



Variance Petition No. V12-008

HEARING & MEETING DATES

Board of Appeals Hearing

July 12, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
William Perkins/Calvert & Charlene Harrison	William Perkins	Ron Gudger

PROPERTY INFORMATION

Address, Land Lot(s), and District	5583 & 5563 Long Island Drive Land Lot 122, District 17th
Council District	6
Frontage	Approximately 336.42 feet of frontage on the east side of Long Island Drive.
Area	The subject properties have a total area of approximately 2.03 acres (1.006 and 1.024 acres respectively).
Existing Zoning and Use	The lots are zoned R-2 (Single Family Dwelling District). One property is currently being developed, and one remains undeveloped.
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 joint use driveway and bridge with a crossing perpendicular to the existing lake; the driveways would then run alongside the existing lake. The non-perpendicular portions of the proposed driveway would encroach into the seventy-five (75) foot impervious setback. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

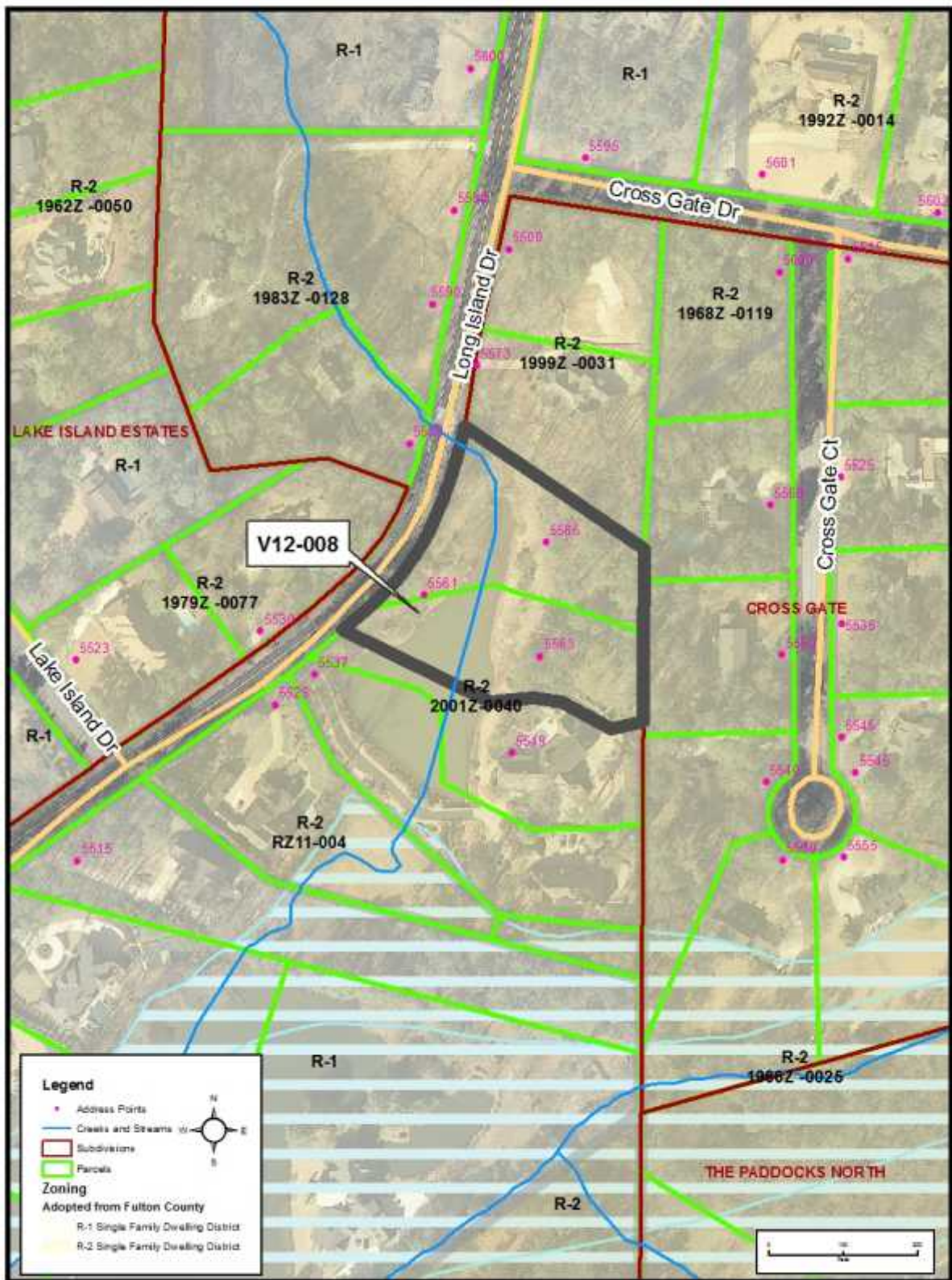
1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce seventy-five (75) foot impervious surface setback to twenty-five (25) feet to allow for the construction of a joint use driveway and sidewalk.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12-008 – 1) APPROVAL CONDITIONAL

