



Variance Petition No. V11-009

HEARING & MEETING DATES

Board of Appeals Hearing

May 12, 2011

July 14, 2011

September 8, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
SCI Management	Arlington Memorial Cemetery	Alex Brock

PROPERTY INFORMATION

Address, Land Lot(s), and District	201 Mount Vernon Highway Land Lot 124, District 17
Council District	3
Frontage	1,104.96 feet of frontage along the north side Mount Vernon Highway.
Area	The subject property has a total area of approximately 122.26 acres.
Existing Zoning and Use	The lot is zoned AG-1 (Agricultural District) under Fulton County zoning case Z93-0030. The property is currently developed with a Cemetery.
Overlay District	N/A

2027

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

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. 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 twenty-five (25) feet to allow for the installation of storm drain pipes.

At the May 12, 2011 Board of Appeals meeting the Board deferred the application to the July 14, 2011 Board of Appeal meeting to give the applicant and the citizen an opportunity to discuss possible alternative designs.

At the July 14, 2011 Board of Appeals meeting the Board deferred the application per the applicants request to the September 8, 2011 Board of Appeal meeting to give the applicant additional time to work with the City to develop a comprehensive stormwater management

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 8, 2011

plan for the cemetery.

The applicant has requested the application be deferred to the November 10, 2011 meeting to continue working with the City to develop a comprehensive stormwater management plan for the cemetery.

