



SANDY SPRINGS

GEORGIA

BOARD OF APPEALS

Mel Mobley, Chair
Sherri Allen
Jason Bodwell
Fred Jewell
Nathan Kongthum
Justin Sparano
Bill Thackston

Wednesday, November 8, 2023

Regular Meeting

6:00 p.m.

The Board of Appeals meeting will be held in the Studio Theatre at Sandy Springs City Hall
(1 Galambos Way, Sandy Springs, GA 30328)

Live-stream: www.SandySpringsGA.gov/Stream

Public Comment: <http://spr.gs/publiccomment>

I. Call to Order

II. Roll Call and General Announcements

III. Approval of Meeting Agenda

- A. November 8, 2023 Board of Appeals Meeting Agenda
(Presented by Samantha Brown, Planning and Zoning Clerk)

IV. Approval of Meeting Minutes

- A. September 6, 2023 Board of Appeals Meeting Minutes
(Presented by Samantha Brown, Planning and Zoning Clerk)

V. Cases

- A. **BOA23-0010 V23-0022 - 220 Zebelin Road** - Request relief from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart. (**Deferred from the September 6, 2023 Board of Appeals Meeting**)
(Presented by LaQuita Williams, Planner I)
- B. **BOA23-0011 V23-0032 - 470 Cambridge Way** - Request for relief from Section 9.4.3.C.2.b. to allow retaining wall to be placed less than 15 feet from the rear lot line.
(Presented by LaQuita Williams, Planner I)
- C. **BOA23-0012 V23-0033 - 0 Zebelin Road** - Request for a variance from Section 6.1.2.B.

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.

The City will make reasonable accommodations for those persons.

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Building Placement, and Division 9.2. State Waters to encroach into the setbacks for the construction a new home.

(Presented by LaQuita Williams, Planner I)

- D. **BOA23-0013 V23-0036 - 95 Forrest Lake Drive** - Request for a variance from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback.

(Presented by LaQuita Williams, Planner I)

VI. Ongoing Business

VII. New Business

VIII. Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.

The City will make reasonable accommodations for those persons.

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P&Z STAFF REPORT

Board of Appeals Meeting, November 8, 2023

Case: **V23-0022 – 220 Zeblin Road**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: August 23, 2023

REQUEST

Request for a Variance from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart.

APPLICANT

Property Owners:	Petitioner:	Representative:
Shira Cohen	Ashley Barton	Ashley Barton

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V23-0022.

MATERIALS SUBMITTED AND REVIEWED

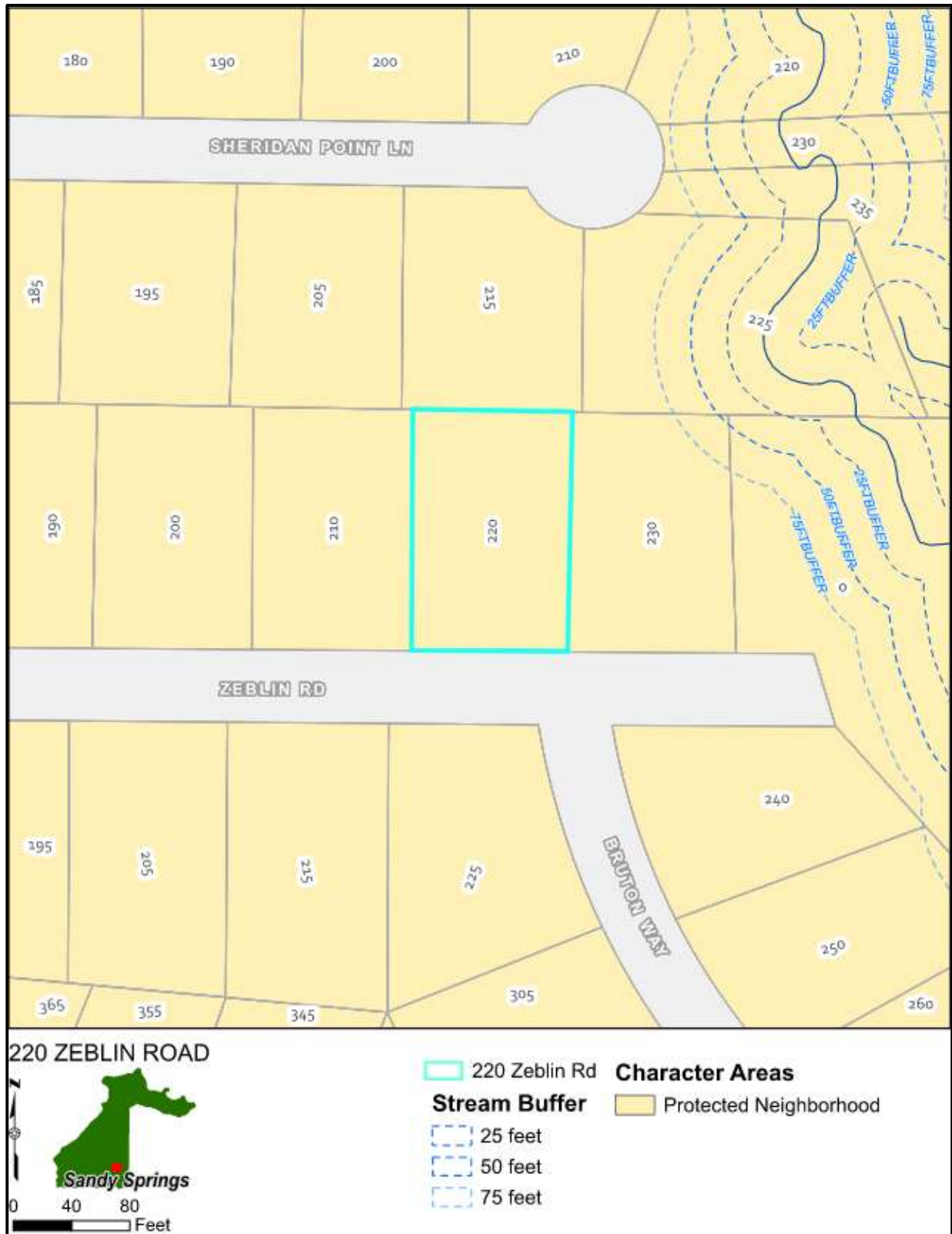
Materials and Plans

1. "220 Zeblin Road_Application Forms.pdf" received on July 27, 2023
2. "220 Zeblin Road_Engineer Report Set.pdf" received on July 27, 2023 stamped by Albert J. Palmer P.E.
3. "220 Zeblin Road_Site Plan Set.pdf" received on June 9, 2023 stamped Michael R. Noles

PROPERTY INFORMATION	
Location:	220 Zeblin Road (17 003900020080)
Council District:	5 – Tibby DeJulio
Neighborhood:	High Point Civic Association
Road frontage:	Approximately 109 feet
Lot Depth	Approximately 165 feet
Acreage:	0.42 acres
Current Zoning	RD-18 (Residential Detached – 18,000 square feet minimum)
Existing Land Use:	Single-family detached residence
Previous Zoning Cases:	NA
Character Area:	Protected Neighborhood

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to the subject property	Zoning	Address(es)	Land area (acres) (approximate)
North	RD-18/Residential Detached	215 Sheridan Point Lane	0.43 Acre
Northeast	RD-27/Residential Detached	225 Sheridan Point Lane	0.65 Acre
Northwest	RD-18/Residential Detached	205 Sheridan Point Lane	0.41 Acre
East	RD-18/Residential Detached	230 Zeblin Road NE	0.43 Acre
Southeast	RD-18/Residential Detached	240 Burton Way NE	0.48 Acre
South	RD-18/Residential Detached	225 Zeblin Road NE	0.52 Acre
Southwest	RD-18/Residential Detached	215 Zeblin Road NE	0.48 Acre
West	RD-18/Residential Detached	210 Zeblin Road NE	0.42 Acre
PROPOSED DEVELOPMENT			
-	RD-18/Residential Detached	220 Zeblin Road NE	0.42 Acre

