



Variance Petition No. V07-043

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 9, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Tyner	Mr. and Mrs. Tyner	Mr. and Mrs. Tyner

PROPERTY INFORMATION

Address, Land Lot, and District	280 Amherst Court Land Lot 75, District 17
Council District	2
Frontage and Area	100 feet of frontage along the east side of the Amherst Court cul-de-sac. The subject property has a total area of approximately 0.40 acres.
Existing Zoning and Use	R-3 (Single-family Dwelling District) under zoning case Z69-043. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to thirty-two (32) feet, and
- 2) Variance from Section 6.4.3.C Zoning Ordinance to reduce the minimum side yard setback from ten (10) feet to seven (7) feet.

Both variances are for the construction of additions to a single-family house.

Parcel Map



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

CASE NUMBER: V07-043

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to thirty-two (32) feet and from Section 6.4.3.C to reduce the minimum side yard setback from ten (10) feet to seven (7) feet. Both variances are for the construction of additions to a single-family house.

The applicant has provided site plans showing the subject property to be irregular in shape. The applicant has provided photographs indicating the subject property to be sloped from the back of the house towards the rear lot line. A corner of the current house encroaches into the required front yard setback 3.5 feet, and the house also encroaches into the required side yard setback approximately ten (10) inches. It is considered "grandfathered". Staff notes that the lot is considered small because it was platted and is "grandfathered" having approximately 17,424 square feet where 18,000 square feet are required for the R-3 zoning district.

The applicant states that the slope of the subject lot caused the existing house to be sited having the current encroachments. Additionally, the applicant states that, due to the cul-de-sac frontage of the subject property, if the house were to abide by the required fifty (50) foot front setback, the majority of the house would have to be further back from the build-to-line. The aforementioned situation does not occur with rectilinear lots having straight build-to-lines. The applicant further states, if the house weren't already encroaching, a ten (10) foot encroachment of the porch into the front yard setback would be allowed by right. The covered porch was designed to be in harmony with the ordinance because it has a ten (10) foot width and a two (2) foot overhang – all setbacks of the proposed porch addition are measured from the proposed overhang.

The applicant states that the proposed addition would be in harmony with the neighborhood because several houses in the neighborhood have similar front porches.

Staff notes that at least one house on the subject street is closer to the front property line than the required fifty (50) feet. Staff also notes that most neighboring houses respect the required fifty (50) foot front yard setback; however, due to the orientation of lots around the Amherst Court cul-de-sac, houses in the immediate area appear staggered in relation to each other.

Department Comments

The staff held a Focus Meeting on August 1, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No impact to specimen trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that the proposed addition would be in harmony with the neighborhood because several houses in the neighborhood have similar front porches. The applicant has provided photographs to document the above statement.

The applicant states that a corner of the current house encroaches into the required front yard setback 3.5 feet, and the house also encroaches into the required side yard setback approximately ten (10) inches. It is considered "grandfathered". The applicant further states, if the house weren't already encroaching, a ten (10) foot encroachment of the porch into the front yard setback would be allowed by right. The covered porch was designed to be in harmony with the ordinance because it has a ten (10) foot width and a two (2) foot overhang – all setbacks of the proposed porch addition are measured from the proposed overhang. The applicant has provided site plans to document the above statements.

Staff notes that at least one house on the subject street is closer to the front property line than the required fifty (50) feet. Staff also notes that most neighboring houses respect the required fifty (50) foot front yard setback; however, due to the orientation of lots around the Amherst Court cul-de-sac, houses in the immediate area appear staggered in relation to each other.

2. *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;*

The applicant has provided site plans showing the subject property to be irregular in shape. The applicant has provided photographs indicating the subject property to be sloped from the back of the house towards the rear lot line.

The applicant states that the slope of the subject lot caused the existing house to be sited having the current encroachments. Additionally, the applicant states that, due to the cul-de-sac frontage of the subject property, if the house were to abide by the required fifty (50) foot front setback, the majority of the house would have to be further back from the build-to-line. The aforementioned situation does not occur with rectilinear lots having straight build-to-lines. The applicant has provided site plans to document the above statements.