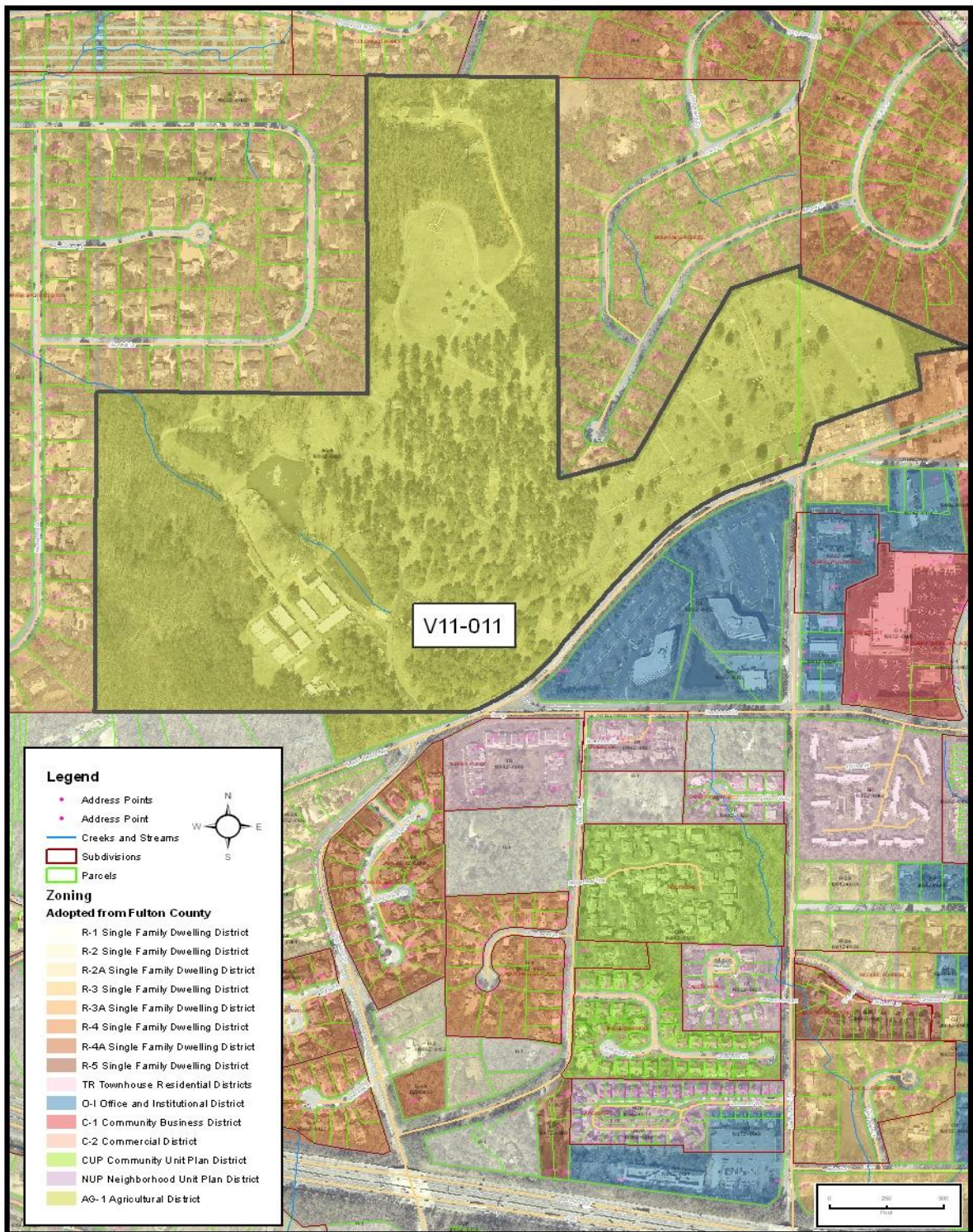
ENFORCEMENT

A Stop Work Order was posted on October 8, 2010 on the site for working without a Land Disturbance permit. The Stop Work Order was amended on January 6, 2011 to allow the upper portion of the ditch to be back filled. The site is currently under a stop work notice.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**V11-009- 1) DEFERAL**

Parcel Map

201 Mount Vernon Highway NW



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

CASE NUMBER: V11-009

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

Findings of Fact

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. The applicant is requesting relief 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 twenty-five (25) feet to allow for the installation of storm drain pipes. Below is a breakdown of each portion of the stream buffer encroachment request.

- 1) The applicant is proposing to remove approximately thirty (30) feet of existing pipe from the fifty (50) foot undisturbed buffer. The remaining portion of the pipe and headwall located in the twenty-five (25) foot undisturbed state buffer would be grout filled and abandoned in-place. (Area 1 on Exhibit 4)
- 2) The proposed new eighteen (18) inch reinforced concrete pipe (RCP) would start at the end of the concrete flume connected to the pedestal drop inlet (PDI) and would run fifty-six (56) feet to the northeast then turn north at the junction box and run another twenty-eight (28) feet to grate drop inlet in the properties interior road. (Area 2 on Exhibit 4)
- 3) Also, four (4) eight (8) inch PVC pipe is proposed to be installed next to an existing culvert. The PVC pipe would be a minimum one (1) foot below the existing culvert invert. A portion of the PVC pipe has already been installed before the Stop Work Order was posted on October 8, 2011. (Area 3 on Exhibit 4)

Standards for Consideration

Zoning Ordinance

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 buffer covers approximately one eighth (1/8) of the property. The 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. 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:

Staff notes the stream buffer covers approximately one eighth (1/8) of the property. An extreme hardship is presented when strict adherence to the minimal buffer requirement is followed. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. 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 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. 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 streams being affected on the property have been identified on the site plan (exhibit 2). The stream starts a head wall to the west side of the entry drive. The stream runs approximately one hundred (100) feet before entering the first pond. The stream exits the pond and travels approximately one hundred fifty (150) feet before entering the second pond. The stream exits the second lake and travels west six hundred ninety (690) feet before leaving the property.

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

Findings:

The proposed installation of storm drain pipes would reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet. All buffer and setback intrusions have been identified on the site plan (Exhibit 1 and Exhibit 2).

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

Findings:

Alternative designs have not been discussed with the staff regarding the proposed installation of storm drain pipes. However, the erosion and flooding issue is located in the stream buffer and there is no other location outside the buffer to install the pipes. The proposed pipes will help alleviate the erosion problem in the stream buffer. 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.

Department Comments

The staff held a Focus Meeting on April 6, 2011 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	Runoff passing through the proposed pipes will drain to the same existing pond on the Arlington campus to which the runoff currently drains. Proposed installation is intended to reduce risk of erosion where overflow from an existing pond currently often washes over an existing drive. No exceptions taken to the proposal.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
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 109-225 of the Code of the City of Sandy Springs. Based upon this review, staff recommends **DEFERRAL** 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 installation of storm drain pipes shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 29, 2011 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 twenty-five (25) feet (proposed pipe encroachment of forty-eight (48) feet and limits of disturbance of two (2) feet for a total encroachment of fifty (50) feet) to allow for 375 feet of storm drain pipes to be installed, where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS:

Letter of appeal

Deferral request

Overall site plan showing stream buffers (Exhibit 1)

