



Variance Petition No. 201302083

HEARING & MEETING DATES

Board of Appeals Hearing
September 12, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
William & Jodie Royal	William & Jodie Royal	William & Jodie Royal

PROPERTY INFORMATION

Address, Land Lot(s), and District	6375 River Chase Circle, Parcel ID # 17 02060080339 Land Lot 207, 17 th District
Council District	3
Frontage	Approximately 135.00 feet of frontage along River Chase Circle
Area	Approximately 0.6659 acres
Existing Zoning	R-2A Single Family Dwelling District pursuant to Fulton County case Z69-0052
Existing Use	Residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a home on this undeveloped lot. The proposed home would encroach into the front yard setback. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.3.3.B of the Zoning Ordinance to allow for a reduction in the front yard setback from sixty (60) feet to forty (40) feet to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302083 – 1) APPROVAL

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:

Many of the neighboring homes on the street have setbacks that differ from the required sixty (60) foot setback. A reduction in the setback on this specific parcel would not be inconsistent with those of neighboring lots. Additionally, the home will be setback from the street, continuing to create an environment where the homes are setback from the street at similar distances. 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 applicant presents a hardship argument as it relates to the topography of the lot. The grade of the lot climbs eighty feet vertically as you move from the street towards the rear of the lot. This steep topography would require a significant amount of earth work, extensive grading and retaining walls, disturbance to existing trees, and a lengthy driveway; locating the home closer to the street reduces challenges associated with this exceptionally steep topography. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Related materials were distributed to internal departments during the week of August 7, 2013, and no comments were provided by the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development. The City's Arborist made the following comment:

J) ARC requirements will be reviewed at the time of permit.

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** of this variance request to allow for a reduction in the required front yard setback to allow for the construction of a single family residence.

Recommended Condition(s)

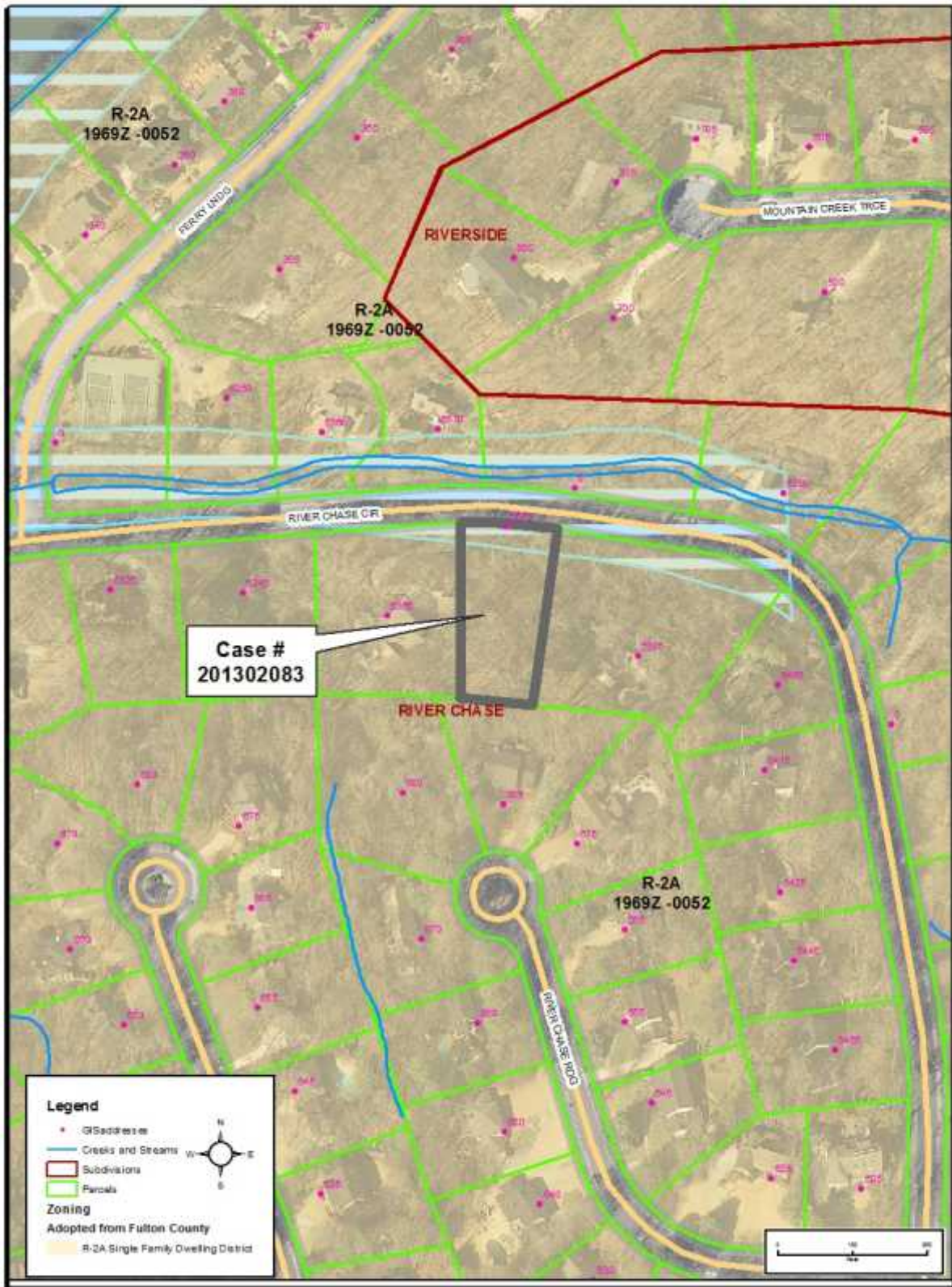
Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a single family residence, as shown on the site plan dated received July 12, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received July 1, 2013
Site Plan – Dated received July 12, 2013
Photographs
Letters of Support and Opposition

