



Variance Petition No. 201201739

HEARING & MEETING DATES

Board of Appeals Hearing

October 11, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Eric Zimmerman	David Ogram	David Ogram

PROPERTY INFORMATION

Address, Land Lot(s), and District	5345 North Powers Ferry Road Land Lot 175, 17 th District
Council District	6
Frontage	Approximately 153.56 feet of frontage along North Powers Ferry Road.
Area	The subject property has a total area of approximately 1.003 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single Family Dwelling District) under Fulton County case Z80-0019. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1-2, 1 to 2 units per acre

INTENT

The applicant is proposing to construct a garage and to extend the existing driveway. The applicant is requesting two (2) primary variances, one from the Zoning Ordinance and one from the Development Regulations Ordinance:

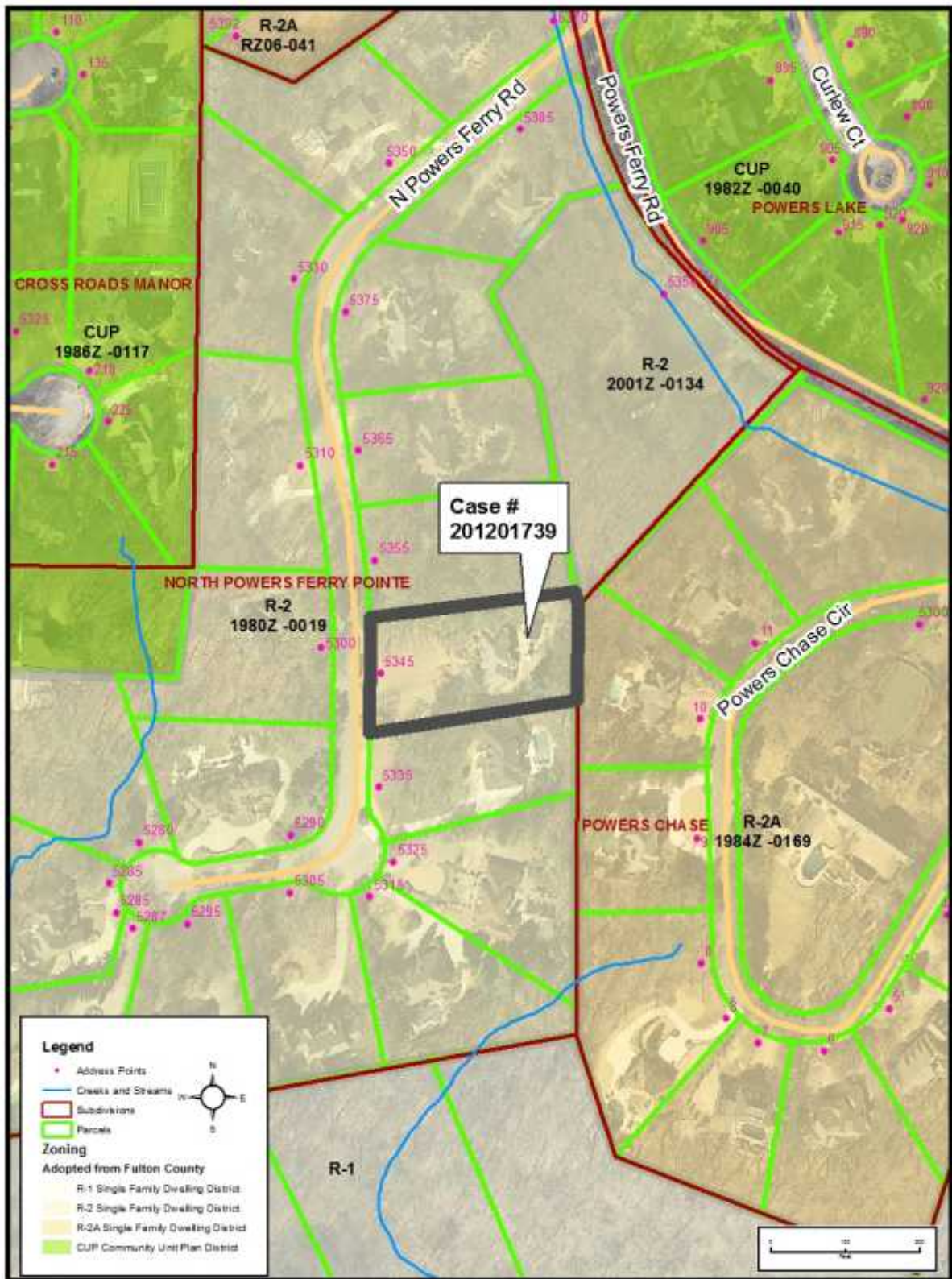
1. Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to ten (10) feet to allow for the construction of a garage.
2. Variance from Section 103.73(c)(9) of the Development Regulations Ordinance to reduce the ten (10) foot driveway setback to five (5) feet for a portion of the new driveway.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201201739 – 1) APPROVAL CONDITIONAL
201201739 – 2) APPROVAL CONDITIONAL

Parcel Map

5345 North Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 11, 2012.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

VARIANCE #1

Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to ten (10) feet to allow for the construction of a garage.

