



P&Z STAFF REPORT
Board of Appeals Hearing; July 14, 2016

Case: **V16-0047 – 855 Davis Drive**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: July 7, 2016

REQUEST
Variance from Section 19.3.6 of the City of Sandy Springs Zoning Ordinance for the construction of a guest house in a side yard.

APPLICANT		
Property Owner: Nicolas Roach	Petitioner: Alicia Junca	Representative: Duane Stone

PROPERTY INFORMATION	
Location:	855 Davis Drive
Council District:	6 - Bauman
Road frontage:	Approximately 240 ft. on Davis Drive Approximately 280 ft. on East Chambord Drive
Acreage:	Approximately 4.2 ac.
Existing Zoning:	R-1 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R0-0.5 (2 acres or more per unit)

PROPOSED DEVELOPMENT
The applicant is proposing to construct a two-story, 989 square foot guest house in the side yard of the property. A garage will occupy the first floor, while a residence for domestic staff and guests will occupy the second floor. While locating the guest house in the rear yard would not require a variance, the applicant proposes the location in the side yard to reduce the amount of grading necessary and to reduce the visual impact of the guest house from a neighbor's property.
UPDATE, July 7, 2016
On June 9, 2016, the Board of Appeals voted to defer the Variance request to the July 14, 2016, Board of Appeals hearing per the applicant's request. The Board requested that the applicant provide additional information about the project and its appropriateness with the community character.

On June 29, 2016, the applicant informed Staff about their intent to withdraw the variance request. The applicant plans to find a location in the rear of the property that would comply with the Zoning Ordinance.

RECOMMENDATION

Department of Community Development, July 7, 2016

Support the applicant's request for **withdrawal** of the variance request.

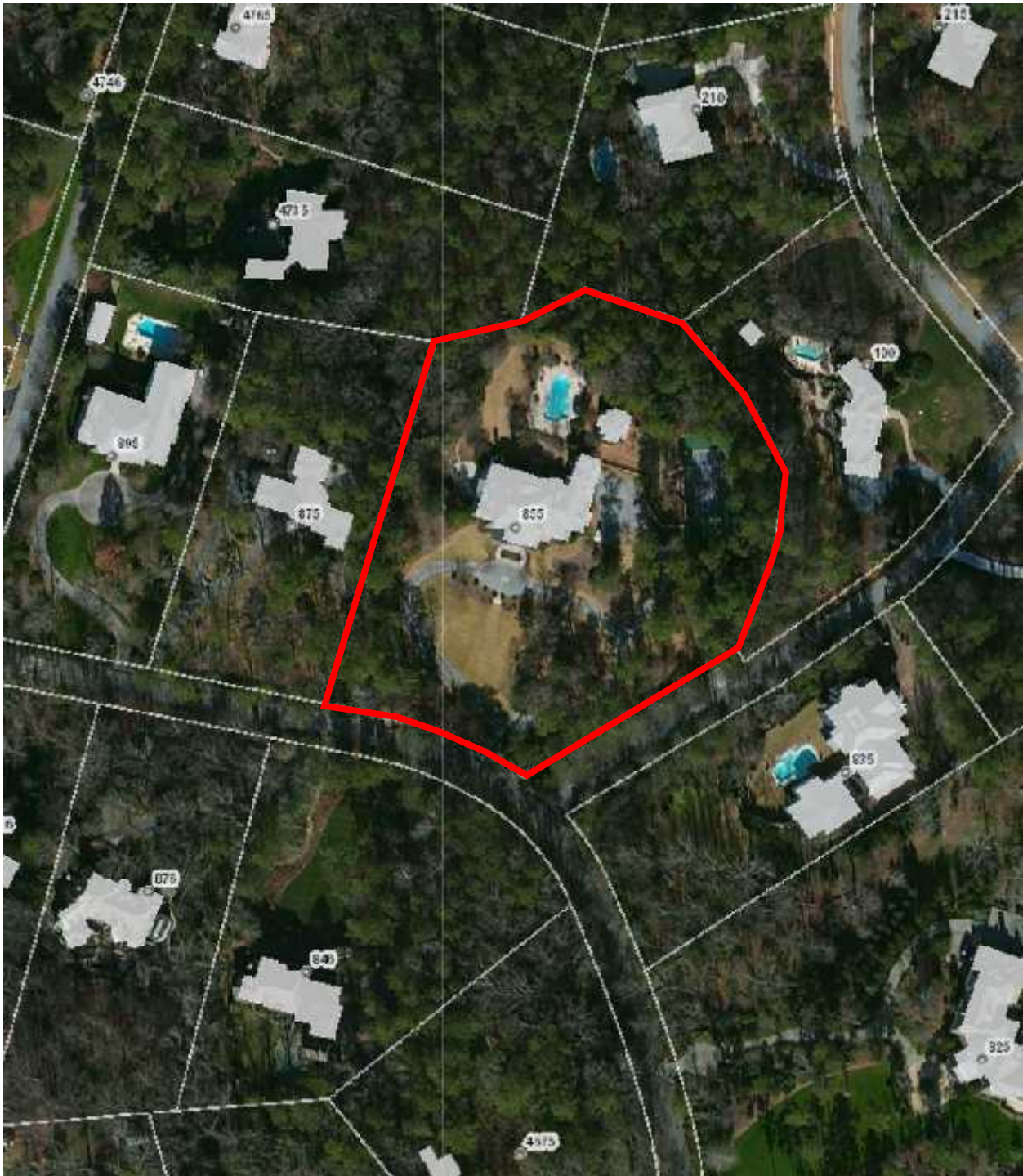
Department of Community Development, June 2, 2016