6375 River Chase Circle



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 12, 2013.



Variance Petition No. 201302156

HEARING & MEETING DATES

Board of Appeals Hearing
September 12, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Nercy Nikfarjam

Petitioner
Nercy Nikfarjam

Representative
Abbas Hedairi

PROPERTY INFORMATION

Address, Land Lot(s), and District 300 Breakwater Ridge
Land Lot 130, 17th District

Council District 3

Frontage Approximately 77 feet of frontage along Breakwater Ridge

Area Approximately .471 acres

Existing Zoning R-2 pursuant to Fulton County zoning case 73Z-0052

Existing Use Residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to reduce the side yard setback to allow for the construction of a single family home. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.2.3.C of the Zoning Ordinance to allow for a reduction in the side corner setback from thirty (30) feet to twenty (20) feet to allow for the construction of a single family home.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302156 – 1) APPROVAL

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 applicant's property is currently zoned R-2 (Single Family Dwelling District) zoning district. The adjacent Bridgewater Ridge subdivision is zoned R-3 (Single Family Dwelling District) zoning district. The applicant is seeking a twenty (20) foot side yard setback, which is the same required setback as the adjacent Bridgewater Ridge subdivision. 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 sits on a long narrow lot at the corner of Johnson Ferry Road and Breakwater Ridge; this lot was a remnant from a Georgia DOT project that widened Johnson Ferry Road, and it is a legal lot of record. The current zoning regulations for a property with R-2 zoning were meant for a property with a minimum of one (1) acre lot size. The applicant's property is .471 acres (20,510 square feet). The small size of the lot and the irregular shape combine to create an extraordinary hardship for the owner. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Related materials were distributed to internal departments during the week of August 12, 2013, and no comments were provided by the following departments: Arborist, Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development.

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** of the variance request to allow for a reduction in the side corner setback.

Recommended Condition(s)

