



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, August 13, 2019

Cases: **V19-0014 – 400 Heard's Ferry Road NW**
Staff Contact: Matthew Anspach (manspach@sandyspringsga.gov)
Report Date: August 7, 2019

REQUEST

Request for a **Variance** from Sec. 2.2.2.C. to encroach 10' into the 25' building setback along the eastern side common lot line to allow for the construction of a new, two (2)-car, ADA-compliant garage.

APPLICANT

Property Owner: Gary Draper	Petitioner: Will Gravlee	Representative: Will Gravlee
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SUMMARY

The petitioner requests a **Variance** for an encroachment of 10' into the 25' eastern side common lot line building setback for the construction of a new, two (2)-car, ADA-compliant garage.

RECOMMENDATION

Department of Community Development

Staff recommends **denial** of **Variance** V19-0014.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received July 2, 2019 (Revised July 11, 2019)

Plans:

1. "Draper Garage Addition – Elevations." prepared by Gamble & Gamble Architects, received July 12, 2019
2. "Site Plan –Proposed," prepared by Gamble & Gamble Architects, received July 12, 2019
3. "Draper Garage Addition, Variance Site Plan," prepared by Gamble & Gamble Architects, dated July 1, 2019, received July 11, 2019
4. "Boundary, Partial Topographic & Tree Survey," prepared by On Point Surveying and Mapping, Inc., received July 3, 2019

PROPOSED DEVELOPMENT

The petitioner requests a Variance to encroach a maximum of 10' into the 25' eastern side common lot line building setback for the construction of a new, two (2)-car, ADA-compliant garage. The entirety of the proposed addition would be built in place of what is currently asphalt, at the end of the driveway.

The following images show **the existing conditions** of 400 Heards Ferry Road:



