



P&Z STAFF REPORT

Board of Appeals Hearing; September 8, 2016

Case: **V16-0100 – 4800 Huntley Drive**

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

Report Date: September 1, 2016

REQUEST

Variance from Section 6.4.3C of the City of Sandy Springs Zoning Ordinance to encroach 4 feet into the minimum side yard for the enclosure of a carport.

APPLICANT

Property Owner: Bant Millichap Homes	Petitioner: Bant Millichap Homes	Representative: Aaron Jones
---	-------------------------------------	--------------------------------

PROPERTY INFORMATION

Location:	4800 Huntley Drive
Council District:	5 – De Julio
Road frontage:	Approximately 100 ft. on Huntley Drive
Acreage:	Approximately 0.53 ac.
Existing Zoning:	R-3 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1-2 units per acre)

PROPOSED DEVELOPMENT

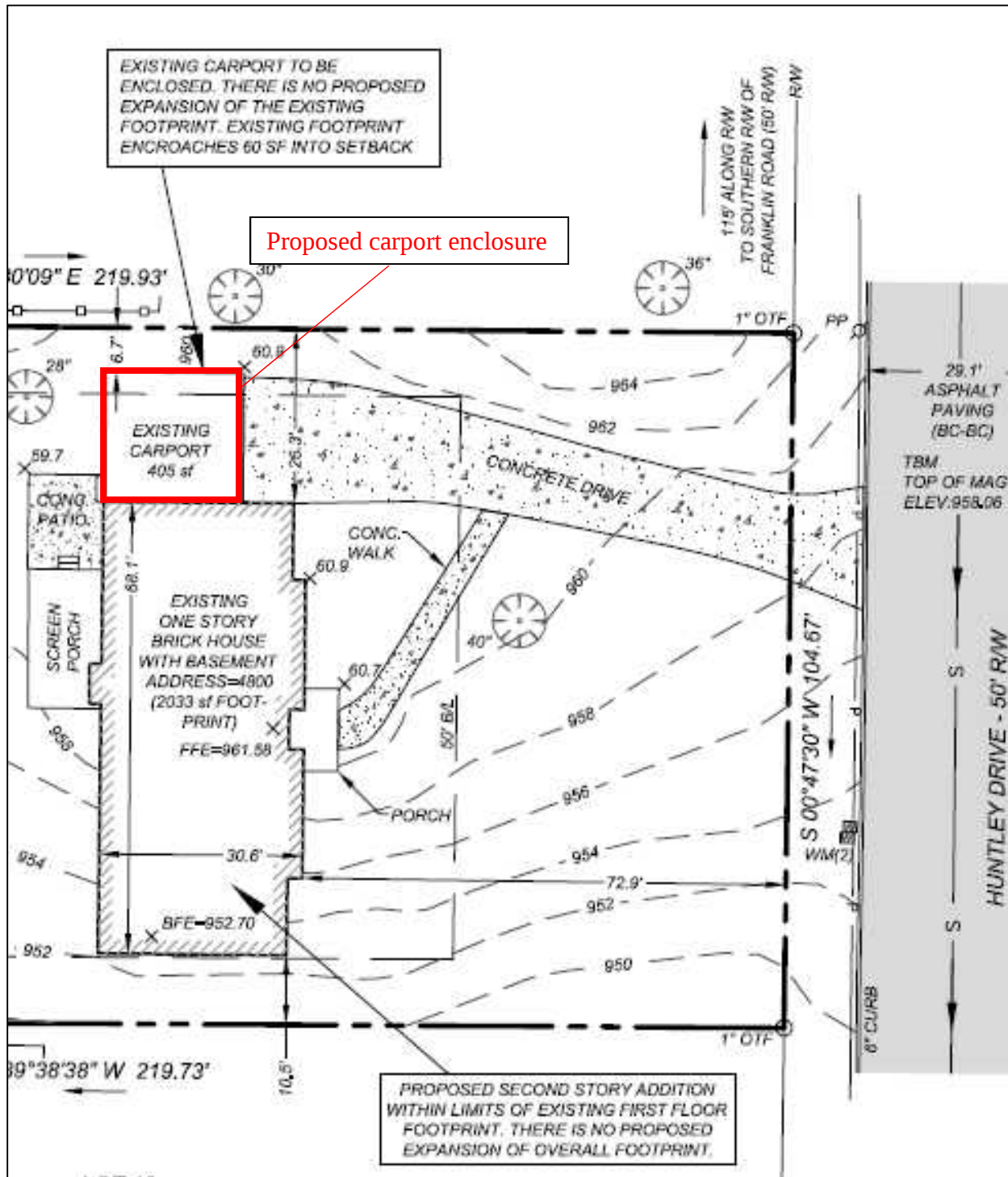
The applicant is proposing to enclose an existing carport as part of a home addition project. The project will maintain an existing 4-foot linear encroachment but will replace the open side with a wall. In addition, the applicant proposes to install a second floor on top of the existing residence. The affected area will remain at one story.

