



Variance Petition No. V10-016

HEARING & MEETING DATES

Board of Appeals Hearings

July 8, 2010

August 12, 2010

September 15, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
St. Andrews Presbyterian Church, Incorporated	Tabula Rasa, The Language Academy	Ellen W. Smith, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	5855 Riverside Drive Land Lot 133, District 17
Council District	6
Frontage	405.29 feet of frontage along the east side of Riverside Drive and approximately 1144.86 feet of frontage along I-285.
Area	The subject property has a total area of 10.1428 acres.
Existing Zoning and Use	R-1 (Single Family Dwelling District), currently developed with a church with a Special School
Overlay District	NA
Interim 2025 Comprehensive Future Land Use Map Designation	Community Facility (CF)

INTENT

The applicant is requesting a primary variance from Section 33.26.B.1.a of the Zoning Ordinance to allow an additional monument sign (private school) on a single-family residential lot occupied by an institutional use.

BOARD OF APPEALS ACTION

The subject application was deferred at the July 8, 2010 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to work with the church and with Staff and discuss alternatives to the 3 signs.

At the August 12, 2010 Board of Appeals (BOA) hearing the board deferred the case for 30 days to allow the applicant ample time to discuss the request.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**V10-016-1. WITHDRAWAL**

Following the August 12, 2010 Board of Appeals hearing, staff met with the applicant to discuss the request. Subsequently, the applicant has submitted a request to withdraw of the application without prejudice to the BOA. The applicant intends to continue to pursue the right to locate signage on the property.

Parcel

5855 Riverside Drive



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

CASE NUMBER: V10-016

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

Findings of Fact:

The property is an approximately 10.1428 acre parcel located on the east side of Riverside Drive (approximately 405.29 feet of frontage), at the south intersection with I-285 (approximately 1144.86 feet of frontage). The subject property is zoned R-1 (Single Family Dwelling District); is currently developed with a 25,000 square foot church building at the center of the subject property; 10,000 square foot portion of the existing building is used for a foreign language school ("The Academy") for children with a preschool/kindergarten component and with a large portion unimproved and wooded.

The property is home to the St. Andrews Presbyterian church and since 2007 to "The Academy". The Academy is a private foreign language school offering full immersion language programs to children with an associated day care component.

The church has two (2) existing identification signs on the property: Sign #1 as identified on the site plan is a double faced church sign with a changeable copy area. This sign measures approximately 26.85 square feet on each side. Sign #2 is located in the middle of the driveway and it measures approximately 9.31 square feet on each side. The Academy does not have a sign on the property. The subject of this variance is to allow a sign that identify "The Academy".

The subject property has two street frontages, therefore allowed to have two signs, one on each street. Staff notices that both signs are located along Riverside Drive. Also, there are some concerns that the existing sign at the entrance of the property may be a legal non conforming sign, as it is located within the ten (10) foot setback requirement as a result of the right of way given by the church to allow the widening of Riverside Drive. Due to the non conforming status of the sign, the church does not want to expand the non conforming status by adding to the existing sign, to allow the academy to be identified. The applicant also explained that to incorporate additional sign area to the existing sign, the existing landscape and mature tree located within the island will have to be removed. Given that the church is the primary use of the property, the church prefers the existing sign to remain as the church identification. The applicant has indicated they have found it difficult to achieve reasonable identification; therefore, the purpose for the variance request is to provide signage visibility for the school at 5855 Riverside Dr.

The Sandy Springs Zoning Ordinance provides in Section 33.26.B.1.a:

B. Single Family Residential, CUP AND NUP Districts

1. Monument Signs

- a. *One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.*
- b. *One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.*
- c. *Monument signs shall have a maximum height of six (6) feet, not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

The applicant states that without the appropriate signage it is difficult to locate “The Academy” since the building is located approximately 300 feet from the curb, behind a berm, a tree line and a parking lot. The applicant also indicates that the entry signage is more for safety than marketing; without identification sign it will be complicated for emergency vehicles or emergency assistance to find the school.

To resolve the school’s concern, the applicant proposes to add a sign at the entrance. Staff determined that a variance was needed to allow an identification sign for “The Academy” on the Riverside Road frontage, as there are two existing signs identifying the church. Section 33.26.B.1.a of the Zoning Ordinance allows properties which lots have up to 500 feet of frontage, one (1) maximum thirty-two (32) square foot freestanding sign per street frontage. The applicant proposes a six (6) square foot monument sign four (4) feet height.

Standards for Consideration

Zoning Ordinance

Variance from Section 33.26.B.1. a. to allow for an additional monument sign where only one is permitted.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The property has a berm along the Riverside property line that screens the church building and the Academy for the most part of the street visibility. The applicants has indicated that having a sign is important to inform the general public of the location of “The Academy”, and to alert traffic prior to passing by and having to turn around on the neighboring streets. The lot presents topographical challenges to justify the approval of this variance. Therefore, this criterion is applicable.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

Mature vegetation along the I-285 street frontage and the tree lines along the Riverside Drive coupled with the topographical challenges of the lot limit the area of the property where a sign can be appropriately and effectively located. The natural features of the lot present challenges to justify the approval of the variance. Therefore, this criterion is applicable.

Department Comments

The staff held a Focus Meeting on June 2, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs De- velopment Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Archi- tect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Depart- ment of Transporta- tion	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. 5855 Riverside Drive has two Identification signs that alert traffic of the location of the church. When approaching the site traveling northbound or south-

bound along Riverside Drive, none of the existing signs provide information about the school. Therefore a motorist traveling on either direction has sufficient time to identify the business and adequately determine access locations. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance and the public will be well served having the ability to reasonably identify the location of "The Academy".

The proposed sign allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication.

The subject application was deferred at the July 8, 2010 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to work with the church and with Staff and discuss alternatives to the 3 signs.

At the August 12, 2010 Board of Appeals (BOA) hearing the board deferred the case for 30 days to allow the applicant ample time to discuss the request.

Following the August 12, 2010 Board of Appeals hearing, staff met with the applicant to discuss the request. Subsequently, the applicant has submitted a request to withdraw of the application without prejudice to the BOA. The applicant intends to continue to pursue the right to locate signage on the property.

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

1. To allow an additional Identification monument sign along the Riverside Drive street frontage for the school. The sign shall not exceed six (6) square feet of sign area; four (4) feet in height pursuant to the sign detail, submitted by the applicant, and dated received May 4, 2010 by the Department of Community Development.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letters of Appeal, Letters of Opposition and Deferral Request Letter.



Variance Petition No. V10-020

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner
Glenridge Creek Condo
Association

Petitioner
Glenridge Creek Condo
Association

Representative
Georgia Matkovic

PROPERTY INFORMATION

**Address, Land Lot,
and District** 5405-5025 Glenridge Hill
Land Lots 15 &16, District 17

Council District 5

Frontage 650' of frontage along the west side of South Johnson Ferry Road
and 360' of frontage along the east side of Peachtree-Dunwoody
Road.

Area The subject property has a total area of 14.413 acres.