Applicant's house layout with garage to the left



Facing south-current garage



Facing west toward other side yard-front yard



Facing southeast-retaining wall and back yard fence at end of drive



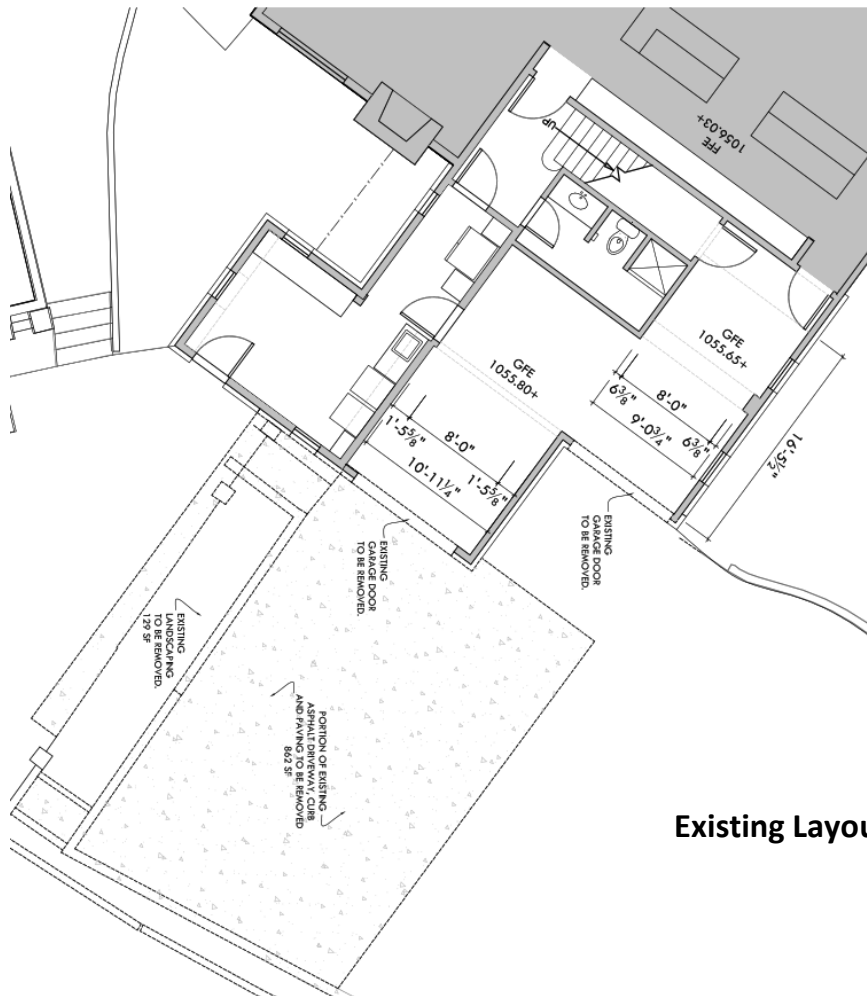
Facing west, current garage arrangement



Facing east toward the neighboring pool area (appx. 100' from driveway)