RECOMMENDATION

Department of Community Development

Conditional Approval of the variance request.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



AERIAL IMAGE



ZONING MAP

4800 Huntley Dr



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative variances, and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application shall demonstrate that:

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

Finding:

The subject property is part of the West Field Park subdivision and is currently occupied with a single-family home. The residence has two parking spaces in a front-loading attached carport. Currently, the applicant is preparing a renovation and expansion project, which includes constructing a second floor over that portion of the existing residence that is outside the side yard minimum setback, and enclosing the carport. The residence was built in 1961 and the encroachment predates the current property owner.

The applicant considered and rejected an alternative location on the other side of the residence due to the steep grading, which would prohibit a connection to the residence. Moving the garage closer to the residence would require relocation of the driveway, which would impact the root zone of a 40-inch diameter Red Oak tree. The Comprehensive Plan emphasizes the preservation of the City's tree canopy as a policy. It states: "Forested areas within the City help define the character of Sandy Springs and should be preserved" (General Natural Resource Policy #11). At a 40-inch caliper, the subject tree is considered a Landmark Tree, which is especially worthy of protection. Due to its size, the Red Oak is one of the defining features of the neighborhood.

If granted, the variance would only allow the same encroachment as is currently existing, as this proposal only involves enclosing the existing carport. No expansion of the carport is anticipated with this request. The altered structure will be at the same distance from the neighboring property as the existing carport. In addition, the structure's height will not increase.

COMMENTS FROM OTHER PARTIES

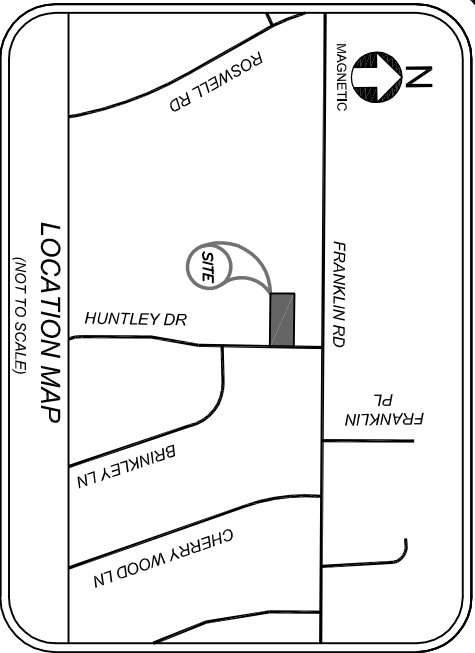
No comments received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request V16-0100 to allow the enclosure of an existing carport.

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

1. To allow the enclosure of a carport as shown on the site plan prepared and sealed by Caleb A McGaughey dated July 25, 2016.
2. No second floor shall be allowed within the four-foot minimum side yard encroachment.
3. Any revisions of the submitted site plan must be reviewed and approved by Staff.



GRAPHIC SCALE: 1"=30'

DATE:	JULY 25, 2016	ISSUE	
SCALE:	1" = 30'	NO.	DESCRIPTION
ACREAGE:	0.5296		
LAND LOT(S):	66		
DISTRICT:	17th	SECTION:	
CITY:	SANDY SPRINGS		
COUNTY:	FULTON	STATE:	GEORGIA
SURVEYED:	MUS	DRAWN:	MMR
CHECKED:	WGH	APPROVED:	CAM
PROJECT #:	16-219		

NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED.

LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC

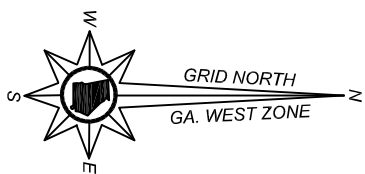
3355 ANNONDALE LANE, STE 1
SUWANEE, GA 30024

CONCEPTUAL PLAN FOR:

BANT MILLICHAP HOMES

4800 HUNTLEY DRIVE
LOT 17, BLOCK F, UNIT 5, WEST FIELD PARK S/D
LAND LOT 66, 17th DISTRICT, FULTON COUNTY, GEORGIA
TAX PARCEL No. 17 006600050463
BEING IN THE CITY OF SANDY SPRINGS

THIS PLAT WAS PREPARED IN CONFORMITY
WITH THE TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN CHAPTER 180-7 OF THE RULES OF
THE GEORGIA BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AND AS SET FORTH IN THE
GEORGIA PLAT ACT O.C.G.A. 15-6-67.



CLOSURE STATEMENT

FIELD INFORMATION FOR THIS SURVEY WAS
OBTAINED WITH A TRIMBLE S-6 ROBOTIC
TOTAL STATION.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR
CLOSURES AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 257,120 FEET.
THE FIELD DATA UPON WHICH THIS MAP OR
PLAT IS BASED HAS A CLOSURE OF ONE FOOT
IN 316,400 FEET AND AN ANGULAR ERROR OF
0 SECOND PER ANGLE POINT AND WAS AD-
JUSTED USING COMPASS RULE.

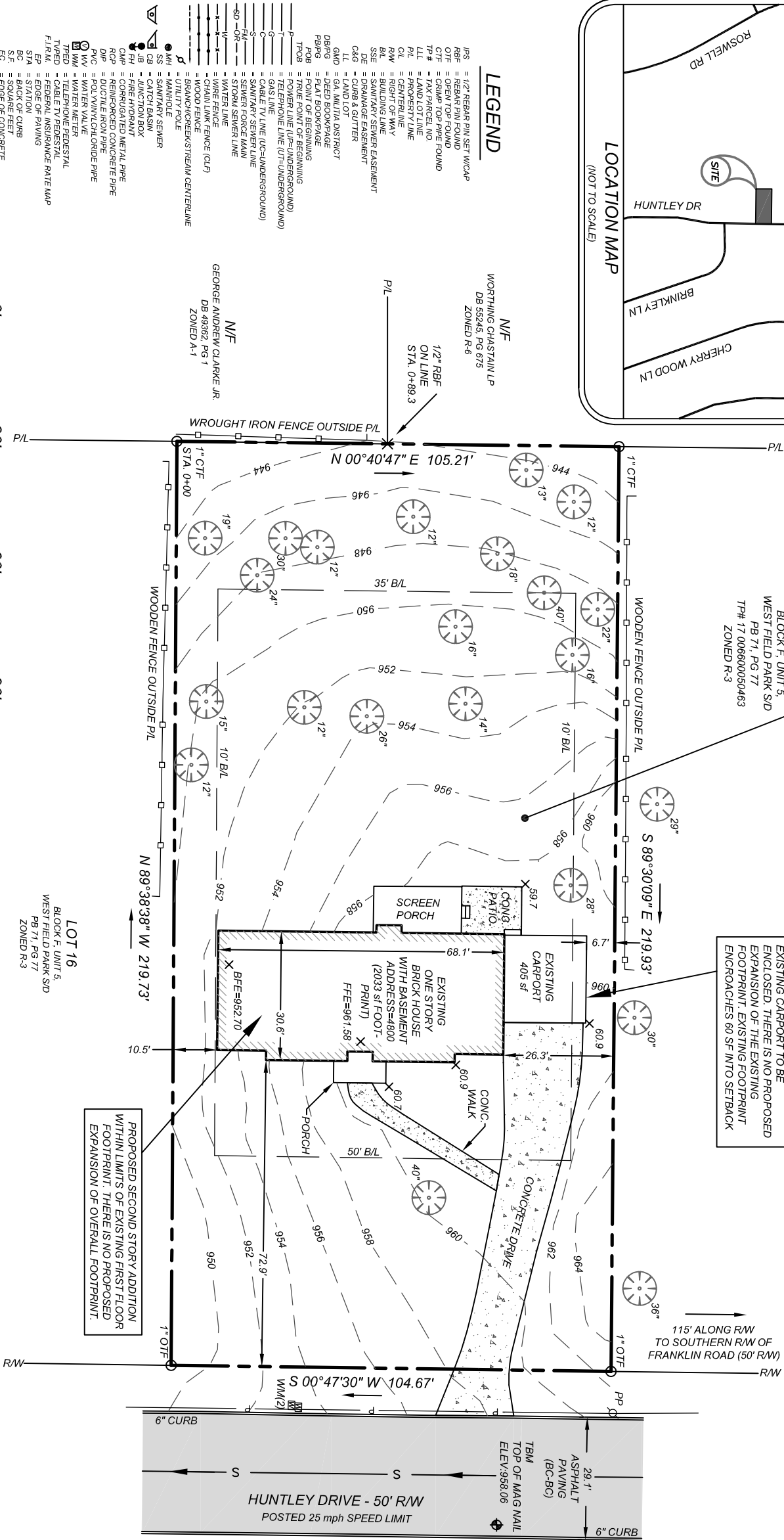
- NOTES:
- REFERENCES FOR THE BOUNDARY INFORMATION SHOWN
HEREON WERE MADE TO PLAT BOOK 71, PAGE 77 OF FULTON
COUNTY RECORDS.
 - NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD
HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No.
13121C0144F, DATED SEPTEMBER 18, 2013.
 - THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED
ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO
THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR
STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON.
ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE
SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND
COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
 - NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF
TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY
BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
 - PROPERTY ZONING: R-3
FRONT SETBACK: 50 FEET
SIDE SETBACK 10 FEET
REAR SETBACK 35 FEET
 - THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON
7/18/16.
 - VERTICAL INFORMATION SHOWN HEREON WAS OBTAINED FROM
A "FIELD RUN" SURVEY. REFERENCE DATUM IS NAVD 88-1994 MEAN
SEA LEVEL. CONTOUR INTERVAL EQUALS TWO FEET.

