



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT
Board of Appeals Hearing; July 13, 2017

Case: **V17-0032 – 5118 Northside Dr.**

Staff Contact: Kelsey Waidhas (kwaidhas@sandyspringsga.gov)

Report Date: June 29, 2017

REQUEST

Variance from Section 6.1.3(i) of the Zoning Ordinance, to allow construction of an accessory structure in the front yard.

APPLICANT

Property Owner: George & Sally Hovis	Petitioner: George Hovis	Representative: -
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PROPERTY INFORMATION

Location:	5118 Northside Dr
Council District:	6 - Bauman
Road frontage:	Approximately 150 feet
Acreage:	Approximately 6.6 acres
Existing Zoning:	R-1
Existing Land Use:	Single-family Dwelling
Overlay District:	N/A
Character Area:	Protected Neighborhood

PROPOSED DEVELOPMENT

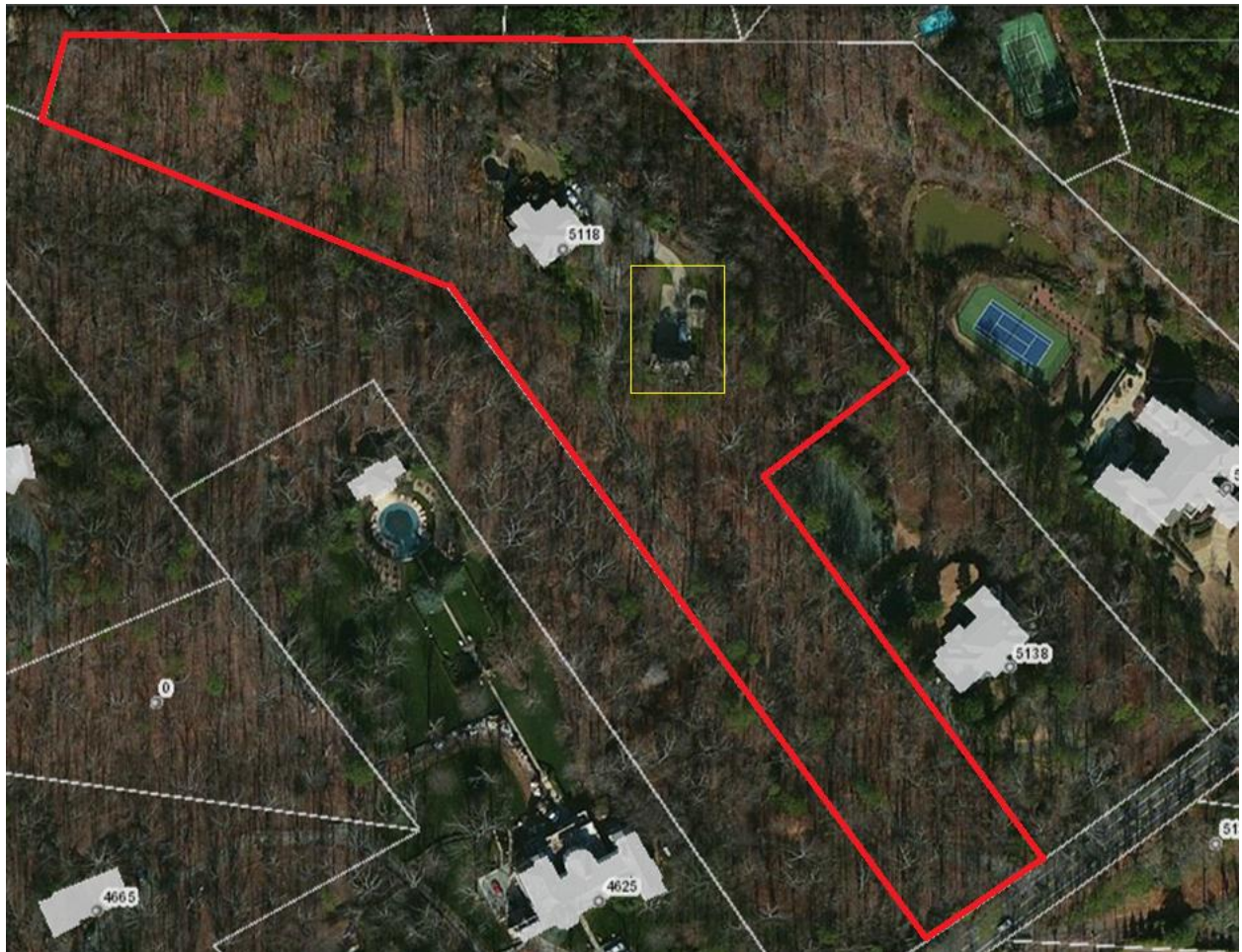
The applicant proposes a 1562 square-foot accessory structure in the front yard. The structure will include a 3-car garage, potting room, office, and guesthouse. The proposed structure will replace a previous 937-square foot 3-car garage and guest house that burned down in March 2016.