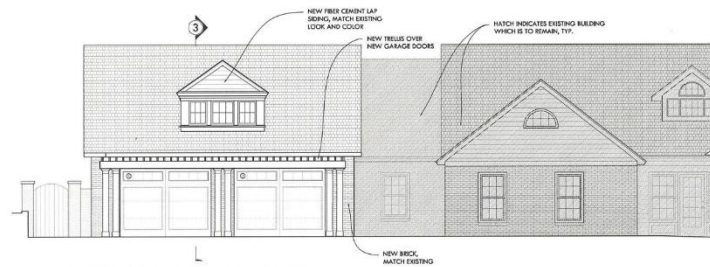


Aerial 3D

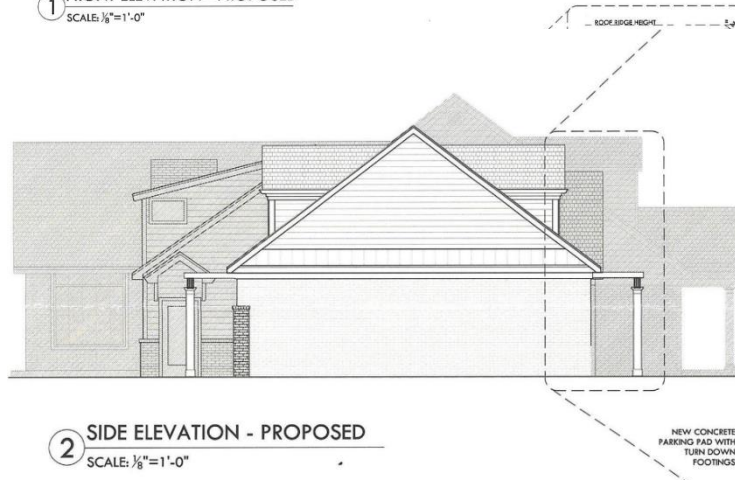


Existing Layout

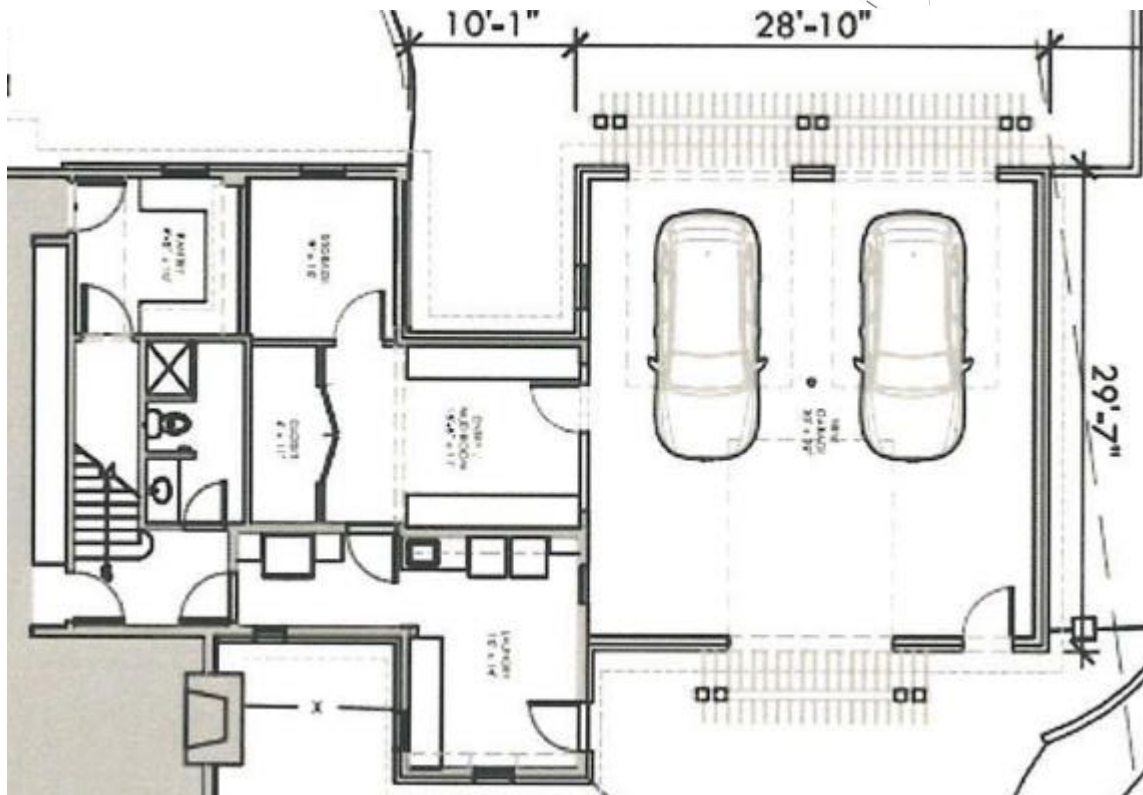