Overall site plan outlining location of proposed disturbance (Exhibit 2)

Zoomed in area of disturbance (Exhibit 3)

Site Plan (exhibit 4)

Photographs



Variance Petition No. V11-035

HEARING & MEETING DATES

Board of Appeals Hearing

September 8, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Paula & Clay Cibula	Paula & Clay Cibula	Linda MacArthur

PROPERTY INFORMATION

Address, Land Lot(s), and District	6230 Mountain Brook Lane Land Lot 167, District 17
Council District	3
Frontage	Approximately 119.99 feet of frontage along Mountain Brook Lane
Area	The subject property has a total area of approximately 4.04 acre.
Existing Zoning and Use	The lot is zoned R-2A (Single Family Dwelling District) under Fulton County zoning case Z65-0080.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R 1-2 Residential (1 to 2 units per acre)

INTENT

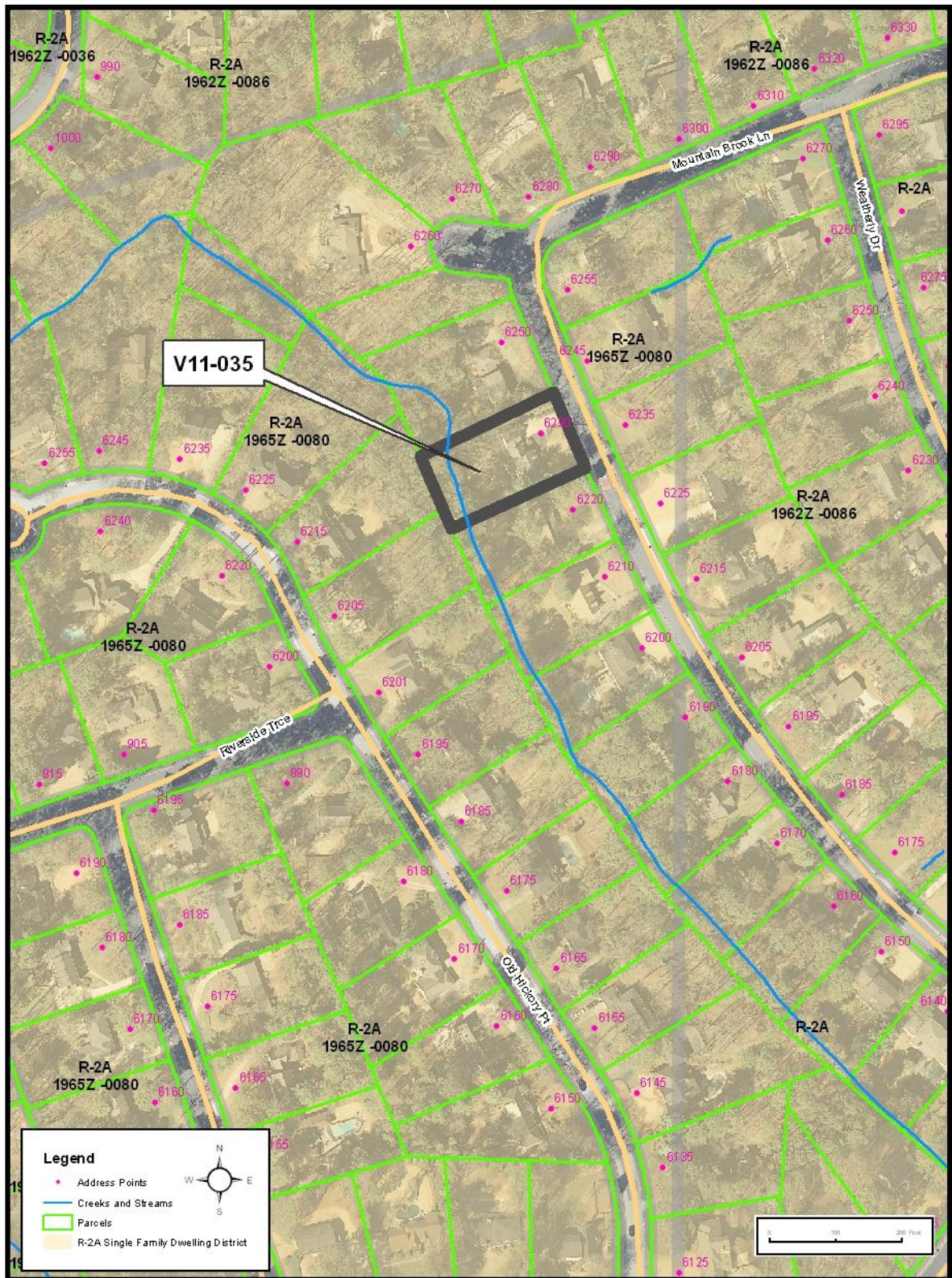
The applicant is proposing to construct an addition and a new wood deck on the rear of the existing house. The addition and wooden deck would encroach twenty-three (23) feet with a limit of disturbance of two (2) feet. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

1. Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the twenty (25) foot impervious surface setback to 0 feet (twenty-three (23) feet for proposed addition and wooden deck and two (2) feet for limits of disturbance totaling twenty-five (25) feet).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V11-035- 1) APPROVAL CONDITIONAL

Parcel Map

6230 Mountain Brook Lane



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

CASE NUMBER: V11-033

STAFF CONTACT: Linda Abaray, Senior Planner 770-206-1577
E-mail: labaray@sandyspringsga.gov

Findings of Fact

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 199.99 feet of frontage on Mountain Brook Lane. The property is rectangular in shape. The house is set towards the front of the lot at the front setback line. The house also spans the width of the buildable area of the lot. There is a stream bisecting the rear of the lot. The property has a drainage easement crossing the northeast corner on the lot and continuing sixty-six (66) feet along the north property line. A sanitary sewer easement runs parallel to the creek. The proposed addition and deck are shown encroaching into the twenty-five (25) foot impervious setback. The site slopes approximately twenty (20) feet from Mountain Brook Lane at an elevation 910 to the creek at an elevation of 890.

The property is located in the river corridor. The Atlanta Regional Commission (ARC) has done a preliminary review of the proposed structure and determined that the property has enough impervious area to construct the addition and deck in the proposed location. The applicant has submitted documentation from the ARC (exhibit 2) breaking down the available impervious surface in each category.

Staff notes the surrounding properties are zoned R-2A (Single Family Dwelling District), the same zoning as the subject property. The Chattahoochee River Corridor also affects the properties to the north.

Site History

The site currently does not have any code violations or building permits.

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 buffer covers approximately half of the buildable area. The property is rectangular in shape slopes approximately twenty (20) feet from Mountain Brook Lane at an elevation 910 to the creek at an elevation of 890. The house is set towards the front of the lot at the front setback line. The house also spans the width of the buildable area of the lot. There is not a portion of the lot that can be built on without a variance. 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 property. The house is currently just sitting off the front setback. There is not a portion of the lot that can be built on without a variance. The stream buffers and setbacks limit the buildable area on the property. 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 rectangular in shape. There is a stream bisecting the rear of the lot. The property has a drainage easement crossing the northeast corner on the lot and continuing sixty-six (66) feet along the north property line. A sanitary sewer easement runs parallel to the creek in the rear. The site slopes approximately twenty (20) feet from Mountain Brook Lane at an elevation 910 to the creek at an elevation of 890. There is currently no riparian vegetation outside the twenty-five (25) foot state buffer. 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). There is a stream bisecting the rear of the lot. The buffer occupies approximately half of the subject property buildable area.

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

Findings:

The proposed addition, deck and limits of disturbance encroach twenty-five (25) feet into the impervious setback. The house is set towards the front of the lot at the front setback line. The house also spans the width of the buildable area of the lot. There is not a portion of the lot that can be built on without a variance. The creek and buffers occupy approximately half of the subject property's buildable area. 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 not been discussed with staff regarding this property. However, the existing house takes up the available buildable area of the lot. Any extension of the existing house would require either a stream buffer or setback variances. 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 not is as protective of the natural resources and environment as the existing site condition. The existing stream buffer has natural vegetation in the twenty-five (25) foot state buffer and then is grassed to the house.