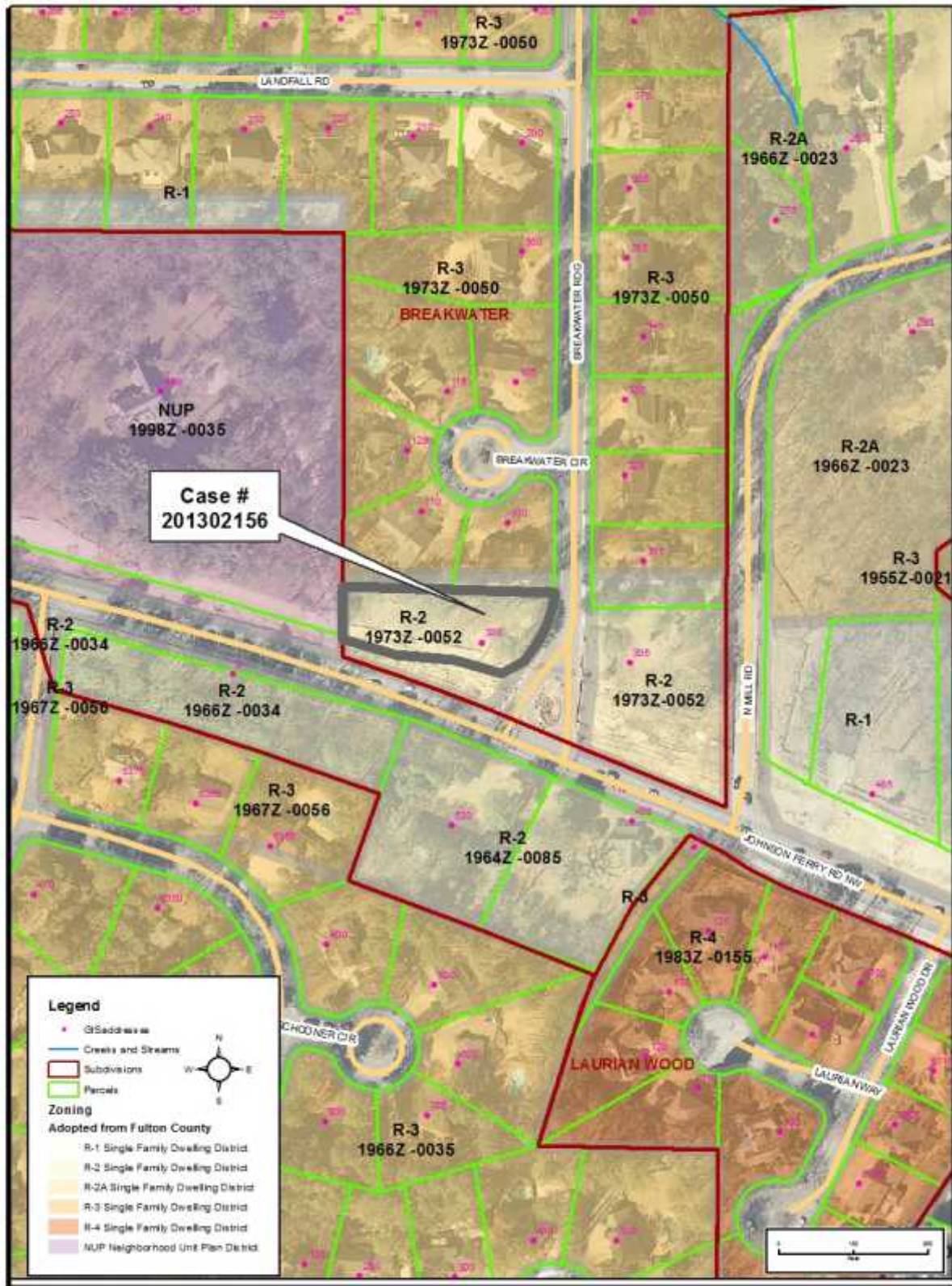
Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required thirty (30) foot side corner setback to twenty (20) feet to allow for the construction of a single family home, as shown on the site plan dated received July 8, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received July 8, 2013
Site Plan – Dated received July 8, 2013
Photographs

300 Breakwater Ridge



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 8, 2013.



Variance Petition No. 201302310

HEARING & MEETING DATES

Board of Appeals Hearing
September 12, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Waffle House, Inc.

Petitioner
Waffle House, Inc.

Representative
Walter Barineau

PROPERTY INFORMATION

Address, Land Lot(s), and District 6445 Roswell Road
Land Lot 88, 17th District

Council District 4

Frontage Approximately 101.34 feet of frontage along Roswell Road

Area Approximately 0.637 acres

Existing Zoning C-1 Community Business District pursuant to Fulton County case Z57-0031

Existing Use Vacant commercial building

Overlay District Main Street Overlay District

**2027 Comprehensive
Future Land Use Map
Designation** Live-Work Community (LWC)

INTENT

The applicant is proposing to demolish the existing building and construct a new Waffle House. The applicant is requesting five (5) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 12B.5.F.1 of the Zoning Ordinance for relief from the requirement that electric vehicle charging stations be installed.
2. Variance from Section 12B.8.A.3 of the Zoning Ordinance to allow for an increased number of parking spaces.
3. Variance from Section 12B.8.C.1.b of the Zoning Ordinance to allow for an increased maximum yard.
4. Variance from Section 12B.8.D.4.a of the Zoning Ordinance for relief from the requirement that an entrance be located on the street side of the building.
5. Variance from Section 12B.8.E.2 of the Zoning Ordinance for relief from the requirement that buildings with less than 5,000 square feet be two floors or twenty-five (25) feet, whichever is less.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- 201302310 – 1) APPROVAL
2) APPROVAL
3) APPROVAL
4) APPROVAL
5) APPROVAL**