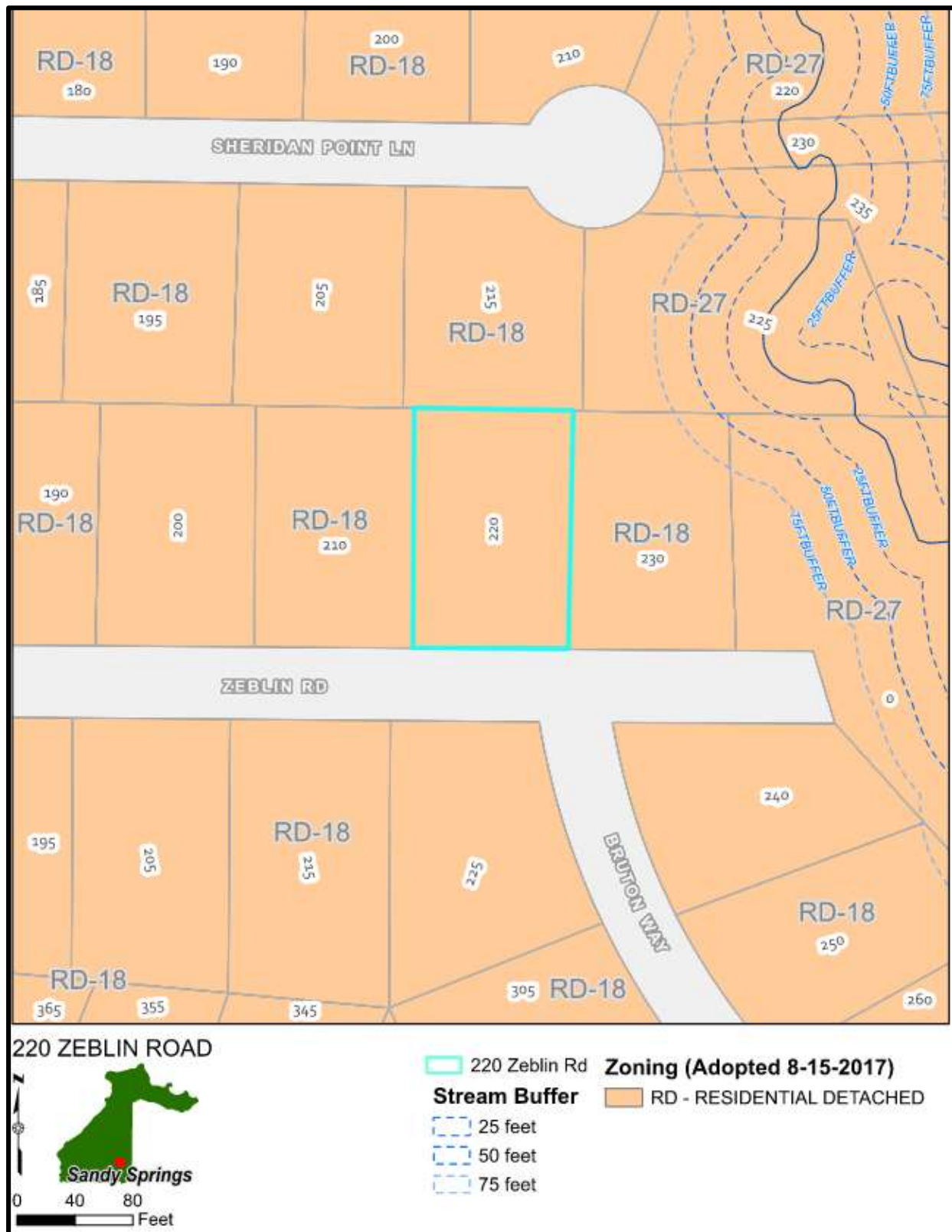
CHARACTER AREA MAP

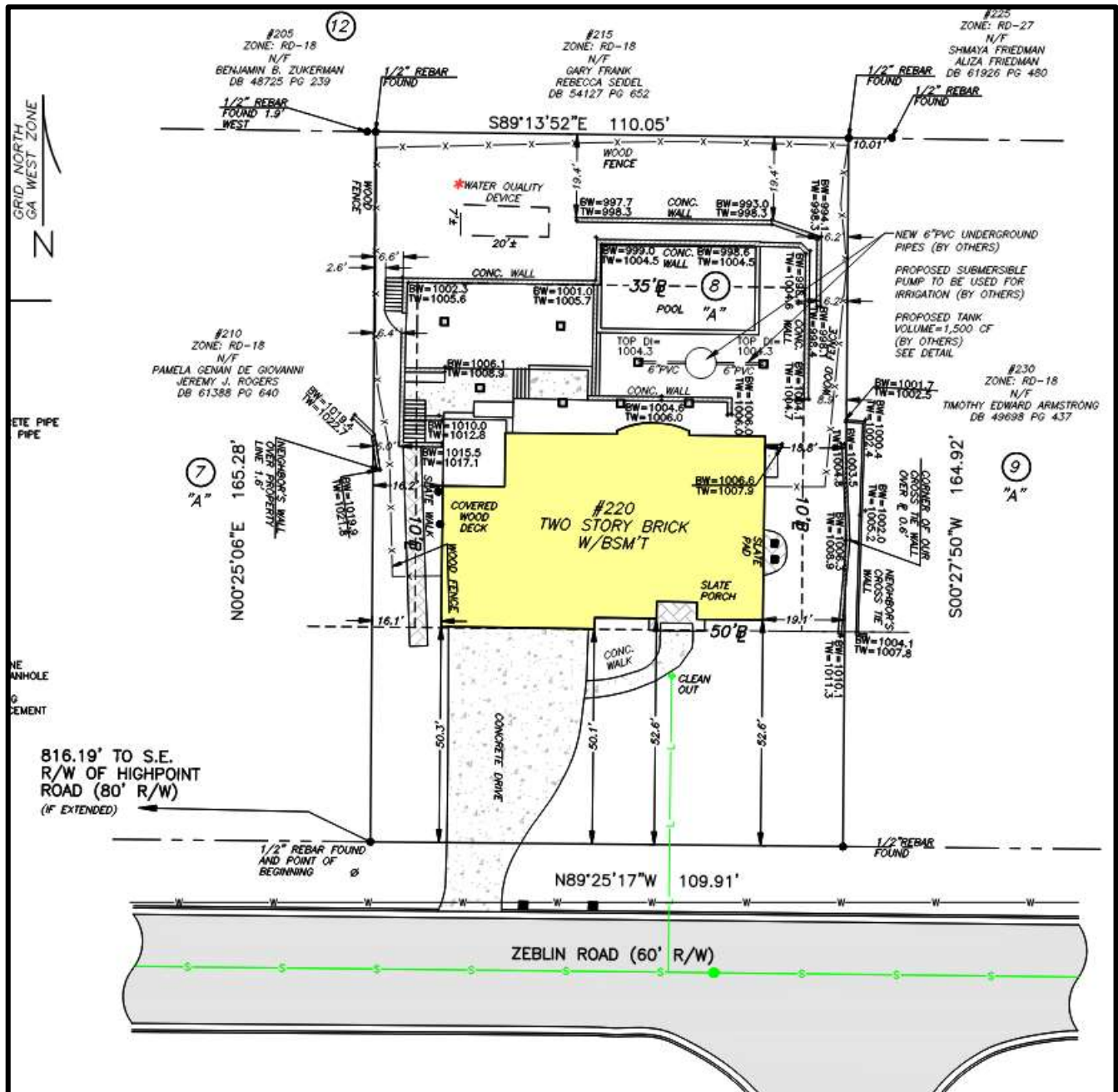


AERIAL IMAGE



ZONING MAP





EXISTING DEVELOPMENT

The 0.42-acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story single-family home with a basement, a 3-car garage, and a pool. According to Fulton County Tax records, the current homeowners purchased the home in 2016. The elevation of the rear yard varies by approximately 18 feet between the rear of the home and the rear property line, requiring the installation of retaining walls to create leveled areas. Currently, in the northernmost portion of the tiered retaining walls, there are approximately two feet between the outer face of the upper wall and the inner face of the lower wall. The development code requires that the retaining walls be separated by at least four feet.



The applicants are seeking Variance from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart.



View of the tiered retaining walls looking north at the east property line



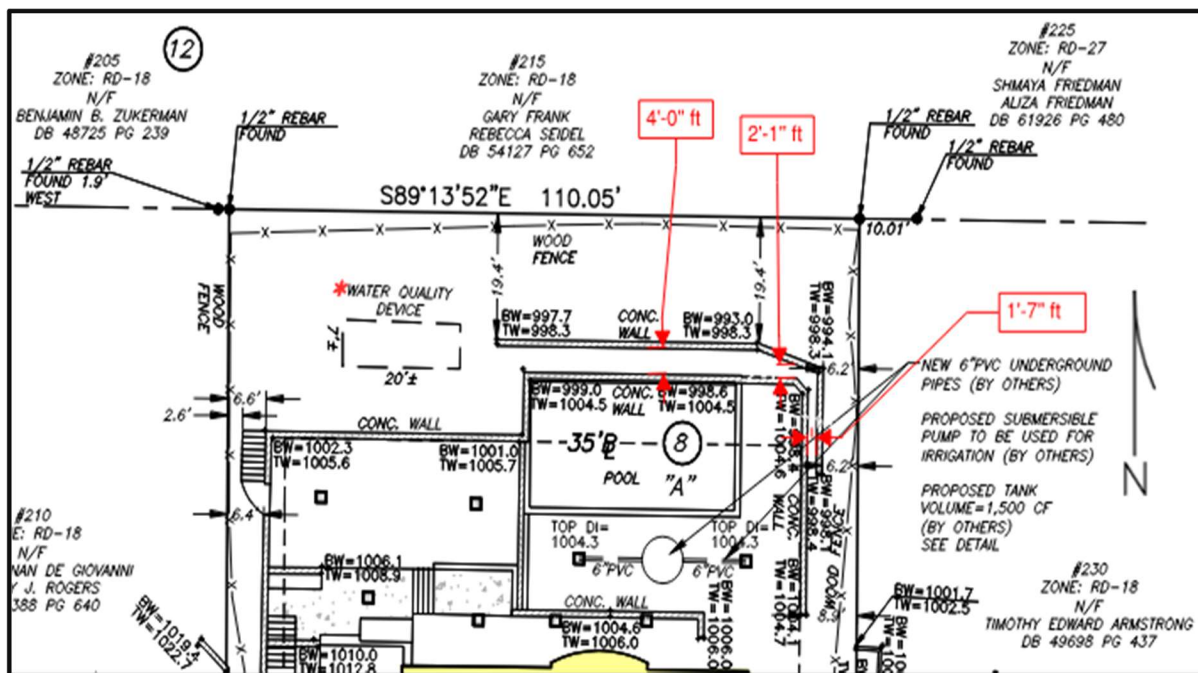
Aerial image of the angled portion of the retaining walls

EXISTING DEVELOPMENT/VARIANCE REQUEST

The applicant is seeking a variance from section 9.4.3.A.2.a to allow tiered retaining walls to remain less than four feet apart. The applicant previously submitted and obtained a permit in 2020 for these retaining walls however, the approved plans had not been adhered to, and the walls were constructed less than four (4) feet apart. The as-built survey revealed that the tiered retaining walls did not meet the required code regulations.

Per the Sandy Springs Development Code, Section 9.4.3.A.2.a. *Spacing – Distance* – Retaining walls must be separated horizontally by at least four (4) feet from other retaining walls (measured from the back of the lower wall to the front of the upper wall). This horizontal separation area must be graded to capture stormwater and not sloped such that stormwater will run off. The stormwater design must be included with the retaining wall permit plans.

The intent of this request is to permit the installed tiered retaining walls that are less than the four (4) feet apart required by the development code.



V23-0022 VARIANCE CONSIDERATIONS

Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or**

Finding: It is Staff's view that the application of the development code does not constitute a hardship. The approved permit, issued in 2020, included the correct code compliant spacing between the walls, however the plans were not followed during construction in error.

- b. 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;**

Finding: All the properties along Zebelin Road share similar topographic characteristics which does not make this an unusual circumstance. The elevation of the rear yard necessitates the installation of retaining walls to create flat areas. The standard-shaped lot provides the applicant with a sufficient amount of land to construct a reasonable residence on the property.

2. Further, the application must demonstrate that:

- a. Such conditions are not the result of action or inaction of the current property owner; and**

Finding: The applicant acknowledges that they deviated from the permitted retaining wall design specifications and constructed the retaining walls two (2) feet apart instead of the prescribed four (4) feet. The applicant is solely responsible for constructing the currently non-compliant retaining walls.

- b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and**

Finding: It is Staff's view that the appropriate use of the property is as a single-family home, with curtilage existing and being utilized in a typical detached residential environment. The applicant has sufficient space in the northeast corner of the property to alter the angled portion of the lower retaining wall. There is also space to move the upper retaining wall inward towards the pool to meet the requirements of the development code.

- c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.**

Finding: The Development Code (Sec. 9.4.3.A.2.a.) requires that all retaining walls be separated horizontally by at least four (4) feet from other retaining walls (measured from the back of the lower wall to the front of the upper wall). A major feature of The Next Ten is to protect and preserve the City's neighborhoods, and a way in which that is codified is through regulations governing the location and spacing of structures. In this regard, the request would not result in development that is consistent with the general intent of the Development Code. While this retaining wall placement is not consistent with the Development Code or The Next Ten, it is not detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

City Engineering recommends denial. The Approved design and construction plans met the Development Code and could have been constructed in a way to meet Code. It is clearly explained during pre-construction meetings with our Land Development Inspectors that the contractor must follow the approved plans and that any proposed deviation must be submitted for a review as a Permit Revision prior to progressing with the project. Should the Board choose to approve the variance, City Engineer recommends heavy planting along the wall with an evergreen planting that will be full from the ground to top such that it completely obscures the wall.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Land Development Manager:

No comment provided.

Sandy Springs Transportation Planner:

No comment provided.

Correspondence Received:

No comment provided.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS
Following review, and based on the findings, staff recommends Denial of Variance V23-0022 , a request for a Variance from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart. Should the Board choose to approve this variance request, Staff recommends the following conditions: • The applicant must install heavy plantings of evergreens along the wall that will be full from the ground to the top such that it completely obscures the wall; and that such plantings are subject to the approval by the City Arborist and City Engineer.

Board of Appeals

November 8, 2023



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V23-0022
220 Zeblin Road

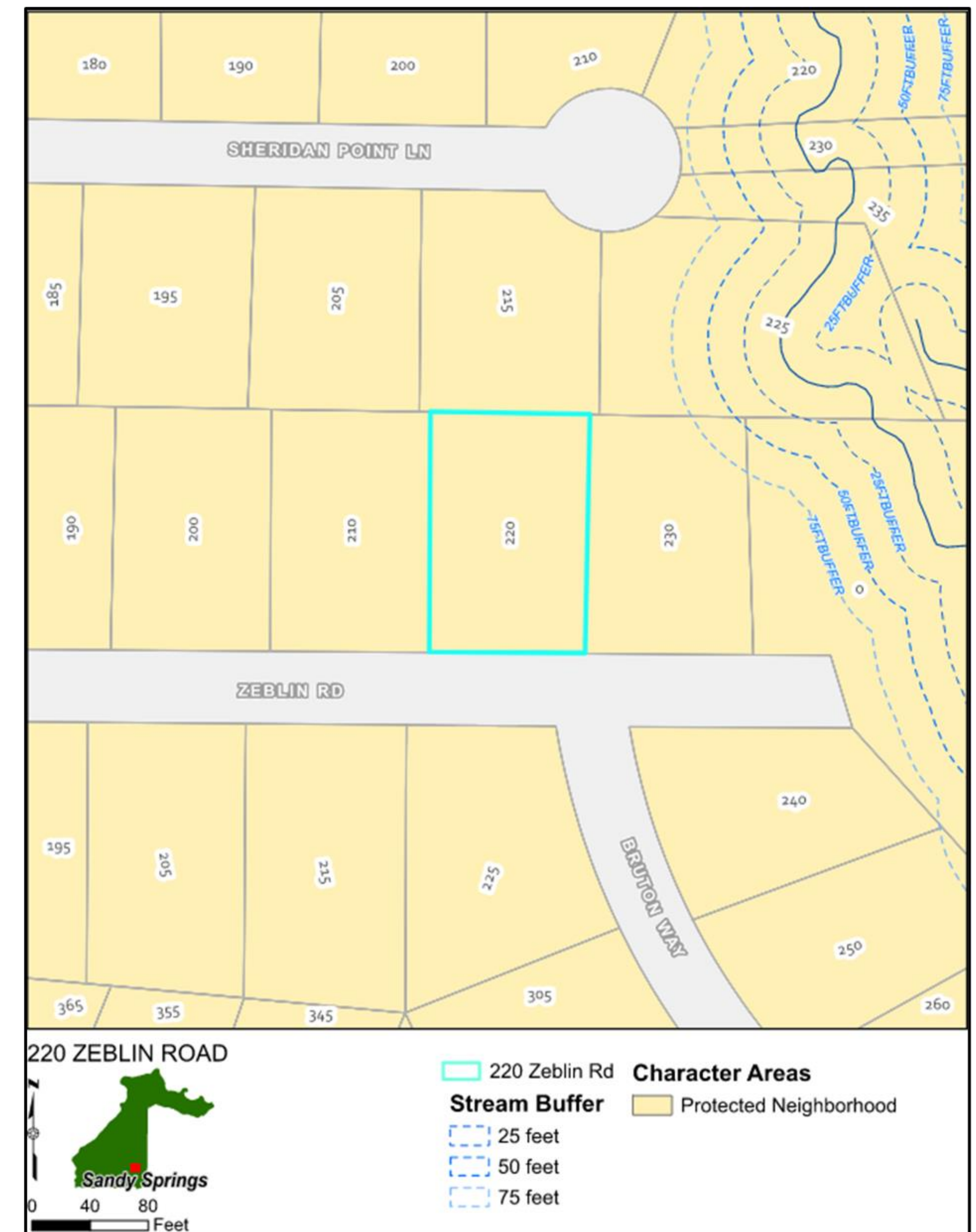
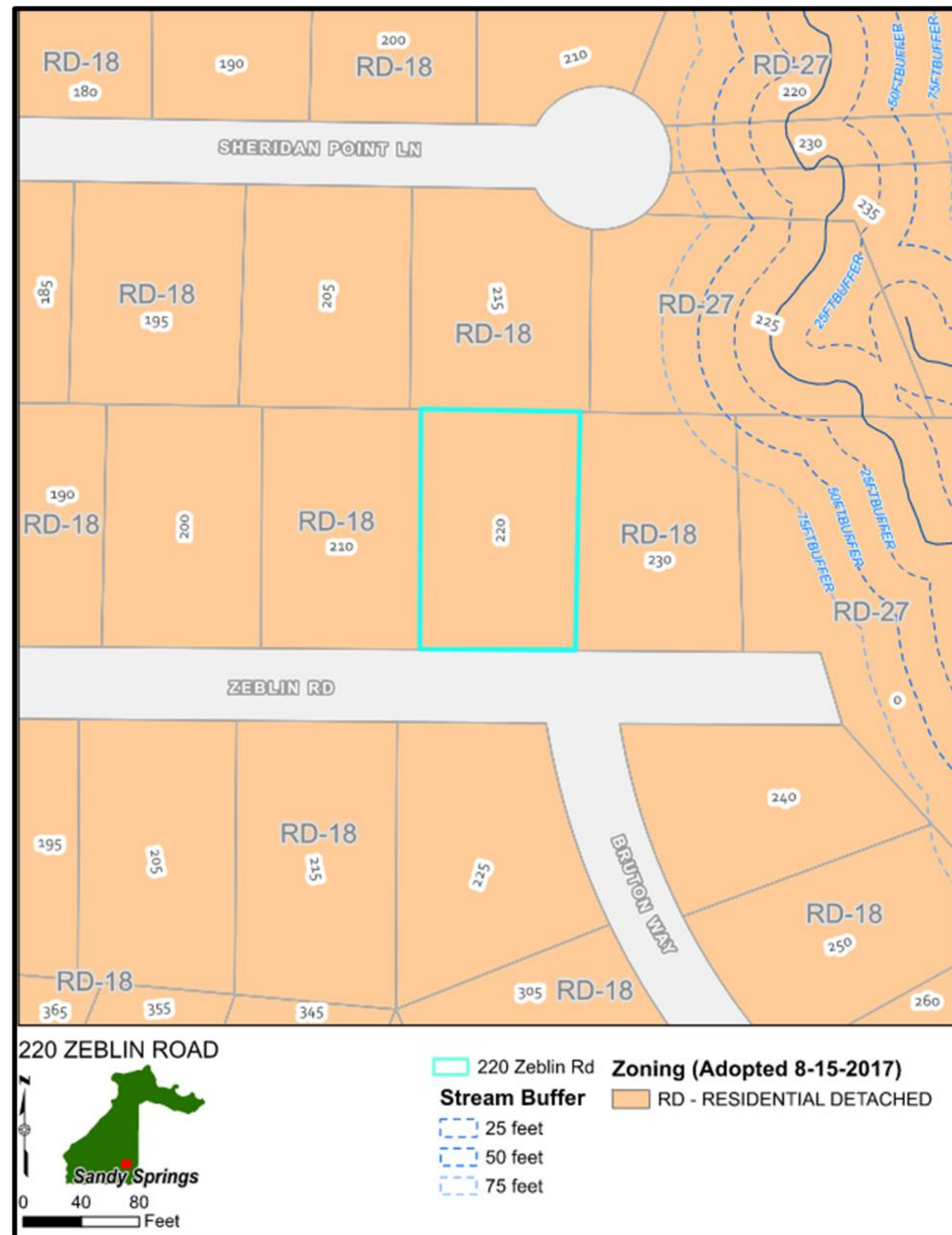
STAFF RECOMMENDATION:
Denial