Existing Zoning and Use MIX (Mixed Use District) conditional under Z06-012, currently
developed with 130 townhouse units.

Overlay District NA

**Interim 2025
Comprehensive Future
Land Use Map Designation** R5-8 – Residential, 5 to 8 units per acre and LWR – Living Working
Regional

INTENT

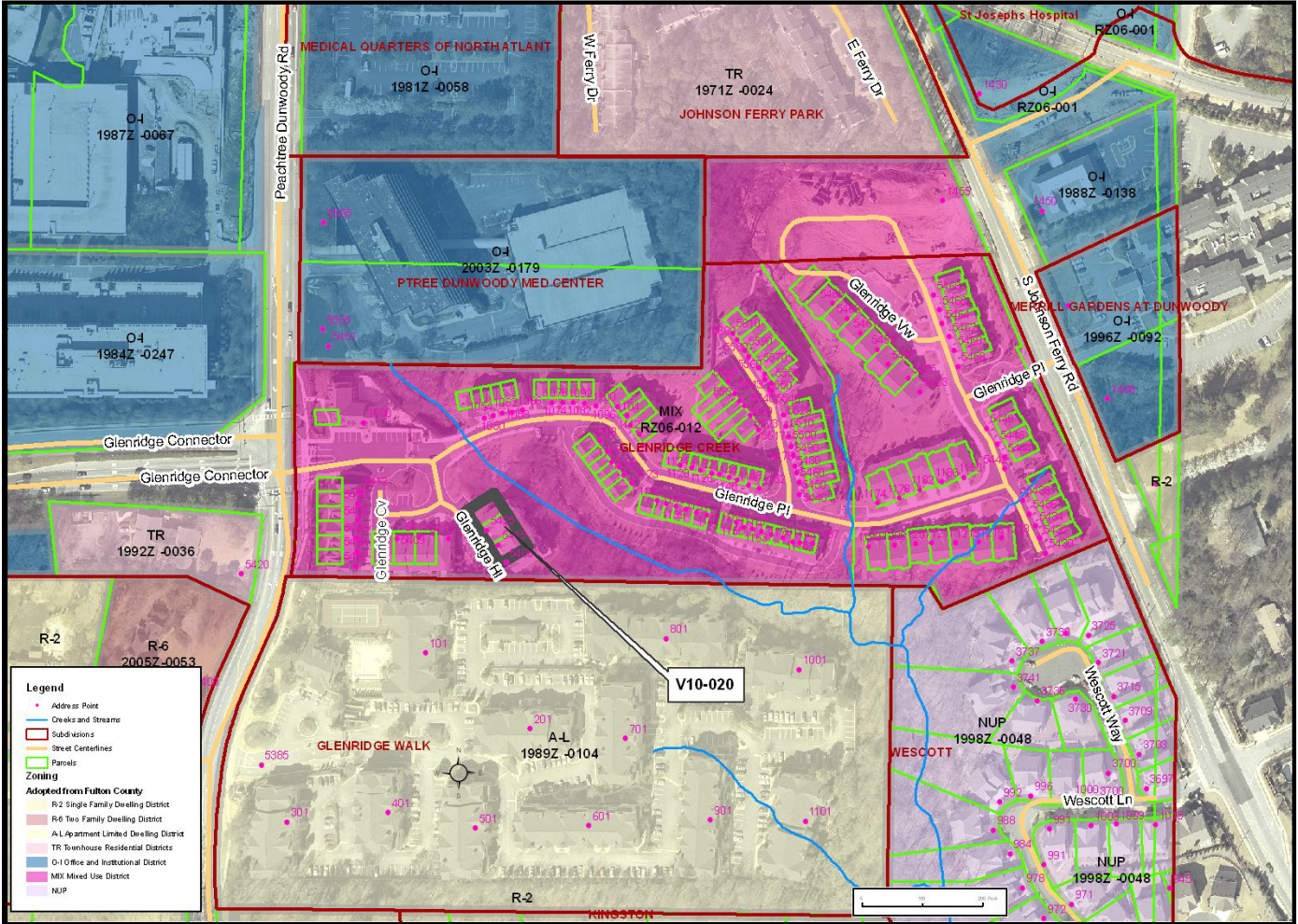
The applicant is requesting a primary variance from Section 109.225.a & b of the Land
Development Requirements to construct a four (4) foot retaining wall in the seventy-five (75) foot
stream buffer and setback requirement.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-020-1.

Parcel

5405-5425 Glenridge Hill



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

CASE NUMBER:

V10-016

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

Findings of Fact:

The property is an approximately 10.08 acres parcel located on the east side of Riverside Drive (approximately 405.29 feet of frontage), at the south intersection with I-285 (approximately 1144.86 feet of frontage). The subject property is zoned R-1 (Single Family Dwelling District); is currently developed with a 25,000 square foot church building at the center of the subject property; 10,000 square foot portion of the existing building is used for a foreign language school ("The Academy") for children and adults with a preschool/kindergarten component and with a large portion unimproved and wooded.

The property is home to the St. Andrews Presbyterian church and since 2007 to "The Academy". The Academy is a private foreign language school offering full immersion language programs to children with an associate day care component.

The church has two (2) existing identification signs on the property: Sign #1 as identified on the site plan is a double faced church sign with a changeable copy area. This sign measures approximately 26.85 square feet on each side. Sign #2 is located in the middle of the driveway and it measures approximately 9.31 square feet on each side. The Academy does not have a sign on the property. The subject of this variance is to allow a sign that identify "The Academy".

The Sandy Springs Zoning Ordinance provides in Section 33.26.B.1.a:

B. Single Family Residential, CUP AND NUP Districts

1. Monument Signs

- a. One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.*
- b. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.*
- c. Monument signs shall have a maximum height of six (6) feet, not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

The subject property has two street frontages, therefore allowed to have two signs, one on each street. Staff notices that both signs are located along Riverside Drive. Also, there are some concerns that the existing sign

at the entrance of the property may be a legal non conforming sign, as it is located within the ten (10) foot setback requirement as a result of the right of way giving by the church to allow the widening of Riverside Drive. Due to the non conforming status of the sign, the church does not want to expand the non conforming status by adding to the existing sign, to allow the academy to be identified. The applicant also explained that to incorporate additional sign area to the existing sign, the existing landscape and mature tree located within the island will have to be removed. Given that the church is the primary use of the property, the church prefers the existing sign to remain as the church identification. The applicant has indicated they have found it difficult to achieve reasonable identification; therefore, the purpose for the variance request is to provide signage visibility for the school at 5855 Riverside Dr.

The applicant states that without the appropriate signage is difficult to locate “The Academy” as the building is located approximately 300 feet from the curb, behind a berm, a tree line and a parking lot. The absolute necessity for which The Academy should be allowed to have entry signage is more for safety than marketing; without identification sign it will be complicated for emergency vehicles or emergency assistant to find it.

