



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Hearing; October 12, 2017

Case: **V17-0039 – 6550 Scott Valley Road**

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

Report Date: September 28, 2017

REQUEST

Variance from Section 6.4.3B of the Zoning Ordinance to encroach 13.7 ft. into the minimum front yard to construct a new single-family house.

APPLICANT

Property Owner: Renaissance Development Corp.	Petitioner: Warren Sirzyk, Renaissance Development Corp.	Representative: -
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PROPERTY INFORMATION

Location:	6550 Scott Valley Road; Lot No. 17 012500090302
Council District:	3 – Burnett
Road frontage:	Approximately 100 feet
Acreage:	Approximately 0.5 acres
Existing Zoning:	R-3
Existing Land Use:	Single-family Dwelling
Overlay District:	N/A
Character Area	Protected Neighborhood

UPDATE SEPTEMBER 28, 2017

The case was originally scheduled to be heard at the September 14, 2017 BOA hearing. Due to faulty notification, Staff held the case and re-advertised it to the October 12, 2017 hearing.

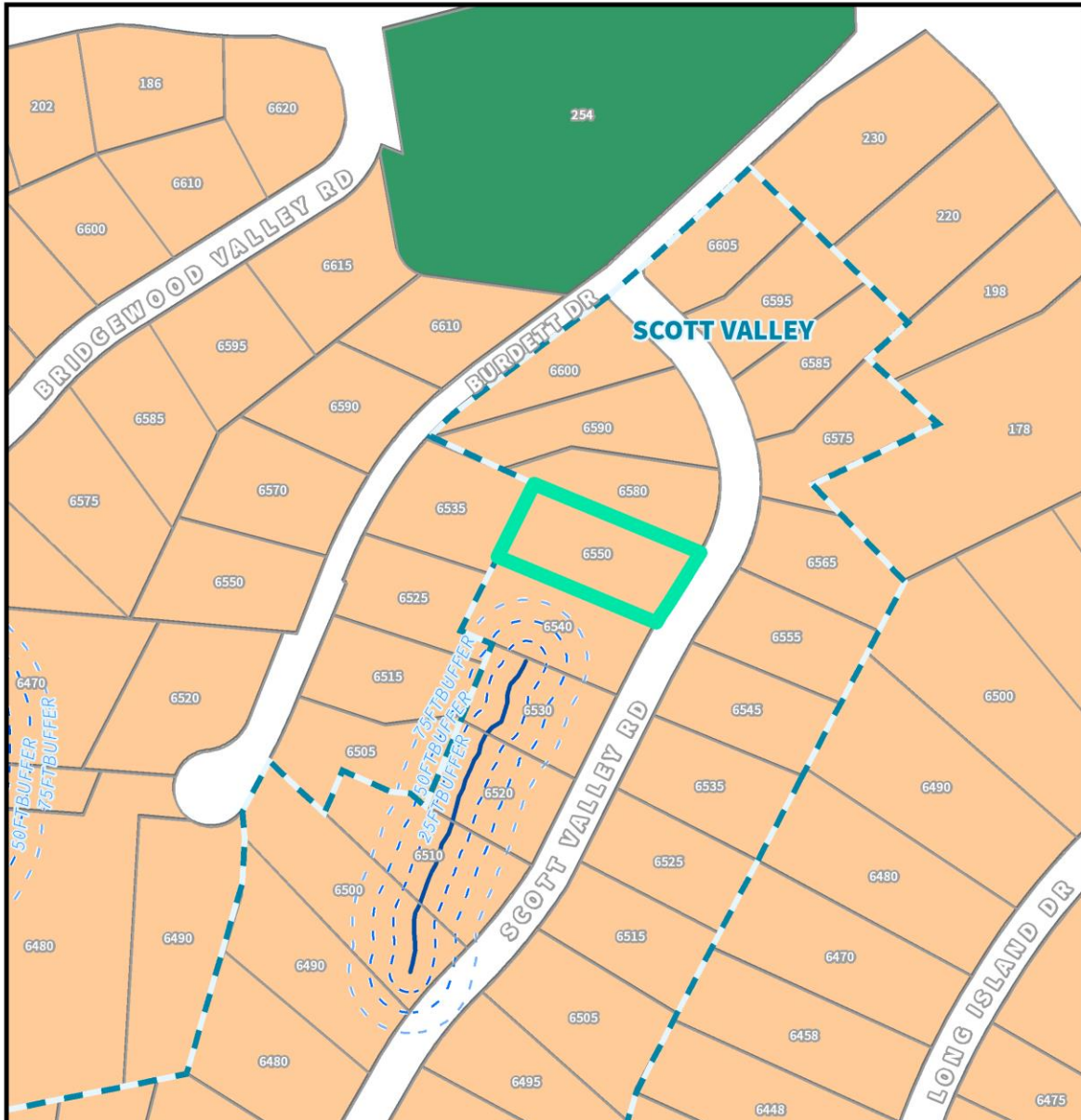
PROPOSED DEVELOPMENT

The applicant is proposing to construct a new single-family house. A 36-inch stormwater pipe and the associated easement run through the center of the property. To stay clear of the pipe, the proposed residence would encroach 13.7 feet into the required minimum front yard setback.

AERIAL IMAGE



ZONING MAP



6550 SCOTT VALLEY RD

Variance Case: V17-0039



0 250 500 Feet

Variance Case: V17-0039

Subdivisions

Creeks and Streams

Zoning

Adopted 8/15/2017

RD - RESIDENTIAL DETACHED

PK - PARKS AND RECREATION

VARIANCE CONSIDERATION – SETBACK VARIANCE

Per Article 22.3.1, Variance Considerations of the Zoning Ordinance, primary 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.*

Findings: The applicant filed this case August 1, 2017, prior to City Council's approval of the new Development Code. Therefore, the Board will make its decision based on the criteria laid out in the prior Zoning Ordinance.

The subject parcel is currently improved with a one-story single-family detached house built in 1959. The residence presently encroaches up to 15 feet into the minimum front yard and approximately one foot into both minimum side yards without an approved variance on file. In its place, the applicant intends to construct a two-story house with a footprint of approximately 60 by 43 feet.

