



P&Z STAFF REPORT

Board of Appeals Hearing; October 8, 2015

Case: **201502507 – 5116 Powers Ferry Road**

Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)

Report Date: September 24, 2015

REQUEST

Application 201502507 includes three variance requests:

1. To encroach eleven (11) feet into required minimum side yard of fifteen (15) feet for existing single family dwelling.
2. To encroach eight (8) feet into required minimum rear yard of forty (40) feet for existing shed.
3. To encroach eleven (11) feet into required minimum side yard of fifteen (15) feet for proposed garage.

APPLICANT

Property Owner David Hewitt	Petitioner: David Hewitt	Representative: -
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PROPERTY INFORMATION

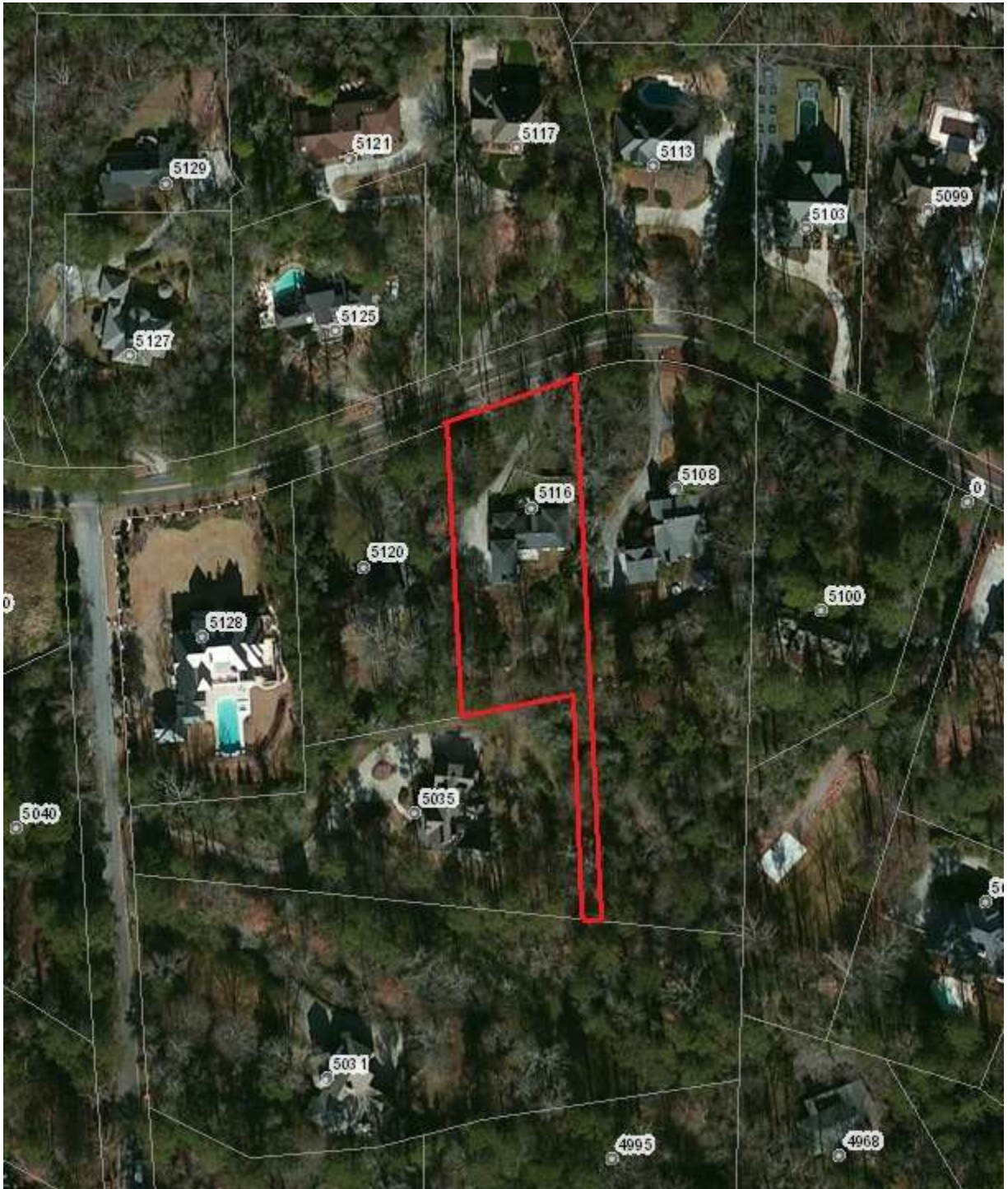
Location:	5116 Powers Ferry Road Land Lot 163, 17 0163 LL1360
Council District:	6; Andy Bauman
Road frontage:	138.79 feet of frontage along Powers Ferry Road
Acreage:	0.996 Acres
Existing Zoning:	R-2 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R0-1 (0-1 units per acre)