Proposed Conditions:



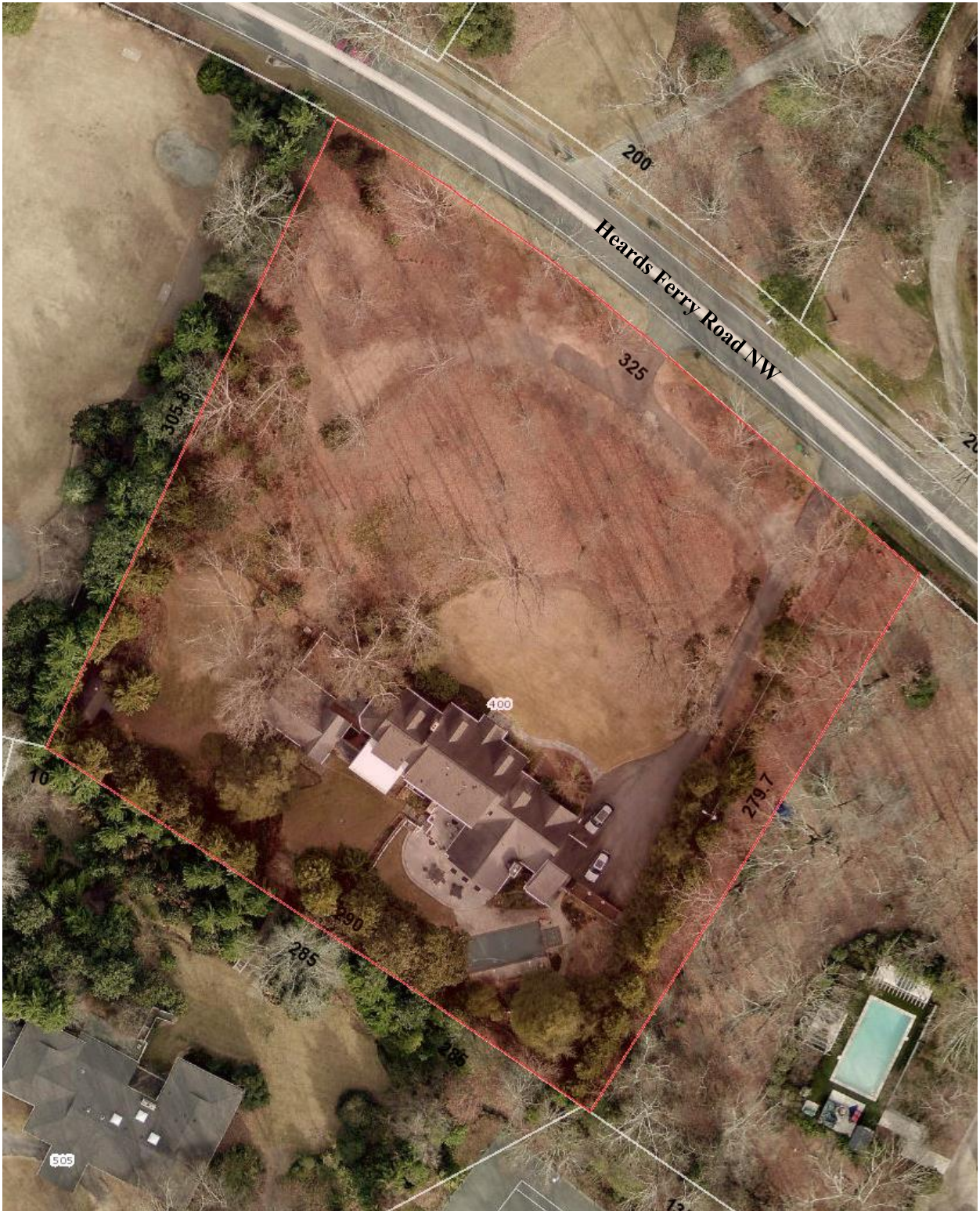
① FRONT ELEVATION - PROPOSED
SCALE: 1/8"=1'-0"



