



P&Z STAFF REPORT
Board of Appeals Hearing; October 13, 2016

Case: V16-0119 –4735 Roswell Road and 225 Franklin Road

Staff: Andy Mendzef (amendzef@sandyspringsga.gov)

Contact:

Report Date: October 3, 2016

REQUEST
Variance from Section 18.3.1. D. to allow a loading area to be located in the front yard adjacent to Franklin Road. Loading areas are required to be located to the rear yard or interior side yard.

APPLICANT		
Property Owner: Worthing Chastain, LLP	Petitioner: Worthing Chastain, LLP	Representative: Christopher Harrell

PROPERTY INFORMATION	
Location:	4735 Roswell Road and 225 Franklin Road
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 640 feet along Roswell Road and approximately 400 feet along Franklin Road
Acreage:	4.94 acres
Existing Zoning:	A-L (Apartment Limited Dwelling District)
Existing Land Use:	Multi-Family Apartments (under construction)
Overlay District:	Sandy Springs
Special Planning Area:	N/A
Future Land Use Designation:	LWN (Live Work Neighborhood)

SUMMARY
The applicant is requesting this variance to allow a loading area to be located along Franklin Road. Per the Zoning Ordinance Section 18.3.1. D., off-street loading areas are required to be located in the rear or interior side yards and Franklin Road would not be considered either. The property is currently being developed as The Heights at Chastain, an apartment structure that is part of a larger mixed-use development known as the Towns at Chastain, which was approved through the rezoning process in November of 2014 pursuant to case number

201402051. There is not a loading area requirement for a development of this size and was not therefore initially planned to be constructed. The owner of the property determined that a loading space for moving vans and trucks would provide a safe place for residents moving. Since the parking deck entrance does not accommodate these larger vehicles the loading area would be constructed as an extension of the already approved parking area for the leasing office. Management would be able to monitor loading from this location. The loading area would be setback 25 feet from the property line and the space would measure 13 x 40 feet to accommodate moving vans and trucks. To mitigate the loading space, a landscape plan indicates that the space would be screened from the roadway with 11 evergreen trees/shrubs that would be 6 to 8 feet high at the time of planting. Several 3 inch caliper trees would also be planted around in the vicinity of the loading area.

RECOMMENDATION

Department of Community Development

Approval Conditional of the variance request

AERIAL IMAGE



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative 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.*

Request: 18.3.1.D. to allow a loading area to be located adjacent to Franklin Road, which is not the rear or interior side yard.

Finding: The subject property is currently being developed with an apartment development as part of a larger mixed-use project, The Towns at Chastain. This development was approved through the rezoning process in 2014 (201402951) and the approved site plan indicates the driveway, parking area and what appears to be a small loading space near Franklin Road. The development will be accessed from both Roswell Road and Franklin Road; however, the variance request directly affects the Heights at Chastain, the multi-family residential component of the mixed-use development. The variance would allow a loading area to be located adjacent to Franklin Road, which is not the rear or interior side yard. Large moving vans and trucks would not be able to enter the parking deck and the proposed loading area would discourage loading and unloading from the street and provide a safe place for tenants to load or unload vehicles. The site plan indicates that the setback would be 25 feet from the property line and proposed mitigation includes significant landscaping to screen the loading area from Franklin Road where apartments are located across the street. It is appropriate to create a safe loading area for residents, provided that mitigation is incorporated to reduce potential adverse impacts. The proposed landscaping would screen the space from Franklin Road, improve the visual aesthetics and buffer noise to Franklin Road. The loading area would not be anticipated to create an adverse impact on adjacent or nearby properties. Approval of the variance would be suitable in light of the approved rezoning plan and would be in harmony with the general purpose and intent of the Zoning Ordinance and would not be detrimental to the public.

*Staff recommends **APPROVAL CONDITIONAL***

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 <u>APPROVAL CONDITIONAL</u> of variance request V16-0119 to allow the proposed loading area adjacent to Franklin Road. Should the Board of Appeals choose to approve the requests, staff recommends the following condition: 1. To allow the proposed loading area adjacent to Franklin Road in front of the apartments, as shown on the site plan and landscape design plan dated received August 31, 2016 by the Department of Community Development. 2. Any revisions of the submitted site plan must be reviewed and approved by Staff.