Recommended **denial** of the variance request.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



AERIAL IMAGE



ZONING MAP

855 Davis Dr



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, primary variances and concurrent variances will be considered only in the following cases:

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,

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.

Finding:

At over four acres, the subject property is amongst the larger lots in Sandy Springs. The irregular shape of the lot and the large setback of the residence, over 200 feet from Davis Drive, reduce the area in the rear yard available for the guest house. A tennis court, a pool and pool patio, and a gazebo are located behind the residence. Behind those improvements the topography falls by an approximately 25-percent slope towards the neighboring property. While a location in the rear would require the applicant to compromise their ideal layout for the property and would potentially require additional grading work, staff finds that a rear location would be feasible.

Instead of locating the guest house in the rear yard, the applicant proposes a location in the side yard. This location would potentially require less site work. In addition, the neighbor to the East, who would be most impacted, prefers the proposed location in the side yard to avoid the looming effect the guest house in the rear would have over his residence and pool.

The neighborhood along Davis Drive is characterized by large estate lots and residences set back substantially from the road. The subject property fronts both Davis Drive and East Chambord Drive. While technically in the side yard, the view from East Chambord Drive would show the guest house between the road and the residence. This arrangement is atypical for the neighborhood and not in harmony with the community character.

Staff finds that locating the guest house in the side yard would not be in harmony with the general purpose and intent of the Zoning Ordinance. While the location in the rear yard, as required by the Zoning Ordinance, may not be the applicant's preferred option, staff finds no hardship caused by size, shape, or topography on the site.

On June 29, the applicant informed Staff about her intent to withdraw the variance application. Instead of pursuing the location in the side yard, the applicant will try to locate the guest house in the rear yard instead.

COMMENTS FROM OTHER PARTIES

Letter from David Allen of 100 East Chambord Drive, the neighbor to the East, stating support of the variance application.

Phone call from Leslie Petter of 835 Davis Drive, stating opposition to the variance application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
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 granting the applicant's request for <u>WITHDRAWAL</u> of variance request V16-0047 to allow the construction of a guest house in a side yard.
Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:
1. To allow the construction of a guest house and three-car garage as shown on the site plan received May 3, 2016 by the Department of Community Development. 2. Any revisions of the submitted site plan must be reviewed and approved by Staff.



P&Z STAFF REPORT

Board of Appeals Hearing; July 14, 2016

Case: **V16-0056 – 5950 Riverwood Drive**

Staff Contact: Joshua Berry (jberry@sandyspringsga.gov)

Report Date: July 7, 2016

REQUEST

Variance from Section 6.4.3.D of the Zoning Ordinance to encroach twenty (20) feet into the minimum rear yard for the construction of a detached two-car garage.