To resolve the school’s concern, the applicant proposes to add a sign to the entrance. Staff determined that a variance was needed to allow an identification sign for “The Academy” at the Riverside Road frontage, as there are two existing signs identifying the church. Section 33.26.B.1.a of the Zoning Ordinance allows properties which lots have up to 500 feet of frontage, one (1) maximum thirty-two (32) square foot freestanding sign per street frontage. The applicant proposes a six (6) square foot monument sign four (4) feet height.

Standards for Consideration

Zoning Ordinance

Variance from Section 33.26.B.1. a. to allow for an additional monument sign where only one is permitted.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The property has a berm along the Riverside property line that screens the church building and the Academy for the most part of the street visibility. Having a sign is important to inform the general public of the location of “The Academy”, and to alert traffic prior to passing by and having to turn around on the neighboring streets. The lot presents topographical challenges to justify the approval of this variance. Therefore, this criterion is applicable.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

Mature vegetation along the I-285 street frontage and the tree lines along the Riverside Drive coupled with the topographical challenges of the lot limit the area of the property where a sign can be appropriately and effectively located. The natural features of the lot present challenges to justify the approval of the variance. Therefore, this criterion is applicable.

Department Comments

The staff held a Focus Meeting on June 2, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. 5855 Riverside Drive has two Identification signs that alert traffic of the location of the church. When approaching the site traveling northbound or southbound along Riverside Drive, none of the existing signs provide information about the school. Therefore a motorist traveling on either direction has sufficient time to identify the business and adequately determine access locations. Staff is of opinion that the approval of this variance request would be in harmony with the general intend of the Zoning Ordinance and the public will be well served having the ability to reasonably identify the location of “The Academy”.

The proposed sign allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication. Staff is of opinion that the proposed location is the most advantageous sign location, providing good visibility to the school. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

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

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 12, 2010

1. To allow an additional Identification monument sign along the Riverside Drive street frontage for the school. The sign shall not exceed six (6) square feet of sign area; four (4) feet height pursuant to the sign detail, submitted by the applicant, and dated received May 4, 2010 by the Department of Community Development.

ATTACHMENTS: Site Plans, Photos, Detail Drawings and Letters of Appeal.



Variance Petition No. V10-021

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Gregory & Allison Broms	Allison Broms	Scott Corley

PROPERTY INFORMATION

Address, Land Lot, and District	5067 Green Pines Drive Land Lot 40, District 17
Council District	5
Frontage	145' of frontage along the Green Pine Drive.
Area	The subject property has a total area of 0.96 acres.
Existing Zoning and Use	R-2 (Single Family Dwelling District) currently developed with a single family home.
Overlay District	NA

Interim 2025

Comprehensive Future Land Use Map Designation R0-1 – Residential, 0 to 1 unit per acre.

INTENT

The applicant is requesting a primary variance from Section 6.2.3.c of the Sandy Springs Zoning Ordinance in an R-2 (Single Family Dwelling District) as follows:

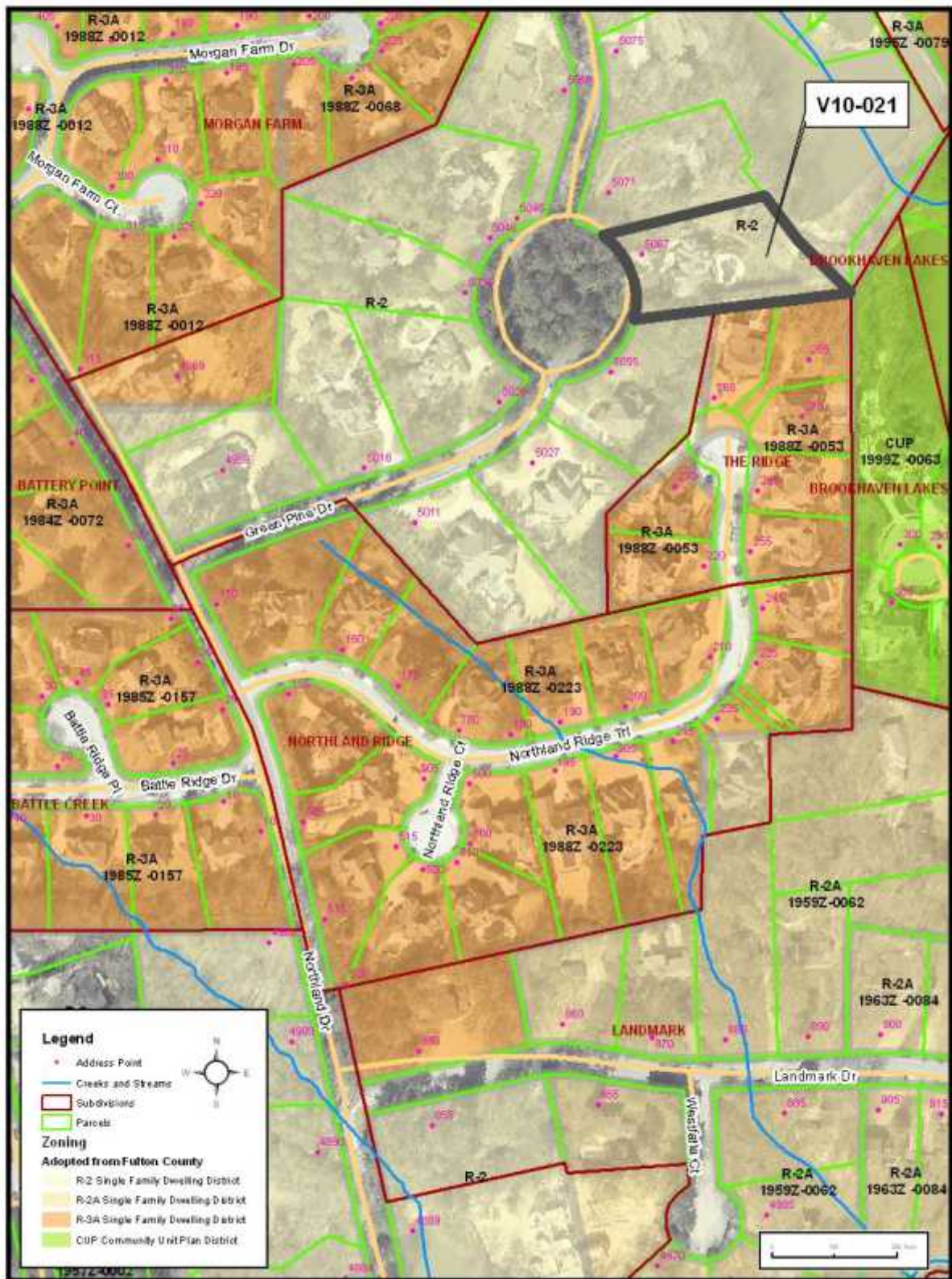
1. To reduce the minimum required side yard setback from fifteen (15) feet to five (5) feet along the south property line to construct a 300 square foot addition on to the existing house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-021-1. DENIAL

Parcel

5067 Green Pine Drive



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

CASE NUMBER: V10-021

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

Findings of Fact:

The property is an approximately 0.96 acres parcel located at 5067 Green Pine Drive. The subject property is zoned R-2 currently developed with a single family residence. The applicant is requesting one (1) primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required side yard setback from fifteen (15) feet to five (5) feet to allow for the construction of an addition of approximately 300 square feet. The applicant proposes to construct an addition onto the south side of the existing dwelling; the new addition will encroach into the 15 foot side yard by 10 feet. The applicant states that the addition would allow them to expand the kitchen area that once served three small kids, who are now teenagers.