DESIGN REVIEW BOARD RECOMMENDATION

August 27, 2013 Hearing

- 201302310 – 1) Recommendation for Approval
2) Recommendation for Approval
3) Recommendation for Approval
4) Recommendation for Approval
5) Recommendation for Approval**

At the August 27, 2013 meeting, the Design Review Board reviewed revisions to the site plan. The applicant provided access to the building from the public street, as requested by the Board, and that variance request was eliminated. The Board recommended approval conditional of the remaining five items, subject to the following conditions: 1) The proposed site plan shall be in accordance with the site plan presented, dated received August 21, 2013 by the Department of Community Development; and 2) Once available, the applicant shall provide a copy of the proposed landscape plan to the Board for a courtesy review. (6-0, Bartlett, Ealick-Anderson, Landeck, Mobley, Richard, and Roberts; Lichtenstein not voting)

August 14, 2013 Hearing

- 201302310 – 1) Recommendation for Approval
2) Recommendation for Approval
3) Recommendation for Approval
4) Recommendation for Approval
5) Recommendation for Approval
6) Recommendation for Approval**

At the August 14, 2013 meeting, the Design Review Board reviewed an additional variance request for relief from the requirement that a continuous, on-site intra-parcel walkway connecting the public sidewalk to the main entrance of the building be installed. The board deferred the petition 14 days to the August 27, 2013 hearing subject to the following conditions: 1) The applicant shall provide pedestrian access to the building from the sidewalk along the street; and 2) Once available, the applicant shall provide a copy of the proposed landscape plan to the Board for a courtesy review. (5-0, Barlett, Ealick-Anderson, Landeck, Mobley, and Roberts; Richard absent; Lichtenstein not voting)

Standards for Consideration

1. Variance from Section 12B.5.F.1 of the Zoning Ordinance for relief from the requirement that electric vehicle charging stations be installed.
2. Variance from Section 12B.8.A.3 of the Zoning Ordinance to allow for an increased number of parking spaces.
3. Variance from Section 12B.8.C.1.b of the Zoning Ordinance to allow for an increased maximum yard.
4. Variance from Section 12B.8.D.4.a of the Zoning Ordinance for relief from the requirement that an entrance be located on the street side of the building.
5. Variance from Section 12B.8.E.2 of the Zoning Ordinance for relief from the requirement that buildings with less than 5,000 square feet be two floors or twenty-five (25) feet, whichever is less.

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 proposed site plan accommodates the design standards as much as possible, in an attempt to create a new commercial space that are is in harmony with the intent of the ordinance. The Main Street Overlay District has specific design standards to ensure that a place is created and that access to, and interactions

between, buildings are not limited. The variances requests associated with this parcel reflect a site plan that accommodates the intent of the ordinance to the greatest extent possible considering the shape and topography of the lot, and the proposed use. 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 applicant has presented various topography arguments in support of their variance request; the subject parcel slopes upwards from the street, making interaction between the street and building entry difficult. Based on the topography of the lot and Roswell Road being a Georgia DOT road, many unique circumstances have been applied to this parcel. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Related materials were distributed to internal departments during the week of August 7, 2013, and no comments were provided by the following departments: Arborist, Building and Permitting, Fire, Code Enforcement, or Site Development. The City's Public Works Department made the following comment:

-) Note that Capital Improvement Project (CIP) T-0012 includes the property frontage of 6445 Roswell Road.
-) Related to the Land Disturbance Permit, applicant shall seek an interparcel access easement with the adjacent property to the south per Section 103-72 of the Development Ordinance. The *City Center Master Plan and Livable Centers Initiative Plan* recommends future implementation of access management along Roswell Road, which may include medians.

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** of these variance requests seeking relief from considerations in Article 12B of the Zoning Ordinance to allow for construction of a new commercial building.

Recommended Condition(s)

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

- 1) To allow relief from the requirement that electric vehicle charging stations be installed, as shown on the site plan dated received August 21, 2013 by the Department of Community Development.
- 2) To allow an increase in the number of parking spaces allowed, from nineteen (29) to thirty-three (33).
- 3) To allow an increase in the maximum yard, from twenty-one (21) feet to forty (40) feet.
- 4) To allow relief from the requirement that an entrance be located on the street side of the building.
- 5) To allow relief from the requirement that buildings with less than 5,000 square feet be two floors or twenty-five (25) feet, whichever is less.