APPLICANT

Property Owner: William Callum	Petitioner: George Callum	Representative: George Callum
-----------------------------------	------------------------------	----------------------------------

PROPERTY INFORMATION

Location:	5950 Riverwood Drive
Council District:	3; Chris Burnett
Road frontage:	Approximately 120 feet along Riverwood Drive
Acreage:	0.586 acres
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

SUMMARY

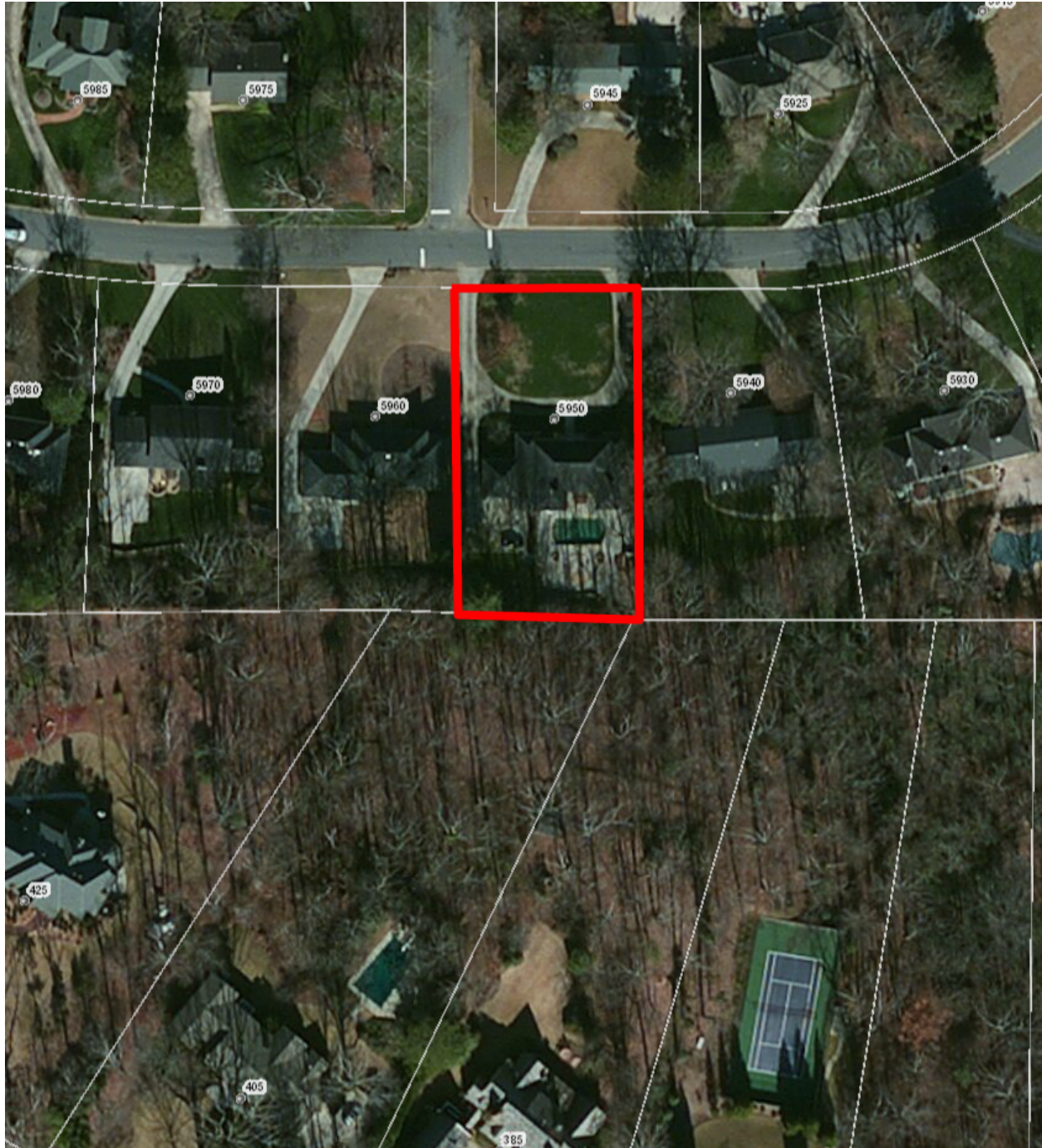
The applicant is proposing to build a detached two-car garage in the rear yard that would encroach twenty (20) feet into the minimum rear yard.

