



SANDY SPRINGS

GEORGIA

BOARD OF APPEALS

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

Wednesday, December 6, 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. December 6, 2023 Board of Appeals Meeting Agenda
(Presented by Samantha Brown, Planning and Zoning Clerk)

IV. Approval of Meeting Minutes

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

V. Cases

- A. **2023-0012 V23-0033 - 0 Zeblin Road** - Request for a variance from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters to encroach into the setbacks for the construction of a new home. **(***Deferred from the November 8, 2023 Board of Appeals Meeting***)**
(Presented by LaQuita Williams, Planner I)
- B. **2023-0014 V23-0041 – 7165 Brandon Mill** – Request for a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.
(Presented by LaQuita Williams, Planner I)

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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- C. **2023-0015 AP23-00003 – 8308 Hewlett Road** - An appeal of the Director's determination of the existing and proposed tree canopy and calculation of tree fund pursuant to their proposed development on the property. (*****Deferred to the January 3, 2024 Board of Appeals Meeting*****)
(Presented by LaQuita Williams, Planner I)

VI. Ongoing Business

VII. New Business

VIII. Adjournment

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P&Z STAFF REPORT

December 6, 2023, Board of Appeals Meeting

Case: **V23-0033 – 0 Zeblin Road**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: October 25, 2023

REQUEST

Request for relief from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home

APPLICANT

Property Owners:	Petitioner:	Representative:
Benjamin B. Zuckerman	Benjamin B. Zuckerman	Benjamin B. Zuckerman

RECOMMENDATIONS

Department of Community Development

Staff recommends **Approval** with **Conditions of Variance(s)** V23-0033.