Request

Request for a Variance from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart.

Zoning

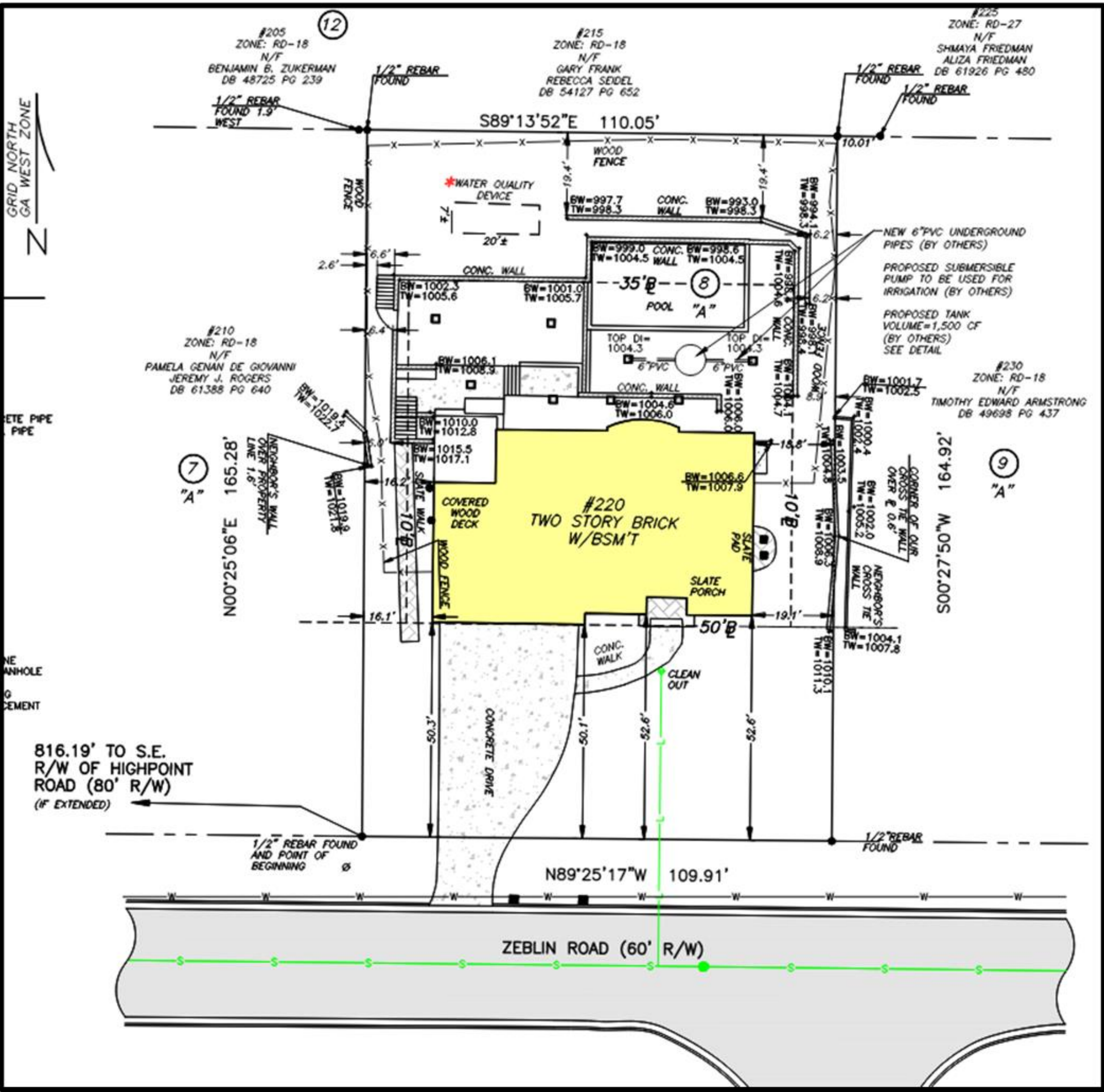
Character Area



Aerial Image



As-Built



Existing Development

- The 0.42-acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story single-family home with a basement, a 3-car garage, and a pool.
- According to Fulton County Tax records, the current homeowners purchased the home in 2016.
- The elevation of the rear yard varies by approximately 18 feet between the rear of the home and the rear property line, requiring the installation of retaining walls to create leveled areas.
- Currently, in the northernmost portion of the tiered retaining walls, there are approximately two feet between the outer face of the upper wall and the inner face of the lower wall. The development code requires that the retaining walls be separated by at least four feet.



View of the tiered retaining walls looking north at the east property line



Aerial image of the angled portion of the retaining walls

Existing Development/ Variance Request

- The applicant is seeking a variance from section 9.4.3.A.2.a to allow tiered retaining walls to remain less than four feet apart.
- The applicant previously submitted and obtained a permit in 2020 for these retaining walls however, the approved plans had not been adhered to, and the walls were constructed less than four (4) feet apart. The as-built survey revealed that the tiered retaining walls did not meet the required code regulations.
- The intent of this request is to permit the installed tiered retaining walls that are less than the four (4) feet apart required by the development code.

V23-0022 Variance Considerations

Variances will only be granted upon showing that

- *The application of this Development Code would create an unnecessary hardship, not merely an inconvenience to the applicant;*
 - The approved permit, issued in 2020, included the correct code-compliant spacing between the walls, however, the plans were not followed during construction in error.
- *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;*
 - All the properties along Zeblin Road share similar topographic characteristics which does not make this an unusual circumstance. The elevation of the rear yard necessitates the installation of retaining walls to create flat areas. The standard-shaped lot provides the applicant with a sufficient amount of land to construct a reasonable residence on the property.

V23-0022 Variance Considerations

Variances will only be granted upon showing that

- ***Such conditions are not the result of action or inaction of the current property owner;***
 - The applicant acknowledges that they deviated from the permitted retaining wall design specifications and constructed the retaining walls two (2) feet apart instead of the prescribed four (4) feet. The applicant is solely responsible for constructing the currently non-compliant retaining walls.
- ***The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property;***
 - The applicant has sufficient space in the northeast corner of the property to alter the angled portion of the lower retaining wall. There is also space to move the upper retaining wall inward towards the pool to meet the requirements of the development code.
- ***The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and not be detrimental to the public good, safety, and welfare.***
 - A major feature of The Next Ten is to protect and preserve the City's neighborhoods, and a way in which that is codified is through regulations governing the location and spacing of structures. In this regard, the request would not result in development that is consistent with the general intent of the Development Code. While this retaining wall placement is not consistent with the Development Code or The Next Ten, it is not detrimental to the public good, safety, and welfare.

Recommendation

- Staff recommends **Denial** of **Variance** V23-0022, a request from Section 9.4.3.A.2.a to allow tiered retaining walls to be placed less than four feet apart. Should the Board choose to approve this variance request, Staff recommends the following condition:
 - The applicant must install heavy plantings of evergreens along the wall that will be full from the ground to the top such that it completely obscures the wall; and that such plantings are subject to the approval by the City Arborist and City Engineer.



SANDY SPRINGS

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P&Z STAFF REPORT

November 8, 2023, Board of Appeals Meeting

Case: **V23-0032-470 Cambridge Way**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: August 23, 2023

REQUEST

Request for relief from Section 9.4.3.C. to allow retaining wall to be encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.

APPLICANT

Property Owners:	Petitioner:	Representative:
Brooks and Holly Copeland	Brooks and Holly Copeland c/o Battle Law PC	Michele Battle

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V23-0032.