RECOMMENDATION

Department of Community Development

Denial of the variance request

AERIAL IMAGE



ZONING MAP

Zoning Map

- Address Point
- Creeks and Streams
- Variance Case: V16-0058
- Parcel

Flood Hazard Zones

Zone Type

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee

Zoning

Adopted from Fulton County

- R-1 Single Family Dwelling District
- R-2 Single Family Dwelling District
- R-3 Single Family Dwelling District
- AG-1 Agricultural District

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:

- 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.*

Request: (6.4.3.D) *Request to encroach twenty (20) feet into the minimum rear yard to construct a new detached two-car garage.*

Findings: The residence currently has an attached two-car, rear-facing garage. The applicant is proposing to build a detached two-car garage in order to “store rare/vintage/antique vehicles indoors and concealed to reduce the risk of damage, theft, and unwanted attention.”

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner.*

The application of the Zoning Ordinance would not create an unnecessary hardship, merely an inconvenience to the petitioner. Not being able to build a second attached garage in one’s rear yard due to the existence of an expansive pool area, does not constitute an unnecessary hardship. The applicant’s Letter of Intent explores two alternative design options, one being in the buildable rear yard and one being a front-facing garage, abutting the existing garage. The applicant rejects the feasibility of the option in the buildable rear yard as it would, “destroy the layout of the property and destroy the linear flow of the backyards of adjacent homes.” Staff, although for different reasons than stated by the applicant, agrees that this option is not pursuable on the basis that the new garage would be so close to the existing rear-facing garage, as to make vehicle ingress/egress very narrow and impractical. The vehicles would not have a comfortable turning radius to enter and exit both garages. The other design alternative would have a front-facing garage that would abut the residence and existing garage. The applicant provides five (5) reasons for rejecting this option.

- a. Encroaching into the side yard even more;
- b. Destroying convenience for daily use;
- c. Moving entrance of attached garage to front of house would not be in line with the rest of the neighborhoods design.
- d. Destroying the linear flow of the backyards and views of the forest in between Heards Ferry Road and Riverside Drive; and
- e. If the existing attached garage were expanded, the entrance would need to be moved to the front of the house. This would require the driveway to be redesigned and repoured. The slope would be extreme due to the height of the existing garage floor over the front

yard/driveway. It would not be in the style of the rest of the neighborhood to have an extreme sloping driveway into a front entrance garage.

Staff is understanding that the majority of the neighbors do not have front-facing garages (reason c.), and both acknowledges and appreciates that the applicant has his neighbors in mind and has provided evidence of their support. However, the other reasons provided by the applicant to reject design alternatives are not supported by Staff. Designing the garage in the front would not encroach into the side yard, so reason (a.) is not valid. There is no evidence to suggest that this design option would not be convenient for daily use, the claim made by reason (b.). The view in the rear yard would be *preserved* by designing the garage in the front, not diminished, so staff refutes reason (d.). Lastly, although an inconvenience, not wanting to regrade our redesign a driveway is not a basis for a hardship, so reason (e) does not hold. Although there is a steady rise in grade from Riverwood Drive to the residence, the topography does not appear to be too severe for a driveway to be feasible. Staff believes that the front facing expansion would allow the applicant the same functional use of his land while complying with the Zoning Ordinance.

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.*

There are no exceptional conditions, the lot is very similar to its neighboring lots. This condition is not met.

3. *Such conditions are not the result of action or inaction of the current property owner.*

Not applicable, there are no exceptional conditions on the property.

4. *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.*

There is an alternative design that would not require relief from the Zoning Ordinance. Therefore, the variance request is not the minimum relief necessary to make possible the reasonable use of the property.

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.*

The intent of the rear setback is to protect residents from having structures being built very close to their properties. In this case, the surrounding residents have all signed a letter indicating that they approve of the proposed garage. Although the neighbor to the rear, 405 Heards Ferry Road, was not asked to sign, they also did not voice opposition. There is very steep topography running from the edge of 405 Heards Ferry Road down into the rear of 5050 Riverwood Drive, so the visibility of the proposed garage would be minimized. Additionally, as seen on the aerial image, 405 Heards Ferry Road runs very deep to the rear, over 200 feet from their pool to the rear property line through a heavily wooded area. Therefore, staff is of the opinion that relief, if granted, would not be detrimental to the public good, safety and welfare.