SUMMARY

The existing single family dwelling located at 5116 Powers Ferry Road contains a three car garage. The applicant would like to enclose the existing three car garage to construct a handicapped accessible master bedroom to be available for their parents, who are facing a number of health concerns. By enclosing the garage for living space, the applicant would lose the existing garage. The request therefore seeks to replace the lost garage space by constructing a free standing three-car garage within the required minimum side yard.

RECOMMENDATIONS
Department of Community Development
APPROVAL of variance requests 1, 2, and DENIAL of variance request 3.

Aerial View



ZONING MAP

5116 Powers Ferry Road



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

- 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,*
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.

Request No.1: (6.2.3.C) Request to encroach eleven (11) feet into required minimum side yard of fifteen (15) feet for an existing single family dwelling.

Finding: According to the Fulton County Tax Assessor's website, the single family dwelling located at 5116 Powers Ferry Road was constructed in 1957. 4.3.1.B.1 of the Zoning Ordinance states that "the nonconforming structure or building shall not be enlarged, altered, or rebuilt." The single family dwelling itself is not being enlarged, altered, or rebuilt, placing it in harmony with the general purpose and intent of the zoning ordinance.

Staff recommends **Approval**

Request No.2: (6.2.3.D) Request to encroach eight (8) feet into required minimum rear yard of forty (40) feet for existing shed.

Finding: The applicant stated that the shed existed on the property at the time of purchase. No permit was found in city records. 4.3.1.B.1 of the Zoning Ordinance states that "the nonconforming structure or building shall not be enlarged, altered, or rebuilt." The shed is not being enlarged, altered, or rebuilt, placing it in harmony with the general purpose and intent of the zoning ordinance.

Staff recommends **Approval**

Request No.2: (6.2.3.C) Request to encroach eleven (11) feet into required minimum side yard of fifteen (15) feet for proposed garage.

Finding: The single family dwelling currently encroaches upon the minimum required side setback on the eastern side of the property. The applicant faces no significant hardship pertaining to the property itself in which an encroachment into the minimum required side setback on the western side of the property would be appropriate for the installation of a three-car garage. A two-car garage could be constructed within the buildable area with the addition of a parking pad within the setback to accommodate the third car parking. A retaining wall may be required.

Staff recommends **Denial**

COMMENTS FROM OTHER PARTIES

None 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 requests # 1 & 2 and **DENIAL** of variance request # 3 to allow the existing single family dwelling to encroach eleven (11) feet into the required minimum side yard of fifteen (15) feet and the existing shed to encroach eight (8) feet into the required minimum rear yard of forty (40) feet.



P&Z STAFF REPORT

Board of Appeals Hearing; October 8, 2015

Case: **201502549 – 345 Forest Hills Drive**

Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)

Report Date: September 24, 2015

REQUEST

Variance request 201502549 seeks to allow an encroachment of five (5) feet into the required minimum side yard of ten (10) feet to enclose and expand an existing carport.

APPLICANT

Property Owner: Erik & Marianne Zalenski	Petitioner: Erik Zalenski	Representative: -
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PROPERTY INFORMATION

Location:	345 Forest Hills Drive, Land Lot 67, District 17 Parcel ID: 17 006700010292
Council District:	5; Tiberio DeJulio
Road frontage:	98.86 feet along Forest Hills Drive NE
Acreage:	0.692 Acres
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1 to 2 units per acre)

