



Variance Petition No. 201402049

HEARING & MEETING DATES

Board of Appeals Hearing

August 14, 2014

September 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Joseph & Stephanie Wilkins	Joseph & Stephanie Wilkins	Stephen Klim

PROPERTY INFORMATION

Address, Land Lot(s), and District	1915 Monticello Court Land Lot 351, 6 th District
Council District	1
Frontage	Approximately 119.90 feet of frontage along the south side of Monticello Court.
Area	Approximately 1.33 acres
Existing Zoning	AG-1
Existing Use	Single family dwelling unit
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation Residential 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to construct a single family residence and retaining wall on a previously permitted lot that was abandoned after initial land disturbance was permitted and completed. The applicant is requesting three (3) primary variance(s) as follows:

1. From Section 5.1.3.C from the Zoning Ordinance to reduce the required side yard setback from 25 feet to 5 feet for the construction of an accessory structures; **POOL HOUSE REMOVED; HOWEVER PERGOLA WILL REMAIN WITH A 14 FOOT SETBACK**
2. From Section 19.3.15.B.1 from the Zoning Ordinance to allow a pool closer than 10 feet to a property line; and **WITHDRAWN – POOL RECONFIGURED**
3. From Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 75 foot impervious surface setback and 50 foot undisturbed buffer for the construction of a pool, pool deck, and driveway. **MODIFIED – POOL RECONFIGURED SO ONLY CONSTRUCTION ACCESS NECESSARY AND DRIVEWAY PULLED OUT OF 50' BUFFER SO ONLY VARIANCE NEEDED IS IN IMPERVIOUS SURFACE SETBACK BUT CONSTRUCTION ACCESS REMAINS**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402049 – 1) APPROVAL CONDITIONAL

201402049 – 2) APPROVAL CONDITIONAL

201402049 – 3) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION – AUGUST 14, 2014

The case was heard at the August 14, 2014 Board of Appeals meeting. The Board deferred the case (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin; E. Johnson absent) to the September 11, 2014 meeting to allow the applicant time to meet with the neighbors and to make revisions to the proposed plan to reduce the impact to the immediate neighbor and to the stream buffer.

The applicant has satisfied the Board's requests by meeting with the neighbors and revising the plan to be less impactful.

STANDARDS FOR CONSIDERATION

Variance #1

From Section 5.1.3.C from the Zoning Ordinance to reduce the required side yard setback from 25 feet to 5 feet for the construction of an accessory structures.

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:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The existing lot is covered approximately 75% by stream buffer and consistent with other similarly situated lots in the neighborhood, permanent structures have been pulled closer to the street away from the stream. Therefore, the proposed encroachment is in harmony with the surrounding area. Based on these considerations, staff is of the opinion that 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 property changes in topography as you move away from the street, sloping downwards towards the stream. The applicant is requesting a reduction in the setback as there are no other options for development due to the topography of the lot and the amount of stream buffer covering the lot. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Variance #2

From Section 19.3.15.B.1 from the Zoning Ordinance to allow a pool closer than 10 feet to a property line.

WITHDRAWN

Variance #3

From Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 75 foot impervious surface setback and 50 foot undisturbed buffer for the construction of a pool, pool deck, and driveway.

Stream Buffer Protection Ordinance

	Existing Site (square feet)	Proposed Plan (square feet)	Net Change (square feet)
0' – 25' State Buffer	137	137	0
25' – 50' Undisturbed Buffer	1,665	1,630	-35
50' – 75' Impervious Surface Setback	2,483	1,768	-715

Total Impervious Surface encroaching in Stream Buffer	4,285	3,535	-750
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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. The stream buffer covers more than three-fourths of the developable area of the lot. The applicant has been mindful of the buffers, creating a site plan that pushes the proposed improvements towards the street, leaving the twenty (25) foot state buffer intact. Due to the applicable stream buffers, there is not a sufficient buildable area outside of the stream buffer for the development of accessory structures customarily incidental to a single family residence. 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 stream buffer covers a majority of the existing property. As detailed in the table above and shown on the site plan, the applicant has proposed limited (and reduced) impact to the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. Staff notes that the stream buffer covers more than two-thirds of the buildable area of the lot when the minimum buffer requirement is strictly applied. 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 changes in topography as you move away from the street, sloping downwards towards the stream. Additionally, the stream buffer covers approximately 75% 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:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