LOT COVERAGE:
IMPERVIOUS AREA
LOT AREA
IMPERVIOUS RATIO
= 4254 sf
= 23,069 sf
= 18.4%

EXISTING CARPORT TO BE
ENCLOSED. THERE IS NO PROPOSED
EXPANSION OF THE EXISTING
FOOTPRINT. EXISTING FOOTPRINT
ENCROACHES 60 SF INTO SETBACK

LOT 18
BLOCK F, UNIT 5,
WEST FIELD PARK S/D
PB 71, PG 77
ZONED R-3

0.5296 ACRES
23,069 S.F.
LOT 17
BLOCK F, UNIT 5,
WEST FIELD PARK S/D
PB 71, PG 77
T# 17 006600050463
ZONED R-3

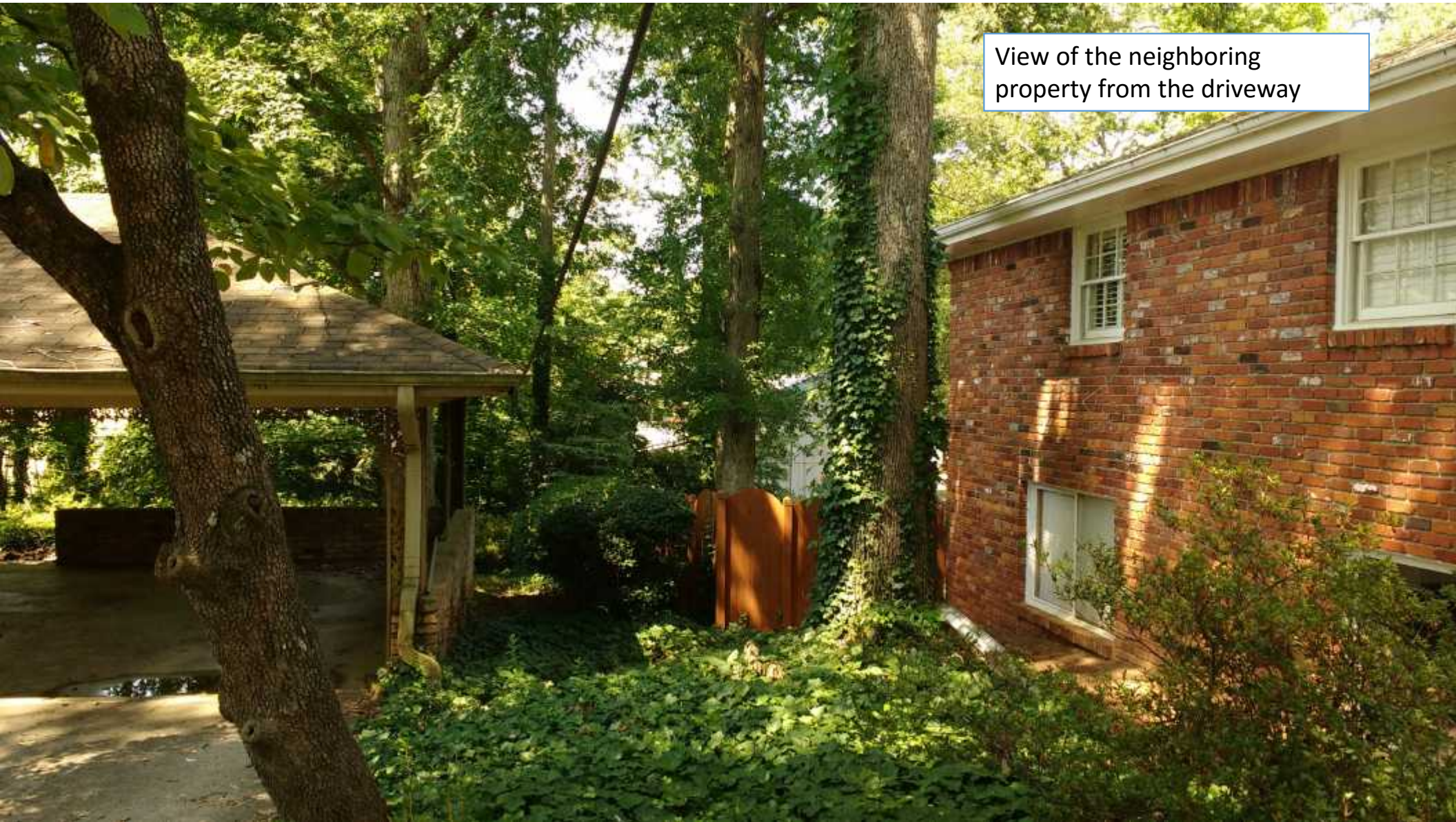


Location of the carport





View of the Red Oak tree in
front of the property



View of the neighboring property from the driveway



Case No.:

V16-0100
Planner's initials: PL

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 4300 HUNTLEY DR	
	Parcel Tax ID: 17006600050463	
	Land Lot(s): 66	Land District(s):
	Total acreage: .5296	Council district:
	Current zoning: R-3	Current use:
	Overlay district:	Future land use:

APPLICATION	Detailed request (include Ordinance/Code Section No.): REPEL FROM SEC. 6.4.3. C OF THE ZONING ORDINANCE TO ENCLOSE 4' INTO THE SIDE YARD SETBACK TO ENCLOSE AN EXISTING CARPORT.	
	Petitioner: AARON JONES / BART MILLICHAP HOMES	
	Petitioner's address: 300 W. WEEVER RD. BLDG 1 STE 115 SANDY SPRINGS, GA 30342	
	Phone: 678-873-6258	Email: aaron@bartmillichaphomes.com

OWNER	Property owner: Bart Millichap Homes	
	Owner's address: 300 W. WEEVER RD. BLDG 1 STE 115 SANDY SPRINGS, GA 30342	
	Phone: 678-873-6258	Email: aaron@bartmillichaphomes.com
	Signature (authorizing initiation of the process):	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date: 7/24/16	Anticipated application date: 8/2/2016