MATERIALS SUBMITTED AND REVIEWED

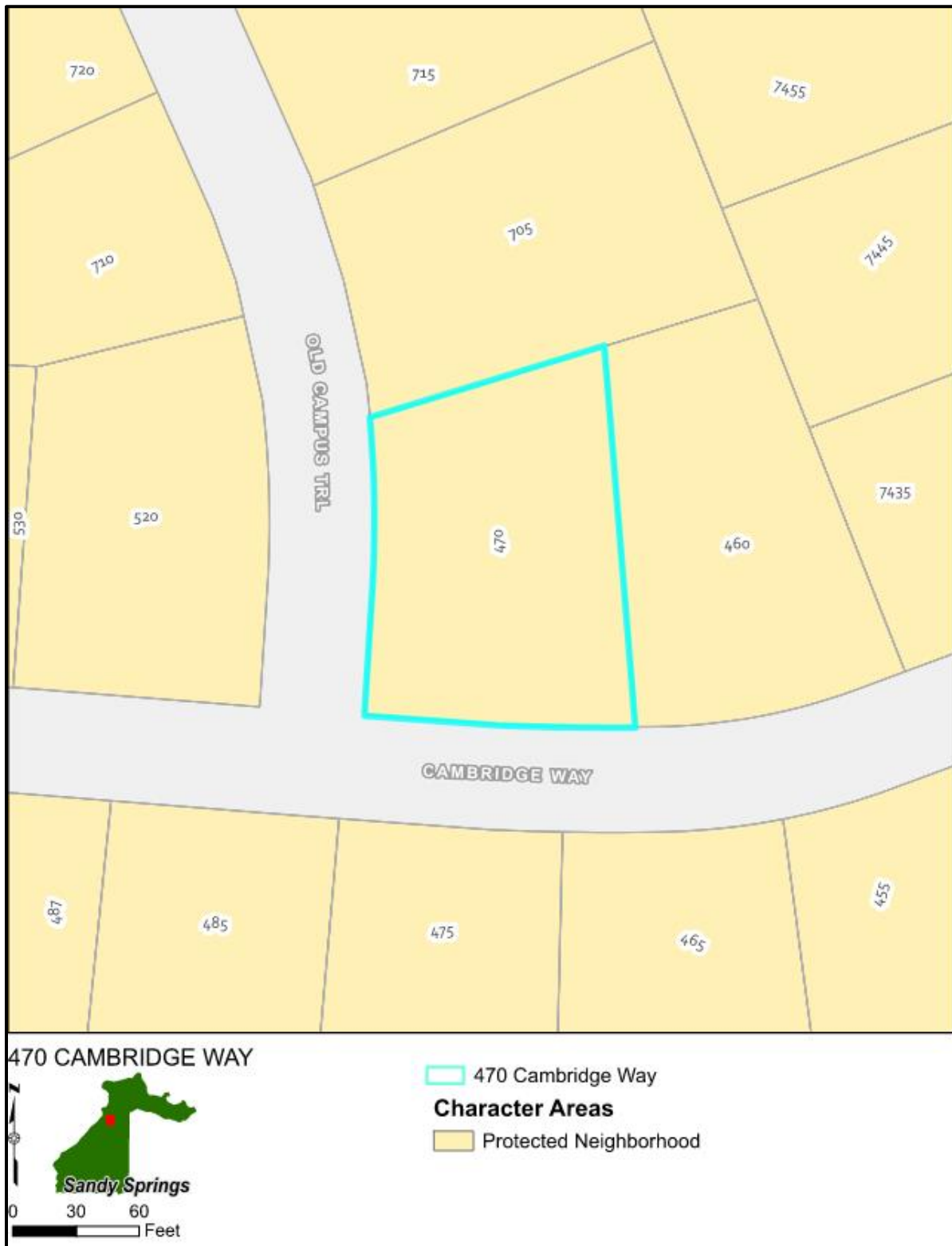
Materials and Plans

1. "Variance Application – Application Page.pdf" received on July 13, 2023
2. "Construction Plans.pdf" received on July 13, 2023, stamped by Yong C. Shao P.E.
3. "Copeland Variance Application Final" received on August 24, 2023, stamped Michael R. Noles

PROPERTY INFORMATION	
Location:	470 Cambridge Way (17 007500040091)
Council District:	2 – Melody Kelley
Neighborhood:	Princeton Square Princeton Falls
Road frontage:	Approximately 142 feet on Old Campus Trail Approximately 129 feet on Cambridge WY
Lot Depth	Approximately 165 feet
Acreage:	0.45 acres
Current Zoning	RD-18 (Residential Detached – 18,000 square feet minimum)
Existing Land Use:	Single-family detached residence
Previous Zoning Cases:	1969Z -0043
Character Area:	Protected Neighborhood

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to the subject property	Zoning	Address(es)	Land area (acres) (approximate)
North	RD-18/Residential Detached	705 Old Campus Trail NE	0.45 Acre
East	RD-18/Residential Detached	460 Cambridge Way	0.48 Acre
Southeast	RD-18/Residential Detached	465 Cambridge Way	0.43 Acre
South	RD-18/Residential Detached	475 Cambridge Way NW	0.45 Acre
Southwest	RD-18/Residential Detached	485 Cambridge Way	0.43 Acre
West	RD-18/Residential Detached	520 Cambridge Way	0.44 Acre
PROPOSED DEVELOPMENT			
-	RD-18/Residential Detached	470 Cambridge Way	0.45 Acre

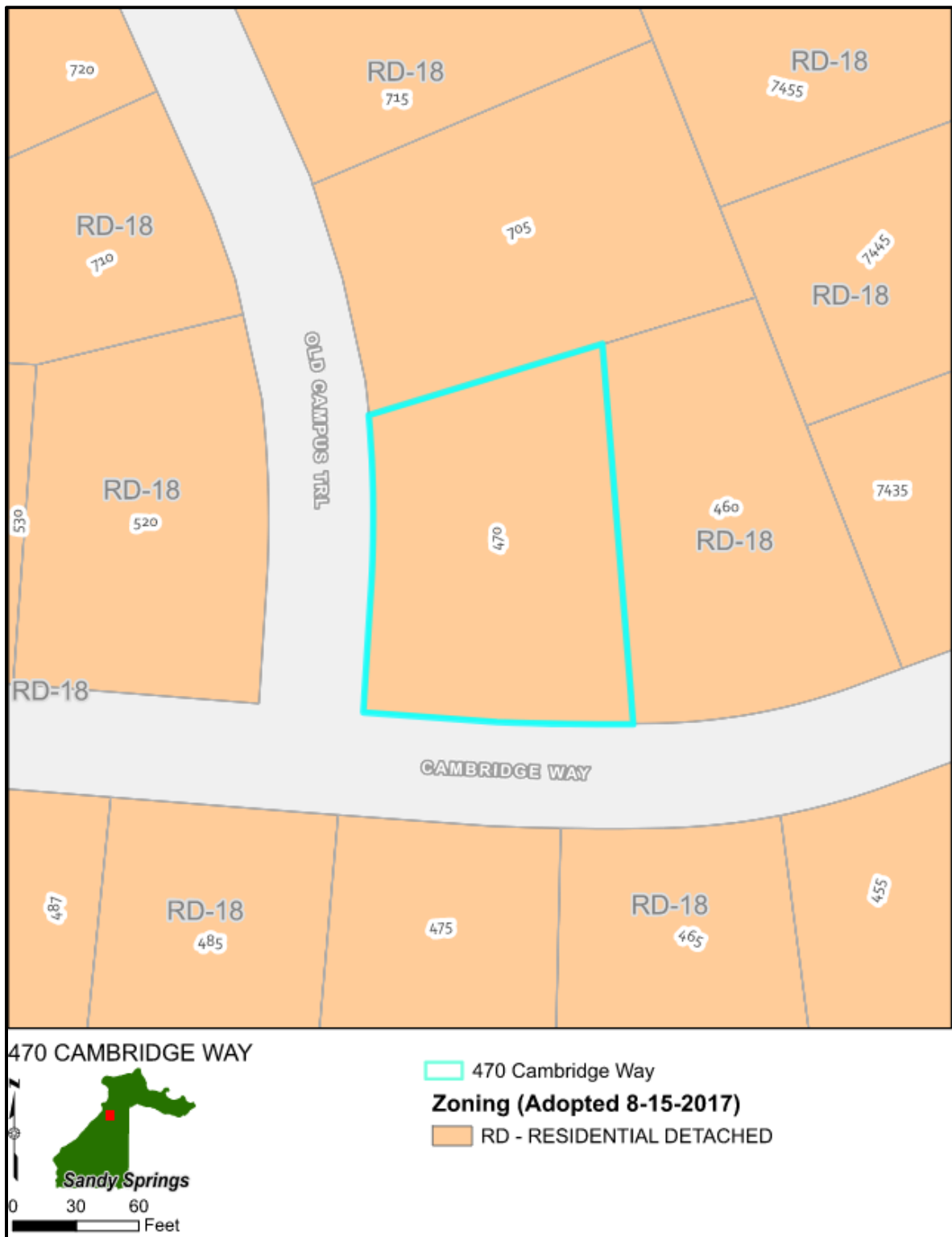
CHARACTER AREA MAP

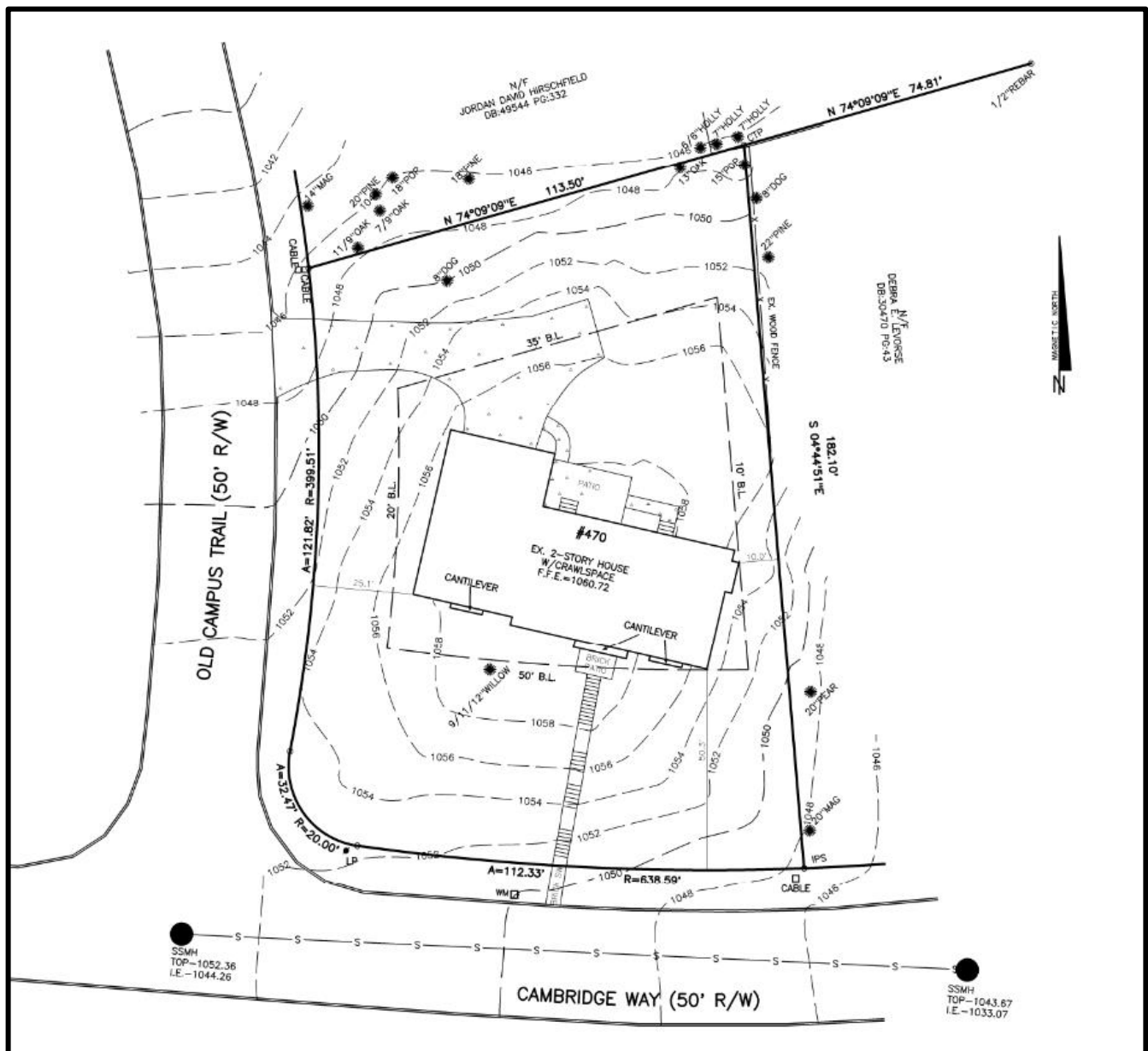


AERIAL IMAGE



ZONING MAP





EXISTING DEVELOPMENT

The 0.45-acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story single-family home with a 2-car garage, in the Princeton Square Falls neighborhood. To the west of the parcel is Old Campus Trail and to the south is Cambridge Way. According to Fulton County Tax records, the current homeowners purchased the home in 2020. The home sits on top of a hill with the perimeter elevation slopes downward by approximately 8-12 feet.

The applicants are seeking a variance from Section 9.4.3.C. to allow retaining wall to be encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.





View standing on Old Campus Trail looking east at driveway



View standing on driveway looking north to abutting neighbor



View of current side entry garage

[illegible][illegible][illegible]

PROPOSED DEVELOPMENT

The applicant is seeking a variance from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.

Per the Sandy Springs Development Code, Section 9.4.3.C.1.b. *Setback Encroachment – Side Setbacks* – In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.

Per the Sandy Springs Development Code, Section 9.4.3.C.2.b. *Setback Encroachment – Rear Setbacks* – In the RD-27, RD-18, and RD-15 districts, no retaining walls are allowed within 15 feet of the rear lot line.

The intent of setback encroachment regulations is to protect trees and vegetation on sites and the character of the neighborhood.

The site plan illustrates a residential property with a proposed development. Key features include:

- Property Line:** Indicated by a dashed line.
- Setbacks:** Various setbacks are shown, including a 6'0" setback for the proposed wall and a 2'0" setback for the proposed wall.
- Proposed Structures:** A proposed garage addition, a 4' high fence (decorative), a 6'6" high fence (privacy), a 30" high accent wall, a fireplace structure w/hearth (chimney = 7' wide), a grill/cooking area with roof structure, and a covered storage area.
- Landscaping:** Sodded Zoysia Lawn, Sodded Zoysia Lawn, and Sodded Zoysia Lawn.
- Driveway:** New Concrete Driveway.
- Other Features:** A concrete walkway w/brick banding, a side street building setback line, a privacy fence (4' high), a rolling gate (by others), a stone drainage creek, a gravel driveway, a gravel storage area, and a fire hydrant.

Notes:

- NOTE: Proposed drainage creek shown with a drop of 5" every 10'.
- NOTE: Garage Addition by Others.
- NOTE: Represents proposed new elevation.