Staff notes that the lot is considered small because it was platted and is “grandfathered” having approximately 17,424 square feet where 18,000 square feet are required for the R-3 zoning district. The applicant has provided site plans to document the above statement.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the porch be constructed in accordance with the Site Plan, provided by the applicant dated received June 1, 2007 by the Department of Community Development, showing the front yard setback reduced to no less than thirty-two (32) feet and showing the side yard setback reduced to no less than seven (7) feet where necessary to accommodate the portion of the encroachments only.

ATTACHMENTS: Site plans, elevation drawings, photographs, and letter of appeal.



Variance Petition No. V07-044

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 9, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Robert Leven

Petitioner

Robert Leven

Representative

Robert Leven

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 420 North Errol Court
Land Lot 134, District 17

Council District 6

Frontage and Area The subject property has 50.19 feet of frontage along the northwest side of the North Errol Court cul-de-sac and has a total area of approximately 0.85 acres.

**Existing Zoning
and Use** R-2A (Single-family Dwelling District) under zoning case Z79-032 developed with a single family residence.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-two (32) foot undisturbed buffer for the construction of home additions to a single-family house.

Parcel Map

420 North Errol Court



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

CASE NUMBER: V07-044

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-two (32) foot undisturbed buffer for the construction of a master bedroom addition. The applicant anticipates a total of thirty-six (36) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer.

On the subject property, a previous variance was approved, under V06-073, to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-two (32) foot undisturbed buffer to allow for additions to include: a wood deck, screened porch, stone steps & decking, and exercise room with fireplace. The aforementioned additions are currently under construction – they are replacing existing structures or are being built over the footprint of a concrete slab and pool deck. In addition to what was approved under V06-073, other portions of the original construction are located within the required fifty (50) foot undisturbed natural buffer and twenty-five (25) foot impervious surface setback.

The applicant has submitted a topographical map/site plan indicating that the lot is irregular in shape and sloped. A stream and a sanitary sewer easement are located on the subject property at the western part of the lot. The applicant further states that if the proposed addition were to be moved closer to the front of the house, it would require a significant amount of land disturbance due to the sloping topography.

The applicant states that a vast majority of the lot's buildable area and existing home with improvements are within the seventy-five (75) foot stream buffer. This situation creates an inherent hardship in that the lot could not be legally redeveloped to match what currently exists, and most improvements to the existing house could not be performed without being in violation of the stream buffer.

The applicant states that the best location for the desired master bedroom addition would have been directly off the existing master bathroom and to build a basement below. However, that design would have encroached further than the requested thirty-two (32) foot stream buffer and would have created an structure at the ground level. The applicant states that the design was modified to make certain that the proposed structure would not encroach further than the previously granted thirty-two (32) foot stream buffer. Additionally, the applicant states that the proposed addition is designed to be cantilevered and supported by four (4) piers.

The applicant states that the proposed master bedroom addition is in keeping with the style and home improvements going on with many of the homes in the neighborhood. The improvement would not only increase the subject property's value, it would continue to improve the overall value of the neighborhood for all homeowners.

Department Comments

The staff held a Focus Meeting on July 5, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed construction is in an area that was cleared for the construction of the house.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that a vast majority of the existing home, with improvements, are within the seventy-five (75) foot stream buffer. The applicant has provided site plans to document the above statement.

The applicant states that the best location for the desired master bedroom addition would have been directly off the existing master bathroom and to build a basement below. However, that design would have encroached further than the requested thirty-two (32) foot stream buffer and would have created an structure at the ground level. The applicant states that the design was modified to make certain that the proposed structure would not encroach further than the previously granted thirty-two (32) foot stream buffer. Additionally, the applicant states that the proposed addition is designed to be cantilevered and supported by four (4) piers. The applicant has provided site plans to document the above statements.

The applicant states that the proposed master bedroom addition is in keeping with the style and home improvements going on with many of the homes in the neighborhood. The improvement would not only increase the subject property's value, it would continue to improve the overall value of the neighborhood for all homeowners.

