



Variance Petition No. 201403465

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Stanley & Janie Weeks	Belmont Trace Homeowners Association	Janie J. Weeks

PROPERTY INFORMATION

Address, Land Lot(s), and District	100 Belmont Trace Land Lot 125, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 116.76 feet of frontage along Johnson Ferry Road and 125.96 feet along Belmont Trace.
Area	Approximately 0.2114 acres (9,208.584 square feet)
Existing Zoning	R-5 (Single Family Dwelling District) pursuant to Fulton County zoning case Z85-0163.
Existing Use	Single family residence
Overlay District	Suburban
2027 Comprehensive Future Land Use Map Designation	Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to rebuild a fence and monument in their existing locations. The applicant is requesting three (3) primary variance(s) from the Zoning Ordinance:

1. Primary variance from Section 4.11.F to reduce fence setback from three (3) feet to zero (0) feet from a public right-of-way.
2. Primary variance from Section 4.11.G.3.b to allow a fence over four (4) feet in height to not have a spaced picket design.
3. Primary variance from Section 33.22.C to reduce the setback ten (10) feet to zero (0) feet from the right-of-way for an entrance monument.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400853 – 1) APPROVAL CONDITIONAL
201400853 – 2) APPROVAL CONDITIONAL
201400853 – 3) APPROVAL CONDITIONAL

Standards for Consideration

Mayor and City Council approved the fence and monument on the south side of Belmont Trace at the September 16, 2014 hearing per application number 201401628, subject to the following conditions (approval letter attached):

1. To the owner's agreement to provide the following site development standards:
 - a. Variance from section 4.11.G.3.b to allow a fence over four (4) feet in height to not have a picketed design on the south side of the Belmont Trace entrance.
 - b. Variance from 4.11.F to reduce the fence setback from three (3) feet to zero (0).
 - c. Variance from 33.22.c to reduce the sign setback from ten (10) feet setback to zero (0).
 - d. No vehicle access shall be permitted on Johnson Ferry Road.

VARIANCE #1

Variance from Section 4.11.F of the Zoning Ordinance to reduce the fence setback from three (3) feet to zero (0) feet from a public right-of-way.

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 intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The request to reduce the setback from three (3) feet to zero (0) is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. A portion of the existing fence is currently located in the right-of-way. The applicant has consulted with the Public Works Department regarding the proposed fence location. 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; or,

Not applicable.

VARIANCE #2

Variance from Section 4.11.G.3.b of the Zoning Ordinance to allow a fence over four (4) feet in height to not have a picketed design.

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 intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general. Staff is of the opinion that the request to allow a solid wood fence adjoining the right-of-way to match the existing subdivision fence on the south side of the subdivision entrance is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. The fence currently exists on the north side of the entrance. The applicant is requesting to match the design on the south entrance. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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; or,

Not applicable.

VARIANCE #3

Variance from Section 33.22.C of the Zoning Ordinance to reduce the setback from ten (10) feet to zero (0) feet for an entrance monument.

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 request to reduce the setback from ten (10) feet to zero (0) is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. The existing fence is currently located in the right-of-way. The applicant has consulted with the Public Works Department regarding the proposed fence location. Additionally the sign will be part of the fence column. 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; or,

Not applicable.

Department Comments

Focus Meeting held on Wednesday, November 5, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	) Encroachment and indemnification agreements are required for the fence and sign if located in the public right-of-way.
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Conclusion

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 CONDITIONAL** of the variance requests to rebuild fence and monument in its current location.