Department Comments

The staff held a Focus Meeting on August 3, 2011 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	Building addition, including deck additions, shall comply with the city Floodplain Management Ordinance. Currently, compliance on this lot includes requiring that additions, including deck additions, only extend over ground surface that is higher in elevation than 896ft above sea level, and that any new proposed finished floor be at 899ft above sea level or higher. Should the variance be approved, the building permit applicant will need to locate the floodplain boundary and demonstrate that the proposed addition complies with the Floodplain Management Ordinance.
	Sandy Springs Landscape Architect/ Arborist	If the Board decides to approve the application it could be conditioned to provide a suitable method to minimize runoff.
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 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

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

- 1) The subject addition and deck shall be constructed in accordance with the proposed site plan, provided by the applicant dated received July 5, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the twenty-five (25) foot impervious surface setback to zero (0) feet to allow an addition and deck, 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

Proposed Site plan (exhibit 1)

Site Plan existing conditions

Topography

Impervious surface calculations from ARC (exhibit 2)

Site Impervious surface calculations (exhibit 3)

Photographs



Variance Petition No. V11-036

HEARING & MEETING DATES

Board of Appeals Hearing

September 8, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
Christelle Alves

Petitioner
Christelle Alves

Representative
Tom Williams

PROPERTY INFORMATION

Address, Land Lot(s), and District
275 Heard's Ferry Road
Land Lot 133, District 17

Council District
3

Frontage
Approximately 50.80 feet of frontage Heard's Ferry Road

Area
The subject property has a total area of approximately 4.04 acre.

Existing Zoning and Use
The lot is zoned R-1 (Single Family Dwelling District)

Overlay District
N/A

2027

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

INTENT

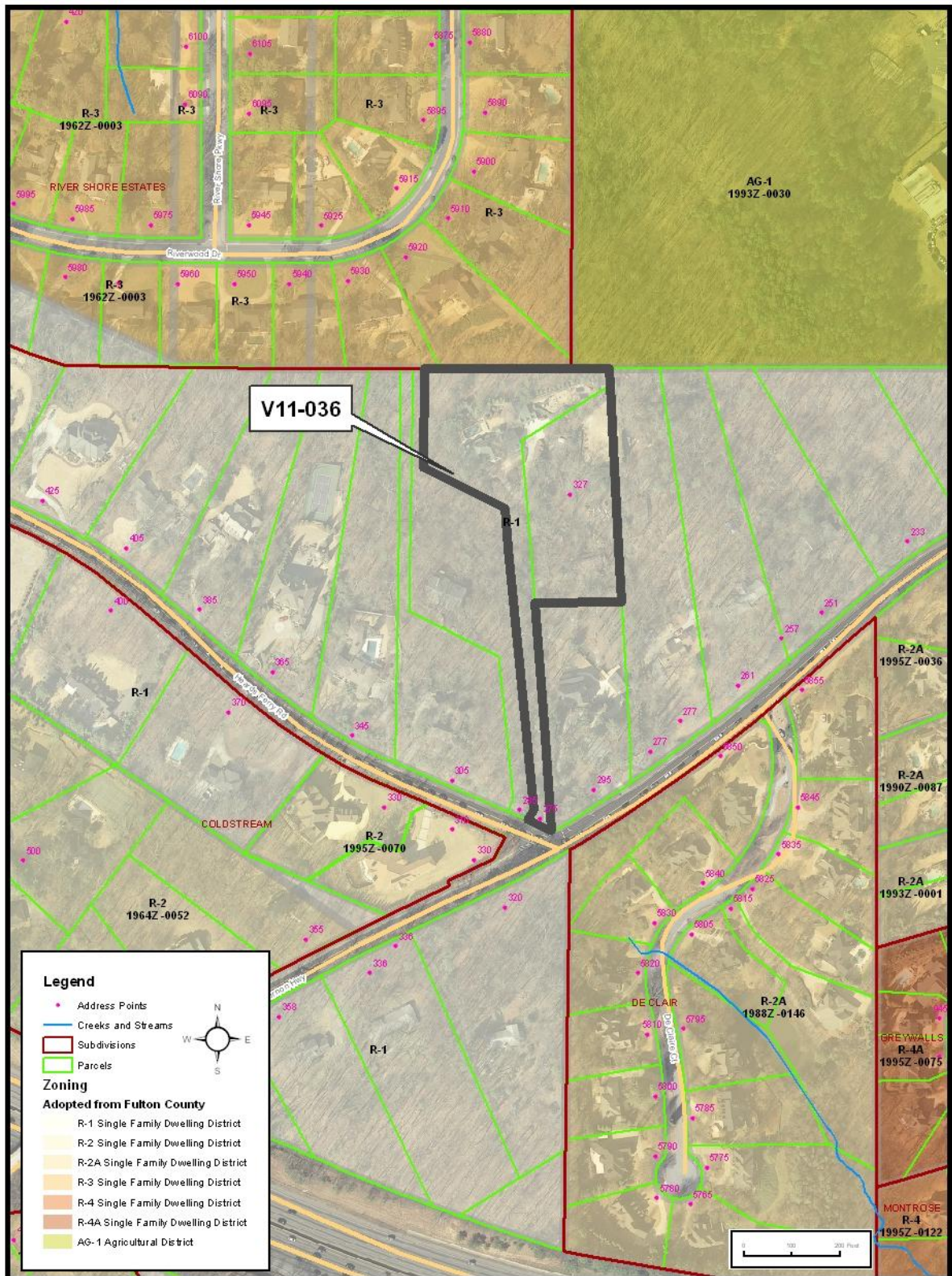
The applicant is proposing to combine two (2) existing flag lots into one (1) flag lot. Variance requests 2 through 5 are to bring existing structures into compliance. The applicant is requesting five (5) primary variances from the Zoning Ordinance:

1. Variance from Section 4.2.10 to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback.
2. Variance from Section 6.1.3.B to reduce the front yard setback from 60' to 39' to allow an existing storage building.
3. Variance from Section 6.1.3.C to reduce the side yard setback from 25' to 9' to allow an existing shed.
4. Variance from Section 6.1.3.D to reduce the rear setback from 50' to 15' to allow an existing shed.
5. Variance from Section 6.1.3.I to allow existing accessory structures to be located in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V11-036- 1) APPROVAL CONDITIONAL

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 8, 2011

275 Heard's Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 8, 2011

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

CASE NUMBER: V11-036

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

Findings of Fact

The applicant has provided a site plan (exhibit 1) showing the subject properties as two (2) lots. Both properties are existing flag lots. The applicant is proposing to combine the two (2) existing flag lots into one (1) flag lot. The site plan also shows four (4) accessory structures located in the front yard, a storage building encroaching in the new front yard setback, a batting cage and storage shed encroaching in the side yard setback, and storage shed encroaching in the rear yard setback. All variance requests are to allow existing structures to remain in their current locations.

Staff notes the request to combine two (2) flag lots into one (1) requires to be brought into compliance with current regulations. The Zoning Ordinance requires a lot width to be achieved at a distance no greater than sum of the required minimum front yard/setback and minimum rear yard/setback. In addition, the minimum lot width shall be maintained through the depth of the buildable area. The required lot width would need to be met at 110 feet continue through the buildable area. Also, accessory structures are required to be located within the buildable area of the lot and not in a front yard.

The surrounding lots in the immediate vicinity are R-3 (Single Family Dwelling District) and AG-1 (Agricultural District) to the north; R-1 (Single Family Dwelling District) to the east; R-1 (Single Family Dwelling District) and R-2A (Single Family Dwelling District) south and R-1 (Single Family Dwelling District) west. The property to the west of the subject property is also flag lot.

Site History

The property does not have any enforcement history and currently has a building permit for construction on the existing house and a fence permit.

Standards for Consideration

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. The intent of the Zoning Ordinance is to promote health and general welfare. The combination on two (2) existing flag lots into one (1) would not be a detriment to the public. Additionally, all structures on the site currently existing. The property is heavily wooded and most of the accessory structures are screened from neighboring properties. The lots currently are platted as two (2) separate flag lots. The lot to the west of the subject property is a flag. 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 shape and topography. However, the size, shape and topography do not create a hardship in relation to the requested variances. 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 August 3, 2011 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 Engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Landscape Architect/ Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire Department 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 lots shall be in accordance with the proposed site plan, provided by the applicant dated received July 20, 2011 by the Department of Community Development, for the variance(s) herein, showing the combination of 17-0133- LL-096 (275 Heard's Ferry Road) and 17-0123- LL-048.
2. To allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback.
3. To reduce the front yard setback from 60' to 39' to allow an existing storage building.
4. To reduce the side yard setback from 25' to 9' to allow an existing shed and batting cage.
5. To reduce the rear setback from 50' to 15' to allow an existing shed.
6. To allow existing accessory structures to be located in the front yard.

ATTACHMENTS:

Letter of appeal

Site plan existing conditions (Exhibit 1)

Site plan proposed conditions (exhibit 2)

Photo key

Photos