2. *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;*

The applicant has submitted a topographical map/site plan indicating that the lot is irregular in shape and sloped. A stream and a sanitary sewer easement are located on the subject property at the western part of the lot. The applicant further states that if the proposed addition were to be moved closer to the front of the house, it would require a significant amount of land disturbance due to the sloping topography.

The applicant states that a vast majority of the lot's buildable area and existing home with improvements are within the seventy-five (75) foot stream buffer. The applicant indicates this situation creates an inherent hardship in that the lot could not be legally redeveloped to match what currently exists, and most improvements to the existing house could not be performed without being in violation of the stream buffer. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the proposed addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received June 1, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a thirty-two (32) foot undisturbed buffer to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during pre-construction a meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letter of appeal, site plans, and photographs.



Variance Petition No. V07-045

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 9, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Andrew Smith

Petitioner
Dr. and Mrs. Smith

Representative
Yvonne Smith

PROPERTY INFORMATION

Address, Land Lot, and District 225 Hunters Glen Court
Land Lot 6, District 17

Council District 4

Frontage and Area 143 feet of frontage along the west side of Hunters Glen Court. The subject property has a total area of approximately 0.58 acres.

Existing Zoning and Use R-2A (Single-family Dwelling District) under zoning case Z64-001. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025 Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

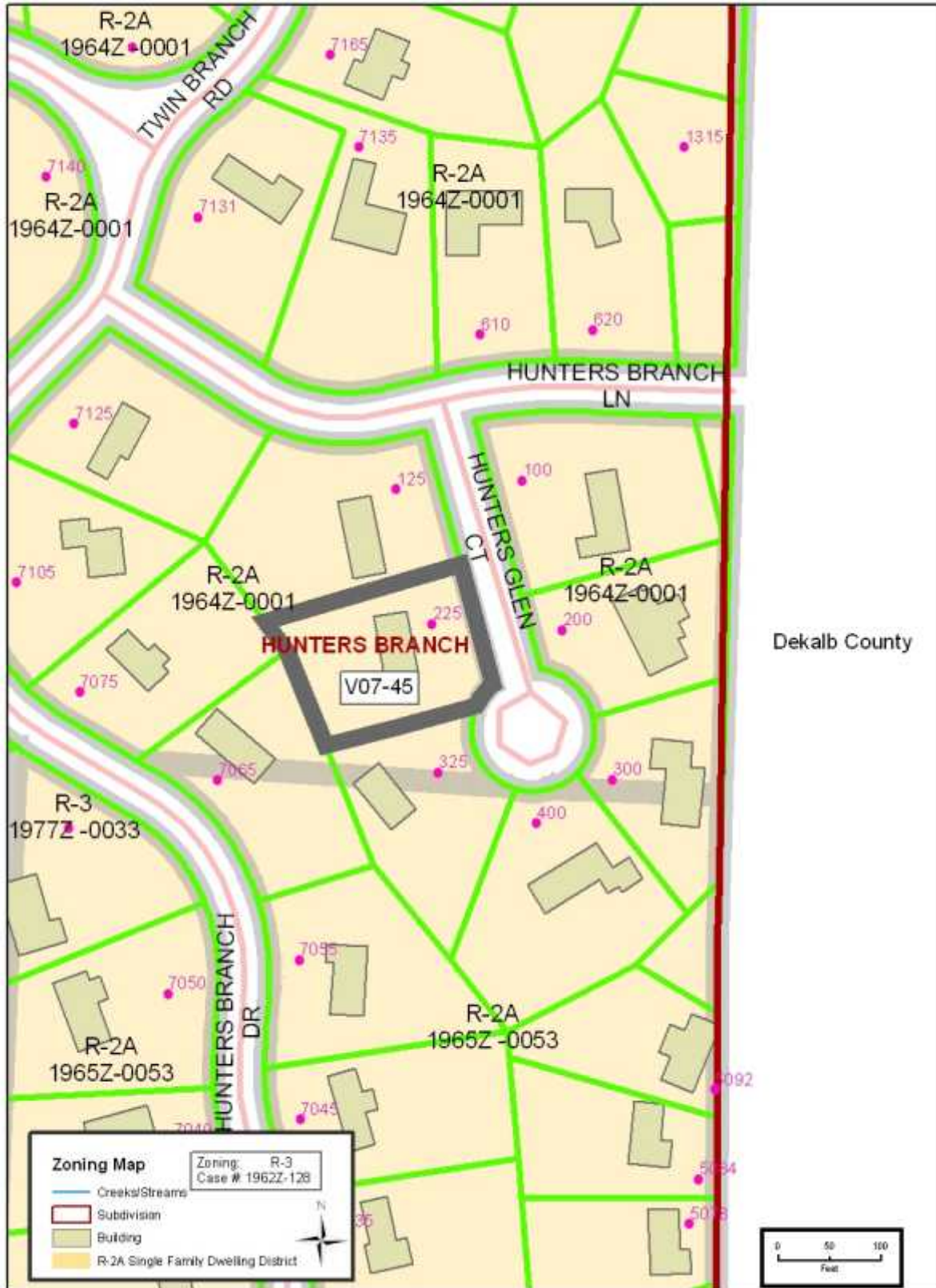
The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to fifty-four (54) feet, and
- 2) Variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-six (36) foot undisturbed buffer for proposed construction and to a twenty-seven (27) foot undisturbed buffer for proposed rain gardens.