After reviewing the application and conducting a site visit, Staff is of the opinion that granting the variance request would be consistent with the general intent of the Zoning Ordinance and would not be detrimental to the public good, safety, and welfare. However, the applicant does not have an unnecessary hardship that would be created if the Zoning Ordinance was strictly applied, nor are there exceptional conditions of the property that are not found in neighboring properties. Staff acknowledges that it would be inconvenient for the owner to pursue the alternative design option which would require grading in his front yard and for the neighbors to see a front loading garage in the neighborhood, but the inconvenience does not justify relief of the Zoning Ordinance.

*Therefore, staff recommends **Denial**.*

COMMENTS FROM OTHER PARTIES

The applicant has provided a letter of support signed by the four neighbors in closest proximity on Riverwood Drive. No other comments were received by staff.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

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 variance request V16-0056 to encroach twenty (20) feet into the minimum rear yard to construct a detached two-car garage.

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

1. To condition the approval to the site plan received on July 7, 2016.
2. The garage must match the design, materials and height of the existing residence.



P&Z STAFF REPORT

Board of Appeals Hearing; July 14, 2016

Case: **V16-0057 – 5110 Baroque Circle**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: July 7, 2016

REQUEST

Variance from Section 6.4.3C of the City of Sandy Springs Zoning Ordinance to encroach 5 feet and 3.25 inches into the minimum side yard for the construction of a carport.

APPLICANT

Property Owner: Andrew Jordan Britt	Petitioner: Andrew Jordan Britt	Representative: -
--	------------------------------------	----------------------

PROPERTY INFORMATION

Location:	5110 Baroque Circle
Council District:	5 - Bauman
Road frontage:	Approximately 160 ft. on Baroque Circle
Acreage:	Approximately 0.4 ac.
Existing Zoning:	R-3 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1-2 units per acre)