The plan also includes a north arrow and a scale bar.

PROPOSED DEVELOPMENT

The applicant is seeking a variance from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.

Per the Sandy Springs Development Code, Section 9.4.3.C.1.b. *Setback Encroachment – Side Setbacks* – In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.

Per the Sandy Springs Development Code, Section 9.4.3.C.2.b. *Setback Encroachment – Rear Setbacks* – In the RD-27, RD-18, and RD-15 districts, no retaining walls are allowed within 15 feet of the rear lot line.

The intent of setback encroachment regulations is to protect trees and vegetation on sites and the character of the neighborhood.

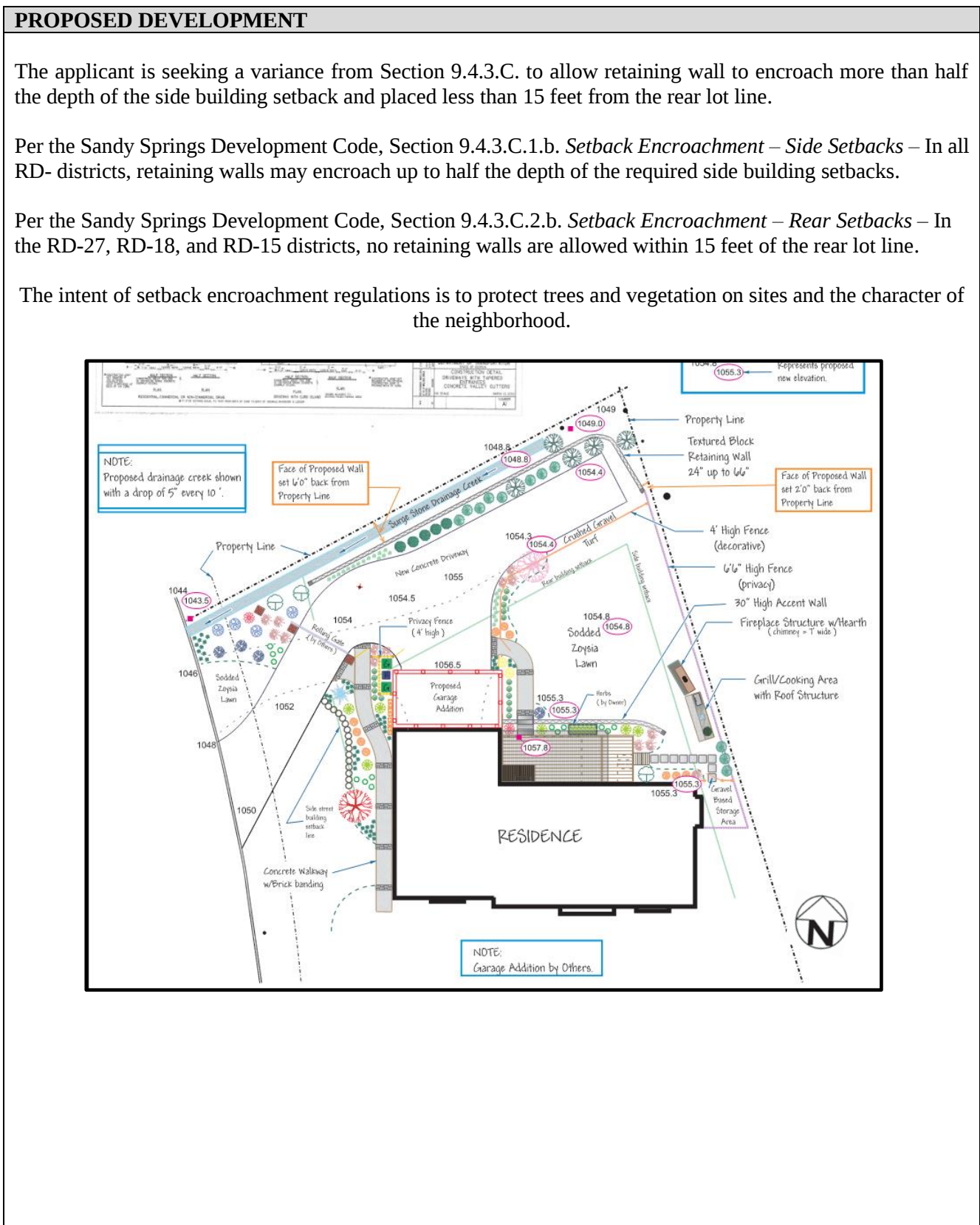
The site plan illustrates a residential property with a proposed development. Key features include:

- Property Line:** Indicated by a dashed line.
- Setbacks:** Various setbacks are shown, including a side building setback and a rear building setback.
- Proposed Structures:** A "Proposed Garage Addition" is shown in red. Other structures include a "Fireplace Structure w/Hearth", "Grill/Cooking Area with Roof Structure", and "Sodded Zoysia Lawn".
- Driveway:** A "New Concrete Driveway" is shown.
- Retaining Wall:** A "Textured Block Retaining Wall 24" up to 66" is shown, with a note indicating the "Face of Proposed Wall set 6'0" back from Property Line".
- Fences:** A "4' High Fence (decorative)", "6'6" High Fence (privacy)", and "30" High Accent Wall" are shown.
- Other Features:** A "Sung Stone Drainage Creek", "Crushed Gravel", "Turf", "Privacy Fence (4' high)", "Rolling Gate (by Others)", "Concrete Walkway w/Brick banding", "Side street building setback line", "Gravel Paved Storage Area", and "Hicris (by Owner)" are also labeled.

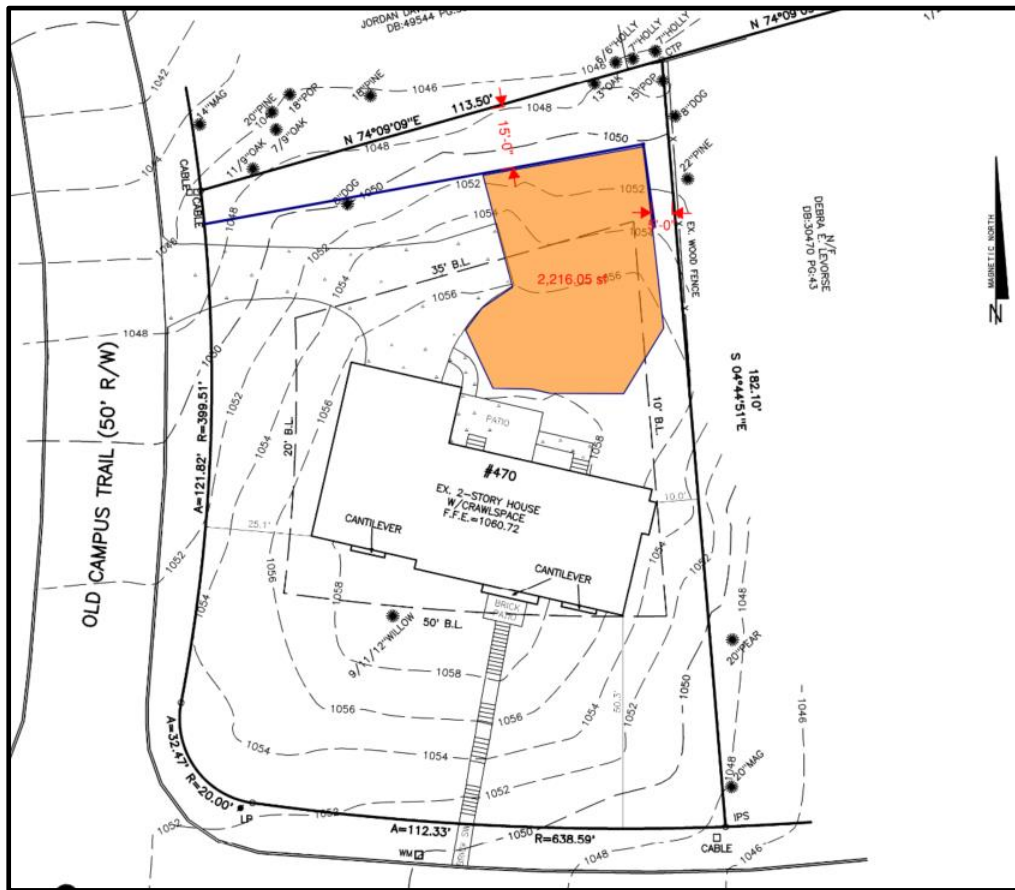
Notes on the plan:

- NOTE: Proposed drainage creek shown with a drop of 5" every 10'.
- NOTE: Garage Addition by Others.
- NOTE: Represents proposed new elevation.

A north arrow is located in the bottom right corner of the plan.



V23-0032 VARIANCE CONSIDERATIONS
Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:
1. Variances will only be granted upon showing that: a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or Finding: It is Staff’s view that the application of the development code does not constitute a hardship. The existing driveway provides sufficient space that does not require a retaining wall. This proposal is a substantial undertaking and is only a minor inconvenience.
b. 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; Finding: The shape, size and topography of this property does not preclude them from the use of their property. The elevation of the rear yard does not necessitate for the installation of a retaining wall. The standard-shaped lot provides the applicant with adequate land to construct a reasonable residence on the property.
2. Further, the application must demonstrate that: a. Such conditions are not the result of action or inaction of the current property owner; and Finding: The size, shape and topography of the subject property are not result of action or inaction of the current property owners.
b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and Finding: On the contrary, the applicant is seeking relief from the code by placing the wall closer into the property line than permitted to allow an expansion of the driveway. The image below depicts a driveway expanded approximately 2,200 square foot (in orange) and possible retaining walls (in blue). It is Staff’s view that the appropriate use of the property is the existing single-family home and garage which provides the minimum relief necessary.



- c. *The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.*

Finding: A major feature of The Next Ten is to protect and preserve the City's neighborhoods, and a way in which that is codified through regulations governing the location of structures. In this regard, the request would not result in development that is consistent with the general intent of the Development Code. While this proposed retaining wall placement is not consistent with the Development Code or The Next Ten, it is not detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

Please assess the impacts to the Boundary Trees for each alternative as part of this application. Shifting the wall further away from the rear property line would reduce impacts to Boundary Trees. The proposed project would be required to adhere to Division 9.3 and Section 9.4.2.G of the Sandy Springs Development Code.

Sandy Springs Sustainability Manager:

Please provide an alternative to Liriope as it has invasive tendencies.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Land Development Manager:

This proposal does not provide a complete site plan. - The outdoor kitchen and other areas to the east side of the property is considered as accessory structures and will need to comply with the appropriate setback requirements. Please review the code for those dimensions and properly show the location of the these on the drawings. - A separate variance request may be needed to allow these accessory uses closer to the property line than permitted by the Development Code.

Sandy Springs Transportation Planner:

No comment provided.

Correspondence Received:

No comment provided.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS
Following review, and based on the findings, staff recommends Denial of Variance V23-0032 , a request for relief from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.

Board of Appeals

November 8, 2023



SANDY SPRINGS™
GEORGIA

V23-0032
470 Cambridge Way

STAFF RECOMMENDATION:
Denial

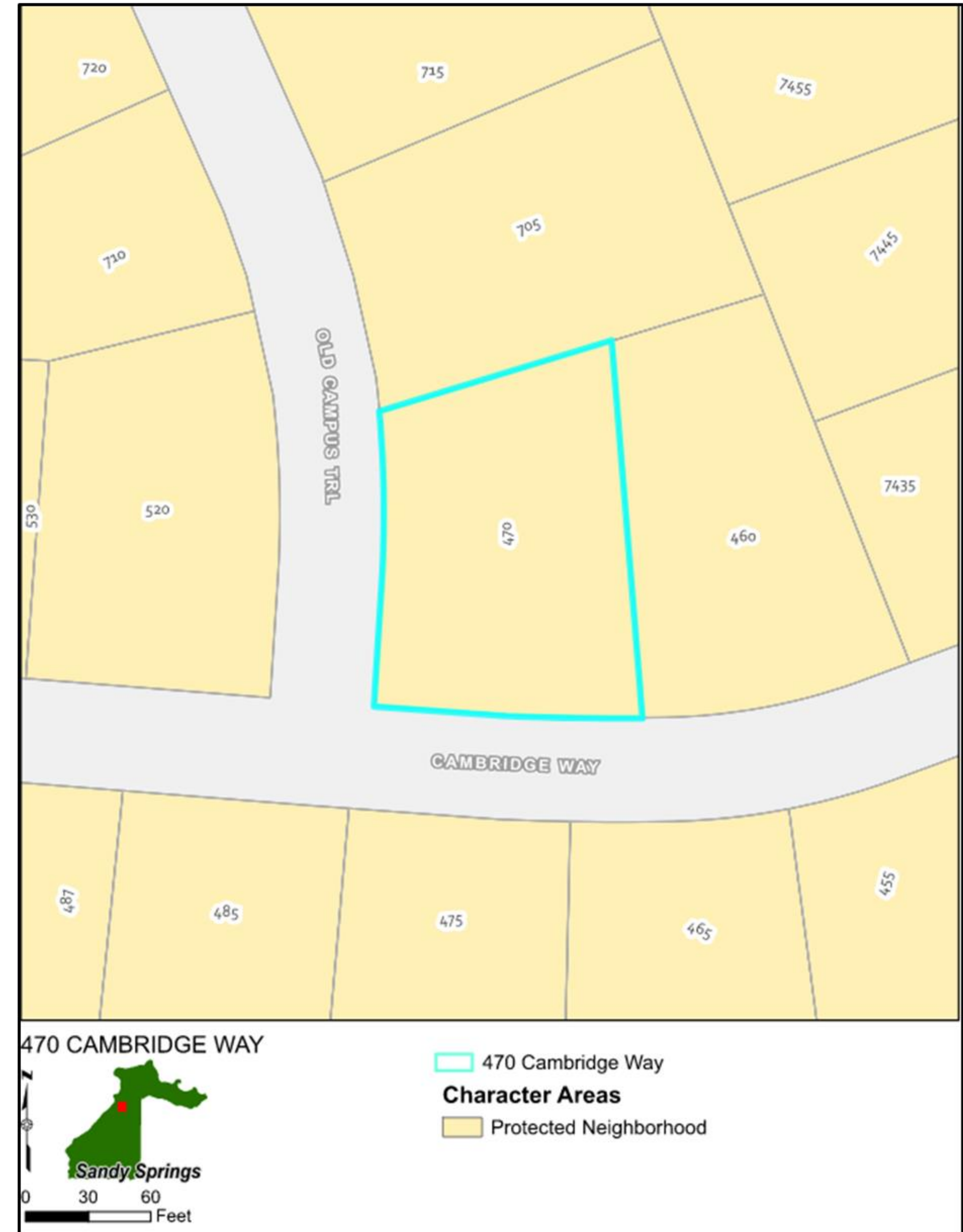
Request

Request for relief from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.