Both variances are for the construction of home additions and rain gardens on the subject property.

Parcel Map

225 Hunters Glen Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 9, 2007

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

CASE NUMBER: V07-045

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to fifty-four (54) feet and from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-six (36) foot undisturbed buffer for proposed construction and to a twenty-seven (27) foot undisturbed buffer for proposed rain gardens. Both variances are for the construction of home additions and three (3) rain gardens on the subject property. For construction of the proposed addition, the applicant intends to disturb 589.54 square feet of land within the fifty (50) foot undisturbed natural buffer. For creating the proposed rain gardens, the applicant intends to disturb 984.89 square feet of land within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan indicating that the lot is roughly rectangular in shape. The site plan shows a stream, within an area designated as a drainage easement, running width-wise across the western portion of the lot – it goes through the back, one-third of the property.

The applicant states that since the purchase of the home, about ten (10) years ago, stream buffer regulations have changed; however, no portion of the existing home has ever encroached into the twenty-five (25) foot State Buffer. Because of the stream, the current home practically abuts the required sixty (60) front yard setback. The applicant further states that over ninety (90) percent of the current residence is now “Grandfathered” within the required seventy-five (75) foot stream buffer. The applicant contends that the physical characteristics of the property (house positioning, smaller lot size, and creek location) severely limit the options for expansion of the home without a variance.

The applicant states that various designs were developed in order to expand the house while attempting to be in harmony with the Zoning Ordinance. The initial design was to match the side building line and expand the home directly to the rear of the house, from the existing garage on the north side of the house. The initial plan would have provided for the addition to be built entirely into the fifty (50) foot undisturbed buffer area – this would have been the most simple and least costly design for the applicant.

The applicant states that the second design involved putting the entire expansion forward from the garage and across the front of the home - this plan would necessitate a variance request of a thirty-five (35) front yard setback where a sixty (60) foot front setback is required. The majority of construction for the second design would occur outside the seventy-five (75) foot stream buffer; however, it was determined to be the least harmonious because the houses on either side are positioned further away from the required front yard setback, while the subject house is positioned very close to the front setback. The second design would cause the home to appear obtrusive and not fit with the designs of homes on Hunters Glen Court and the immediate area.

The applicant further states that due to the flow and floor plan of the existing house, the second design is the least desirable and practical.