MATERIALS SUBMITTED AND REVIEWED

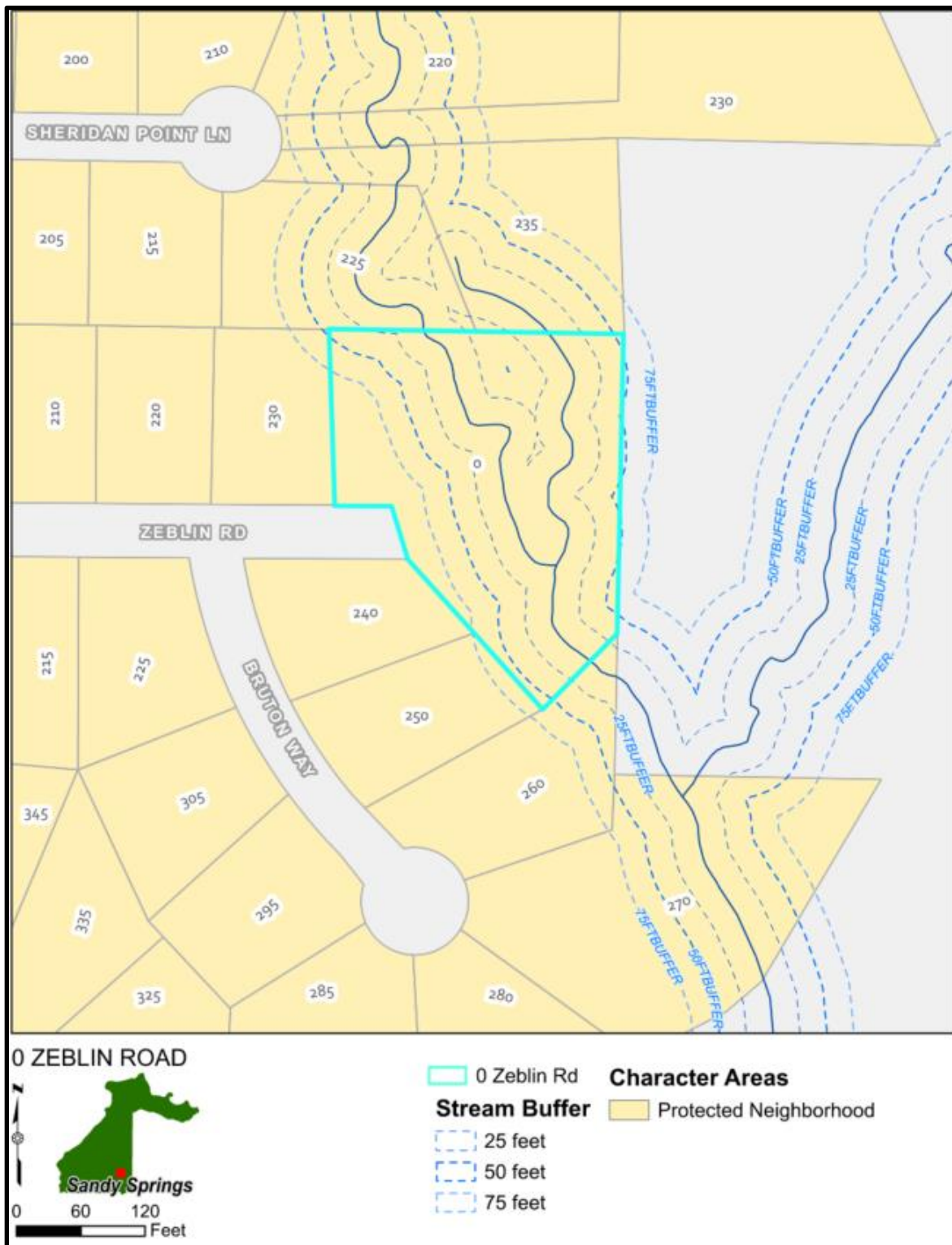
Materials and Plans

1. “Stream Buffer Variance Application 2021.pdf” received on September 21, 2023
2. “Survey 101415.pdf” received on September 21, 2023, stamped by Bryan C. Long
3. “Zeblin Road – Concept Site Plan 092023.pdf” received on August 24, 2023 stamped Michael R. Noles

PROPERTY INFORMATION	
Location:	0 Zeblin Road NE (17 0039000020452)
Council District:	5 – Tiberio (Tibby) DeJulio
Neighborhood:	High Point Civic Association
Road frontage:	Approximately 106 feet
Lot Depth	Approximately 205 feet
Acreage:	1.60 acres
Current Zoning	RD-27 (Residential Detached – 27,000 square feet minimum)
Existing Land Use:	Undeveloped lot
Previous Zoning Cases:	1977Z-0073
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-27/Residential Detached	225 Sheridan Point Lane	0.65 Acre
North	RD-27/Residential Detached	235 Sheridan Point Lane NE	0.80 Acre
East SR-400 – State Owned Property			
South	RD-18/Residential Detached	260 Bruton Way NE	0.49 Acre
Southwest	RD-18/Residential Detached	250 Bruton Way NE	0.48 Acre
Southwest	RD-18/Residential Detached	240 Bruton Way NE	0.48 Acre
West	RD-18/Residential Detached	230 Zeblin Road	0.43 Acre
PROPOSED DEVELOPMENT			
-	RD-27/Residential Detached	0 Zeblin Road NE	1.60 Acre