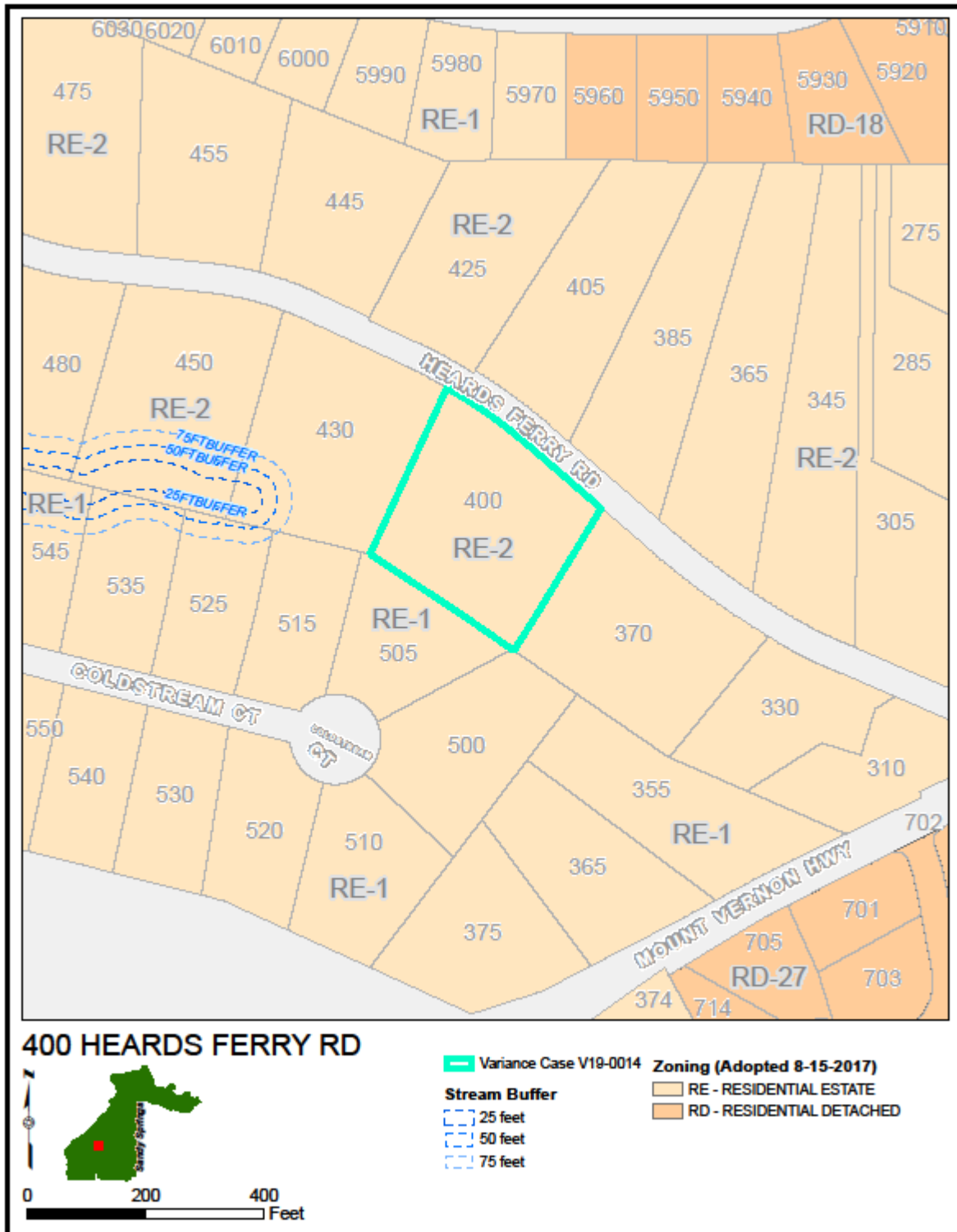
② SIDE ELEVATION - PROPOSED
SCALE: 1/8"=1'-0"