Along the low point of the parcel, a 36-inch corrugated metal pipe (CMP) bisects the lot, transporting stormwater from properties to the north to those to the south. As indicated by the similar placement of the three houses to the south of the subject property, the pipe was likely installed when the neighborhood was originally developed in the late 1950s. All four houses encroach approximately 10 to 20 feet into the minimum front yard (EXHIBIT 1).

Initially, the applicant intended to move the stormwater pipe. In coordination with a Hydrology Engineer, the applicant filed a land disturbance application in 2016. Throughout this process, they failed to find a solution to move the pipe that would not increase the risk of clogging and subsequent flooding of downstream neighbors. Instead, the applicant proposes to leave the pipe in place, and maintain the front yard encroachment of the existing house.

Houses in the Scott Valley subdivision have varying front setbacks; from as little as 30 feet to as much as 140 feet. Allowing the applicant to maintain the existing front yard encroachment would not have a significant impact on neighborhood appearance. In addition, the rear yard is largely undisturbed and has several large trees with a diameter between 24 and 32 inches, which the applicant could maintain with the proposed plan. Therefore, Staff finds that granting the Variance request would not be detrimental to

the public good, safety, and welfare, would be consistent with the intent of the Zoning Ordinance, and would be more protective of environmental resources.

COMMENTS FROM OTHER PARTIES

Staff has received no comments.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request V17-0039 to encroach 13.7 ft. into the minimum front yard to construct a new single-family house.

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

1. To allow the construction of a single-family detached house, as shown on the site plan prepared by Alpha Land Services, dated July 31, 2017, and received by the Department of Community Development August 1, 2017.
2. A zoning inspection must be satisfactorily conducted and site conditions must adhere to all aforementioned conditions prior to issuance of a certificate of occupancy.
3. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.