The applicant states that the plan now proposed evidences the effort to minimize the encroachment because a majority of the proposed addition, to the rear of the house, has been shifted north to reduce the amount of structure that would be located within the fifty (50) foot undisturbed natural buffer. The applicant further states that current run-off, resulting from the existing conditions, has no real consideration for water quality of the stream. The applicant is proposing three rain gardens to not only manage the increased run-off resulting from the new additions, but to manage run-off from the original structure as well. This plan represents the best compromise to lessen the unnecessary hardship for the owner while preserving, protecting, and enhancing stream water quality. Additionally, the proposed expansion, the applicant states, would be harmonious with other homes in the area. The applicant states that it should be noted that the variance request regarding relief from the minimum front yard setback, falls within the Minor Variance category because a six (6) foot reduction does not exceed ten (10) percent of the current required setback.

Staff notes that most neighboring houses respect the required sixty (60) foot front yard setback; however, due to the orientation of lots around the Hunters Glen Court cul-de-sac, houses in the immediate area appear staggered in relation to each other.

Department Comments

The staff held a Focus Meeting on July 5, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ This is an existing non-conforming lot. The addition of the rain gardens should help mitigate the proposed construction.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that since the purchase of the home, about ten (10) years ago, stream buffer regulations have changed; however, no portion of the existing home has ever encroached into the twenty-five (25) foot State Buffer. The applicant further states that over ninety (90) percent of the current residence is now "Grandfathered" within the required seventy-five (75) foot stream buffer. The applicant has provided site plans to document the above statement(s).

The applicant states that various designs were developed in order to expand the house while attempting to be in harmony with the Zoning Ordinance. The initial design was to match the side building line and expand the home directly to the rear of the house, from the existing garage on the north side of the house. The initial plan would have provided for the addition to be built entirely into the fifty (50) foot undisturbed buffer area - this would have been the most simple and least costly design for the applicant. The applicant has provided site plans to document the above statement.

The applicant states that the second design involved putting the entire expansion forward from the garage and across the front of the home - this plan would necessitate a variance request of a thirty-five (35) front yard setback where a sixty (60) foot front setback is required. The majority of construction for the second design would occur outside the seventy-five (75) foot stream buffer; however, it was determined to be the least harmonious because the houses on either side are positioned further away from the required front yard setback, while the subject house is positioned very close to the front setback. The second design would cause the home to appear obtrusive and not fit with the designs of homes on Hunters Glen Court and the immediate area. The applicant further states that due to the flow and floor plan of the existing house, the second design is the least desirable and practical. An aerial picture and a map of the area showing the neighboring houses are attached.

The applicant states that the plan now proposed evidences the effort to minimize the encroachment because a majority of the proposed addition, to the rear of the house, has been shifted north to reduce the amount of structure that would be located within the fifty (50) foot undisturbed natural buffer. The applicant further states that current run-off, resulting from the existing conditions, has no real consideration for water quality of the stream. The applicant is proposing three rain gardens to not only manage the increased run-off resulting from the new additions, but to manage run-off from the original structure as well. This plan represents the best compromise to lessen the impact of the proposed additions while preserving, protecting, and enhancing stream water quality. Additionally, the proposed expansion, the applicant states, would be harmonious with other homes in the area. The applicant states that it should be noted that the variance request regarding relief from the minimum front yard setback, falls within the Minor Variance category because a six (6) foot reduction does not exceed ten

(10) percent of the current required setback. The applicant has provided site plans to document the above statement(s).

Staff notes that most neighboring houses respect the required sixty (60) foot front yard setback; however, due to the orientation of lots around the Hunters Glen Court cul-de-sac, houses in the immediate area appear staggered in relation to each other.

2. *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;*

The applicant has submitted a site plan indicating that the lot is roughly rectangular in shape. The site plan shows a stream, within an area designated as a drainage easement, running width-wise across the western portion of the lot – it goes through the back, one-third of the property.

Because of the stream, the current home practically abuts the required sixty (60) front yard setback. The applicant contends that the physical characteristics of the property (house positioning, smaller lot size, and creek location) severely limit the options for expansion of the home without a variance. The proposed plans, provided by the applicant, document the above statement(s) and represent the best compromise to lessen the unnecessary hardship for the owner.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the proposed addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received July 17, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a thirty-six (36) foot undisturbed buffer for proposed additions and to a twenty-seven (27) foot undisturbed buffer for proposed rain gardens to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.