Recommended Condition(s)

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

- 1) Encroachment and indemnification agreements are required for the fence and sign if located in the public right-of-way.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received September 30, 2014

Site Plan – Dated received September 30, 2014

Photographs

Approval Letter – 201401628 (Approved on September 16, 2014)

100 Belmont Trace





Variance Petition No. 201403575

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner Kevin & Robin McGrath	Petitioner Josh Keeling	Representative Josh Keeling
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PROPERTY INFORMATION

Address, Land Lot(s), and District	120 Grantley Court Land Lots 25 & 29, 17 th District
Council District	2 (Ken Dishman)
Frontage	Approximately 105 feet of frontage along Grantley Court
Area	Approximately 1.0905 acres (47,502.18 square feet)
Existing Zoning	R-3 (Single Family Residential District)
Existing Use	Single family residence
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to replace an existing wood deck with a steel deck in the location that it currently exists. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Primary Variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to rebuild deck.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403575 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	753.79 sf	753.79 sf	0 sf
25' – 50' City Stream Buffer	3,271.50 sf	3,271.50 sf	0 sf
50' – 75' Impervious Surface Setback	2,646.12 sf	2,646.12 sf	0 sf
Total Impervious Surface encroaching in Stream Buffer	6,671.41 sf	6,671.41 sf	0 sf

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 that the stream buffers cover approximately three-fourths of the subject property. Additionally, the topography slopes towards the middle of the property. The home that exists on the lot is within all three of the applicable stream buffers, but the proposed deck is designed to be outside of the twenty-five (25) foot state buffer. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that 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:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the east of the lot. In order for the applicant to rebuild the deck that is keeping with the neighborhood an encroachment into the stream buffers is necessary. Also, this area has been previously used to construct a deck. Based on these reasons, staff is of the opinion that 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 property is rectangular in shape and slopes from northeast to southwest. Three-fourths of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of the deck is severely limited. 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 property boundaries are shown on the attached site plans. 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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Alternative designs have not been discussed with staff. However, the applicant is proposing to locate the deck exactly as it currently exists on the lot in manner similar to nearby homes, in order to keep the building pattern of the neighborhood. 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 Practices (BMPs) during the construction of the deck. 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:

The proposed location of the deck eliminates any encroachment into the twenty-five (25) foot state buffer and reduces the impervious surface in the fifty (50) foot undisturbed buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, November 5, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Transportation, or Site Development. Arborist made the following comment:

Arborist:	) The proposed construction encroaches into the 25' State stream buffer. A variance from the Georgia Department of Natural Resources, Environmental Protection Division is required.
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Applicant was contacted to gain insight on the 100' Natural Undisturbed Buffer on the site plan provided to Planning and Zoning. Applicant was not sure about the buffer, but stated that it was on the survey provided by Solo Land Survey Company.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for construction of a single family dwelling unit.

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 and fifty (50) foot undisturbed buffer to allow reconstruction of an existing wooden deck, as shown on the site plan dated received October 6, 2014 by the Department of Community Development.
- 2) Variance from the Georgia Environmental Protection Division (GAEPD) shall be received prior to issuance of any development permits by the City.
- 3) The twenty-five (25) stream buffer shall be surveyed and staked in the field and the building corners shall be staked prior to commencement of construction.

ATTACHMENTS:

