



Variance Petition No. 201301691

HEARING & MEETING DATES

Board of Appeals Hearing
July 11, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Matthew Harpring

Petitioner
Matthew Harpring

Representative
Matthew Harpring

PROPERTY INFORMATION

Address, Land Lot(s), and District 4550 Stella Drive
Land Lot 119, 17th District

Council District 6

Frontage Approximately 129.95 feet of frontage along Stella Drive

Area Approximately 0.95 acres

Existing Zoning R-3 Single Family Dwelling District

Existing Use Residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to purchase a part of an adjacent neighbor's property that contains an existing batting cage. The proposed sale of land will not change the configuration of the existing batting cage or landscape. Based on the location of the existing batting cage, the transfer of land will leave the batting cage in the new rear yard setback. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 19.3.11.B.1 of the Zoning Ordinance to allow a recreation court to be located in a minimum yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201301078 – 1) DENIAL

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:

While the proposed alteration to the existing property lines does not negatively impact any of the neighbors, no trees are to be removed and no land disturbance will be involved, the intent of the ordinance is to keep private recreational courts out of the required setbacks. Based on these considerations, staff is of the opinion that 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:

There is no detriment caused to the public being that the recreational court is existing, and there will be no structural or environmental changes to the court. Additionally, there are hardships experienced by neighboring land owners and these may be increased if the transfer of land is not executed; maintenance of the structure has become problematic for its existing landowner. However, based on these considerations from the standpoint of the requesting owner at 4550 Stella Drive, staff is of the opinion that this condition has not been satisfied.

Department Comments

Related materials were distributed to internal departments during the week of June 3, 2013, and no comments were provided by the following departments: Arborist, Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development.

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 **DENIAL**, of this variance request to allow for the existing batting cage in the proposed rear setback.

Recommended Condition(s)

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

- 1) To allow a recreational court to be located in a minimum yard, as shown on the site plan dated received May 29, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received May 22, 2013

Site Plan – Dated received May 29, 2013

Variance Information Packet and Neighbor Endorsements

Photographs

4550 Stella Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 11, 2013.