Staff notes that a garage addition was approved for this site, reducing the front yard from 60 feet to 40 feet (V03-099). Also, an addition was approved to the south side of the existing garage with a 50 foot front yard setback and an approximate 5 foot side yard setback (V05-084) to allow a storage addition. The proposed addition to the kitchen area will be aligned with the storage addition encroachment into the side yard setback.

The Sandy Springs Zoning Ordinance provides in Section 6.2.3.c:

DEVELOPMENT STANDARDS.

C. Minimum Side Yard

- 15 feet adjacent to interior line
- 30 feet adjacent to street

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the property has a very thick natural screen along the property line that impede any visible view of the addition. However, Staff is of opinion that the ten (10) feet encroachment

into the minimum side yard may impact the roots of the existing trees that provides screen along the property line. Additionally, the applicant has not indicated to staff that alternative location for the proposed addition has been explored. Staff is of the opinion that there are other locations on the property the proposed expansion could be placed without obtaining a variance. Therefore, staff is of the opinion 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:

The subject parcel is similar to other residential properties in the City. The property has a change in topography of thirty-eight (38) feet from the west property line to east property line. However, the change in topography does not create an extraordinary and exceptional condition as defined by the City's Zoning Ordinance that precludes the applicant from locating an addition to the kitchen within the buildable are of the lot. Therefore, staff is of the opinion this condition has not been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs De- velopment Plan Review Engineer	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Landscape Archi- tect/ Arborist	▪ There are no building requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no building requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no building requirements that need to be addressed at this time.
	Georgia Depart- ment of Transporta- tion	▪ There are no building requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance(s) request.

Recommended Condition(s)

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

1. The lot shall be in accordance with the site plan, provided by the applicant dated received May 28, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required fifteen (15) foot minimum side yard setback to five (5) foot to allow the addition, to accommodate the portion of the encroachment (s) only.
2. To allow an addition to be located in the side yard as shown on the site plan, provided by the applicant dated received May 28, 2010 by the Department of Community Development.
3. The applicant to provide a tree protection site plan subject to the approval of the Sandy Spring Arborist.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letter of Support and Letter of Appeal.



Variance Petition No. V10-018

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner
Jill Levenson

Petitioner
Jill Levenson

Representative
Jill Levenson

PROPERTY INFORMATION

Address, Land Lot(s), and District 5865 Brookgreen Road
Land Lot 037 and 070, District 17

Council District 5

Frontage 100 feet of frontage along the east side of Brookgreen Road.

Area The subject property has a total area of approximately 0.44 acres.

Existing Zoning and Use The lot is zoned R-3 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District N/A

2027

Comprehensive Future Land Use Map Designation R2-3 Residential (2-3 units per acre)

INTENT

The applicant is proposing to make necessary structural repairs to, and enclose, the existing carport. This enclosure will encroach into the required ten (10) foot side yard setback. The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required front yard setback from fifty (50) feet to forty-five (45) feet four (4) inches to allow for the enclosure of the existing carport.
- 2) Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from ten (10) feet to eight (8) feet nine (9) inches to allow for the enclosure of the existing carport.

ENFORCEMENT

On April 3, 2010 a door hanger was left at the residence due to a support beam installed in the carport with no permit, rotting overhang, paint issues, and high grass. No action was taken due to pending variance request.

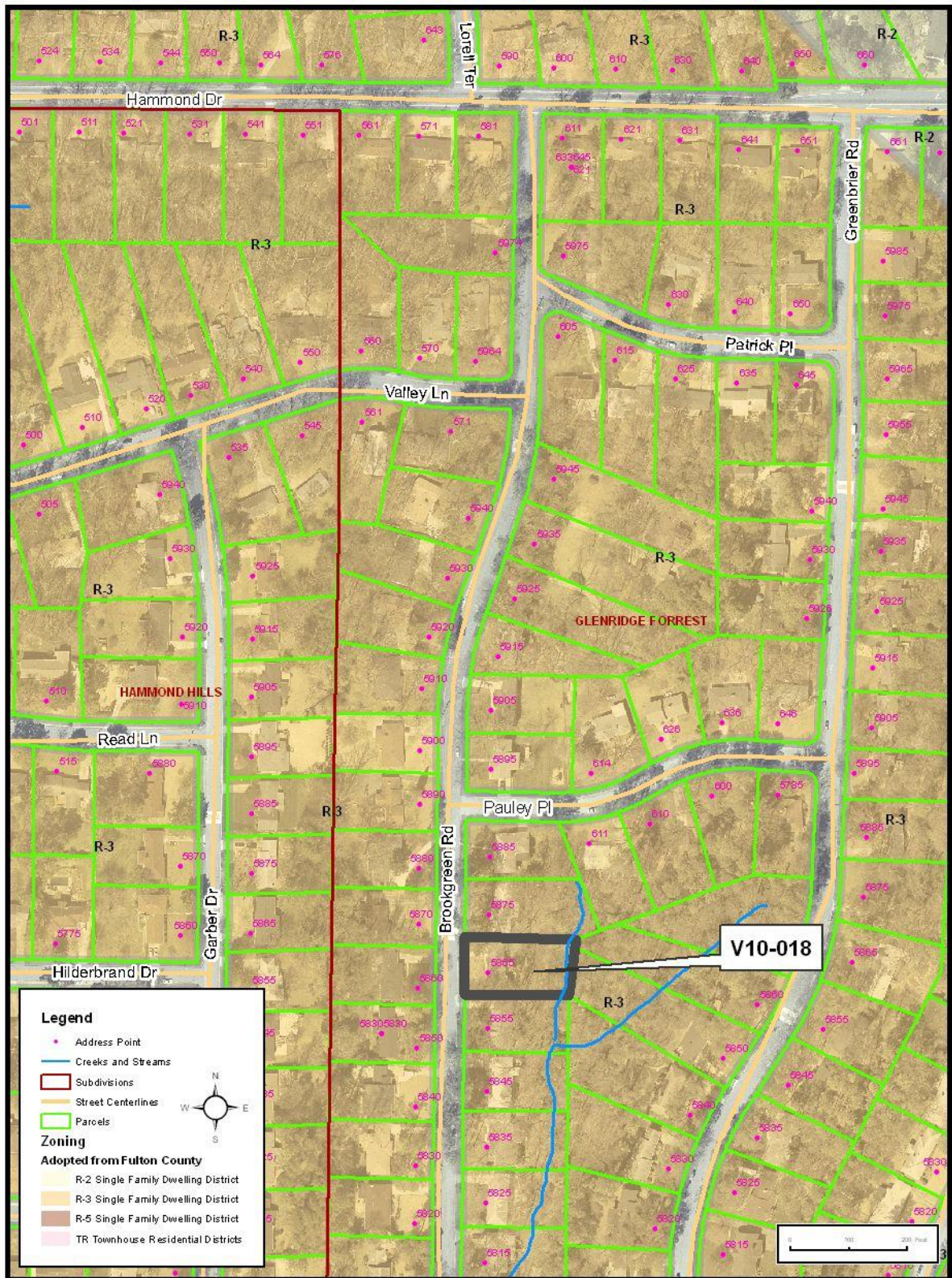
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-018 - 1) APPROVED CONDITIONAL