Zoning



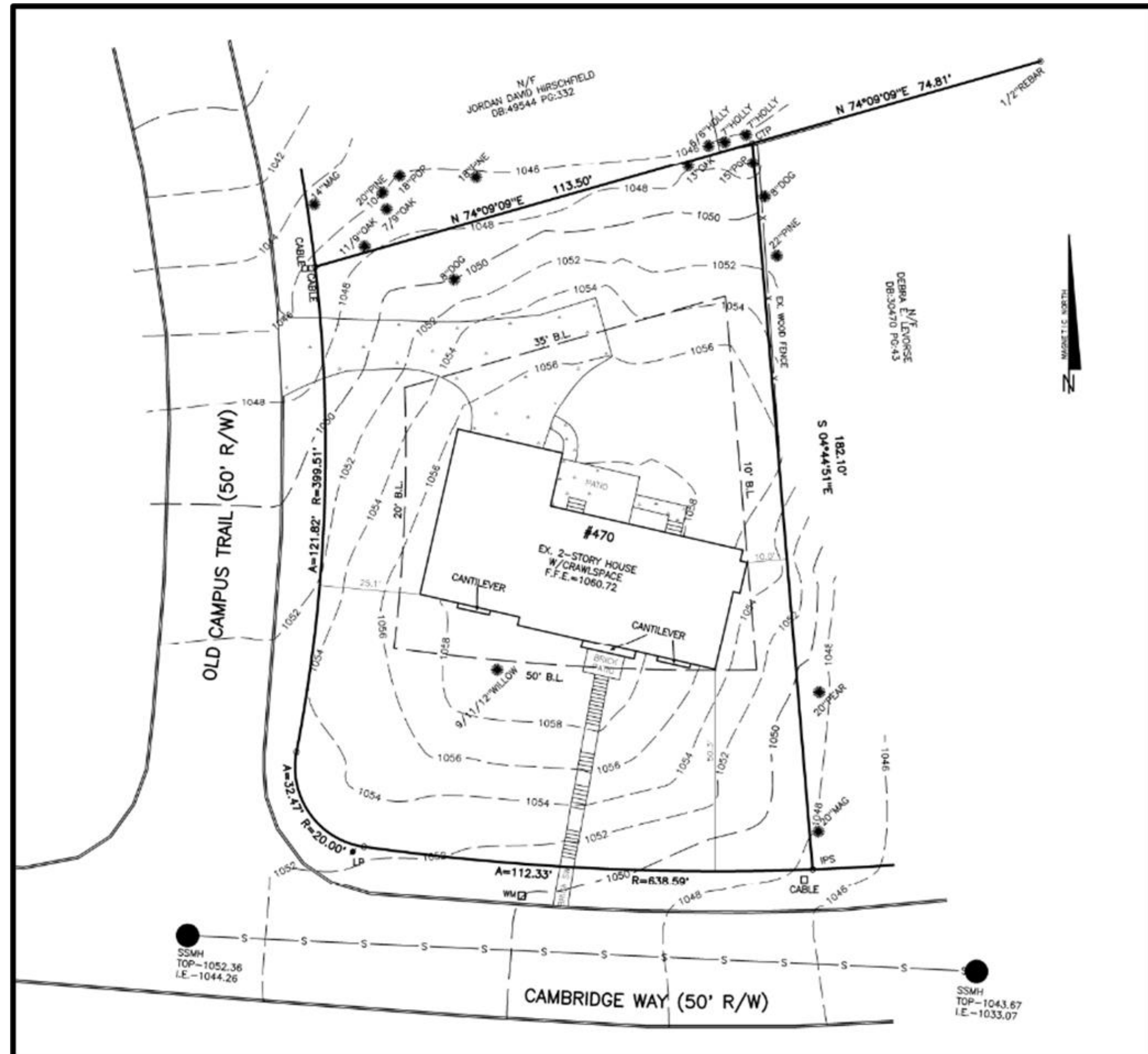
Character Area



Aerial Image



Survey



Existing Development

- The 0.45-acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story single-family home with a 2-car garage, in the Princeton Square Falls neighborhood.
- The property is on a corner lot with Old Campus Trail on the west, and to the south is Cambridge Way.
- According to Fulton County Tax records, the current homeowners purchased the home in 2020.
- The elevation of the northwest portion of the parcel where the driveway is located, slopes downward by approximately 8 feet.

View of home



View standing on Old Campus Trail looking east at driveway



**View standing on
driveway looking north to
abutting neighbor**



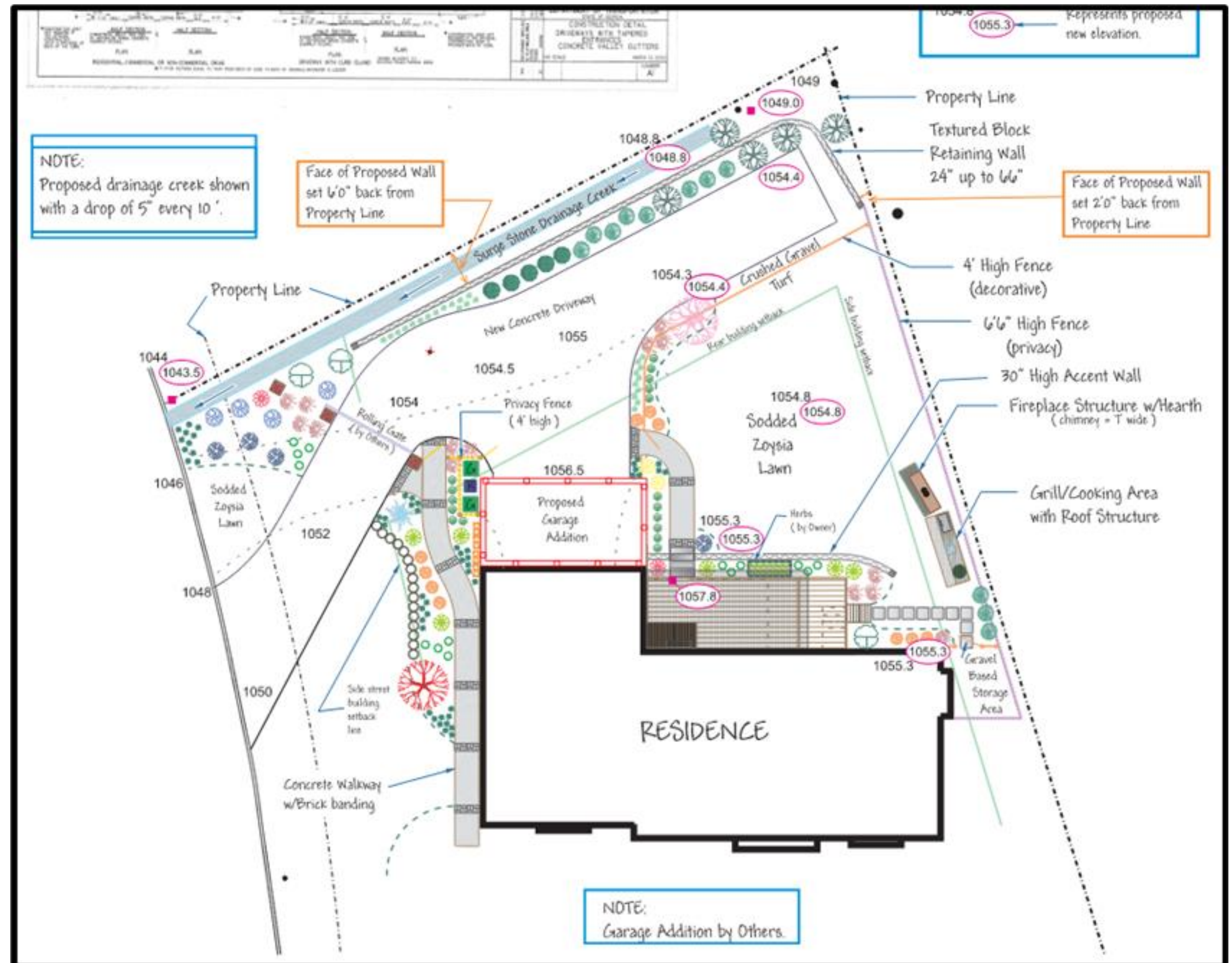
**View of current side entry
garage**



Proposed Development

- The applicant is seeking a variance from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.
- Per the Sandy Springs Development Code, Section 9.4.3.C.1.b. Setback Encroachment – Side Setbacks – In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.
- Per the Sandy Springs Development Code, Section 9.4.3.C.2.b. Setback Encroachment – Rear Setbacks – In the RD-27, RD-18, and RD-15 districts, no retaining walls are allowed within 15 feet of the rear lot line.
- The intent of setback encroachment regulations is to protect trees and vegetation on sites and the character of the neighborhood

Site Plan



V23-0032 Variance Considerations

Variances will only be granted upon showing that:

- **The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or;**
 - It is Staff's view that the application of the development code does not constitute a hardship. The existing driveway provides sufficient space that does not required a retaining wall.

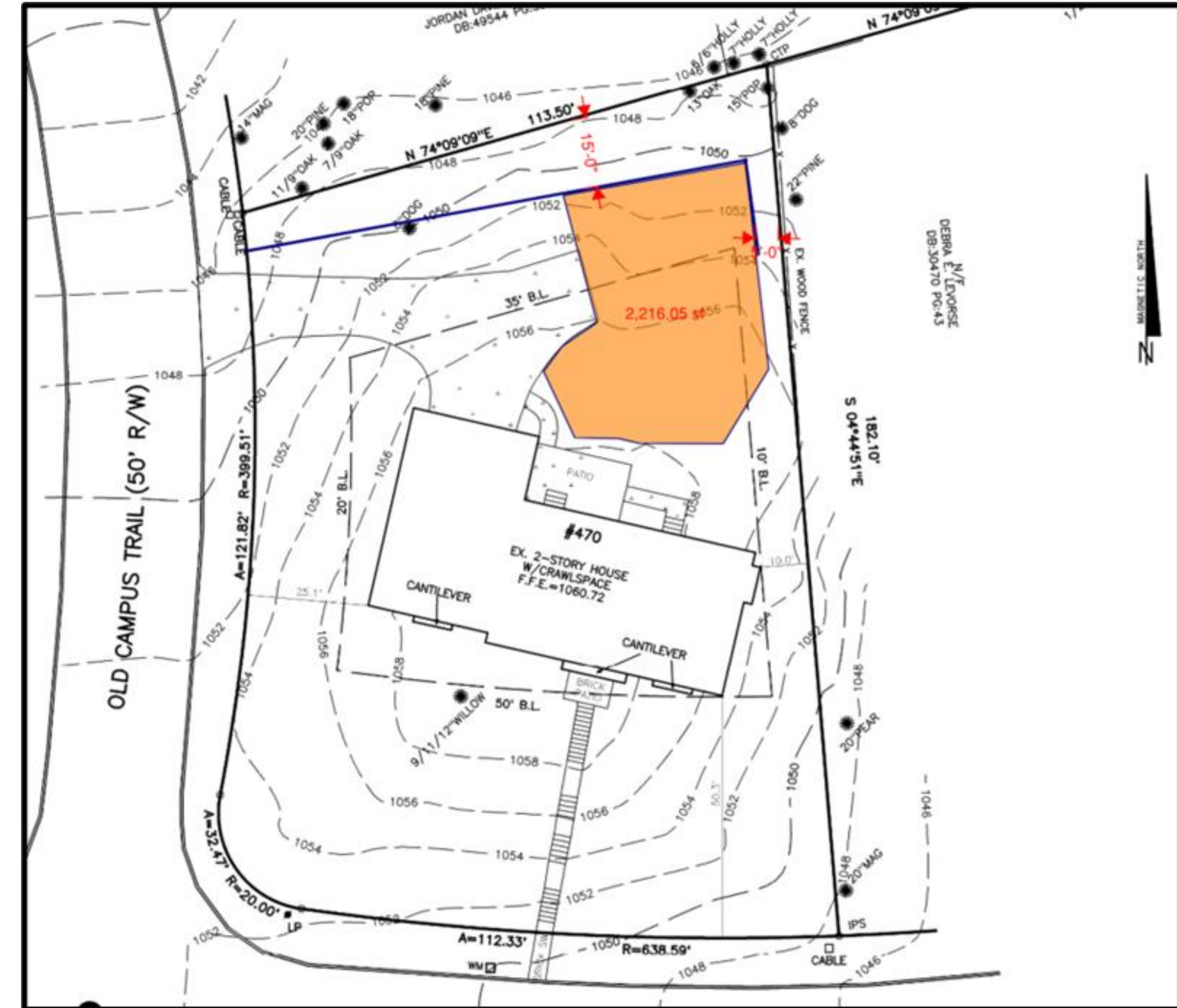
There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;

- The shape, size and topography of this property does not preclude them from the use of their property. The elevation of the side yard does not necessitate for the installation of a retaining wall. The standard-shaped lot provides the applicant with adequate land to construct a reasonable residence on the property.