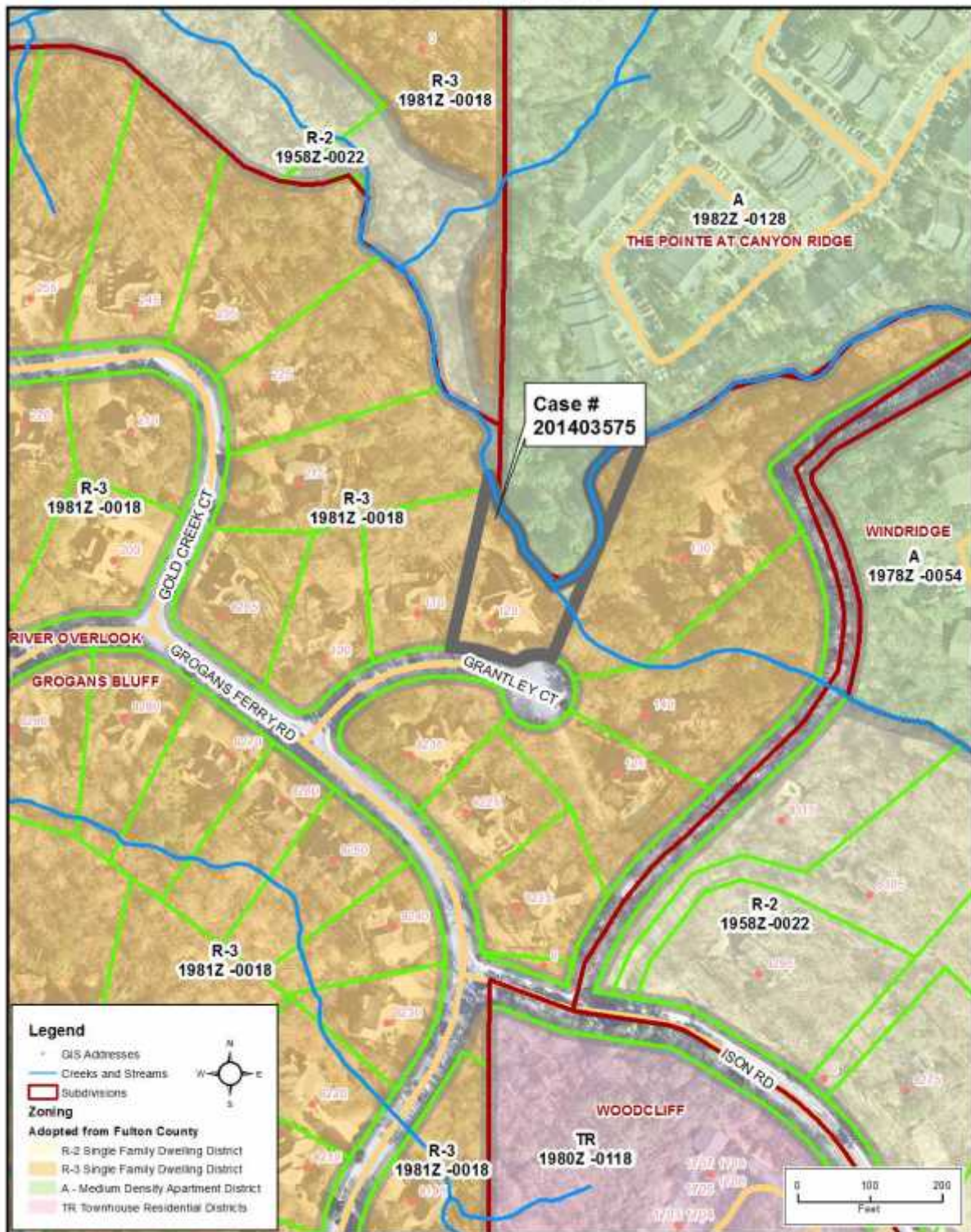
Parcel Map

Letter of Appeal – Dated received October 6, 2014

Site Plan – Dated received October 6, 2014

Stream Buffer Encroachment Impervious Calculations – Dated received October 21, 2014

120 Grantley Court





Variance Petition No. 201403587

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Della Jo Campbell

Petitioner
William Davis

Representative
William Davis

PROPERTY INFORMATION

Address, Land Lot(s), and District	132 Underwood Drive Land Lot 125, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 133.36 feet of frontage along the south side of Underwood Drive. Approximately 139.16 feet of frontage along the west side of Long Island Drive.
Area	Approximately 0.560 acres
Existing Zoning	R-3 (Single family dwelling district)
Existing Use	Single family dwelling unit
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation Residential 2 to 3 units per acre (R1-2)

INTENT

The applicant is proposing to construct an addition to a single family residence. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow an addition to the existing single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403587 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow an addition to the existing single family residence.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	0 sf	0 sf
25' – 50' City Stream Buffer	0 sf	295 sf	295 sf
50' – 75' Impervious Surface Setback	1,251 sf	1,814 sf	563 sf
Total Impervious Surface encroaching in Stream Buffer	1,251 sf	2,109 sf	858 sf

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 that the stream buffers covers over 75% of the property, including a large portion of where the existing dwelling is constructed. The home that exists on the lot is within the fifty (50) foot and seventy-five (75) foot stream buffers. The proposed addition would be primarily within the seventy-five (75) foot impervious surface setback, with a new deck located within the fifty (50) foot buffer. The proposed addition would remain outside of the twenty-five (25) foot buffer. Based on these reasons, staff is of the opinion that an addition to the home would be prevented unless a variance is granted and that 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:

Due to the location of the stream and the existing dwelling, area for an addition is limited. In order for the applicant to construct an addition to the existing dwelling an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that 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 property is an irregular shape and has steep topography on the northern lot line. When the stream buffers are combined with the location of the existing dwelling, opportunities for an addition without encroaching into the stream buffers are severely limited. 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 property boundaries are shown on the attached site plans. 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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Alternative designs have not been discussed with staff. However, the applicant is proposing to locate the addition to the dwelling out of the twenty-five (25) foot state buffer and to reduce the existing encroachment into the fifty (50) foot undisturbed buffer by fifteen (15) feet. Encroachment into the seventy-five (75) foot stream impervious surface setback would be increased by two (2) feet. The addition has been designed to reduce the overall encroachment into the stream buffers. 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 Practices (BMPs) during the construction of the house. The City will monitor the sites BMPs. The applicant indicates that the piers will be hand dug and groundwater infiltration will be enhanced.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The proposed addition would not encroach into the twenty-five (25) foot state buffer and reduces the overall impervious encroachment by thirteen (13) feet. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, November 5, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow an addition to the existing single family residence.

Recommended Condition(s)

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

- 1) To allow an addition to the existing single family residence as shown within the site plan dated received October 6, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Proposed Site Plan – Dated received October 6, 2014
Photographs

132 Underwood Drive





Variance Petition No. 201403593

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Georgia Veterinary Specialist	Amanda Woodruff	Amanda Woodruff

PROPERTY INFORMATION

Address, Land Lot(s), and District	455 Abernathy Road Land Lot 73, 17 th District
Council District	4 (Gabriel Sterling)
Frontage	Approximately 349.49 feet of frontage along the south side of Abernathy Road.
Area	Approximately 6.13 acres
Existing Zoning	O-I (1985Z-092) (Office and Institutional District)
Existing Use	Veterinary Clinic
Overlay District	Suburban Overlay District

2027 Comprehensive Future Land Use Map Designation Residential 2 to 3 units per acre (R2-3)

INTENT

The applicant is proposing to construct additional parking and access ramp underneath an existing parking deck. The applicant is requesting one (1) primary variance(s) as follows:

1. A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow for an addition to a parking deck.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403593 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow for an addition to a parking deck.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	0 sf	0 sf
25' – 50' City Stream Buffer	998 sf	1,025.9 sf	27.9 sf
50' – 75' Impervious Surface Setback	7,687.5 sf	8,344.3 sf	656.8 sf
Total Impervious Surface encroaching in Stream Buffer	8,685.5 sf	9,370.2 sf	684.7 sf

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 that the stream buffers covers over 50% of the property, including a large portion of where the existing structure and parking structure are constructed. The proposed addition to the parking structure would be primarily lie within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. The proposed addition would remain outside of the twenty-five (25) foot buffer. The current parking structure is elevated to be at-grade with Abernathy road. The proposed addition would lie beneath this. Based on these reasons, staff is of the opinion that expansion of the parking structure would be prevented unless a variance is granted and that 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:

Due to the location of the stream, existing structure and parking structure, area for an addition is limited. In order for the applicant to construct an addition to the parking structure, an encroachment is necessary. Additional solutions on the property would likely be required to cross the stream, encroaching in the stream buffers. Based on these reasons, staff is of the opinion that 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 property is bisected by the stream which divides the northern and southern portions of the lot. When the stream buffers are combined with the location of the existing structure and parking structure at the northern portion of the property adjacent Abernathy Road, opportunities for an addition without encroaching into the stream buffers are severely limited. 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 property boundaries are shown on the attached site plans. 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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Alternative designs have not been discussed with staff. However, the applicant is proposing to locate the addition to the parking structure outside the twenty-five (25) foot state buffer and limit encroachment into the fifty (50) foot undisturbed buffer and seventy-five (75) foot impervious surface setbacks. The design of the addition has taken into account minimizing impact by limiting new impervious surfaces to the ramp into the parking deck and the remainder of the new parking deck lying under existing impervious surface. 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 Practices (BMPs) during the construction of the house. The City will monitor the sites BMPs. The applicant indicates that the piers will be hand dug and groundwater infiltration will be enhanced.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The proposed addition would not encroach into the twenty-five (25) foot state buffer. The majority of additional impervious surface would consist of the ramp into the parking deck with the remainder of the new parking deck lying under existing impervious surface. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, November 5, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