SUMMARY

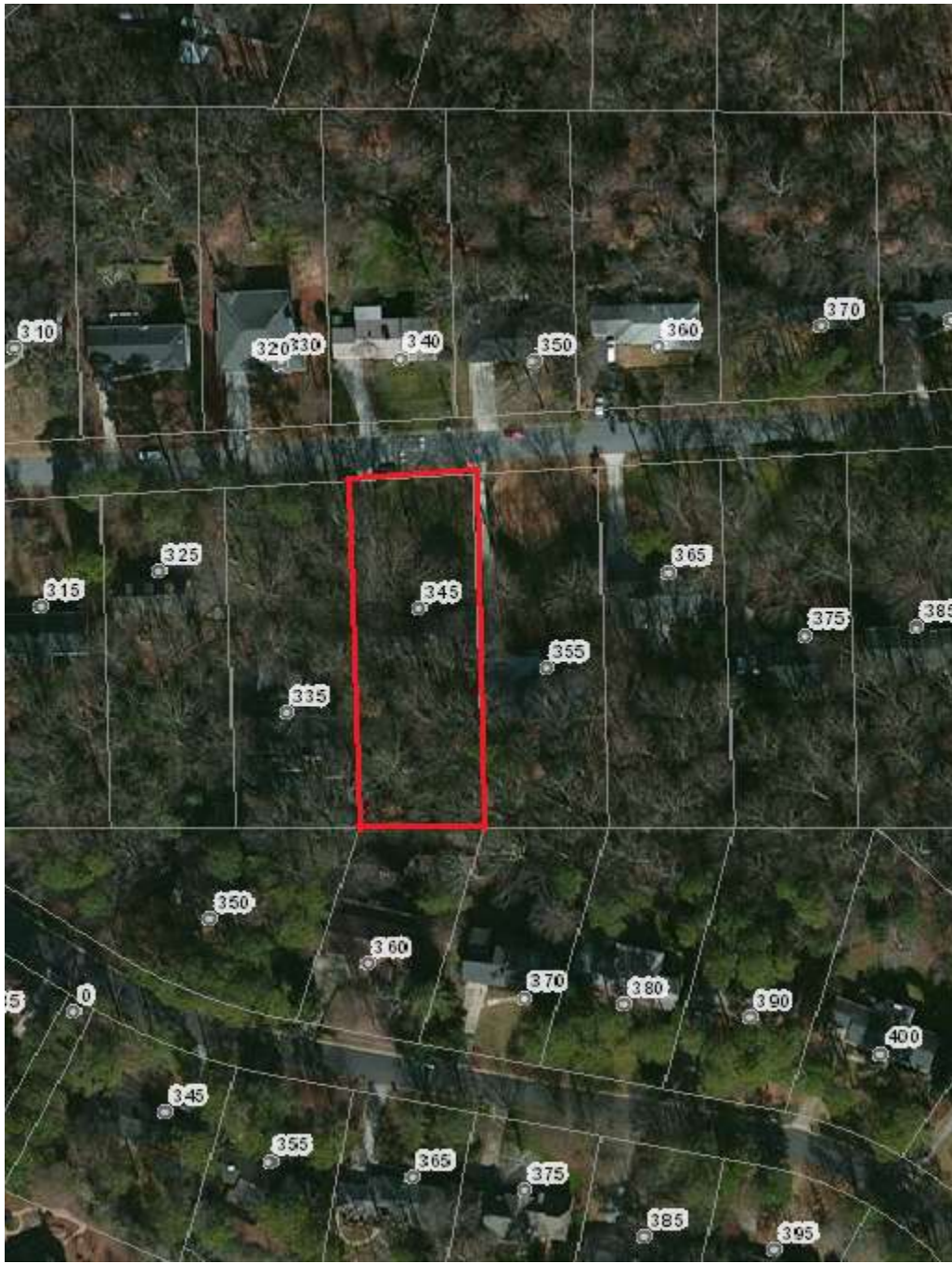
The owners of the single family dwelling located at 345 Forest Hills Drive request variance 201502549 in order to enclose the existing carport alongside additions and renovations to their home to accommodate their growing family. The applicant would expand the existing footprint of the carport by twenty-five (25) square feet to the rear of the property with no heated living space above.

RECOMMENDATIONS

Department of Community Development

APPROVAL of variance request 201502549.

Aerial View



ZONING MAP

345 Forest Hills Drive



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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,

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.

Request No.1: (6.4.3.C) Request to encroach five (5) feet into required minimum side yard of ten (10) feet to enclose and expand an existing carport.