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 garage will encroach into the fifteen (15) foot side yard setback, but will be shielded from the neighboring property owner by the existing trees along the property line. This request is minimally disruptive to the adjacent property owner and will leave a ten (10) foot side yard setback and will not disrupt the rear property line. Additionally, other properties in this neighborhood have extended driveways, and others have accessory structures. 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 proposed location of the garage avoids disrupting any of the existing development of the site. The width of the lot limits the available developable area. Other lots in the neighborhood have wider frontages, providing more options for the location of an accessory structure, but the narrow, rectangular shape of this lot have presented development challenges. Additionally, this proposed location minimizes impact to the existing trees, plantings, and outdoor living space. Staff is of the opinion that this condition has 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.

VARIANCE #2

Variance from Section 103.73(c)(9) of the Development Regulations Ordinance to reduce the ten (10) foot driveway setback to five (5) feet for a portion of the new driveway.

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 driveway as currently developed encroaches into the ten (10) foot driveway setback. The proposed additional concrete and curved portion of the driveway are farther away from the property line than the existing driveway which is to remain. This request allows for the addition of approximately twelve and a half (12.5) square feet of driveway within ten (10) feet of the property line. Additionally, many of the driveways in the neighborhood, regardless of lot width, encroach within ten (10) feet of neighboring property lines. Therefore, staff is of the opinion that this change will not impact the existing harmony of the house with the ordinance and surrounding houses. 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:

Not Applicable.

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 with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist the week of July 9, 2012 at which the following departmental comments were provided:

Fire	Section 22 of the Sandy springs Fire Code may apply: All new one-family and two-family dwellings with a fire separation distance of less than 20 feet from another dwelling structure, or closer than ten feet to the property line, must be sprinkled with an approved automatic fire protection system in accordance with NFPA 13D as adopted by the office of the insurance and safety fire commissioner in the kitchen and fuel fired equipment rooms.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 4.23.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the first variance request, to allow for the construction of a garage, and **APPROVAL CONDITIONAL** of the second variance request, to allow for a portion of the new driveway.

Recommended Condition(s)

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

- 1) To reduce the required fifteen (15) foot side yard setback to ten (10) feet to allow for the construction of a garage, as shown on the site plan dated received August 3, 2012 by the Department of Community Development.
- 2) To reduce the ten (10) foot driveway setback to five (5) feet for a portion of the new driveway, as shown on the site plan dated received August 3, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received August 3, 2012

Site Plans and Elevation – Dated received August 3, 2012

Photographs



Variance Petition No. 201201809

HEARING & MEETING DATES

Board of Appeals Hearing

October 11, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jochu Liang	Ron Gudger	Ron Gudger

PROPERTY INFORMATION

Address, Land Lot(s), and District	506 Granite Ridge Place Land Lot 25, District 17 th
Council District	1
Frontage	Approximately 20 feet of frontage along Granite Ridge Place.
Area	The subject property has a total area of approximately 0.146 acres.
Existing Zoning and Use	The lot is zoned A (Medium Density Apartment District) under Fulton County case Z76-0001. The property is currently developed with a townhouse.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 2-3, 2 to 3 units per acre

INTENT

The applicant is seeking a variance to allow the existing enclosed sunroom to remain. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