V10-018 - 2) APPROVED CONDITIONAL

Parcel Map

5865 Brookgreen Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 12, 2010

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

CASE NUMBER: V10-018

STAFF CONTACT: Colleen Allen, Planning & Zoning 770-206-1514
E-mail: colleen.allen@sandyspringsga.org

Findings of Fact

The applicant is proposing to make structural alterations to, and enclose, the existing carport. The enclosure will not expand the existing footprint of the building, maintaining the existing encroachments of ten (10) foot side and fifty (50) front setbacks. The applicant is requesting two (2) primary variances from Section 6.4.3.B and C of the Zoning Ordinance to reduce the required front yard setback from fifty (50) feet to forty-five (45) feet four (4) inches and the required side yard setback from ten (10) feet to eight (8) feet nine (9) inches to allow for the repairs to, and enclosure of, the existing carport.

The applicant has submitted a site plan indicating the subject property to have 100 feet of frontage along Brookgreen Road. The property is trapezoidal in shape. The site slopes to the southeast. The site plan shows the existing house located at a slight angle approximately forty-five (45) feet four (4) inches from the right-of-way and currently encroaches on each the front and side yard setbacks at less than 10%. The carport enclosure would involve work at the existing encroachment distances of the front and side yard setbacks.

The surrounding lots in the immediate vicinity are zoned R-3 (Single Family Dwelling District), the same as the subject parcel.

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the existing structure already encroaches into the front and side yard setbacks per the site plan from 2010. Additionally, the proposed repairs and enclosure are not intended to involve any expansion of the existing footprint. The proposed repairs and enclosure will maintain the same distance between the neighboring houses to the north. Additionally, many houses in the neighborhood

have made similar alterations to their carports. Therefore, staff is of the opinion this condition has 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:

The subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The subject parcel has a stream located in its eastern most portions, requiring a seventy-five (75) foot impervious surface buffer which forced the location of the house closer to Brookgreen Road. To accommodate this buffer and the proximity of the neighboring houses, the home was angled slightly which caused the encroachment into the front and side yard setbacks. Due to the topography of the lot an extraordinary and exceptional condition is created resulting in a hardship for the initial builder, now current owner of the property, as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on June 30, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No comments
	Sandy Springs Development Plan Review Engineer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review and findings as described above, staff recommends **APPROVAL CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 2, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required fifty (50) foot front yard setback to forty-five (45) feet four (4) inches and the ten (10) foot minimum side yard setback to eight (8) feet nine (9) inches to allow for the repairs to, and enclosure of, the existing carport.

ATTACHMENTS: Letter of appeal, site plan, elevations, and photographs.



Variance Petition No. V10-019

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
North Harbor Neighborhood Association	North Harbor Neighborhood Association	John Kelley

PROPERTY INFORMATION

Address, Land Lot(s), and District	600 North Harbor Drive Land Lot 130, District 17
Council District	3
Frontage	Approximately 365 feet of frontage along Riverside Drive and approximately 196 feet of frontage North Harbor Drive.
Area	The subject property has a total area of approximately 4.5 acres.
Existing Zoning and Use	The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a parking lot, outdoor pool and pump house, club house, and tennis court.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is proposing to construct a new restroom facility to serve the existing outdoor pool which will encroach into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot buffer in the area shown on the site plan (exhibit 1) to allow for the construction of the new restroom facility.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-019 - 1) APPROVAL CONDITIONAL

600 North Harbor Drive



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

CASE NUMBER: V10-019

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct a new restroom facility intended to serve their existing outdoor pool; the restroom facility will be constructed in the area where the existing parking lot is located. The applicant is requesting relief from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (proposed restroom facility encroachment of forty-seven (47) feet and limits of disturbance of three (3) feet for a total encroachment of fifty (50) feet) in the area shown on the site plan (exhibit 1) to allow for a restroom facility, catch basin and oil/water separator.

The construction of the new restroom facility, as proposed, does not increase the net impervious surface. Therefore, Atlanta Regional Commission (ARC) review is not required. Additionally, the parking lot will be upgraded with a new catch basin and an oil/water separator to reduce the pollution draining into the lake from the parking lot.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 365 feet of frontage along the Riverside Drive and 196 feet of frontage along North Harbor Drive. The property is very unique in shape and approximately seventy- five percent of the property is covered by the stream buffer. The site slopes from the north to the south towards the lake. There is a change in topography of twenty six (26) feet over one hundred sixty four (164) feet. The site plan shows the outdoor pool being located on the western portion of the site with the proposed restroom facility being adjacent to the pool on its eastern border.

The surrounding lots in the immediate vicinity are zoned AG-1(Agricultural District) and R-2 (Single Family Dwelling District) to the north; R-3 (Single Family Dwelling District) to east and south; and R-1 to the west.

Standards for Consideration

Zoning Ordinance

Section 109-225 of the Code of the City of Sandy Springs includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 109-225.b.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 property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. Staff notes the property is very unique in shape and the stream buffers covers approximately seventy- five percent of the buildable area of the lot. The site slopes from the north to the south towards the lake. There is a change in topography of twenty six (26) feet over one hundred sixty four (164) feet (exhibit 1). 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 would be strictly applied. Staff notes the stream buffers covers approximately seventy-five (75) percent of the buildable area of the lot. The lake covers approximately half of the property. The construction of the new restroom facility, as proposed, does not increase the net impervious surface. 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 is very unique in shape and the stream buffers covers approximately seventy- five percent of the buildable area of the lot. The site slopes from the north to the south towards the lake. There is a change in topography of twenty six (26) feet over one hundred sixty four (164) feet (exhibit 1). Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

All stream buffers on the property have been identified (exhibit 1). The lake is located on the southern side of the property. The lake and buffer occupies approximately seventy-five (75) of the subject property.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The lake is located on the southern side of the property. The lake and buffer cover approximately seventy-five (75) percent of the property. The proposed intrusion of approximately eight hundred eighty (880) square foot for the restroom facility would be located in the twenty five (25) foot impervious surface setback and the fifty (50) foot undisturbed buffer on the south side of the property. The location and extent of the proposed buffer and setback intrusions have been identified on the site plan (exhibit 1).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have been discussed with staff regarding this property. The applicant has indicated that there is not another location outside of the buffer for the proposed restroom facility due to the topography and accessibility to the pool. 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 at least as protective of the natural resources and environment as the existing site condition, which includes an existing parking lot, pool and club house within the tributary buffer.