In reviewing the submitted site plan, staff discovered a Zoning Modification would be required for encroachment of the access ramp into the 40 foot landscape strip noted on the site plan for a previous Zoning Modification (ZM2005-0010) and original Rezoning (Z85-092) of the property.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow an addition to the existing parking structure.

Recommended Condition(s)

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

- 1) To allow for an addition to a parking deck as shown within the site plan dated received October 7, 2014 by the Department of Community Development.
- 2) Approval of a Zoning Modification for the access ramp to encroach on the 40 foot landscape strip along Abernathy Road.

ATTACHMENTS:

Parcel Map

Letter of Intent – Dated October 6, 2014

Proposed Site Plan – Dated received October 7, 2014

Photographs

455 Abernathy Road















Variance Petition No. 201423595

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Park Tower II Limited Partnership	Park Tower II Limited Partnership	Park Tower II Limited Partnership

PROPERTY INFORMATION

Address, Land Lot, and District.	789 Hammond Drive Land Lots 37, District 17
Council District	5
Frontage	The property does not have street frontage.
Area	The subject property has a total area of 1.85 acres (80,586 square feet).
Existing Zoning and Use	A-L (Apartment Limited District) conditional under Fulton County zoning case 1988Z-0215, currently developed with a multifamily building.
Overlay District	PCID District.
2027 Comprehensive Future Land Use Map Designation	Living -Working Community (LWC)

INTENT

The applicant is seeking primary variances from Section 33.26.C.8 of the Zoning Ordinance to allow for:

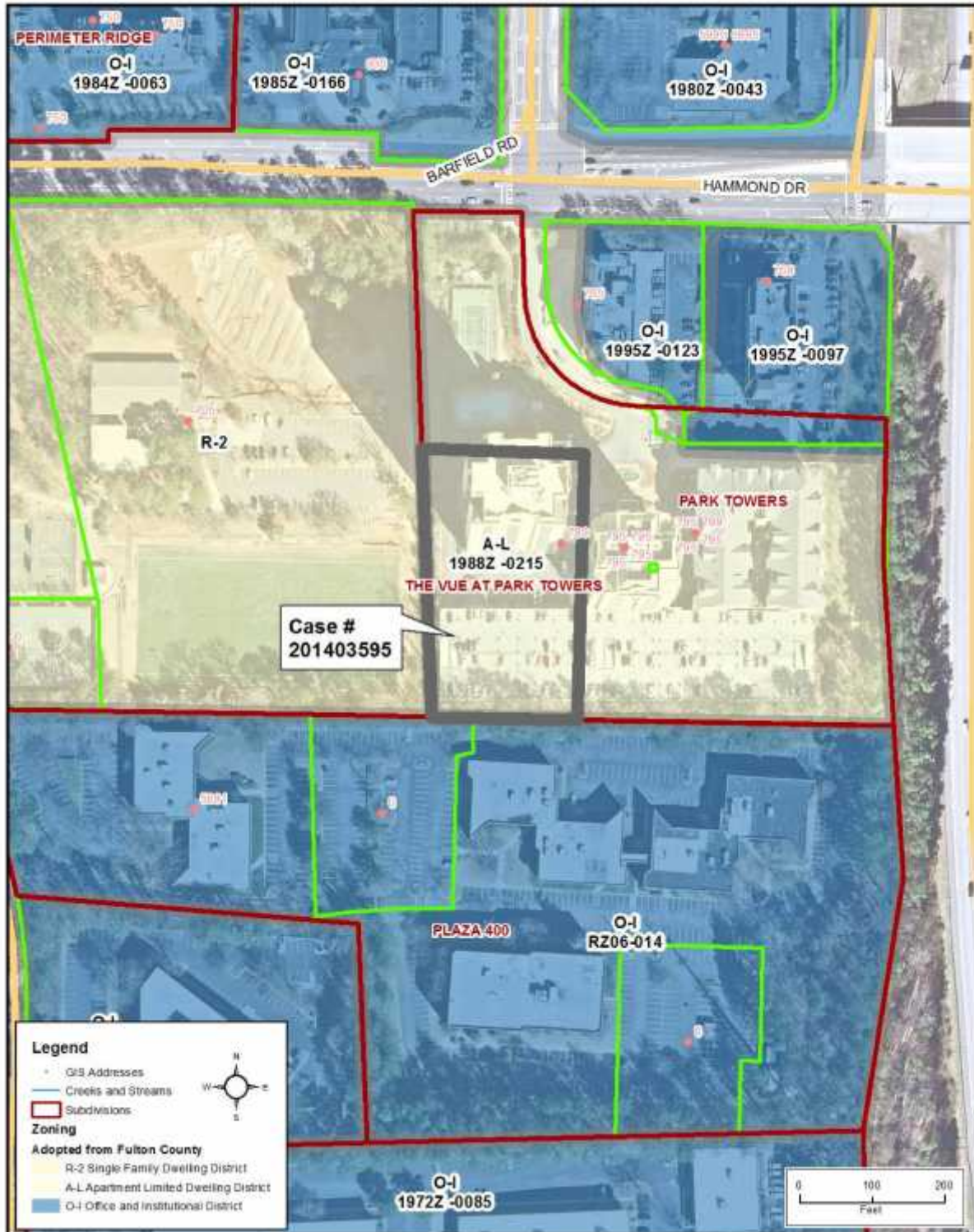
1. A Sign during Vacancy for more than 180.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201423595- 1. WITHDRAWL

Parcel Map

789 Hammond Drive



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: **201423595**

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

The site is located at 789 Hammond Drive, on the south side of the road at the intersection with Barfield Road. The property is zoned A-L (Apartment Limited District) conditional under Fulton County zoning case 1988Z-0215. Is currently developed with a 33 story apartment building that sits approximately 310 feet from the Hammond street frontage. The subject property is located within the PCID District.

The Sandy Springs Zoning Ordinance provides:

Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

The subject of this variance is to allow the Sign during Vacancy to remain on the site for a longer period of 180 days during a calendar year.

The applicant request to extend the time of displaying the sign for more than 180 days is to ensure this development does not become to be another empty box.

The applicant proposes to display the Sign during Vacancy on the parcel located on front, which is at the intersection of Hammond Drive and Barfield Road, to provide visibility to the apartments from Hammond Drive, which is the major access road to the apartments.

The applicant states "Over the past two years, Park Towers has undertaken a significant renovation of this property, including a change from owner occupied to rental units. As part of this change, Park Towers has also changed their "branding", relying on a new name for this project; The Vue at Park Towers. As a result of the change in name and transition to rental units, Park Towers would like to allow its temporary leasing sign to exceed the time period allowed in the City of Sandy Spring's Zoning Ordinance (the "Ordinance")".

The proposed sign is a sixteen (16) square feet, five (5) feet tall.

The applicant offers the following in support of the application:

1. As stated above, the Owner has spent a considerable amount to renovate the improvements at the Property including the rental units. A concerted effort is being made to improve upon the prior leasing efforts for these units.
2. The building at the Property sits back a significant distance from Hammond Drive and due to this setback and the drop in elevation from Hammond Drive to the building, the permanent signage for the improvements has limited visibility from any public right-of-way. The approval of the Application, due to the setback from Hammond Drive of the improvements and the change in grade of the Property cause an unnecessary hardship for the owner while not causing a detriment to the general public.
3. If the Variance is approved it will not be materially detrimental to the public welfare. The signage requested will not impact traffic on Hammond Drive, or adversely impact the quality of life for the adjacent property owners.
4. The relief requested, if granted, would be in with the general purpose and intent of the Ordinance

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.C.8 to allow a Sign during Vacancy for more than 180 days.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on November 5, 2014 at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

RECOMMENDATION:

While the building sits back approximately 300' from the road, and there is a change on grade elevation between the road frontage and the absolute location of the building, the building has presence at this location. In addition to the ground sign that provides identification to the property, the applicant is able to use other ways of advertisement.

