



P&Z STAFF REPORT

Board of Appeals Hearing; December 10, 2015

Case: **V15-0037 – 5335 Mt. Vernon Parkway**

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

Report Date: November 30, 2015

REQUEST

Variance from 6.3.3.B of the Zoning Ordinance to encroach ~~twenty (20)~~* fourteen (14) feet into the required minimum front yard of sixty (60) feet to demolish an existing and construct a new single family dwelling.

*Request updated November 24, 2015 after deferral by the Board of Appeals

APPLICANT

Property Owner: Estate of David Schwartz	Petitioner: Design-Construction by Craftmaster, Inc.	Representative: -
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PROPERTY INFORMATION

Location:	5335 Mt. Vernon Parkway, Land Lot 17 016400010153
Council District:	6; Andy Bauman
Road frontage:	123.83 feet along Mount Vernon Parkway
Acreage:	0.96848
Existing Zoning:	R-2A per 1961Z-0044
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	Protected Neighborhood Character Area
Future Land Use Designation:	R1-2 (1 to 2 units per acre)

SUMMARY

The applicant is seeking a variance to demolish an existing, legally conforming single family dwelling to construct a new single family dwelling which would encroach ~~twenty (20)~~ fourteen (14) feet into the required minimum front yard of sixty (60) feet. The specifications of the proposed dwelling will be determined at a later date, as the developer will build to suit the preferences of the buyer.

The existing single family dwelling was constructed in 1962 and has a total improvement area of 1,782 square feet with additional non-heated space being occupied by a carport, patio, and wooden deck. The

property suffers from steep topographical challenges in the side and rear yards and has a stream in the rear yard.

The application was deferred by the Board of Appeals at the November 12, 2015 meeting to discuss the variance request with the surrounding neighbors. Staff shared the contact information for those speaking in opposition to the request with the applicant. A revised plan showing an encroachment of fourteen (14) feet into the required minimum front yard was provided to staff on November 24, 2015.

RECOMMENDATION

Board of Appeals November 12, 2015

Motion by Johnson, seconded by Nodvin, to defer until the next Board of Appeals meeting to discuss alternative plan

Yes: Johnson, Johnson, Lichtenstein, Nodvin, Sandler
No: Carpinella
Abstain: Moller

Department of Community Development

DENIAL of the variance request to allow a new single family dwelling to encroach fourteen (14) feet into the required minimum front yard of sixty (60) feet.

AERIAL IMAGE



ZONING MAP



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: (6.3.3.B) Request to encroach fourteen (14) feet into required minimum front yard setback of sixty (60) feet to demolish existing and rebuild new single family dwelling.

Finding: A hardship is defined in Article III of the Zoning Ordinance as “the existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property *cannot be developed* in strict conformity with the provisions of the Zoning Ordinance.”

The property located at 5335 Mount Vernon Parkway suffers from a steep slope in the side and rear yards. However, the hardship proposed by the developer is partially self-imposed, as there is an existing dwelling on the property that does not encroach into the required minimum yards and manages to work around the topographical challenges present in the rear yard. As roughly calculated between the 900 contour line and the required minimum front and side yards, the relatively flat buildable area is approximately 4,450 sf, which encompasses the majority of the existing dwelling. As an existing single family dwelling strictly conforms to the provisions of the Zoning Ordinance, the topographical conditions on the site do not prevent development that complies with the requirements of the Zoning Ordinance.

The proposal does not directly conflict with the general purpose and intent of the Zoning Ordinance, which seeks to protect property against blight and depreciation. However, the property could be redeveloped within the existing or a slightly modified footprint without encroaching into the required minimum front yard. Additionally, the Comprehensive Plan specifies that residential infill development in protected neighborhoods should maintain the existing dwelling setback pattern in relation to the street.

Staff recommends **Denial**

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **DENIAL** of the variance request to allow a new single family dwelling to encroach fourteen (14) feet into the required minimum front yard of sixty (60) feet.



P&Z STAFF REPORT

Board of Appeals Hearing; December 10, 2015

Case: **V15-0038 – 4920 Roswell Road**
Fountain Oaks Kroger

Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
Report Date: December 1, 2015

REQUEST

Variance from 4.11 of the City of Sandy Springs Zoning Ordinance to allow an eight (8) foot tall, unornamented wooden fence with solid or non-spaced sections in the front yard along West Belle Isle Road.

APPLICANT

Property Owner: AmREIT Fountain Oaks LP	Petitioner: AmREIT Fountain Oaks LP	Representative: The Galloway Law Group, LLC
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PROPERTY INFORMATION

Location:	4920 Roswell Rd. (parcel ID 17 009300061319) and 115 Belle Isle Rd. (parcel ID 17 009300021073). Land Lot 97, District 17
Council District:	6 – Andy Bauman
Road frontage:	731.06 feet along Roswell Road; 428.25 feet along Belle Isle Rd; approximately 516.5 feet along Long Island Terrace; and 671.1 feet along Long Island Drive
Acreage:	13.69 acres
Existing Zoning:	C-1 conditional (Z 1988-0084), R-4, and none (Z 1985-0115)
Existing Land Use:	Shopping center, parking
Overlay District:	Sandy Springs Overlay District (Suburban)
Special Planning Area:	N/A
Future Land Use Designation:	LWN (Living-Working Neighborhood) and Community Activity Node 3 (Belle Isle)

SUMMARY
The subject property was rezoned to C-1 (Community Business District) by the Mayor and City Council at the September 15, 2015 meeting. The fence was a point of resolution between the applicant and surrounding neighborhood groups, as a mitigation measure from the commercial use abutting residential property. <i>The agreement was presented too late to be included as a variance concurrent to the rezoning case, and therefore is required to go before the Board of Appeals.</i> The discussion by the City Council indicated no issue with the proposed fence. The opaque fence will be located on W. Belle Isle Road frontage, between the landscape island and the loading area, running approximately 65 linear feet.