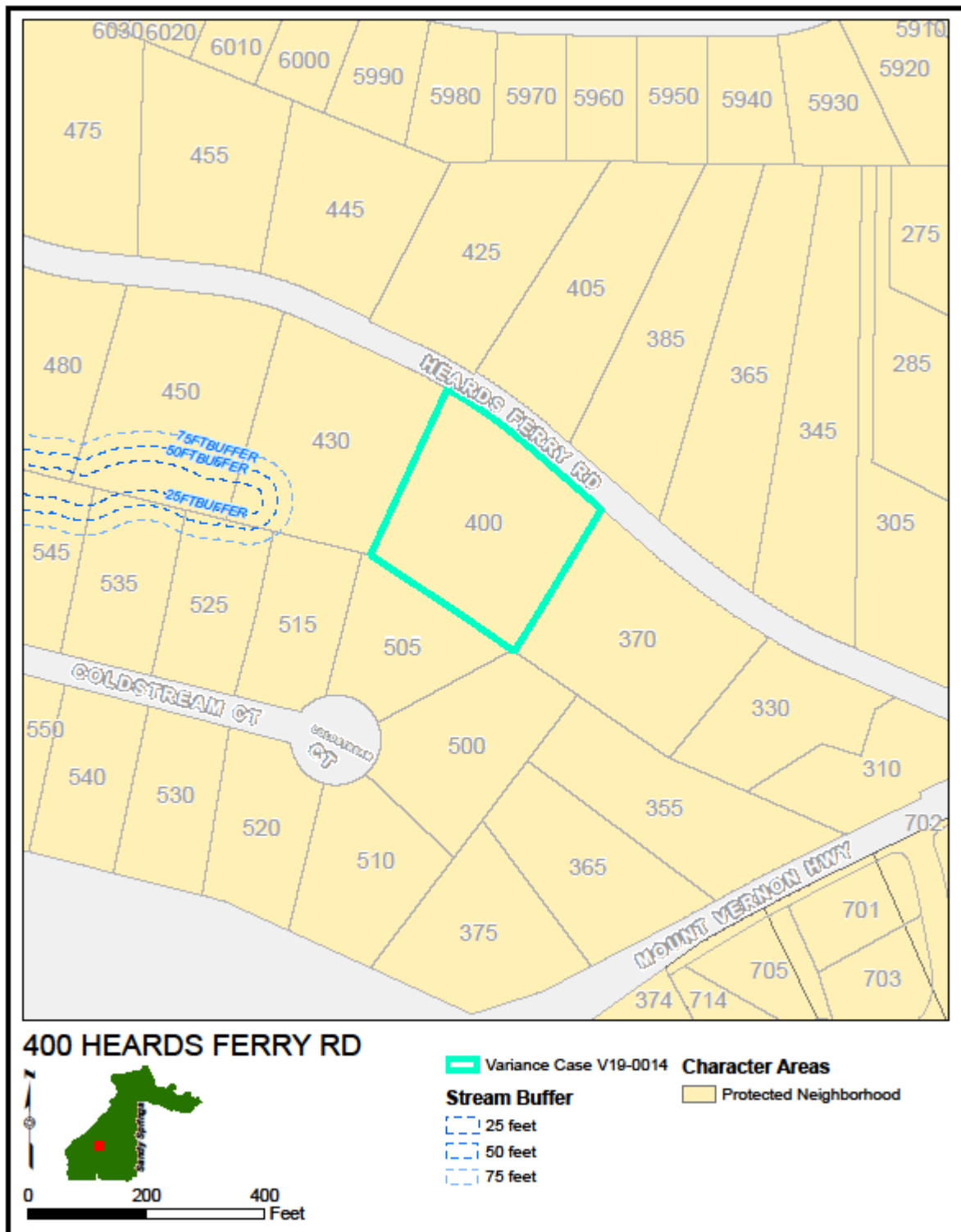
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval.

Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application must demonstrate that:

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

Findings: The subject lot is located west of the intersection of Heards Ferry Road and Mount Vernon Highway. It is currently developed with a single-unit detached home, pool, and other accessory structures. The home presently has a two car garage but the applicant believes the garage to be substandard in size, in particular when considering ADA design standards, of which, would practically apply to the applicant since they have handicapped parking credentials. The applicant would like to add onto the current layout of the home with the construction of a new, two (2)-car, ADA-compliant garage, encroaching up to 10' into the side common line setback

The lot is zoned Residential Estate 2 (RE-2 (acres)) with most of the development on the lot occurring in the southeastern corner. The proposed garage addition would be approximately 100' from the nearest neighboring accessory structure (a pool). As detailed by the applicant, the current lot coverage is 15.1%, and with the proposed addition would only increase this percentage to 15.2%, as the entirety of the proposed garage would be developed on existing impervious driveway.

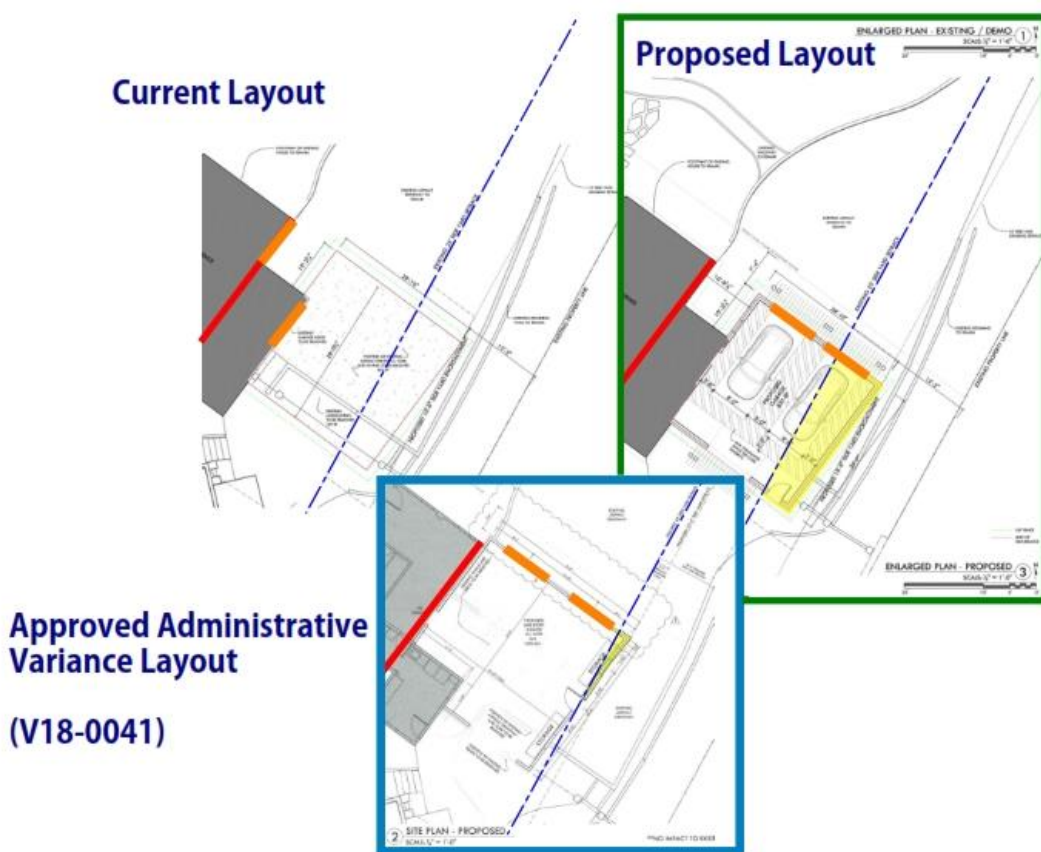
The applicant also applied for and received an Administrative Variance in 2018 for an encroachment of 10% or two and a half feet into their same side setback, to build a new 2 car garage. An illustration of the current layout, the proposed layout, and the proposed layout that was approved last year as an Administrative Variance (V18-0041) is shown below on the next page.

Staff does not believe “the application of the Development Code (by enforcing required setbacks) would create an unnecessary hardship,” but rather an inconvenience. There is currently space with which to park vehicles, even sufficient space to place a garage in some form without being granted the requested encroachment into the setback. The lot is only about 15% developed on more than 2 acres. There is space with which to work in without encroaching into the setbacks on the site. While the lot does have slope in the front and to the rear of the current homes layout, the overall environment and

topography of the lot is *not* “extraordinary” or “exceptional” and is composed of “conditions... (that *are believed to be*) generally found in similar properties.”

The layout of the current home and accessory structures does suggest the most logical placement of the proposed structure to be located somewhere in the southeast corner of the lot, which supports the notion that the current condition is either “the result of action” by the current property owner by their own development or by purchasing the property with the current layout which limits to some degree further development in the southeast corner.

Below, Staff includes the layout from V18-0041 to show that the garage remodel/expansion can be and actually has been developed in concept with a more minimal intrusion into the setback.



With this in mind, and the current full residential use of the property, Staff does not believe the current proposal presents “the minimum relief necessary to make possible the reasonable use of the property.”

Lastly, Staff does not see that the proposal is consistent with the general intent of the Development Code, as the intent for the setbacks, particularly the Residential Estate (2 acre) zoning districts is to ensure that primary structures are not constructed in uncharacteristically close proximity of

neighboring property lines, in accordance with “help(*ing*) to ensure that these single-family areas retain their existing character.” It should be noted that Staff does *not believe* the proposal would be “detrimental to the public good, safety and welfare.”

COMMENTS FROM OTHER PARTIES

Sandy Springs Building Official:

It seems ... that the existing 10-foot wide bay at the end of the house could easily be demolished to make way for the new 2-car garage, and then they would not need the variance. It has been constructed set back from the rest of the existing house, and it has a lower roof, so the structural systems of this bay should not be very much intertwined with the structure of the remaining house.

Correspondence Received:

No public comment was submitted other than the letter of support from the affected neighbor, Matthew Sasser, included in the application packet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **denial** of **Variance** V19-0014, request for a Variance from Sec. 2.2.2.C. to encroach 10’ into the 25’ building setback along the eastern side common lot line to allow for the construction of a new, two (2)-car, ADA-compliant garage.