V23-0032 Variance Considerations

The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and.

- The applicant is seeking relief from the code by placing the wall closer into the property line than permitted to allow an expansion of the driveway than what's currently on the property. The image below depicts a driveway expanded approximately 2,200 square foot (in orange) and possible retaining walls (in blue). It is Staff's view that the appropriate use of the property is the existing single-family home and garage which provides the minimum relief necessary.



Recommendations

- Staff recommends **Denial** of **Variance** V23-0032, Request for relief from Section 9.4.3.C. to allow retaining wall to encroach more than half the depth of the side building setback and placed less than 15 feet from the rear lot line.



P&Z STAFF REPORT

November 8, 2023, Board of Appeals Meeting

Case: **V23-0036 – 95 Forrest Lake Drive**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: October 25, 2023

REQUEST

Request for a variance from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback

APPLICANT

Property Owners:	Petitioner:	Representative:
Cory McCallum	Lucas Tilton Residential, Alex Ilazovic	Alex Ilazovic

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V23-0036.

MATERIALS SUBMITTED AND REVIEWED

Materials and Plans

1. “23-09-20 Forrest Lake Drive (95) – Final As-built.pdf” received on September 20, 2023 and stamped by V.F. Gaddy, Sr.
2. “Forrest Lake Drive (95) Legal Description” received on September 27, 2023
3. “Authorization Form Part 2.pdf” received on September 20, 2023
4. “Letter of Intent BR21-00774 RW21-00237.pdf” received August 8, 2023
5. “Variance Analysis” received August 8, 2023
6. “95 Forrest Lake Drive.app.pdf” received August 8, 2023

PROPERTY INFORMATION	
Location:	95 Forrest Lake Drive (17 011900060238)
Council District:	6 – Andy Bauman
Neighborhood:	Merlandale, Pine, and Forest Lake
Road frontage:	Approximately 120 feet
Lot Depth	Approximately 286 feet
Acreage:	0.79 acre
Current Zoning	RD- 18 (Residential Detached – 18,000 square feet minimum)
Existing Land Use:	Single family detached home
Previous Zoning Cases:	N/A
Character Area:	Protected Neighborhood

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to the subject property	Zoning	Address(es)	Land area (acres) (approximate)
North	RD-18/Residential Detached	4740 Merlandale Drive	0.82 Acre
North	RD-18/Residential Detached	4800 Merlendale Court	0.91 Acre
Northeast	RD-18/Residential Detached	4790 Merlendale Court	0.54 Acre
East	RD-18/Residential Detached	8 Forrest Lake Drive	0.54 Acre
Southeast	RD-18/Residential Detached	90 Forrest Lake Drive	0.83 Acre
South	RD-18/Residential Detached	100 Forrest Lake Drive	0.78 Acre
Southwest	RD-18/Residential Detached	110 Forrest Lake Drive	0.73 Acre
West	RD-18/Residential Detached	105 Forrest Lake Drive	0.92 Acre
Northwest	RD-18/Residential Detached	4740 Merlendale Drive NW	0.82 Acre
PROPOSED DEVELOPMENT			
-	RD-18/Residential Detached	95 Forrest Lake Drive NW	0.79 Acre

CHARACTER AREA MAP



AERIAL IMAGE



ZONING MAP



EXISTING DEVELOPMENT

The .79 -acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story home and 3-car side entry garage. Based on Fulton County Tax records, the current property owner purchased the property in 2021. The elevation of the northwest portion of the parcel where the backyard is located, slopes downward by approximately 20 feet toward rear of home.

The base portion of the retaining wall is made of concrete with a three-foot timber fence on top. The dual material retaining wall ranges from three feet from the end of the driveway to six feet to the northwest side of the home.



The applicants are seeking Variance from Section 9.4.3. C.1.b. to allow retaining wall to be placed more than half the depth of the side building setback.



View looking north of the retaining wall to the west



View standing on driveway facing southwest to Forrest Lake Drive NW



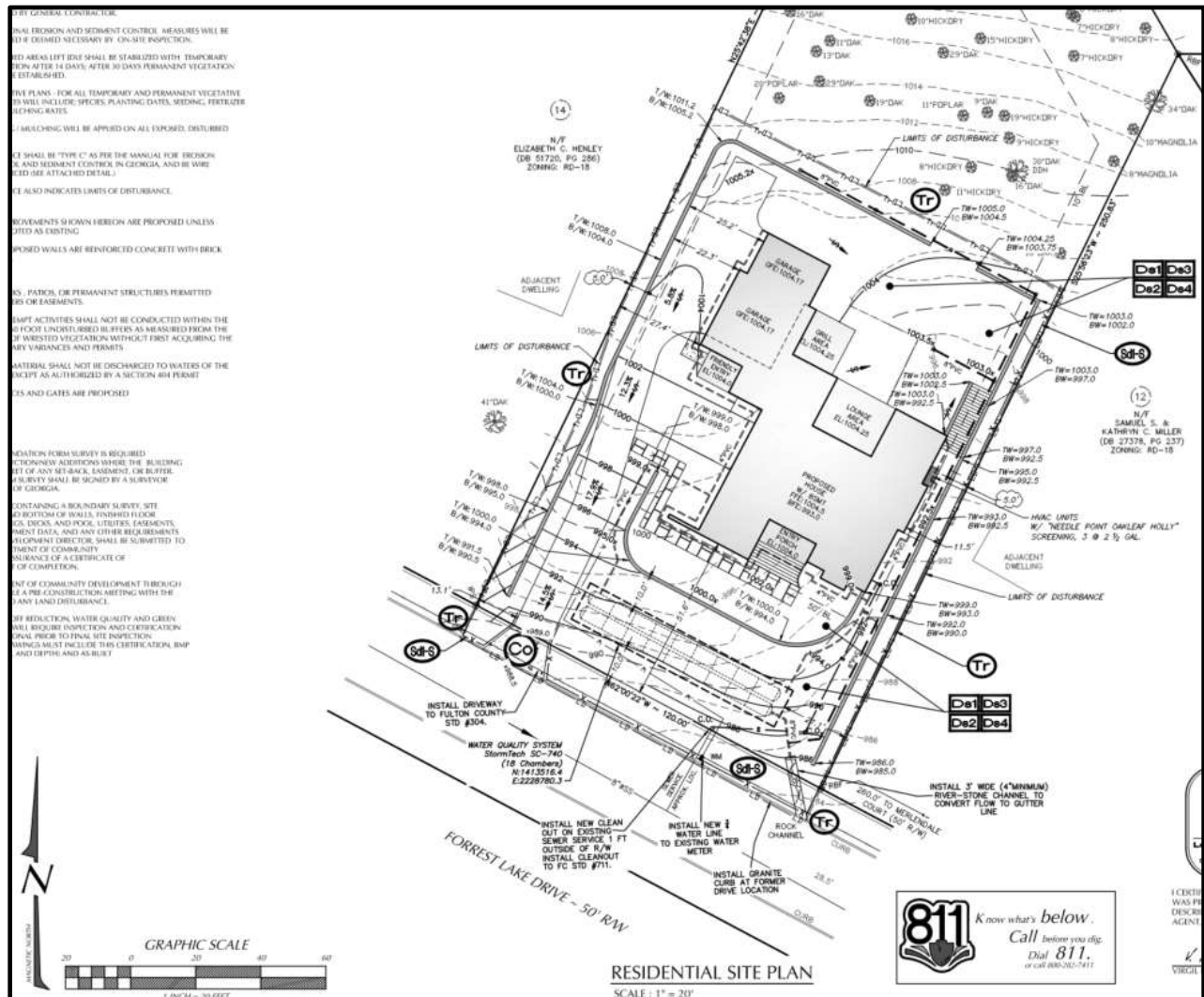
View of noncompliant retaining wall standing on Forrest Lake Drive looking north

EXISTING/PROPOSED DEVELOPMENT

The applicant is seeking a variance from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback. The applicant previously submitted and obtained a permit for the relevant retaining wall; however, the plans had not been adhered to as the as-built revealed that the retaining wall did not meet the required code regulations. The image below shows the permitted plans that demonstrates the subject retaining wall being half the distance of the required side setback (five (5) feet). The as-built revealed that the constructed wall is 2.6 feet from the property line which is approximately half of the regulations.

Per the Sandy Springs Development Code, Section 9.4.3.C.1.b. *Setback Encroachment – Side setbacks* – In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.

The intent of this request is to protect trees and vegetation on sites and the character of the neighborhood.



Stamped and permitted plans.

V23-0036 VARIANCE CONSIDERATIONS
Per Sec. 11.6.2.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:
1. Variances will only be granted upon showing that: a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or Finding: It is Staff's view that the application of the development code does not constitute a hardship. The approved permit, issued in 2021, included the correct code compliant location of the wall however, the plans were not followed during construction.
b. 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; Finding: The properties in the vicinity all have similar shape and sizes ranging from half an acre to one acre. The properties along Forrest Lake Drive share similar topographic characteristics which does not make this an unusual circumstance. The elevation of the side yard does not necessitate the installation of retaining wall. The standard-shaped lot and permitted plans provide the applicant with a sufficient amount of land to construct a reasonable residence on the property.
2. Further, the application must demonstrate that: a. Such conditions are not the result of action or inaction of the current property owner; and Finding: The applicant acknowledges that they deviated from the permitted retaining wall design specifications and constructed the retaining wall more than half the distance required. The applicant is solely responsible for constructing the currently non-compliant retaining wall.
b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and Finding: It is Staff's view that the appropriate use of the property is as a single-family home. According to the City Engineer, the approved plan provided over 22 feet from the face of the wall to the closest point of the garage providing ample space to safely enter and exit from Lake Forrest Road.
c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare. Finding: The Development Code requires that all retaining wall encroachments are allowed under the stated standards to protect trees and vegetation on sites and the character of the neighborhood. A major feature of The Next Ten is to protect and preserve the City's neighborhoods, and a way in which that is codified is through regulations governing the location and spacing of structures. In this regard, the request would not result in development that is consistent with the general intent of the Development Code. While this retaining wall placement is not consistent with the Development Code or The Next Ten, it is not detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

Engineering recommends denial of this application. The approved plan provided over 22 feet from the face of the wall to the closest point of the garage. The plan was prepared by a reputable Professional Engineer with knowledge of required turn movements. In context, 22 feet is sufficient for 2-way roadways and access aisles for commercial developments.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

There are other solutions to the Applicant's perceived problem: 1. The homeowner could trade in one of their large vehicles for a smaller vehicle. 2. The homeowner could park one of their vehicles outside, in the parking pad beside the "Friends' entrance." 3. The homeowner could pull up and back up an extra time in order to safely enter or exit the garage.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Land Development Manager:

No comment provided.

Sandy Springs Transportation Planner:

No comment provided.

Correspondence Received:

No comment provided.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS
Following review, and based on the findings, staff recommends Denial of Variance V23-0036 , a request for relief from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback.