The variance request is for the construction of accessory structures customarily incidental to a single family residence. Based on the coverage of the lot by the stream buffers, no alternatives that were less intrusive were possible. 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:

The applicant is proposing to pull the proposed improvements as far away from the stream buffer as possible. Additionally, the proposal reduces the overall amount of encroachment into the stream buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, July 9, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow construction of a pool, pool deck, accessory structure, and driveway.

Recommended Condition(s)

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

- 1) To reduce the required side yard setback from 25 feet to 14 feet for the construction of an accessory structure (pergola), as shown on the site plan dated received August 28, 2014 by the Department of Community Development.
- 2) To reduce the 75 foot impervious surface setback and 50 foot undisturbed buffer for the construction of a pool, pool deck, and driveway, as shown on the site plan dated received August 28, 2014 by the Department of Community Development. Encroachment into 50 undisturbed buffer shall be for construction access only; no permanent impervious surfaces permitted.

ATTACHMENTS:

Parcel Map

Proposed Site Plan – Dated received August 28, 2014

Applicant E-mail regarding Plan Changes – Dated received August 28, 2014

Applicant Correspondence with Neighbors – Dated received August 28, 2014

Letter of Appeal – Dated received June 3, 2014

Proposed Site Plans – Dated received June 19, 2014

Photographs

1915 Monticello Court





Variance Petition No. 201402325

HEARING & MEETING DATES

Board of Appeals Hearing
September 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
John W. Andrews

Petitioner
John W. Andrews

Representative
Ryan Andrews

PROPERTY INFORMATION

Address, Land Lot(s), and District 4608 Dalmer Road
Land Lot 66, 17th District

Council District 5 – Tibby DeJulio

Frontage Approximately 87.67 feet of frontage along Dalmer Road

Area Approximately .42 acres (18,295 square feet)

Existing Zoning R-4 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 2 to 3 units per acre

INTENT

The applicant is proposing to construct an addition to a single family dwelling unit. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Primary Variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for the construction of an addition to a single family dwelling unit.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402325 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	0 sf	0 sf
25' – 50' City Stream Buffer	177 sf	177 sf	0 sf
50' – 75' Impervious Surface Setback	569 sf	1,240 sf	671 sf
Total Impervious Surface encroaching in Stream Buffer	746 sf	1,417 sf	671 sf

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 that the stream buffers cover approximately two-thirds of the subject property. The lot slopes from northeast to southwest. The stream runs through the southwestern portion of the property for approximately fifty (50) feet. These factors combined effectively limit the buildable options of the lot at the rear of the property, without complete reconstruction of the home which would have a more significant impact on the buffer. 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:

When strict adherence to the minimal buffer requirements are applied to this property approximately two-thirds of the subject property is covered by the stream buffers, which includes a portion of the back corner of the existing residence as well as the existing deck and stairs that would be a part of the renovation, which will only be located in the impervious surface setback. Based on these reasons, staff is of the opinion that 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 and slopes approximately twenty (20) feet from the northeastern corner of the property to the stream, located in the middle of the rear yard. Due to the location of the stream, the stream buffers cover approximately two-thirds of the subject property, including the existing deck and a portion of the existing residence. When the stream buffers are combined with the topographical challenges on the site the applicant's buildable options are severely limited. 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:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Alternative designs have not been discussed with staff however, due to the interior orientation of the residence and the topographical challenges at the front of the property the only logical choice for an addition is in the rear yard. 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

Focus Meeting held on Wednesday August 6, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Transportation. Arborist made the following comments:

Arborist:	) If the board elects to approve the variance a condition could be added to require addition planting in areas of the buffer that are sparsely vegetated.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for construction of an addition to a single family dwelling unit.