Finding: The existing carport is already situated five (5) feet into the required minimum side yard of ten (10) feet. The existing carport would be expanded to the rear of the lot by approximately five (5) feet, maintaining the same encroachment of five (5) feet into the minimum side yard. A total of approximately twenty-five (25) square feet of building encroachment would be added within the minimum side yard. No hardship exists to allow the existing encroachment to be expanded. However, the applicant submitted signatures indicating support from all neighbors directly adjacent to the property. Article II of the City of Sandy Springs Zoning Ordinance states that the purpose of the ordinance is to promote desirable living conditions within a neighborhood and protect property against blight and depreciation. As the applicant seeks to renovate the existing home and has support from adjacent neighbors, the variance request is in harmony with the general purpose and intent of the Zoning Ordinance

Staff recommends **APPROVAL**

COMMENTS FROM OTHER PARTIES

None 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 201502549 to allow an encroachment of five (5) feet into the required minimum side yard of ten (10) feet to enclose and expand an existing carport.

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

1. To allow the existing carport enclosure and expansion to encroach five (5) feet into the required minimum side yard of ten (10) feet as shown on the site plan dated received July 31, 2015 by the Department of Community Development.



P&Z STAFF REPORT

Board of Appeals Hearing; October 8, 2015

Case: **201502589 – 5881 Hilderbrand Drive**
Staff Contact: Cecilia Leal (cleal@sandyspringsga.gov)
Report Date: September 25, 2015

REQUEST

The applicant is seeking one (1) primary variance to demolish an existing single family residence and construct a new single family residence:

1. One (1) primary variance from section 6.4.3(b) to encroach twenty-four (24) feet into the required fifty (50) foot minimum front yard setback to demolish an existing single family residence and construct a new single family residence.

APPLICANT

Property Owner Michael Jenkins	Petitioner: Brant Goodman	Representative: Brant Goodman
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PROPERTY INFORMATION

Location:	5881 Hilderbrand Drive Land Lot 70, 17th District 17 007000020221
Council District:	5 – Tibby DeJulio
Road frontage:	Approximately 268 feet of frontage along Hilderbrand Drive
Acreage:	Approximately 0.738 acre
Existing Zoning:	R-3 (Single Family Residential)
Existing Land Use:	Developed with a single family home
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R 2-3 (Residential 2 to 3 units/acre)