4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during pre-construction a meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letter of appeal, site plans, and letters of support.



Variance Petition No. V07-046

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 9, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
James B. Meathe	James B. Meathe	James B. Meathe

PROPERTY INFORMATION

Address, Land Lot(s), and District	4774 Northside Drive Land Lot 177 & 202, District 17
Council District	6
Frontage and Area	200 feet of frontage along the southwest side of Northside Drive. The subject property has a total area of approximately 1.91 acres.
Existing Zoning and Use	R-1 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

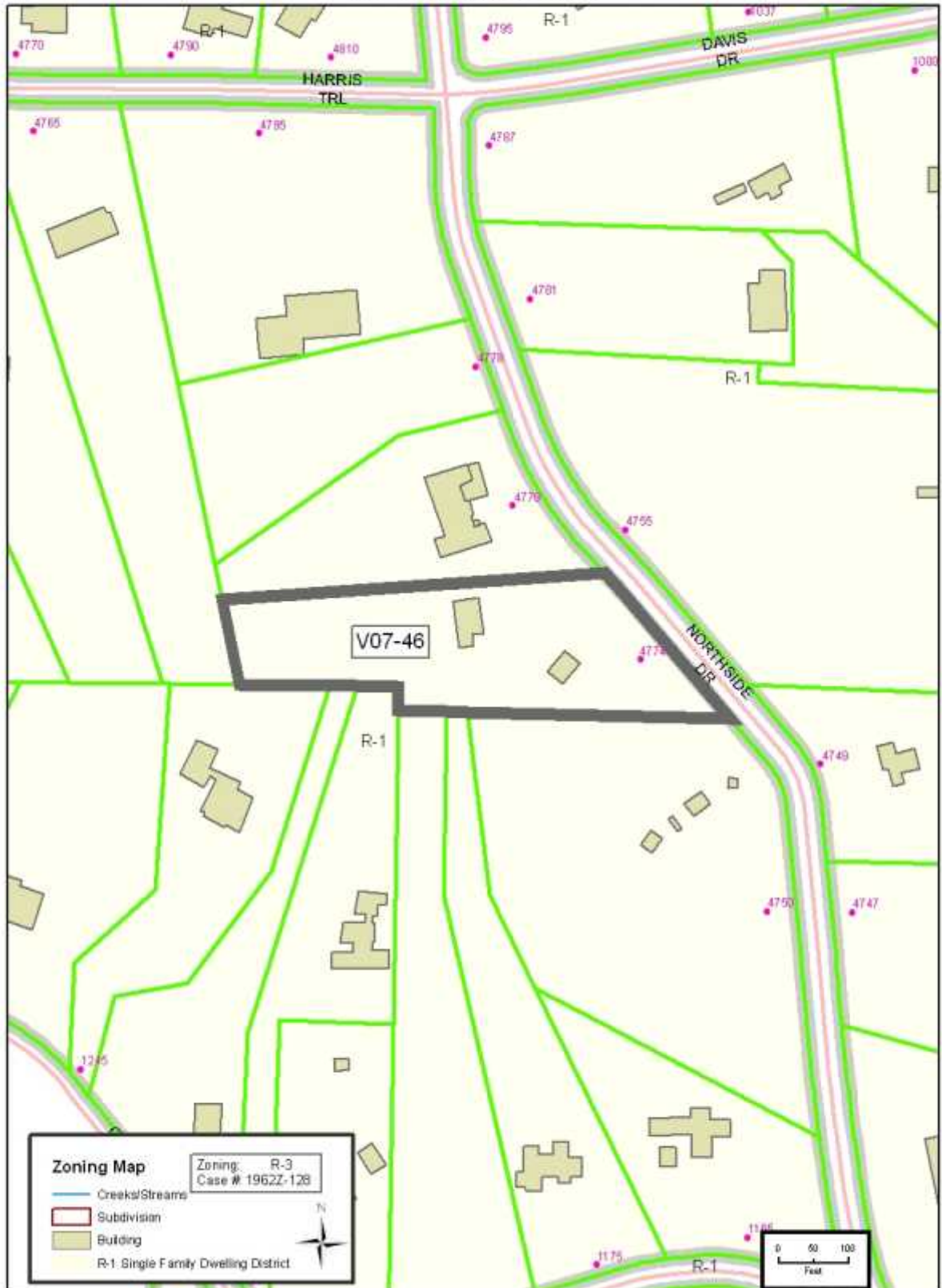
The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.1.3.C to reduce the minimum side yard setback from twenty-five (25) feet to 0.8 feet, and
- 2) Variance from Section 6.1.3.I to allow an accessory structure to be located in the front yard of a single-family house.