Department Comments

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	No apparent site development issues noted.
	Sandy Springs Landscape Architect/ Arborist	The area of construction is in an existing parking lot area.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

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

- 1) The subject restroom facility and new catch basin shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot buffer (proposed restroom facility and new catch basin encroachment of forty-seven (47) feet and limits of disturbance of three (3) feet for a total encroachment of fifty (50) feet) to allow for a restroom facility and new catch basin, where necessary to accommodate the portion of the encroachment only.
- 2) 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 have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 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
Site plan (exhibit 1)
Photographs



Variance Petition No. V10-022

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010
September 15, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tom and Terri Sewell	Ed Castro Landscape	Hannah Smith

PROPERTY INFORMATION

Address, Land	546 Londonberry Road
Lot(s), and District	Land Lot 135, District 17
Council District	6
Frontage	Approximately 111.92 feet of frontage on Londonberry Road.
Area	The subject property has a total area of approximately 1 acre.
Existing Zoning and Use	The lot is zoned R-2 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A

2027

Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)
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INTENT

The applicant is proposing to construct two (2) retaining walls, a stone walkway and courtyard with a fire pit, and steps which will encroach into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot as shown on the site plan (exhibit 2) to allow for two (2) retaining walls, a stone walkway, courtyard with a fire pit, and steps.

At the August 12, 2010 BOA meeting the Board deferred the application to the September 15, 2010 BOA meeting to allow staff to review the Landscape Plan and alternatives to the proposal.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-022 - 1) APPROVAL CONDITIONAL

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 15, 2010

546 Londonberry Road



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

CASE NUMBER: V10-022

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) feet (proposed retaining walls, a stone walkway, courtyard with a fire pit, and steps encroachment of forty-nine (49) feet and limits of disturbance of one (1) feet for a total encroachment of fifty (50) feet) as shown on the site plan (exhibit 2) to allow for two (2) retaining walls, a stone walkway, courtyard with a fire pit, and steps.

The applicant has submitted a site plan (exhibit 2) indicating the subject property to have 110.92 feet of frontage along Londonberry Road. The property is trapezoidal in shape with the property tapering from one hundred ten (110) feet at the street to twenty-seven (27) feet at the rear property line. The lot slopes from 920 feet from northwest property line to 832 feet to the creek. The property then slopes upward from 832 at the creek to 848 to Londonberry Road. The rear portion of the lot has a significant slope dropping approximately seventy (70) feet within two hundred twenty (220) feet (exhibit 3) to the house. The creek runs from east to west for approximately one hundred seven (107) feet. The stream buffers cover approximately half of the buildable area of the lot. The site plan also shows a sanity sewer easement running along the creek and a drainage easement running from the catch basin on Londonberry Road to the southwest into the creek.

The applicant has submitted a landscape plan (exhibit 4) showing replanting in the stream buffer and a reduction of two hundred ninety-five (295) square feet of proposed impervious surface. The impervious surface was reduced by pulling the wall closer to the house making it shorter as well as changing the walkway from paving to stepping stones. Below is a chart comparing the original proposal and the new proposal.

Proposal Comparison		
	Original Proposal	New Proposal
Total Site Area	43,560 SF	43,560 SF
Disturbed Area	1,100 SF	1,100 SF
Existing Impervious Surface	22% (9599 SF)	22% (9599 SF)
Proposed Impervious Surface	795 SF	500 SF
Total Impervious Surface	23.9 % (10,394 SF)	23 % (10,099 SF)

Staff notes the surrounding properties are zoned R-2 (Single Family Dwelling District), the same zoning as the subject property. The creek also bisects portions of adjacent properties. Also, some of the adjacent properties have encroachments in to the 75 foot stream buffer.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 15, 2010

Standards for Consideration

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 property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers cover approximately half of the buildable area of the lot. The rear portion of the lot has a significant slope dropping approximately seventy (70) feet within two hundred twenty (220) feet (exhibit 3) to the house. The creek runs from east to west for approximately one hundred seven (107) feet. 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. Staff notes the stream buffer covers approximately half of the buildable area of the lot. A sanity sewer easement and a drainage easement occupy the majority of the buildable area in the front of the property. The width of the property tapers from one hundred ten (110) feet at the street to twenty-seven (27) feet at the rear property line. 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 is trapezoidal in shape with the property tapering from one hundred ten (110) feet at the street to twenty-seven (27) feet at the rear property line. The lot slopes from 920 feet from northwest property line to 832 feet to the creek. The property then

slopes from 832 at the creek to 848 to Londonberry Road. The rear portion of the lot has a significant slope dropping approximately seventy (70) feet within two hundred twenty (220) feet (exhibit 3) to the house. The stream buffers cover approximately half of the buildable area of the lot. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

All stream buffers on the property have been identified (exhibit 2). The creek runs from east to west for approximately one hundred seven (107) feet. The lake and buffer occupies approximately half of the subject property.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The creek is located approximately fifty-three (53) feet from the brick porch. The applicant is proposing an encroachment of forty-nine (49) feet and limits of disturbance of one (1) foot for a total encroachment of fifty (50) feet into the 75 foot buffer and setback. The total proposed encroachment of impervious surface will be 500 square feet. The location and extent of the proposed buffer and setback intrusions have been identified on the site plan (exhibit 2).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have been discussed with staff regarding this property. The applicant has moved the proposal outside the twenty-five (25) foot state buffer and reduced the impervious surface by two hundred and ninety-five (295) square feet. 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. The applicant has submitted a landscape plan that includes replanting of 1 canopy tree, 5 understory trees, 88 shrubs, 240 square feet of ferns, 80 square feet trilliums, 205 square feet of irises, 250 square feet of pickerel rush and 3 vines, which currently does not exist along the creek.

Department Comments

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Along the creek, fill over the ground surface where the existing ground surface is at or below elevation 836 shall be prohibited.
	Sandy Springs Landscape Architect/ Arborist	If the board chooses to approve the variance a condition could be included that stated that the 50' undisturbed buffer be replanted with riparian vegetation as approved by the arborist. There is also a 28" Sycamore that will need to be located on the plan during the permit process.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

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

- 1) The subject retaining walls, a stone walkway, courtyard with a fire pit, and steps shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 25, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot buffer (proposed retaining walls, a stone walkway, courtyard with a fire pit, and steps encroachment of forty-nine (49) feet and limits of disturbance of one (1) foot for a total encroachment of fifty (50) feet to allow for two (2) retaining walls, a stone walkway, courtyard with a fire pit, and steps, where necessary to accommodate the portion of the encroachment only.
- 2) 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 have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 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

Site plan (exhibit 1)

Proposed construction (exhibit 2)

Elevation Contour map (exhibit 3)

Photographs

Landscape Plan (exhibit 4)



Variance Petition No. V10-023

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Richard O'Connell	Richard O'Connell	Lorraine Enwright

PROPERTY INFORMATION

Address, Land Lot(s), and District	1035 Old Powers Ferry Road Land Lot 0174, District 17
Council District	6
Frontage	Approximately 189 feet of frontage on Old Powers Ferry Road and approximately 145 feet of frontage on Overview Drive.
Area	The subject property has a total area of approximately 1.07 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single Family Dwelling District) under Fulton County zoning case Z62-0071. The property is currently developed with a residence.
Overlay District	N/A