Recommended Condition(s)

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

- 1) To reduce the required seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of an addition to a single family dwelling unit, as shown on the site plan dated received June 26, 2014 by the Department of Community Development.
- 2) Additional plantings in areas of the buffer that are sparsely vegetated shall be required, subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received June 26, 2014
Site Plan Existing – Dated received June 26, 2014
Site Plan Proposed – Dated received June 26, 2014
Photographs

4608 Dalmer Road





Variance Petition No. 201402373

HEARING & MEETING DATES

Board of Appeals Hearing
September 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Mountaire Park, Inc.

Petitioner
Mountaire Park, Inc.

Representative
Mountaire Park, Inc.

PROPERTY INFORMATION

Address, Land Lot(s), and District	75 Bonnie Lane Land Lots 28 & 29, 17 th District
Council District	3 – Graham McDonald
Frontage	Approximately 225.78 feet of frontage along the north side of Bonnie Lane.
Area	Approximately 3.825 acres
Existing Zoning	R-3 (Single Family Dwelling District)
Existing Use	Neighborhood pool
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre (1-2)

INTENT

The applicant is proposing to reconstruct the existing pool deck for the Mountaire Park neighborhood pool. The applicant is requesting one (1) primary variance(s) as follows:

1. From Section 19.3.15.B.2.b of the Zoning Ordinance to allow a pool, pool deck, and pool equipment closer than one hundred (100) feet to a property line.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402373 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

From Section 19.3.15.B.2.b of the Zoning Ordinance to allow a pool, pool deck, and pool equipment closer than one hundred (100) feet to a property line.

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:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The pool has existed in its current configuration since the late 1950's. Additionally, due to the topography of the

lot, the pool sits much lower than the surrounding properties and is bordered by mature vegetation limiting its impact. Based on these considerations, staff is of the opinion that 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:

Application of the neighborhood pool setback to this property presents a hardship due to its shape and size. There is no way to achieve the setback requirement with the existing pool configuration. The applicant is proposing to replace the pool deck in the same location. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, August 6, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

Recommended Condition(s)

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

- 1) To reduce the required allow reconstruction of the existing pool deck and to maintain the existing pool and accessory structures within 100 feet of a property line, as shown on the site plan dated received July 1, 2014 by the Department of Community Development.

ATTACHMENTS:

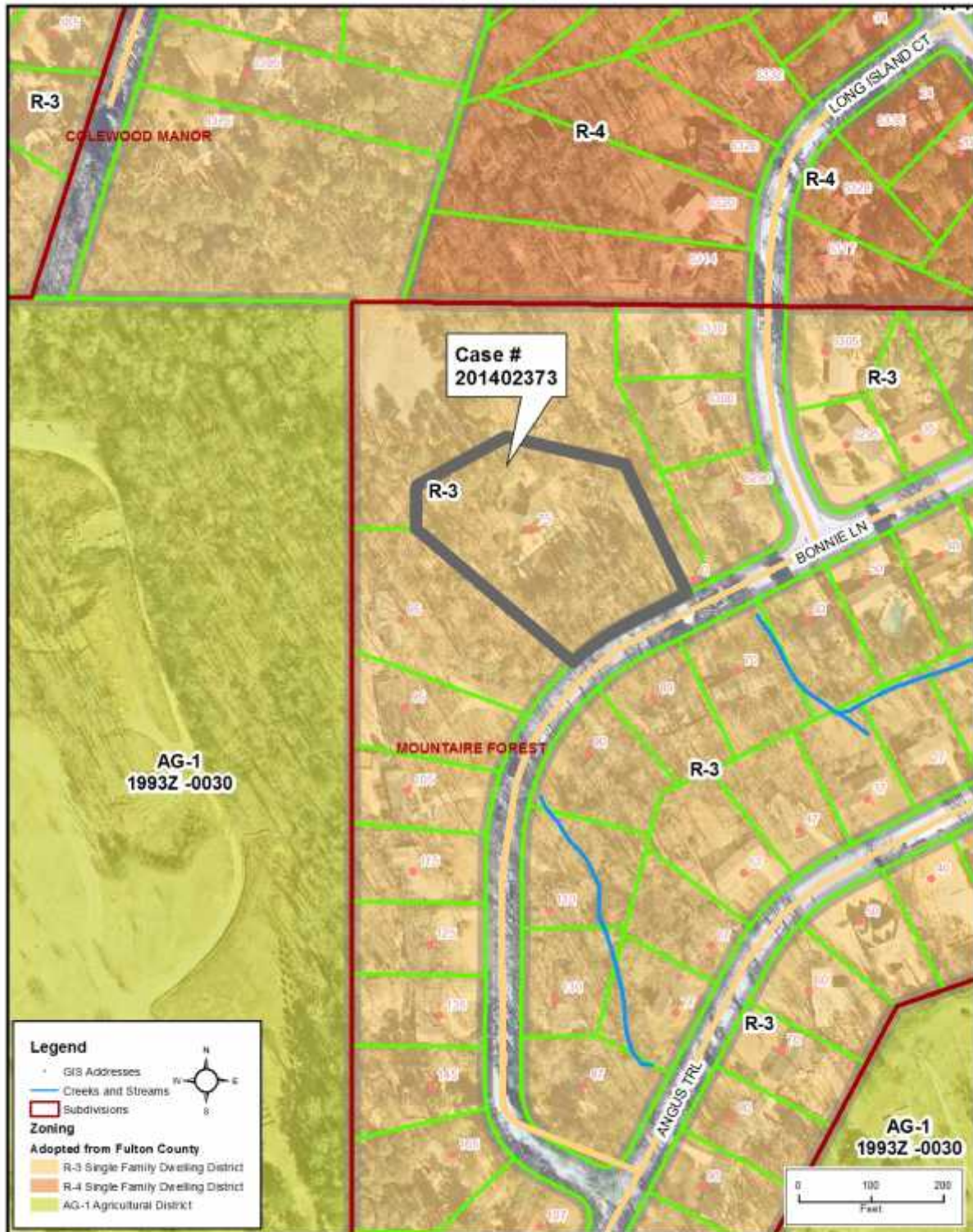
Parcel Map

Letter of Appeal – Dated received July 1, 2014

Proposed Site Plans – Dated received July 1, 2014

Photographs

75 Bonnie Lane





Variance Petition No. 201402383

HEARING & MEETING DATES

Board of Appeals Hearing
September 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jennifer and Graham Dorian	Revival Construction	Patrick Gross

PROPERTY INFORMATION

Address, Land Lot(s), and District	400 Ferry Landing Land Lots 172 and 207, 17 th District
Council District	3 – Graham McDonald
Frontage	Approximately 150 feet of frontage along Ferry Landing
Area	Approximately 0.738 acres (32,147 square feet)
Existing Zoning	R-2A (Single Family Residential District) pursuant to Fulton County zoning case Z69-0052
Existing Use	Single family residence
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation	Residential, 1 to 2 units per acre (R1-2)
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INTENT

The applicant is proposing to construct a front porch. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

- 1) Primary Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to thirty (30) feet to allow construction of a front porch.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402383 – 1) APPROVAL CONDITIONAL

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:

The intent of the ordinance is to preserve the character of the neighborhood and ensure that development occurs in a meaningful and organized way; the proposed encroachment of the porch is in harmony with the intent, and with the surrounding homes. The applicant is proposing to construct a front porch that would have a smaller footprint than the existing porch and would be in keeping with the architectural character of

the rest of the house. Based on these considerations, staff is of the opinion that 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:

Given the proximity of this parcel to the Chattahoochee River, associated floodplain, and environmental concerns, the applicant is left with few options for developable space. Furthermore, the existing residence is already over the front yard setback. The applicant is proposing to construct a front porch that will be as minimally invasive towards the existing topology and floodplain as it can be. Therefore, staff is of the opinion this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday August 6, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Transportation. Arborist made the following comments:

Arborist:	) Should not exceed the maximum amount of impervious surface allowed by the Chattahoochee Corridor Plan.
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Conclusion

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 CONDITIONAL**, of the variance request.