RECOMMENDATION

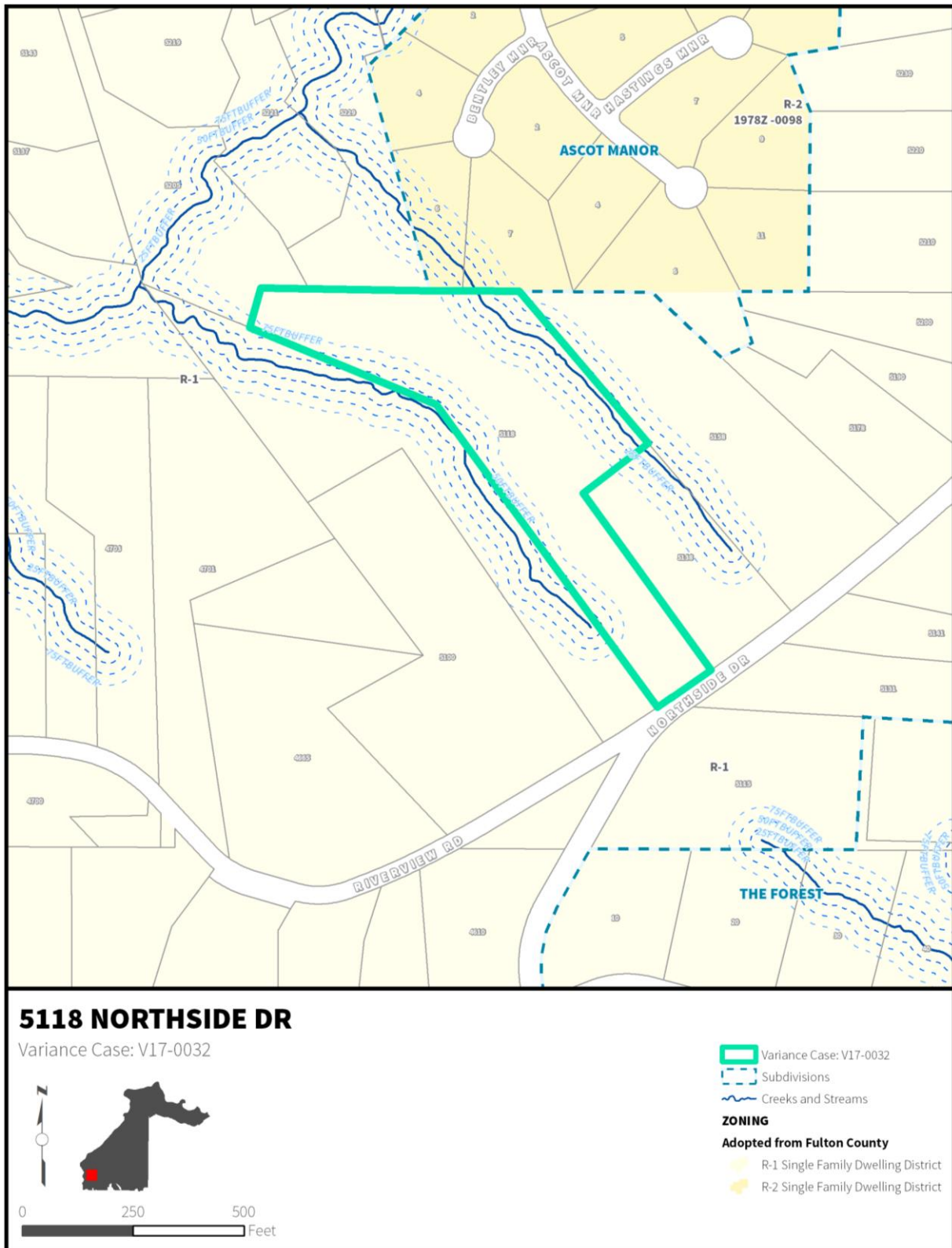
Department of Community Development

Staff recommends **APPROVAL** of V17-0032.

AERIAL IMAGE



ZONING MAP



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

Finding:

Under existing conditions, the 6.6 acre subject property is improved with a 2-story home that does not encroach into any setbacks or buffers. The applicant is proposing a 1562-square foot accessory structure in the front yard of the residence that does not encroach into any setbacks or buffers. Under Section 6.1.3(i) of the Zoning Ordinance, accessory structures in the front yard are considered nonconforming. The parcel is a large flag lot that is relatively secluded at the site of the proposed accessory structure, sitting approximately 670-feet from the street, and approximately 375-feet from the residence of the nearest neighbor.

A 937-square foot, 2-story accessory structure previously stood at the site of the proposed 1562-square foot, 2-story accessory structure. The previous structure was built before Sandy Springs' incorporation, and burned down in March of 2016. The previous structure was used as a 3-car garage (1st floor) and guest house (2nd floor). The proposed accessory structure is to be used as a 3-car garage, office, and potting room (1st floor), and a guest house (2nd floor). The proposed accessory structure is not visible from the street, and is minimally visible from the adjacent property's rear yard, which is currently under construction and has immature screening vegetation planted. Staff did not receive any complaints about the previous structure.

The applicant did not consider alternative sites for the proposed accessory structure due to the existing slab remaining from the previous structure. In addition, the topography between the two stream buffers present on the property limit the available sites for the accessory structure to the front yard. Alternative sites behind the house would require significant grading for both a new structure and a driveway extension. The proposed accessory structure would add on to this existing slab, minimizing the amount of land disturbed in close proximity to stream buffers. The proposed accessory structure is 625-square feet (~40%) larger than the previous accessory structure, and allows for more reasonable use of the property.

As per Article 22.3.1, Staff finds that extraordinary and exceptional conditions exist on the lot as the result of two stream buffers and extreme topography. The conditions are not the result of action or inaction of the current property owner, and the request is not detrimental to the public good, safety and welfare. As proposed in the architectural plans, the accessory structure is consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

COMMENTS FROM OTHER PARTIES

No comments received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 6.1.3(i) of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request V17-0032 to construct an accessory structure in the front yard.

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

1. To construct a 1562-square foot accessory structure in the front yard, as shown on the site plan prepared by Watts & Browning Engineers, Inc., dated March 24, 2017, and received by the Department of Community Development June 6, 2017.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy.
4. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.