Board of Appeals

November 8, 2023



SANDY SPRINGS™
GEORGIA

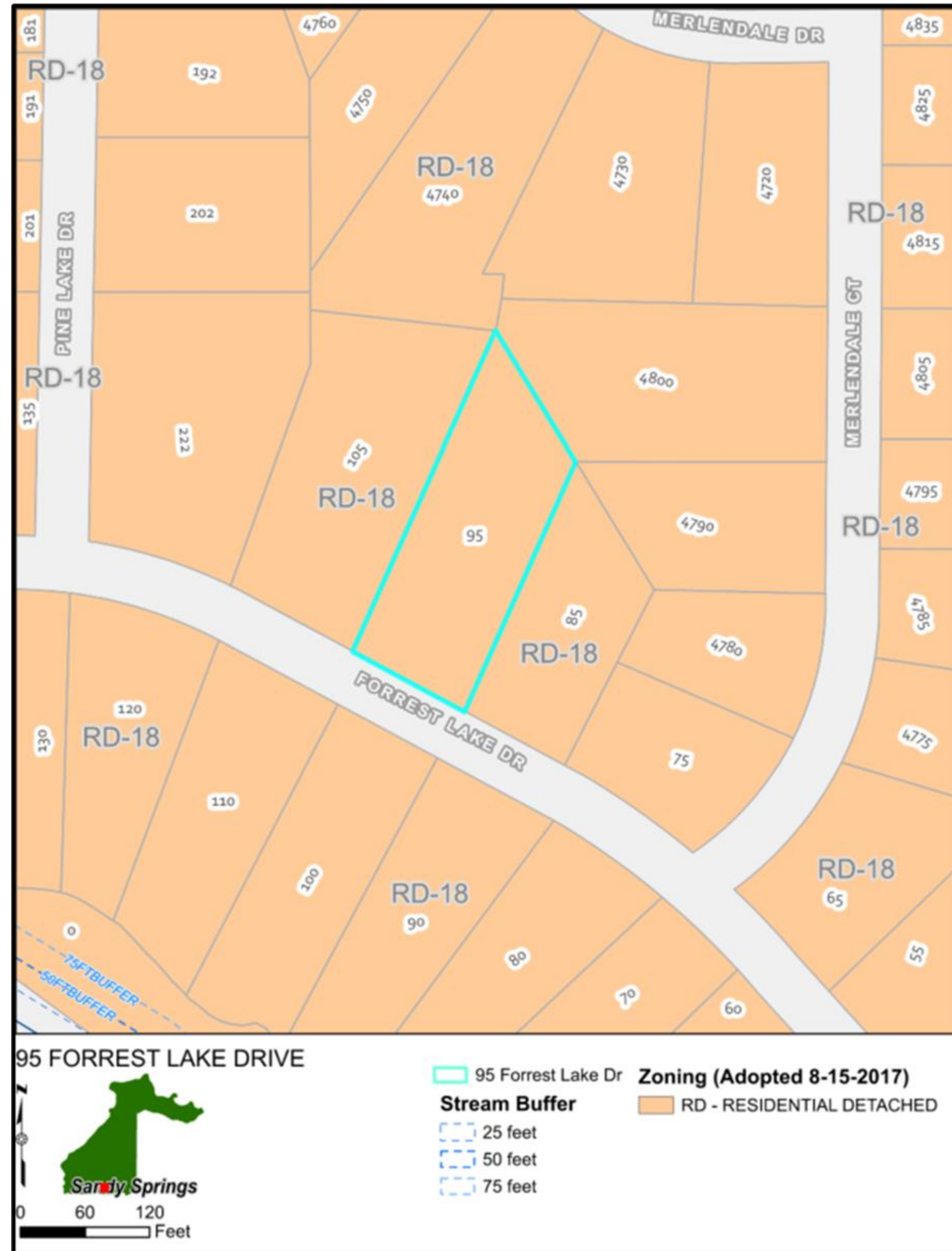
V23-0036
95 Forrest Lake Drive

STAFF RECOMMENDATION:
Denial

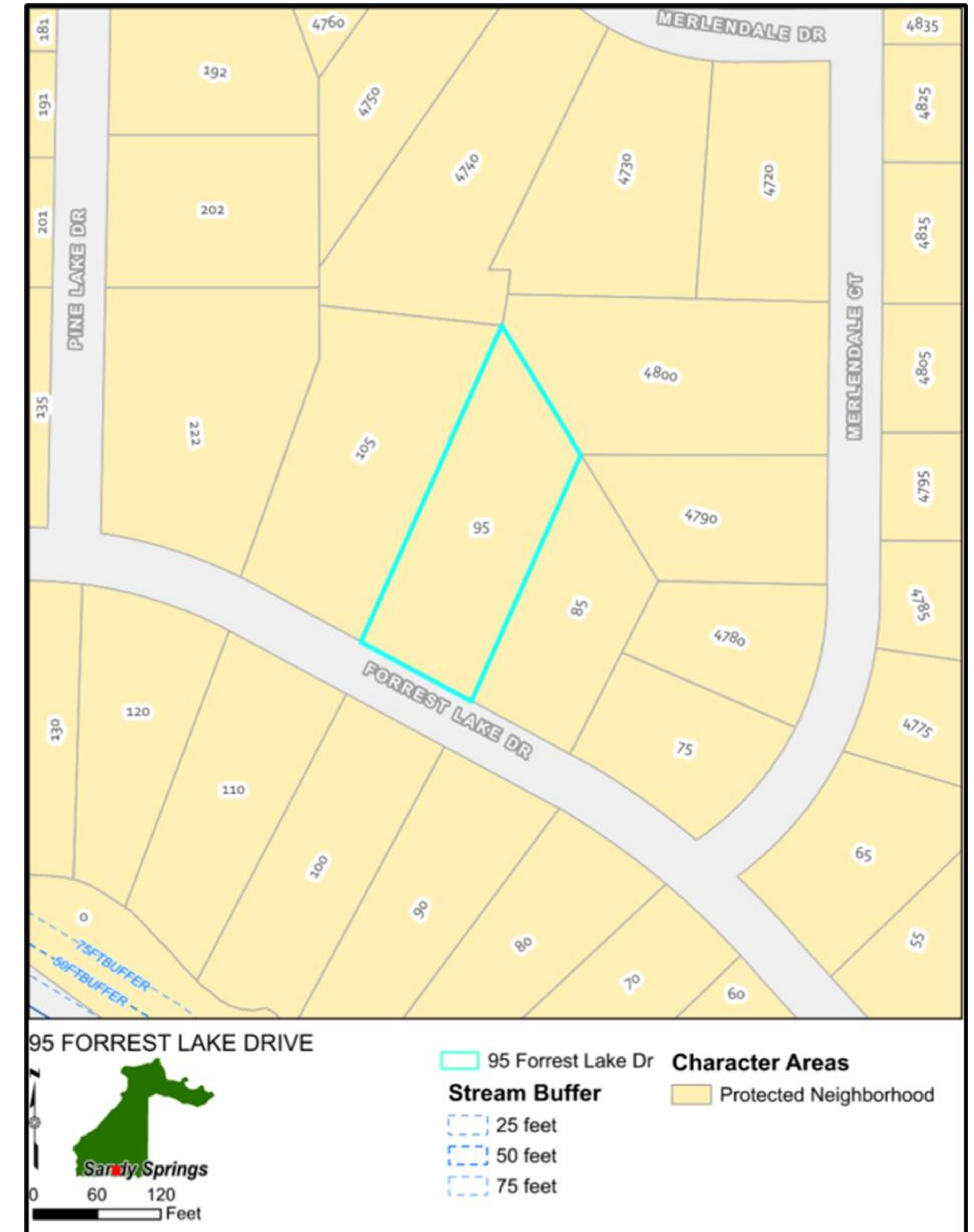
Request

Request for a variance from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback.

Zoning



Character Area



Aerial Image



Existing Development

- The .79 -acre subject property zoned as RD-18 (residential detached – 18,000 square feet minimum) is currently developed with a 2-story home and 3-car side entry garage.
- According to Fulton County Tax records, the current property owner purchased the property in 2021.
- The elevation of the northwest portion of the parcel where the backyard is located, slopes downward by approximately 20 feet toward rear of home.
- The base portion of the retaining wall is made of concrete with a three-foot timber fence on top. The dual material retaining wall ranges from three feet from the end of the driveway to six feet to the northwest side of the home.

View of home



View looking north of the retaining wall to the west



**View standing on
driveway facing
southwest to Forrest Lake
Drive NW**



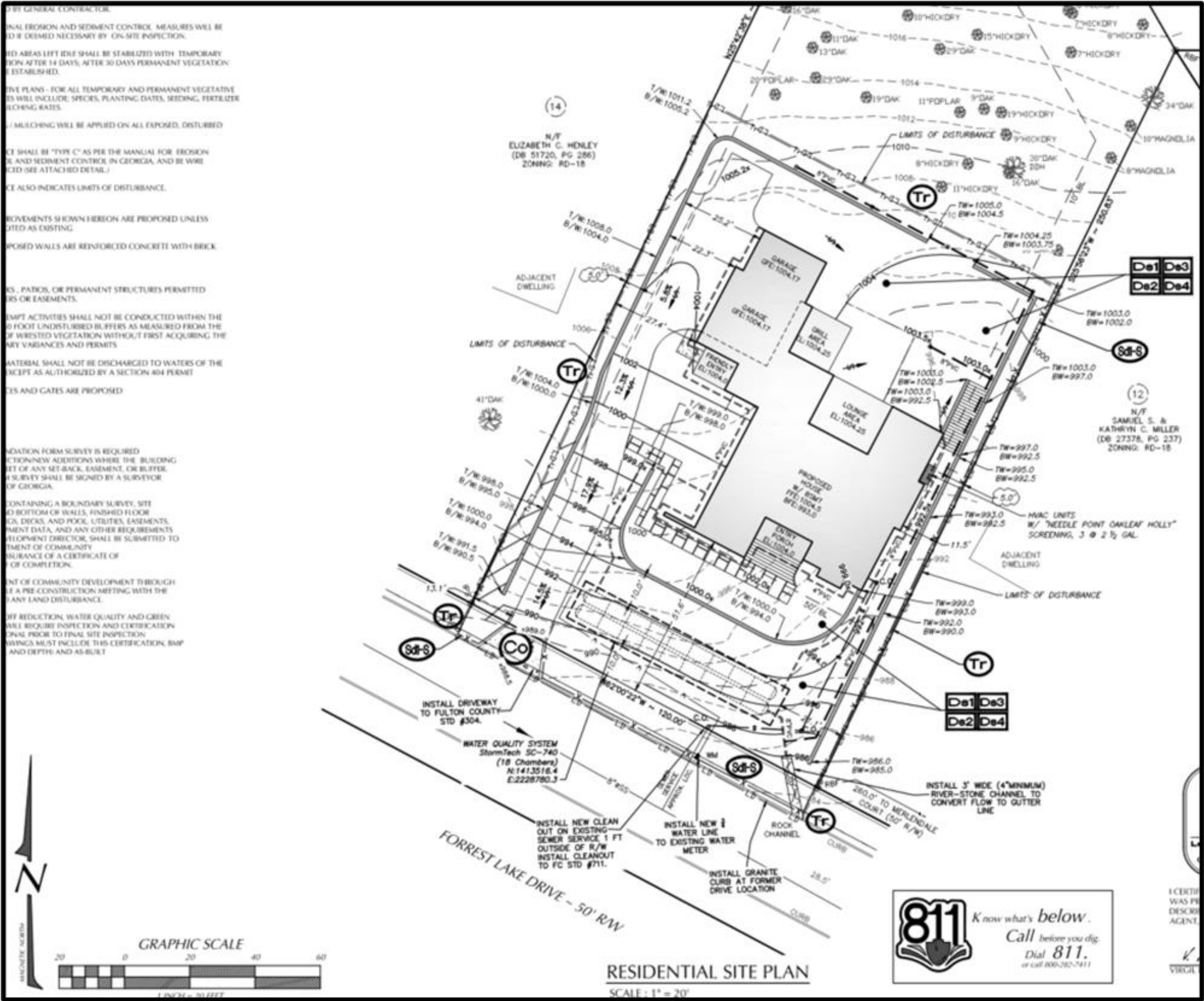
**View of noncompliant
retaining wall standing on
Forrest Lake Drive looking
north**



Existing/Proposed Development

- The applicant is seeking a variance from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback.
- The applicant previously submitted and obtained a permit for the relevant retaining wall.
- The plans had not been adhered to as the as-built revealed that the retaining wall did not meet the required code regulations.
- The as-built revealed that the constructed wall is 2.6 feet from the property line which is approximately half of the regulations.
- Per the Sandy Springs Development Code, **Section 9.4.3.C.1.b. Setback Encroachment** – Side setbacks – In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.

Approved Plans



V23-0036 Variance Considerations

Variances will only be granted upon showing that:

- **The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or;**
 - It is Staff's view that the application of the development code does not constitute a hardship. The approved permit, issued in 2021, included the correct code compliant location of the wall however, the plans were not followed during construction.

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;

- The properties in the vicinity all have similar shape and sizes ranging from half an acre to one acre. The properties along Forrest Lake Drive share similar topographic characteristics which does not make this an unusual circumstance. The elevation of the side yard does not necessitate the installation of retaining wall. The standard-shaped lot and permitted plans provide the applicant with a sufficient amount of land to construct a reasonable residence on the property.

There Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and

- It is Staff's view that the appropriate use of the property is as a single-family home. According to the City Engineer, the approved plan provided over 22 feet from the face of the wall to the closest point of the garage providing ample space to safely enter and exit from Lake Forrest Road.

Recommendations

- Staff recommends **Denial** of **Variance** V23-0036, Request for relief from Section 9.4.3.C.1.b. to allow existing retaining wall to be placed more than half the depth of the side building setback .