Recommended Condition(s)

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

1. To reduce the required sixty (60) foot front yard setback to thirty (30) feet to allow construction of a front porch, as shown on the site plan dated received July 1, 2014 by the Department of Community Development.
2. The proposed construction shall not exceed the maximum amount of impervious surface allowed by the Chattahoochee Corridor Plan.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received July 1, 2014

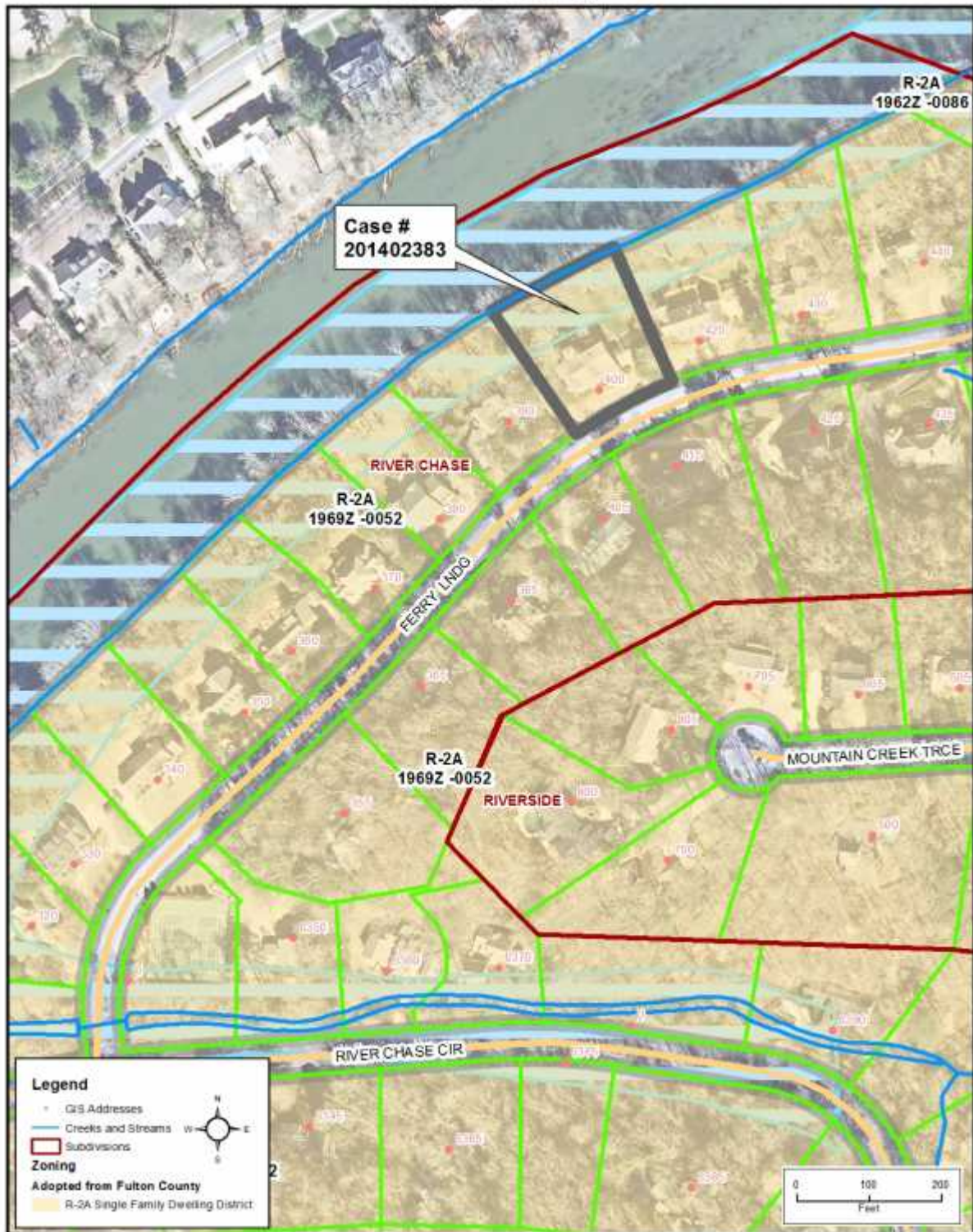
Site Plan Existing – Dated received July 1, 2014

Site Plan Proposed – Dated received July 1, 2014

Letters of Support– Dated received August 7, 2014

Photographs

400 Ferry Landing



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 11, 2014.