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request.

Recommended Conditions:

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. Allow a Sign during Vacancy for a period of more than 180 days on a calendar year.

ATTACHMENTS: Proposed sign site plan, proposed sign details and letter of appeals.



Variance Petition No. 201403733

HEARING & MEETING DATES

Board of Appeals Hearing
December 11, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Living Trust of Carolyn B. Hopper	Donald Hopper	Donald Hopper

PROPERTY INFORMATION

Address, Land Lot(s), and District	585 Amberidge Trail Land Lot 131, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 134 feet of frontage along Amberidge Trail
Area	Approximately .502 acres (21,862.94 square feet)
Existing Zoning	R-3 (Single Family Residential District)
Existing Use	Single family residence
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation Residential, 2 to 3 units per acre (R2-3)

INTENT

The applicant is proposing to subdivide an existing lot and construct a single family dwelling unit on the newly created lot. The applicant is requesting two (2) primary variance(s) from the following on the proposed new lot:

- 1) A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback to allow for future construction of a single family dwelling.
- 2) A primary variance from Section 6.4.3(b) of the Zoning Ordinance for relief from the fifty (50) foot minimum front yard for future construction of a single family dwelling.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201403733 – 1) DENIAL
– 2) DENIAL

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	0 sf	0 sf
25' – 50' City Stream Buffer	0 sf	0 sf	0 sf
50' – 75' Impervious Surface Setback	0 sf	1,900 sf	1,900 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	1,900 sf	1,900 sf

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:

While the property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance, the proposed subdivided lot and its conditions will have been created after the adoption of the ordinance. Staff notes that the stream buffers cover approximately three-fourths of the proposed subdivided lot, where the proposed new house would be located. A hardship would be created due to the creation of the proposed lot. Based on these reasons, staff is of the opinion that this condition has not been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the east of the lot. The current lot is approximately 1.45 acres in size, significantly larger than several surrounding lots which are approximately 5. acre in size. In order for the applicant to create a new lot and construct a new house consistent with surrounding properties, an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that this condition has not 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:

Three-fourths of the subject property is located within the stream buffers which restricts the buildable area on the property. When the stream buffers are combined with the location of the existing single family dwelling unit, the available area to create a new lot and construct a new house that are consistent with surrounding properties is limited. Staff is of the opinion that the property does not 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 property boundaries are shown on the attached site plans. 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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

The applicant is proposing to locate the new single family dwelling outside the twenty-five (25) foot state and fifty (50) foot undisturbed buffers. In order to remain outside these buffers, the applicant has asked for relief from the required minimum front yard setback of fifty (50) feet. Furthermore, the applicant is proposing to locate the single family dwelling on the lot in manner similar to nearby homes, in order to keep the building pattern of the neighborhood. 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 Practices (BMPs) during the construction of the house. The City will monitor the site BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment as existing site conditions.

Findings:

The proposed location of the new residence would encroach on the seventy-five (75) foot impervious surface setback where currently there is no encroachment. Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site conditions.

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 intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. A portion of the proposed home would encroach on the minimum front yard by approximately five (5) feet as shown on the site plan. This would allow the footprint of the proposed home to remain out of the fifty (50) foot undisturbed stream buffer while minimally impacting the location of the home in relation to Amberidge Court. 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; or,

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The proposed new home and subdivision of the property would be constructed after the adoption of the ordinance. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday November 5, 2014 no comments from the following departments: Building and Permitting, Fire, Arborist, Code Enforcement, Site Development, or Transportation. Arborist and Site Development made the following comments:

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance and Section 22.3.1 of the City's Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of this variance requests to allow for construction of a single family dwelling unit.