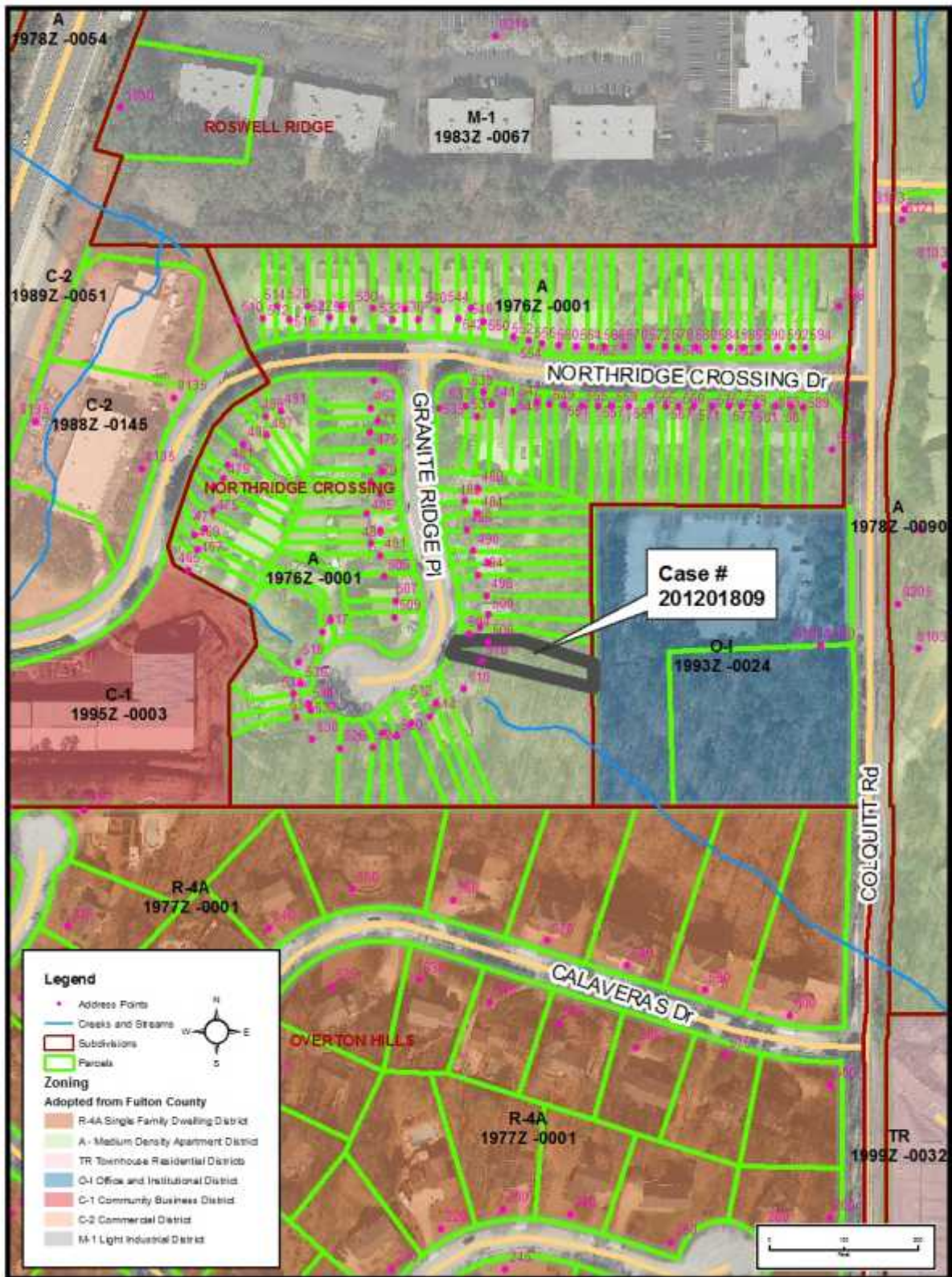
1. Variance from Section 109.225(a)(1) & (2) of the Stream Buffer Protection Ordinance to reduce the required seventy-five (75) foot impervious surface setback to sixty (60) feet to allow the existing enclosed sunroom to remain.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201201809 – 1) APPROVAL CONDITIONAL

Parcel Map

506 Granite Ridge Place



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 11, 2012.

Findings of Fact:

	Existing Site	Proposed Plan
0'-25' Stream Buffer	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	0 sf
50' – 75' Stream Buffer	Approx 525 sf	Approx 620 sf
Total Impervious Surface encroaching in Stream Buffer	Approx 525 sf	Approx 620 sf
Total Impervious Surface on site	Approx 645 sf	Approx 645 sf

Enforcement & Permit History:

The property owner was issued a Notification of Violation on February 23, 2012. The specified violation was an unlawful structure of illegal patio bedroom. The property owner has sought the required permit, applied for on March 8, 2012. Given the location of the property within the seventy-five (75) foot impervious surface setback, this variance process was initiated.

Standards for Consideration

Variance from Section 109.225(a)(1) & (2) of the Stream Buffer Protection Ordinance to reduce the required seventy-five (75) foot impervious surface setback to sixty (60) feet to allow the existing enclosed sunroom to remain.

Zoning Ordinance

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious surface setback to ten (10) feet to allow the construction of an addition to a single family residence.

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 property is irregular in shape and slopes from the northern property line towards the stream on the south. The stream buffer covers approximately two-thirds, or more, of the developable area of the lot, and the sunroom that has been enclosed was existing, in the same location, almost entirely within the existing seventy-five (75) foot 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:

A majority of the property, the existing townhome, and the existing sunroom that has been enclosed are within the impervious surface setback when the minimum buffer requirement is strictly applied. Staff notes the stream buffer covers approximately two-thirds, or more, of the developable area of the lot. 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 0.146 acre lot is irregular in shape, slopes from the north to the stream on the south. The southern property line is paralleled by the stream, leaving a majority of the lot affected by stream buffers. 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 buffers on the property have been identified on the site plan (exhibit 1). The stream runs along and crosses the rear property line. Therefore, 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 site plan (exhibit 1). Therefore, staff is of the opinion this condition has been satisfied.

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

Findings:

This variance request is for the enclosure of an existing sunroom, no alternatives designs were possible without significantly impacting the footprint of the existing building. 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 because the enclosed sunroom originally encroached in the same area.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist the week of July 9, 2012 at which the following departmental comments were provided:

Transportation	Public works notes that an adjacent property is included in the Hazard Mitigation Grant Program. However, there is no indication that 506 Granite Ridge Place floods as it is located at a higher elevation. Thus, public works does not have any major concerns as the sunroom is an existing structure.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 4.23.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request, allowing for the existing enclosed sunroom to remain.

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 to sixty (60) feet to allow the existing enclosed sunroom to remain, as shown on the site plan dated received September 27, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received August 7, 2012

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 11, 2012.

Site Plan – Dated received September 27, 2012
Photographs