Anticipated PC date: N/A ☐	Anticipated BOA date:
ADDITIONAL INFORMATION NEEDED:	



AUTHORIZATION FORM – PART I

A- If the applicant is also the owner of the subject property:

Fill out the following section and have it notarize.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: <u>Peter B. Durlach, Jr.</u>	Sworn and subscribed before me this <u>2</u> day of <u>August</u> 20 <u>16</u> Notary public: <u>[Signature]</u> Seal: Commission expires: <u>May 26, 2020</u>
Address: <u>4800 Huntley Drive</u>	
City, State, Zip Code: <u>Sandy Springs, GA 30342</u>	
Email address: <u>Ashton.D.Pantier@wichephome.com</u>	
Phone number: <u>678-873-6258</u>	
Owner's signature: <u>Peter B. Durlach, Jr.</u>	

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or ☐ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or ☐ He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this _____ day of _____ 20 ____ Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	

Bant Millichap Homes

90 W. Wieuca Rd. Suite 222 Atlanta, GA 30342

Phone: 404-388-8047

E-Mail: bant@bantmillichaphomes.com

Web: bantmillichaphomes.com

Variance Analysis

Date: 7/29/2016

City of Sandy Springs,

Bant Millichap Homes is requesting relief be granted for the variance set forth at the property located at 4800 Huntley Dr. Sandy Springs, GA. BMH understands that codes are in place to protect the neighboring residence and will maintain that the code remains intact. The renovation will cause no detriment to the neighborhood and will increase the values of the neighboring homes.