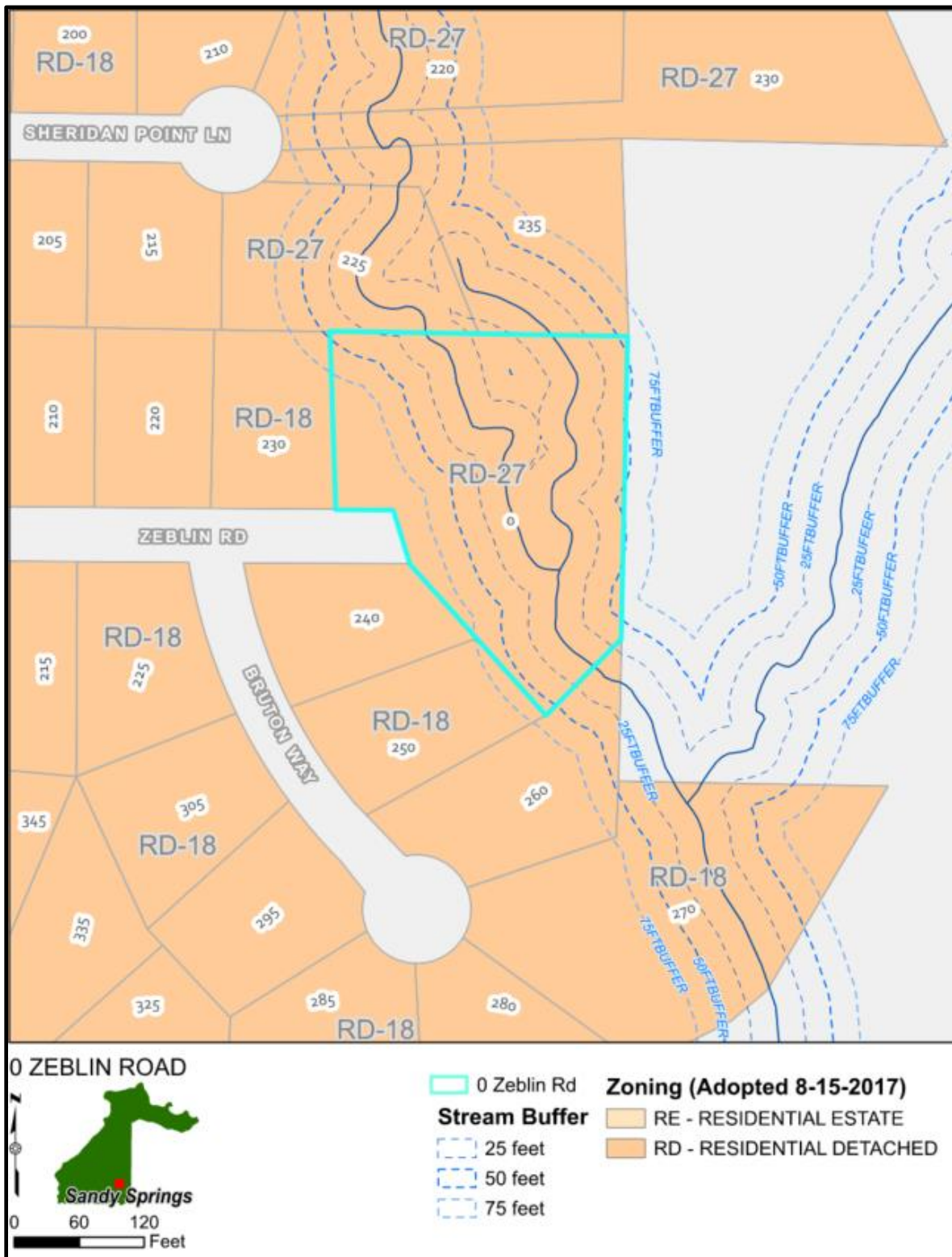
CHARACTER AREA MAP



AERIAL IMAGE

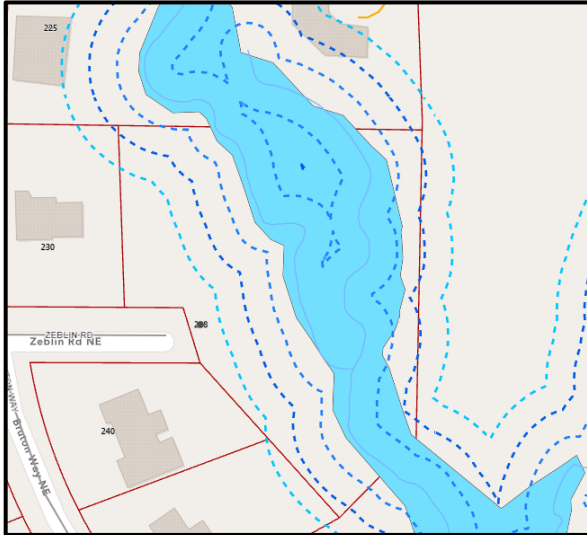


ZONING MAP



EXISTING DEVELOPMENT

The 1.60 -acre subject property zoned as RD-27 (residential detached – 27,000 square feet minimum) is currently undeveloped in the High Point Civic neighborhood. According to Fulton County Tax records, the current property owner purchased the land in 2014. The rectangular parcel is bordered by a stream flowing in a north-south direction, accompanied by its respective stream buffers and setbacks, thereby leaving a very small buildable area approximately 600 square feet. The northwest section of the property exhibits a steep upward slope toward the neighboring property on the west.



The applicants are seeking a variance from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home.



View of the west portion of the parcel standing at the dead end of Zebelin Road NE



View of neighbors to the west of the subject parcel

PROPOSED DEVELOPMENT

The applicant is seeking a variance from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home.