SUMMARY

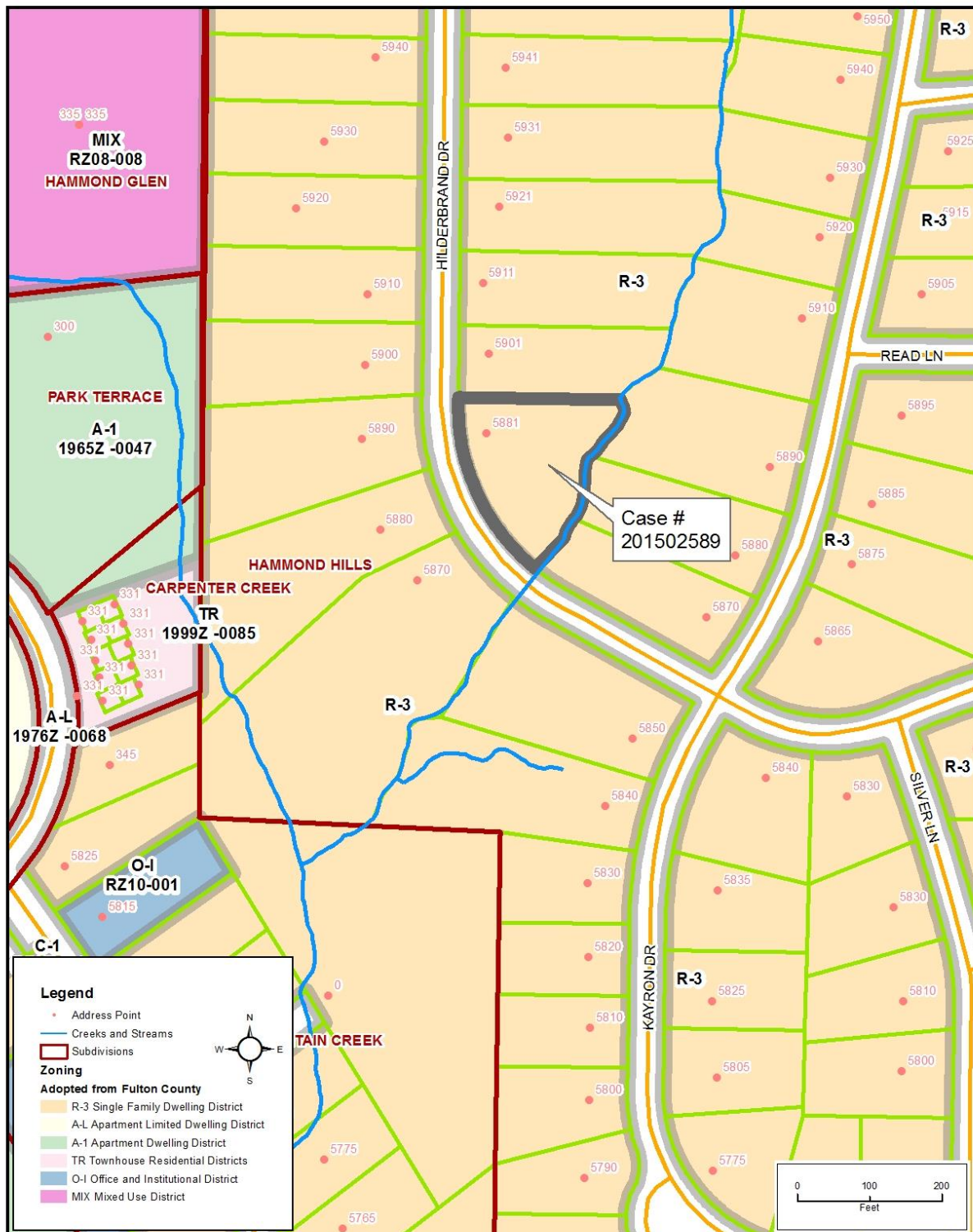
The subject parcel is currently developed with a legal nonconforming single family home. The current home, built prior to the incorporation of the City of Sandy Springs, encroaches twenty-three (23) feet into the required minimum front yard due to the extreme topography of the parcel. A deep ravine and creek encompass approximately three quarters of the parcel's buildable area. The current home also encroaches five (5) feet into the required minimum side yard.

The applicant is proposing to demolish the existing vacant home and rebuild a new single family residence on the lot. The proposed home will be constructed on roughly the same footprint as the existing house, with an encroachment of twenty-four (24) feet into the required minimum front yard and no encroachment into the required minimum side yard.

RECOMMENDATION
Department of Community Development
Staff recommends approval of variance request.

ZONING MAP

5881 Hilderbrand Drive



VARIANCE CONSIDERATIONS

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:

Article II of the City of Sandy Springs Zoning Ordinance states that the purpose of the ordinance is to promote desirable living conditions within a neighborhood and protect property against blight and depreciation. The existing single family residence located at 5881 Hilderbrand Drive was constructed in 1958, prior to the creation of the City of Sandy Springs and the adoption of its Zoning Ordinance. The existing structure currently encroaches twenty-three (23) feet into the required minimum front yard of fifty (50) feet and five (5) feet into the required minimum side yard of ten (10) feet.

The applicant seeks to demolish the existing structure and construct a new residence. The proposed new residence will encroach twenty-four (24) feet into the required minimum front yard. The applicant obtained letters from nineteen (19) neighbors in support of the application, including the neighbor most directly impacted by the encroachment. The expansion of the home does not conflict with the purpose of the Zoning Ordinance and may protect the property from depreciation. 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;

Finding:

The property is an oddly shaped lot that exhibits extraordinary conditions due to its topography and shape. The parcel's triangular shape and deep ravine and creek create a condition where most of the parcel's buildable area contains a very steep slope. The current residence's encroachment into the required minimum front yard illustrates this fact. Staff finds that the shape and topography create a hardship for the property owner. Additionally, approval of this primary variance would not cause any detriment to the public. Based on these considerations, staff is of the opinion that this condition has been satisfied.

COMMENTS FROM OTHER PARTIES
Public Works: No comment. Building and Land Development: No comment. Arborist: No comment. Fire: No comment.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Staff recommends approval of the request for a primary variance from section 6.4.3(b) to encroach twenty-four (24) feet into the required fifty (50) foot minimum front yard setback to demolish an existing single family residence and construct a new single family residence.