

	Existing Site	Proposed Plan
0'-25' Stream Buffer	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	0 sf
50' – 75' Stream Buffer	11 sf	296 sf
Total Impervious Surface encroaching in Stream Buffer	11 sf	296 sf
Total Impervious Surface on site	5662.80 sf	5958.8 sf

Enforcement

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

Standards for Consideration

VARIANCE #1

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious surface setback to ten (10) feet to allow the construction of an addition to a single family residence.

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 the property is rectangular in shape, slopes from the east (Kendall Court) to the stream on the west. There is a change in elevation of approximately twenty (20) feet. The stream buffer covers approximately one-third of the developable area of the lot, and leaves the northern portion of the lot free of development restrictions. Based on these reasons, staff is of the opinion this condition has not been satisfied.

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

Finding:

The property has no unusual circumstances when the minimum buffer requirement is strictly applied. Staff notes the stream buffer covers approximately one-third of the developable area of the lot. Based on these reasons, staff is of the opinion this condition has not 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 0.53 acre lot is trapezoidal in shape, slopes from the east (Kendall Court) to the stream on the west with an approximate change in elevation of twenty (20) feet. The rear property line is crossed by a stream, leaving a small percentage of the buildable area affected by stream buffers. Staff is of the opinion that the property does not 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 buffers on the property have been identified on the site plan (exhibit 1). The stream runs along and crosses the rear property line. Therefore, 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 site plan (exhibit 1). Therefore, staff is of the opinion this condition has been satisfied.

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

Findings:

Two alternative designs have been discussed or presented regarding this property; however, the alternatives presented failed to avoid encroaching into the twenty-five (25) foot impervious surface setback. Therefore, staff is of the opinion this condition has not 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 Practice (BMP) during the construction of the house. 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 not as protective of the natural resources and environment as the existing site condition.

VARIANCE #2

Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to seven (7) feet, six (6) inches to allow the existing single family residence to remain.

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. The reduction of the ten (10) foot setback to seven (7) feet, six (6) inches would allow for the encroachment of a portion of the existing single family residence along the southern property line. 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:

Relief from this requirement is recommended because the structure that encroaches into the setback already exists on the property and creates no detriment to the public. 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 with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on May 2, 2012 at which there were no comments provided.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 14, 2012.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance and Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of variance #1 and **APPROVAL CONDITIONAL** of variance #2.

Recommended Condition(s)

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

- 1) To reduce the ten (10) foot side setback to seven (7) feet, six (6) inches to allow the existing structure to remain pursuant to the site plan submitted to the Department of Community Development, dated received March 29, 2012.

ATTACHMENTS:

Letter of Appeal

Site Plan

Photographs