PROPOSED DEVELOPMENT

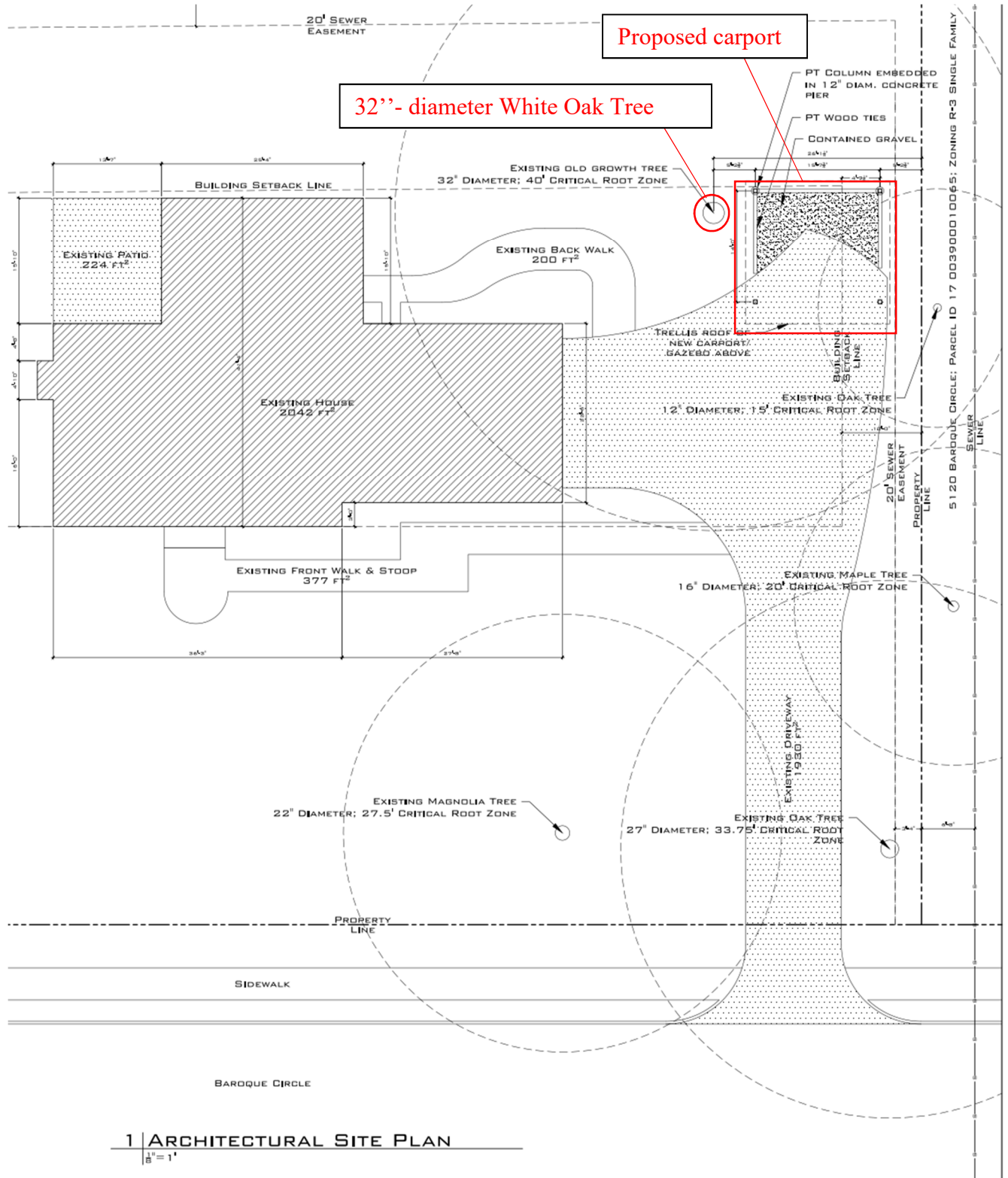
The applicant is proposing to construct an approximately 17 foot by 17 foot two-car carport in the side yard of the property. In the proposed location, the carport would encroach 5 feet and 3.25 inches into the 10-foot minimum side yard. While locating the carport closer to the house would not require a variance, the alternative location would require the removal of a 32-inch diameter White Oak tree. The applicant proposes the location in the side yard to preserve the tree.