ATTACHMENTS:

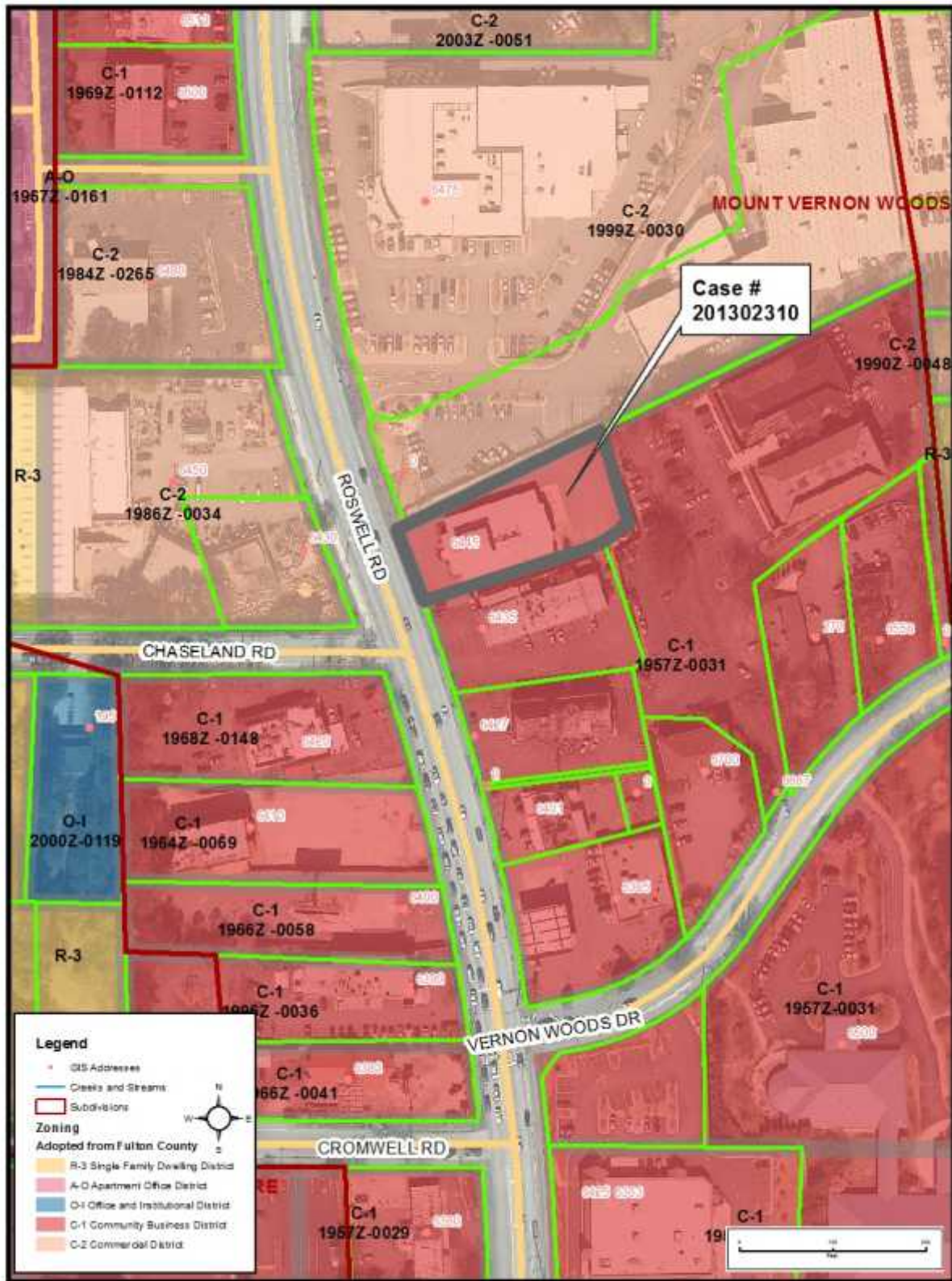
Parcel Map

Letter of Appeal – Dated received July 15, 2013

Site Plan – Dated received August 21, 2013

Photographs

6445 Roswell Road (SR 9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 12, 2013.