2027

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

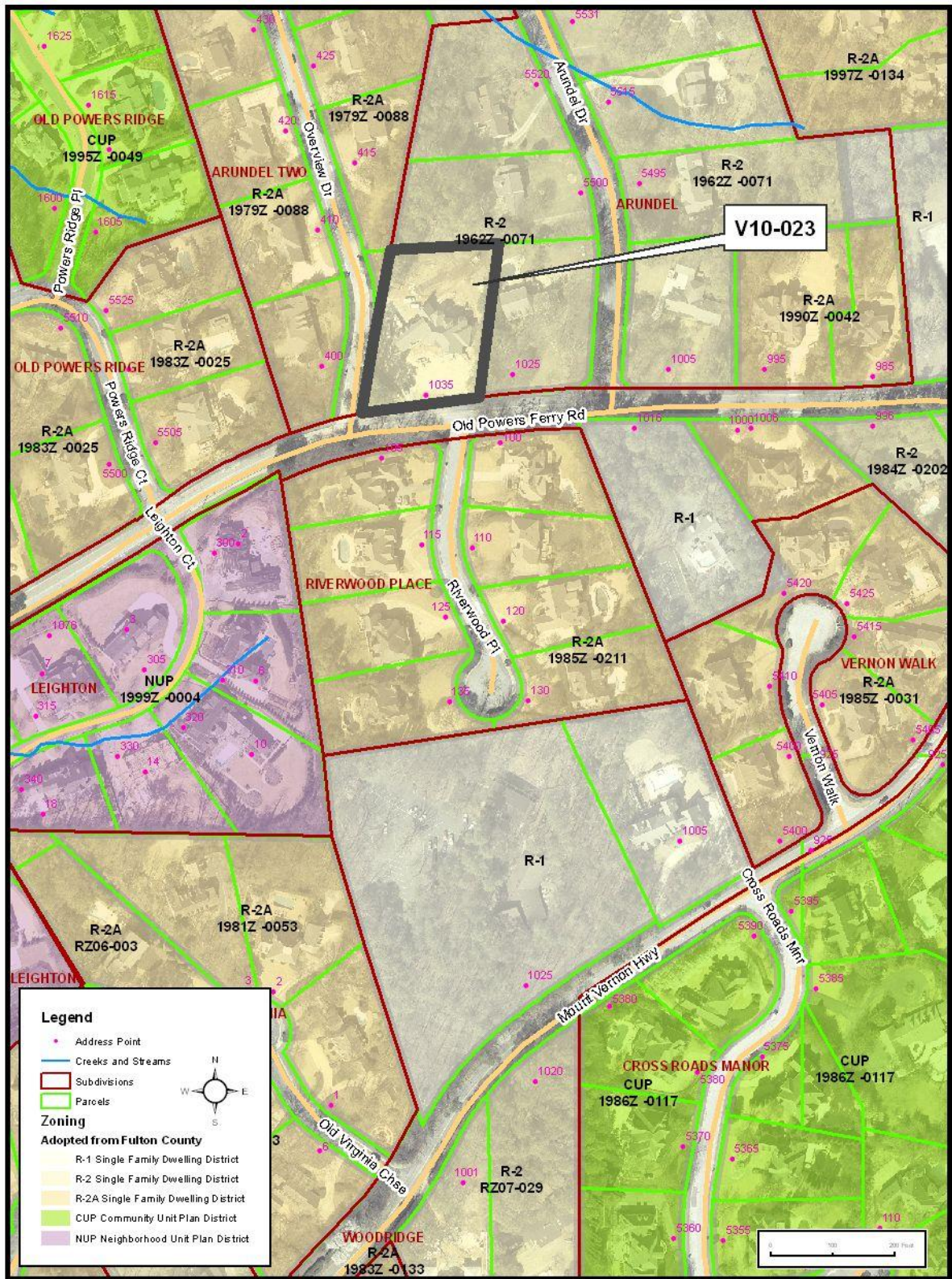
The applicant is proposing to construct an outdoor kitchen which will encroach into the required forty (40) foot rear yard setback. The outdoor kitchen will be located on the back side of the house, adjacent to an existing pool patio. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 6.2.3.D. of the Zoning Ordinance to reduce the required forty (40) foot rear setback to thirty (30) feet to allow for the construction of the outdoor kitchen.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-023 - 1) APPROVAL CONDITIONAL

Parcel Map

1035 Old Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 12, 2010

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

CASE NUMBER: V10-023

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct an outdoor kitchen. The outdoor kitchen will be located on an expansion of an existing patio. The proposed outdoor kitchen will encroach on the required forty (40) foot rear yard setback. The applicant is requesting one (1) primary variance from Section 6.2.3.D. of the Zoning Ordinance; to reduce required forty (40) foot rear yard setback to a thirty (30) feet to allow an outdoor kitchen.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 189 feet of frontage on Old Powers Ferry Road and approximately 131 feet of frontage on Overview Drive. The property is trapezoidal in shape. The site slopes to the south. The existing house currently encroaches into the rear and front setbacks. There is a triangular parcel on the northwest portion of the site plan. The applicant owns both parcel however, the lots have not been combined.

Staff notes the definition of front yard states the front yard of a corner lot shall be applied to the street frontage which abuts the lot for the shortest distance. Therefore, the front yard is adjacent to Overview Drive and the side yard is adjacent to Old Powers Ferry Road.

The surrounding lots in the immediate vicinity are zoned R-2(Single Family Dwelling District) and R-2A (Single Family Dwelling District) to the north; R-2 (Single Family Dwelling District) to the east; and R-2A (Single Family Dwelling District) to the south and west. Other properties in the vicinity have encroachments into side and rear setbacks.

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent properties have encroachments into the side yard setback. Additionally, the proposed structure will be thirty (30) feet from

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 12, 2010

the rear property line and twenty (20) feet from the side property line. A wooden privacy fence runs along the north and east property lines blocking the view from neighboring properties. Therefore, staff is of the opinion this condition has 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:

The subject parcel is similar to other residential properties in the City. The property has a slight change in topography slope from north to south. The lot is on a corner parcel. The double street frontage reduces the buildable area of the lot. Also, the northwestern corner of the property is a separate parcel making the property frontage along Overview Drive (exhibit 1) which also reduces the buildable area of the lot. The shape of the existing lot does create an extraordinary and exceptional condition as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ No boundary or landmark trees will be impacted.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance (s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 11, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required forty (40) foot minimum rear yard setback to thirty (30) feet to allow an outdoor kitchen, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1)

Elevations

Photographs.



Variance Petition No. V10-025

HEARING & MEETING DATES

Board of Appeals Hearing

August 12, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner

Kammerer Real Estate

Petitioner

Congregation Or Hadash

Representative

Seyfarth Shaw, LLP

PROPERTY INFORMATION

Address, Land Lot(s), and District 7475 Trowbridge Road
Land Lot 32, District 17

Council District 4

Frontage 437.62 feet of frontage along the east side Roswell Road and 765.68 feet of frontage along the south side of Trowbridge Road.