Parcel Map

5563 & 5585 Long Island Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 12, 2012.

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

CASE NUMBER: V12-008

STAFF CONTACT: Colleen Allen, Planner I, 770-206-1515
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Findings of Fact

Parcel 1

	Existing Site	Proposed Plan	Total Increase
0'-25' Stream Buffer	0 sf	2,003 sf	2,003 sf
25' – 50' Stream Buffer	0 sf	1,816 sf	1,816 sf
50' – 75' Stream Buffer	0 sf	1,368 sf	1,368 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	5,187 sf	5,187 sf
Total Impervious Surface on site	Approx 4,000 sf	5,187 sf	Approx 9,187 sf

Parcel 2

	Existing Site	Proposed Plan	Total Increase
0'-25' Stream Buffer	0 sf	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	208 sf	208 sf
50' – 75' Stream Buffer	0 sf	412 sf	412 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	620 sf	620 sf
Total Impervious Surface on site	0 sf	620 sf	620 sf

Enforcement

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

Standards for Consideration

VARIANCE #1

Relief from section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce seventy-five (75) foot impervious surface setback to twenty-five (25) feet to allow for the construction of a joint use driveway and sidewalk.

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 properties' shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream and lake limit the access to and developable area of the lots. The stream runs almost parallel to the street frontage of both properties, and the stream buffers cover approximately fifty (50) percent of the lots' respective buildable areas. 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 property has an unusual circumstance when the minimum buffer requirement is strictly applied. In any of the alternatives discussed, there would be a greater impact on the stream buffer than the driveway currently being proposed. Staff notes the stream buffers cover approximately fifty (50) percent of the buildable area of the lots. 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 property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. A stream runs almost parallel to the properties' street frontages, covering approximately fifty (50) percent of the lots' buildable area with stream buffers. Based on these reasons, staff is of the opinion this condition has been satisfied.

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. 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. 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:

Alternative designs have been discussed with staff regarding the proposed encroachments of the joint use driveway and stream crossing. However, there is not a design alternative that is less intrusive to the existing seventy-five (75) stream buffer. Therefore, staff is of the opinion this condition has 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 as protective of the natural resources and environment as the existing site condition. In conjunction with construction of the joint use driveway and sidewalk, three water quality devices will be installed to address additional runoff.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on June 6, 2012 at which the following departmental comments were provided:

Transportation	For informational purposes only, public works notes that frontage is subject to sidewalk requirements in Development Ordinance as Long Island Drive is included in the Sidewalk Master Plan. Long Island Drive is classified as a collector street with a posted speed limit of 35 mph. Sight distance calculation (per AASHTO Policy on Geometric Design of Highways and Streets, Latest Edition) should show sight distance right and left in the horizontal and vertical plane per Section 103-77(f) of the development ordinance. Note that submitted site plan has insufficient data to illustrate sight distance.
Arborist	If the board decides to approve the application, it could be conditioned to have all slopes involved with the installation of the driveway to be replanted with riparian vegetation.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

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

- 1) To reduce the seventy-five (75) foot impervious surface setback to twenty-five (25) feet to allow for the construction of a joint use driveway and sidewalk, as shown on the site plan dated received May 4, 2012 by the Department of Community Development.
- 2) Three (3) water quality devices shall be installed, as shown on the site plan dated received June 26, 2012 by the Department of Community Development.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Letter of appeal
Proposed site plan
Photographs