The preexisting conditions of the carport built within the side setback an unnecessary hardship to the BMH (Owner). Granting the variance allows the lot to be redeveloped with minimal land disturbance including removing the 40" hardwood tree in the front yard. An alternative to redevelop the lot if the variance were not granted would be to demolish the home and build a new home. This alternative requires significant land disturbance. It also will

require a significant amount of money that would not allow BMH to sell the home at a more desirable price.

Thank you for your consideration to this matter.

Sincerely,

Peter B. Millichap Jr.
404-388-8047
Bant Millichap Homes

Bant Millichap Homes

300 W. Wieuca Rd. Bldg. 1, Ste. 115 Atlanta, GA 30342

Phone: 404-388-8047

E-Mail: bant@bantmillichaphomes.com

Web: bantmillichaphomes.com

Letter of Intent

Date: 7/29/2016

City of Sandy Springs,

Bant Millichap Homes requests one variance be issued for the property located at 4800 Huntley Dr. Sandy Springs, GA. BMH is intends to improve the residence and is seeking the variance from building setbacks requirements in Section 6.4.3.C to bring the existing nonconforming structure into compliance. The existing structure that encroaches into the setback is located on the Southwest side of the existing residential property. The property encroaches 4' on the southwest side into the 10' side setback. The total square footage for the nonconforming structure is 60 sq. ft. The property was constructed in 1961 with no knowledge of any changes or additions outside of the original footprint.

Bant Millichap Homes will extend vertically over the main body of the existing structure and not over the nonconforming existing carport. The addition was intentionally designed not to encroach into the setback line. Improvements on the garage will include

adding two walls, a garage door and adjust the pitch of the roof for aesthetic purposes.

The existing structure is not in compliance, necessitating the variance. The improvements to this property will greatly impact the overall appearance of the neighborhood along with increasing the neighbor property values. BMH has not considered any additional alternatives, as the monetary value would exceed the existing purchasing conditions. It is BMH intent is to improve the existing conditions and increase property values in the area.

Thank you for your consideration to this matter.

Sincerely,

Peter B. Millichap Jr.
404-388-8047
Bant Millichap Homes

SURVEYED LEGAL DESCRIPTION

4800 Huntley Drive

ALL THAT LOT, TRACT OR PARCEL OF LAND CONTAINING 0.529 ACRES LYING AND BEING IN LAND LOT 66 OF THE 17th DISTRICT, FULTON COUNTY, GEORGIA AND ALSO BEING LOT 17, BLOCK F, UNIT 5 OF WEST FIELD PARK SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1 INCH OPEN TOP PIPE) LOCATED ON THE WESTERN RIGHT-OF-WAY OF HUNTLEY DRIVE (HAVING A 50 FOOT RIGHT-OF-WAY WIDTH) BEING 115.0 FEET SOUTHERLY FROM THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF FRANKLIN ROAD;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY OF HUNTLEY DRIVE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS WEST A DISTANCE OF 104.67 FEET TO AN IRON PIN FOUND (1 INCH OPEN TOP PIPE);

THENCE LEAVING SAID RIGHT-OF-WAY HUNTLEY DRIVE NORTH 89 DEGREES 38 MINUTES 38 SECONDS WEST A DISTANCE OF 219.73 FEET TO AN IRON PIN FOUND (1 INCH CRIMP TOP PIPE);

THENCE NORTH 00 DEGREES 40 MINUTES 47 SECONDS EAST A DISTANCE OF 105.21 FEET TO AN IRON PIN FOUND (1/2 INCH REBAR);

THENCE SOUTH 89 DEGREES 30 MINUTES 09 SECONDS EAST A DISTANCE OF 219.93 FEET TO AN IRON PIN FOUND (1 INCH OPEN TOP PIPE) ON THE WESTERN RIGHT-OF-WAY OF HUNTLEY DRIVE, SAID IRON PIN BEING THE POINT OF BEGINNING.