Recommended Condition(s)

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

- 1) To reduce the required seventy-five (75) foot impervious surface setback to allow construction of a new single family dwelling unit, as shown on the site plan dated received October 15, 2014 by the Department of Community Development.
- 2) Mitigation of impervious runoff be incorporated.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received October 15, 2014

Site Plan – Dated received October 15, 2014

Photographs

585 Amberidge Trail





Variance Petition No. 201402406

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
535 Franklin, LLC

Petitioner
Trey Allen

Representative
Trey Allen

PROPERTY INFORMATION

Address, Land Lot(s), and District 535 Franklin Road
Land Lot 66, 17th District

Council District 5

Frontage Approximately 105 feet of frontage along Franklin Road

Area Approximately .434 acres (18,885 square feet)

Existing Zoning R-3 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to construct a single family dwelling unit. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Primary Variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for the construction of a single family dwelling unit.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402406 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan (A)	Net Change
0' – 25' State Stream Buffer	211 sf	0 sf	-211 sf
25' – 50' City Stream Buffer	981 sf	550 sf	-431 sf
50' – 75' Impervious Surface Setback	852 sf	1,100 sf	248 sf
Total Impervious Surface encroaching in Stream Buffer	2,044 sf	1,650 sf	394 sf

	Existing Site	Proposed Plan (B)*	Proposed Driveway	Net Change*	Net Change**
0' – 25' State Stream Buffer	211 sf	0* sf	0 sf	-211 sf	-211 sf
25' – 50' City Stream Buffer	981 sf	276* sf	120 sf	-585 sf	-585 sf
50' – 75' Impervious Surface Setback	852 sf	1,330* sf	720 sf	1,198 sf	1,198 sf
Total Impervious Surface encroaching in Stream Buffer	2,044 sf	1,606* sf	840 sf	402 sf	402 sf

*Excludes Proposed Driveway

**Includes Proposed Driveway

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 that the stream buffers cover approximately three-fourths of the subject property. Additionally, the topography slopes towards the middle of the property. The home that exists on the lot is within all three of the applicable stream buffers, but the proposed house is designed to be outside of the twenty-five (25) foot state buffer. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that 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:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the east of the lot. In order for the applicant to construct a house that is keeping with the neighborhood an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that 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 property is rectangular in shape and slopes from northeast to southwest. Three-fourths of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of a single family dwelling unit is severely limited. 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 property boundaries are shown on the attached site plans. 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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Alternative designs have not been discussed with staff. However, the applicant is proposing to locate the new single family dwelling out of the twenty-five (25) foot state buffer and to reduce the existing encroachment into the fifty (50) foot undisturbed buffer. Furthermore, the applicant is proposing to locate the single family dwelling on the lot in manner similar to nearby homes, in order to keep the building pattern of the neighborhood. 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 Practices (BMPs) 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:

The proposed location of the new residence eliminates any encroachment into the twenty-five (25) foot state buffer and reduces the impervious surface in the fifty (50) foot undisturbed buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday August 6, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Transportation. Arborist and Site Development made the following comments:

Arborist:	• Removal of sidewalk and corner of house would require a variance for the Georgia Environmental Protection Division (GAEPD).
Site Development	• To demolish the existing corner a state variance is required. Also, the proposed footprint is within feet of the state buffer. 25' buffer should be surveyed and staked in the field and also stake the building corners prior to construction.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for construction of a single family dwelling unit.

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 and fifty (50) foot undisturbed buffer to allow construction of an addition to a single family dwelling unit, as shown on the site plan dated received July 3, 2014 by the Department of Community Development.

- 2) Variance from the Georgia Environmental Protection Division (GAEPD) shall be received prior to issuance of any development permits by the City.
- 3) The twenty-five (25) stream buffer shall be surveyed and staked in the field and the building corners shall be staked prior to commencement of construction.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received July 3, 2014

Site Plan – Dated received July 3, 2014

Letter Requesting Deferral

535 Franklin Road