Area The subject property has a total area of approximately 8.22 acres.

Existing Zoning and Use The lot is zoned C-2 (Commercial District) under Fulton County zoning case Z75-0003. The property is currently developed with a automotive garages

Overlay District Suburban District

2027

Comprehensive Future Land Use Map Designation C -Commercial

INTENT

The applicant is proposing to subdivide the existing property into two (2) parcels. The applicant is requesting three (3) primary variance:

- 1) Variance from Section 18.2.1 to reduce the required parking from the required 206 spaces to 196 spaces.
- 2) Variance from Section 18.3.1.F to allow parking within ten (10) feet from a property line.
- 3) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to two (2) feet on the east side of the property line and zero (0) feet on the west side of the property line.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

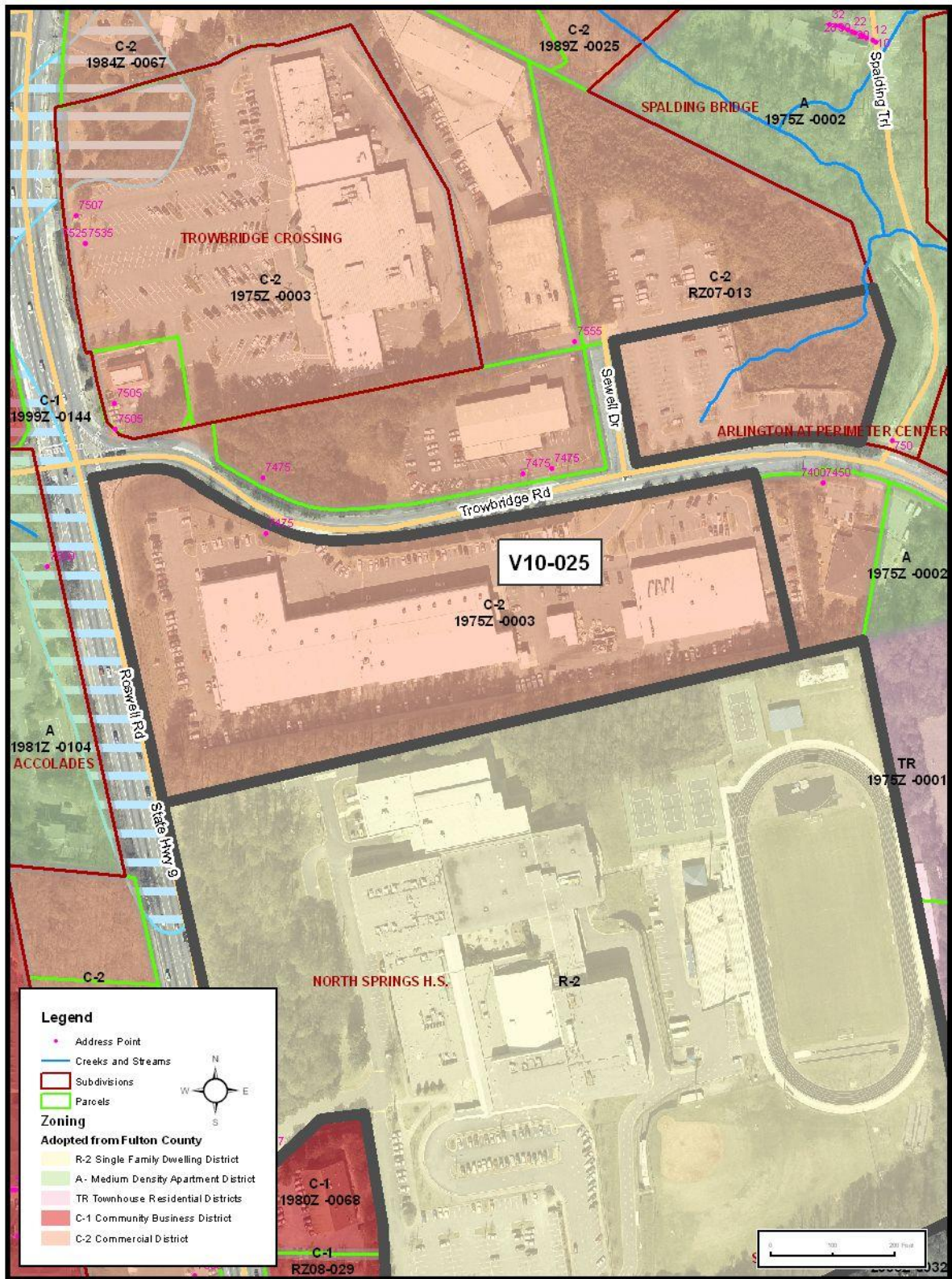
V10-025 - 1) ADMINISTRATIVELY WITHDRAWN

V10-025 - 2) APPROVAL CONDITIONAL

V10-025 - 3) APPROVAL CONDITIONAL

Parcel Map

7475 Trowbridge Road



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

CASE NUMBER: V10-025

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to subdivide the property into two (2) parcels. The applicant is requesting two (2) primary variances from the Zoning Ordinance: 1) Variance from Section 18.3.1.F (*18.3.1.F refers back to 18.3.1.C which restricts parking within 10 feet of a property line*) to allow parking within ten (10) feet from a property line and 2) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to two (2) feet on the east side of the property line and zero (0) feet on the west side of the property line.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 437.62 feet of frontage along the east side Roswell Road and 765.68 feet of frontage along the south side of Trowbridge Road. The property is trapezoidal in shape. The south, west and northwest property boundaries have steep slopes. The paved area is relatively flat. The proposed property line will bisect the property through the existing parking lot. The site plan also show proposed tract "A" (Classic Collision) as 5.56 acres with a 67,044 square foot single story building. Tract "B" is proposed as 2.66 acres with 24,200 square foot single story building. Tract "B" (Congregation Or Hadash) shows twelve (12) parking spaces being added along the proposed property line.

The surrounding lots in the immediate vicinity are zoned C-2 (Commercial District) to the north, C-2 (Commercial District) and A (Medium Density Apartments District) to the east, R-2 (Single Family Dwelling District) to the South and A (Medium Density Apartments District).

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:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the proposed property line will bisect the existing parking lot. There is currently not a buffer or landscape strip along the location of the proposed property line. Additionally, the parking spaces proposed within ten (10)

feet of the property line are being proposed over existing pavement. Therefore, staff is of the opinion this condition has 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:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on May 5, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Stormwater management shall be provided in accordance with the Sandy Springs Development Regulations.
	Sandy Springs Landscape Architect/ Arborist	If the MCC chooses to approve the rezoning and concurrent variances a condition could be added that the required landscape strips and zoning buffers be planted to meet the minimum standards or as approved by the City Arborist.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received July 2, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required five (5) foot landscape strip to two (2) feet on the east side of the property line and zero (0) feet on the west side of the property line and allow parking within ten (10) feet from a property line, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Existing site plan
Photographs