Both variances to allow for an existing garage.

Parcel Map

4774 Northside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 9, 2007

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

CASE NUMBER: V07-046

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Section 6.1.3.C of the Zoning Ordinance to reduce the minimum side yard setback from twenty-five (25) feet to 0.8 feet and from Section 6.1.3.I of the Zoning Ordinance to allow an accessory structure to be located in the front yard of a single-family house. Both variances are to allow an existing garage to be altered so as to have the entire structure located within the subject property.

The subject property is legally non-conforming in terms of lot size. It has approximately 1.91 acres where two (2) acres are required.

The applicant has submitted a topographical map/site plan and photographs indicating that the lot is irregular in shape and sloped. A stream, running north south through the width of the property, is located in the western rear portion of the lot.

The applicant states that a building permit was issued to redevelop the lot, subject to the requirement that the garage be demolished due to its location over the property line. The applicant states that due to existing site conditions, the structure can not be moved, can not be seen from the street, and can not be seen by the adjoining neighbors.

The applicant states that the subject property, including the detached garage, is well known in Atlanta and has historic significance. Although the old main residence could not be salvaged due to asbestos and structural issues, the new home design represents a modern version of the previous structure. The applicant further states that much of the internal and external components of the old house have been salvaged and are intended to be used in the new construction. Additionally, the applicant states that it is important to retain the old garage out of respect for the historic significance of the property.

From the adjoining property owner to the south, the applicant has procured and recorded an encroachment easement agreement to maintain the subject garage as is. Part of the agreement is an item stating that the encroachment easement agreement shall become null and void should the garage encroachment be removed by the Breitling Estate at any time.

Please note Staff has visited the property and is of the opinion that the subject garaged can be modified as proposed without sacrificing structural integrity. Additionally, Staff is of the opinion that moving the structure in its entirety is not a feasible option.

Department Comments

The staff held a Focus Meeting on July 5, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade. Note that the walls within 5' of the Property Line shall be a one hour rated wall protected on both sides of the wall and no openings in the wall within 3' of the Property line. Also a projection shall have 1 hour protection on the underside of the projection. See Table R302.1 of the IRC.
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that due to existing site conditions, the structure can not be moved, can not be seen from the street, and can not be seen by the adjoining neighbors. The applicant has provided site plans and photographs to document the above statement.

The applicant states that the subject property, including the detached garage, is well known in Atlanta and has historic significance. Although the old main residence could not be salvaged due to asbestos and structural issues, the new home design represents a modern version of the previous structure. The applicant further states that much of the internal and external components of the old house have been salvaged and are intended to be used in the new construction. Additionally, the applicant states that it is important to retain the old garage out of respect for the historic significance of the property. The applicant has provided materials to document the above statements.

From the adjoining property owner to the south, the applicant has procured and recorded an encroachment easement agreement to maintain the subject garage as is. Part of the agreement is an item stating that the encroachment easement agreement shall become null and void should the garage encroachment removed by the Breitling Estate at any time.

The applicant is also offering an alternative solution, wherein the structure would not be modified, but additional land would be purchased from the adjoining neighbor; thereby, bringing the subject property into conformance with the minimum lot size requirement of two (2) acres and creating a situation where the subject garage would be located completely on the applicant's property.