RECOMMENDATION

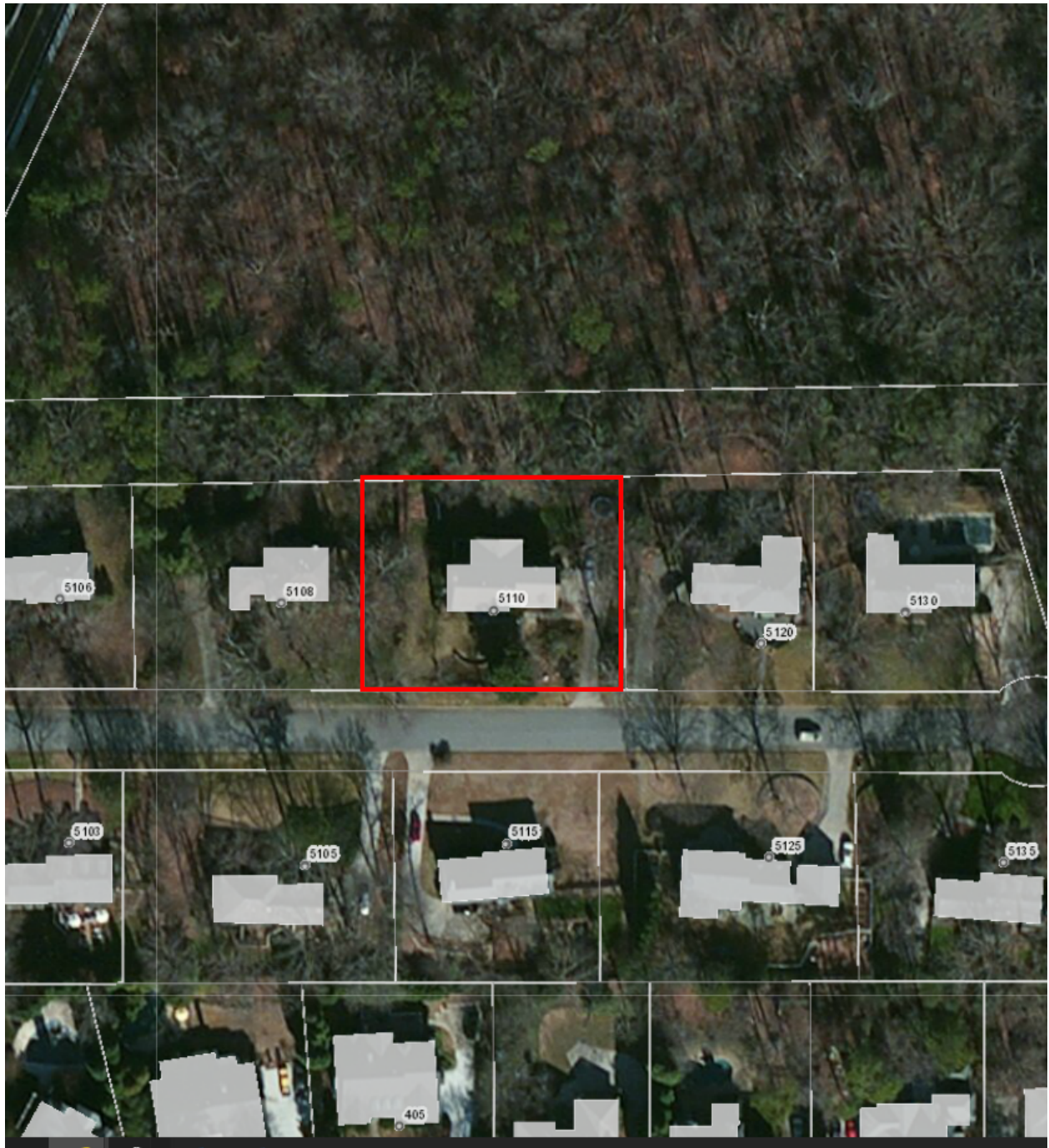
Department of Community Development

Approval conditional of the variance request.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)