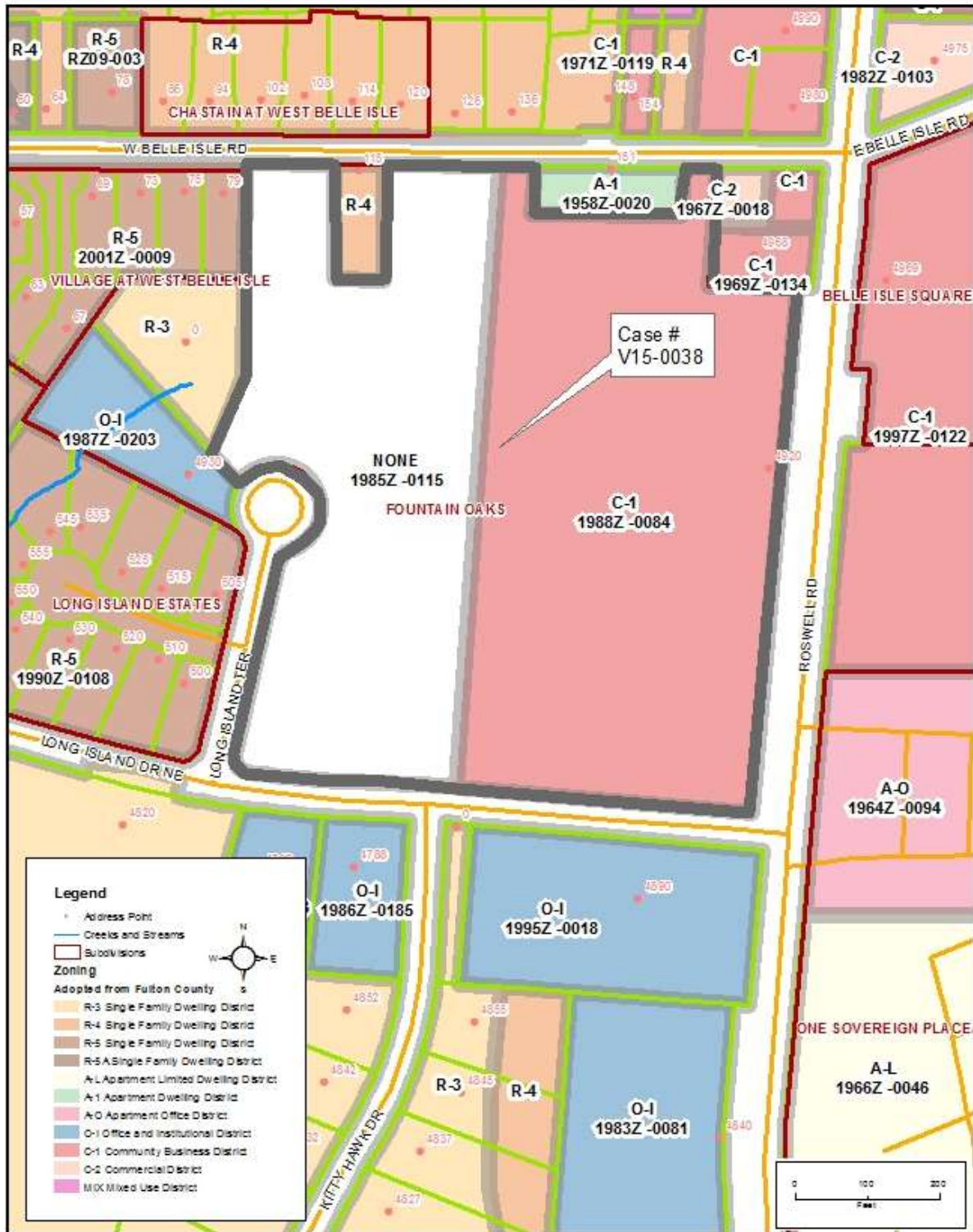
RECOMMENDATION
Department of Community Development
APPROVAL CONDITIONAL of the variance request.

AERIAL IMAGE



ZONING MAP

4920 Roswell Rd



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: (Code Section) Request to allow an eight (8) foot tall, unornamented wooden fence with solid or non-spaced sections in the front yard along West Belle Isle Road.

Finding: The request seeks to mitigate the impact of the commercial use adjacent to residential dwellings. The variance request would be in harmony with the general purpose and intent of the Zoning Ordinance as it supports the general view of promoting desirable living conditions and protecting property against blight and depreciation.

Staff recommends **Approval with condition**

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

APPROVAL CONDITIONAL of the variance request to allow an eight (8) foot tall, unornamented wooden fence with solid or non-spaced sections in the front yard along West Belle Isle Road.

Recommended conditions:

1. The fence shall be located along the western edge of the landscape island located between West Belle Isle Rd and the loading area, as shown on the site plan prepared by Robertson Loia Roof and received by the Department of Community Development dated October 1, 2015;
2. The fence shall not exceed a length greater than seventy (70) linear feet, and a height greater than eight (8) feet.