2. *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;*

The applicant has submitted a topographical map/site plan and photographs indicating that the lot is irregular in shape and sloped. A stream, running north south through the width of the property, is located in the western rear portion of the lot.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the existing garage, subject of this variance, be altered to be in accordance with the Proposed Site Plan, provided by the applicant dated received June 5, 2007 by the Department of Community Development, showing the twenty-five (25) foot minimum side yard setback reduced to a 0.8 foot minimum side yard setback to accommodate the portion of the encroachment only.
2. That the previously recorded encroachment easement agreement to maintain the subject garage be re-recorded having eliminated the item stating that the encroachment easement agreement shall become null and void should the garage encroachment be removed by the Breitling Estate at any time.

ATTACHMENTS: Letter of appeal, site plans, photographs, recorded agreement, and article.



Variance Petition No. V07-048

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 9, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Tyler Patterson

Petitioner

Tyler Patterson

Representative

Tyler Patterson

PROPERTY INFORMATION

Address, Land 3255 Jett Ferry Court
Lot(s), and District Land Lot 338 & 342, District 6

Council District 1

Frontage and Area 235 feet of frontage along the southeast side of Jett Ferry Court. The subject property has a total area of approximately 1.00 acres.

Existing Zoning and Use R-2 (Single-family Dwelling District) under zoning case Z66-014. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive R1-2 Residential (1 to 2 units per acre)

Future Land Use

Map Designation

INTENT

The applicant is seeking a primary variance for relief from Section 6.2.3.B to reduce the minimum from yard setback from sixty (60) feet to forty-nine (49) feet to allow for additions to an existing garage.

Parcel Map

3255 Jett Ferry Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 9, 2007

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

CASE NUMBER: V07-048

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to forty-nine (49) feet to allow for a gable addition to the roofline of an existing garage.

The applicant has provided a site plan/topographical map indicating the subject property to be irregularly shaped and sloped behind the existing home. The current residence on the subject property is "Grandfathered" having approximately a forty-nine (49) foot front yard setback where a sixty (60) foot front setback is required. The applicant states that the buildable area of the lot is limited when the sixty (60) foot front yard setback is applied due to the shape of the lot frontage on the Jett Ferry Court cul-de-sac.

The applicant states that the house was built in 1969 and that he is simply trying to make aesthetic improvements to enhance the appearance of his home. Additionally, the applicant states that this minor improvement would not drastically change the look of the home and it is in character with existing rooflines of other homes in the neighborhood.

The applicant further states that only twenty-five (25) percent of the proposed gable would be within the required front yard setback and that the gable would not add livable square footage to the home. Additionally, the gable would not exceed the height of the roof of the current garage.

Staff notes that while other houses on the street appear to respect the required front yard setback requirement, they appear staggered due to the curving nature of the street and cul-de-sac.

Department Comments

The staff held a Focus Meeting on July 5, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The residential structures must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ The construction will not impact protected trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that the house was built in 1969 and that he is simply trying to make aesthetic improvements to enhance the appearance of his home. Additionally, the applicant states that this minor improvement would not drastically change the look of the home and it is in character with existing rooflines of other homes in the neighborhood.

The applicant further states that only twenty-five (25) percent of the proposed gable would be within the required front yard setback and that the gable would not add livable square footage to the home. Additionally, the gable would not exceed the height of the roof of the current garage.

2. *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;*

The applicant has provided a site plan/topographical map indicating the subject property to be irregularly shaped and sloped behind the existing home. The current residence on the subject property is "Grandfathered" having approximately a forty-nine (49) foot front yard setback where a sixty (60) foot front setback is required. The applicant states that the buildable area of the lot is limited when the sixty (60) foot front yard setback is applied due to the shape of the lot frontage on the Jett Ferry Court cul-de-sac.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the gable addition to the existing garage be in accordance with the Proposed Site Plan, provided by the applicant dated received June 21, 2007 by the Department of Community Development, showing the sixty (60) foot minimum front yard setback reduced to a forty-nine (49) foot minimum front yard setback to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plans, photographs, and elevation drawings.