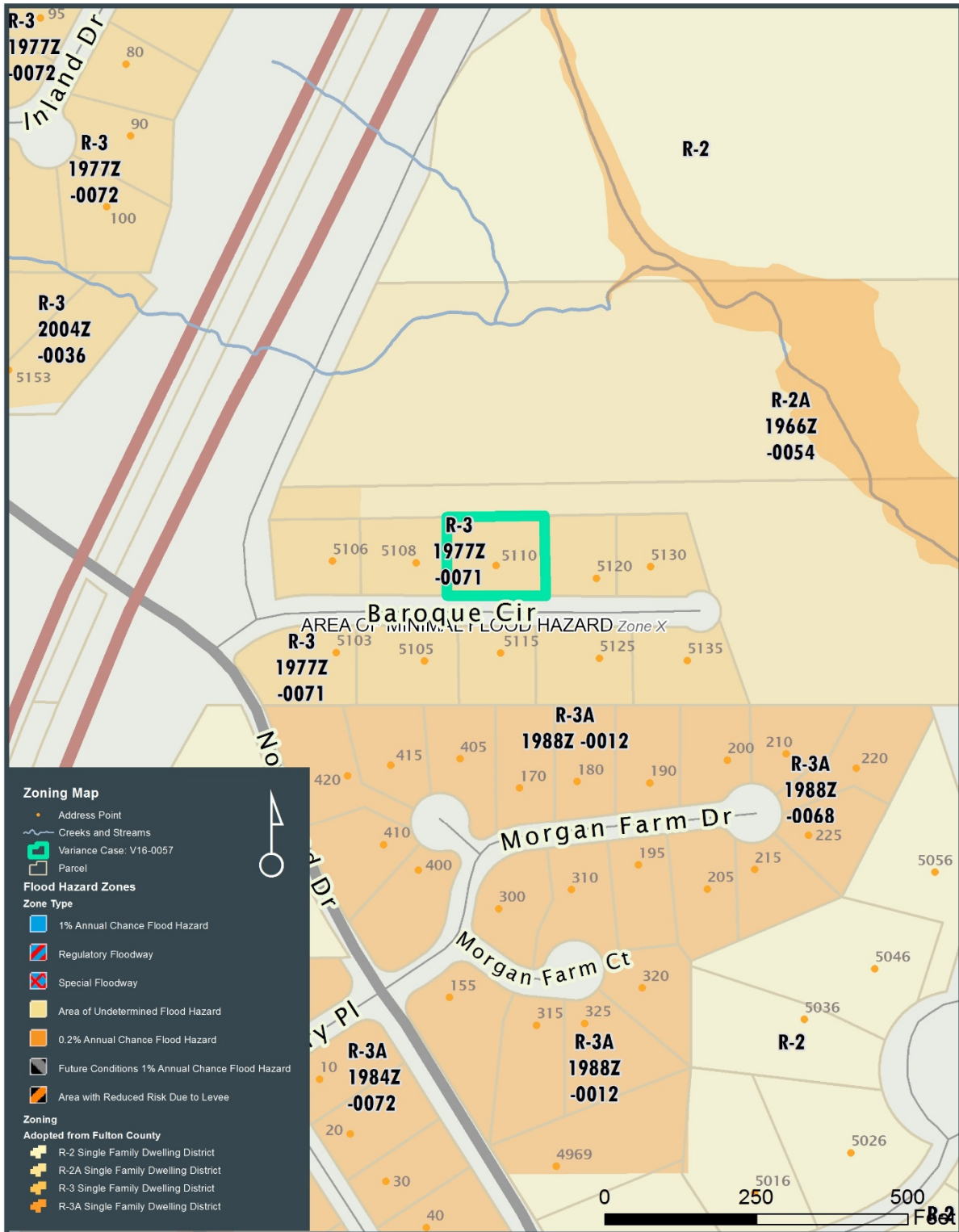


AERIAL IMAGE



ZONING MAP

5110 Baroque Cir



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative 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:

The subject property is part of the Ridgeview Forest subdivision and is currently occupied with a single-family home. The residence has two parking spaces in a side-loading garage that is part of the residence. Currently, the applicant parks two additional cars at the end of their driveway, but would prefer a parking structure to protect the cars from the elements. The applicant considered and rejected an alternative location, closer to the residence in the side yard to the East of the residence. The alternative location would require the removal of a 32-inch diameter White Oak tree, which the applicant would prefer to preserve.

The Comprehensive Plan emphasizes the preservation of the City's tree canopy as a policy. It states: "Forested areas within the City help define the character of Sandy Springs and should be preserved" (General Natural Resource Policy #11). At a 32-inch caliper, the subject tree is considered a Landmark Tree, which is especially worthy of protection. Due to its height, the White Oak is one of the defining features of the neighborhood.

The applicant proposes a scope of work that minimizes the impact on the critical root zone of the tree. Instead of using a concrete slab, the applicant proposes four 12-inch diameter concrete footings. The floor will be contained gravel, which is not harmful to the tree. A City of Sandy Springs arborist inspected the tree on June 29, 2016, and determined it is in good health. The arborist also determined that the impact of the proposed project on the tree would be limited and inconsequential.

Staff considers that the large landmark tree on the property creates an exceptional condition due to the physical natural features of the site. The applicant proposes a project that limits the impact on the tree, while minimizing the encroachment into the required minimum side yard. Staff finds that the proposed project is in harmony with the community character and the general intent and purpose of the Zoning Ordinance.

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 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends <u>APPROVAL CONDITIONAL</u> of variance request V16-0057 to allow an encroachment of 5 feet and 3.25 inches into the minimum side yard for the construction of a carport. Should the Board of Appeals choose to approve the requests, staff recommends the following conditions: 1. To allow the construction of a carport as shown on the site plan received June 7, 2016. 2. Any revisions of the submitted site plan must be reviewed and approved by Staff. 3. To limit the carport foundation to four 12-inch diameter concrete pier footings or an alternative method that is less harmful to the tree's critical root zone as determined by the City Arborist. 4. To allow the existing concrete driveway to remain in place. Any extension of the driveway as shown on the site plan received June 7, 2016, shall be limited to contained gravel. Any alternative floor materials shall be less harmful to the tree's critical root zone, as determined by the City Arborist.