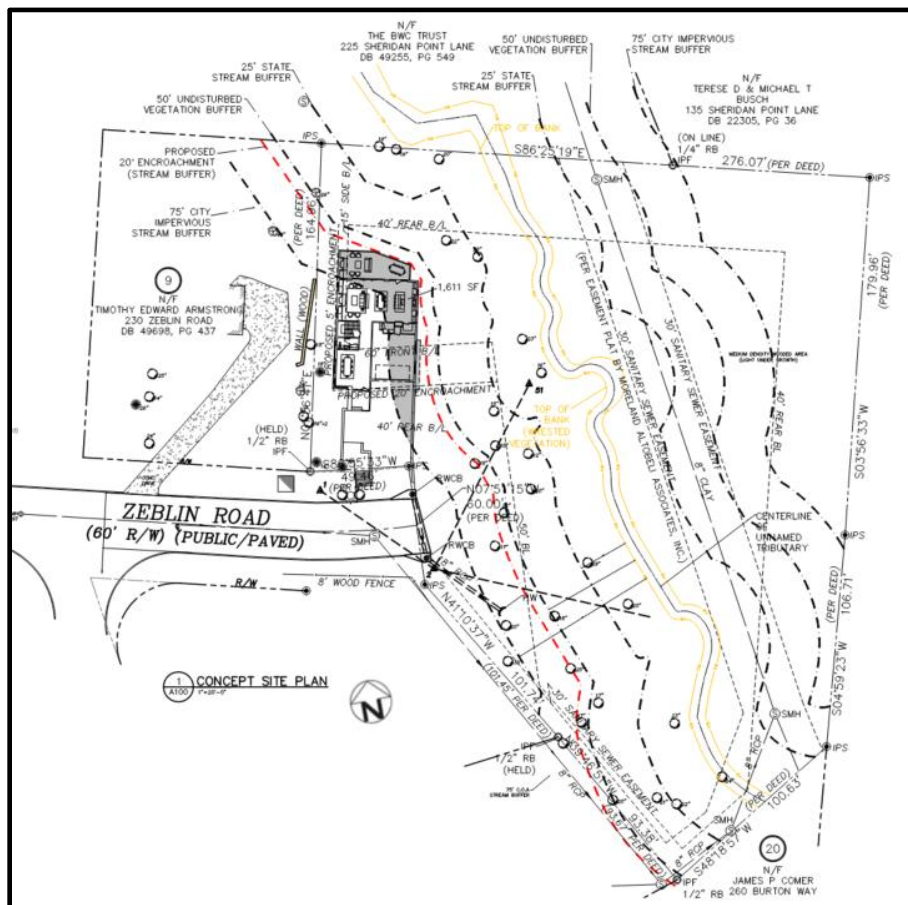
The proposal includes a 4,000 square foot, 2-story single family home with a basement with a garage. The proposal also includes an encroachment into the 75-foot impervious surface setback by 1,217 square feet, a side setback encroachment of 10 feet, and a primary street setback encroachment of 20 feet.

Per the Development Code 6.1.2.B. *Setback Encroachments*

- a. All buildings and structures must be located at or behind the required setbacks, except as listed below. No building or structure can extend into a required buffer, easement (including private street easement) or public right-of-way.

Per the Development Code 9.2.4.A.2. *Buffer and Setback Requirements*

- a. All impervious surfaces are prohibited from an additional setback of 25 feet, measured horizontally from the 50-foot undisturbed buffer.



V22-0033 VARIANCE CONSIDERATIONS
Per Sec. 9.2.4.B.3. and Sec. 9.2.4.B.4. of the Development Code, variances may be considered for land development activity following list factors will be considered for providing guidance when making decisions about issuing variances:
1. Variances will only be granted upon showing that: a. The property's shape, topography or other physical conditions existing on December 12, 2005, prevent land development unless a buffer or setback Variance is granted; Finding: The stream bisects the parcel, and its associated buffers cover most of the lot. The available space for construction cannot accommodate a reasonably sized home without encroaching into the specified setbacks. The existing topography also poses a challenge, as the land slopes sharply towards the creek
b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements would create an extreme hardship Finding: Staff finds strict adherence to the minimal buffer and setback requirements would create an extreme hardship. The impervious surface setback and building setbacks encompasses 99.14 percent of this parcel making the buildable space very minuscule (less than 1%).
Variances will not be considered when actions of any property owner of a given property after December 12, 2005, have created conditions of a hardship on that property Finding: The property has been vacant; therefore, does not meet this standard. The size, shape and topography and hydrology on the subject property are not the result of actions of the current property owner.
a. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and Finding: The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. It is Staff's view that there is deficient space to make reasonable use of the parcel because of the building setbacks, and the buffers and impervious surface setback associated with the stream.
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; Findings: The stream bisects the parcel, and the associated buffers encompasses 99 percent of the parcel. The subject property is 1.60 acres in size. However, the shape of the parcel is quadratic and runs parallel with the stream. Due to this, State Water Buffers on site covers most of the subject property create a minuscule buildable area. Staff finds that the current topography does create a challenge as the land slopes steeply toward the creek. b. The locations of all state waters wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey; c. The location and extent of the proposed buffer or setback intrusion Findings: The location of the stream buffers and impervious surface setbacks impact the majority of the subject property. According to the Applicant, the proposed residence would only encroach into the 75' Impervious Surface Setback. With the proposed engineering, the Applicant states that soil erosion control will be maintained during construction including a double row of silt fencing. The applicant also states that stormwater management will be accomplished on site using a green infrastructure system.

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

Findings: As the state waters and buffers on site cover most of the subject property leaving a small trace of buildable area, other alternatives for redevelopment of the subject property would also require Variances.

***e. The long-term and water quality impacts of the proposed variance; and
f. Whether issuance of the variance is at least as protective of natural resources and the environment.***

Findings: Staff found the long-term impact on water quality will not change with the project development. The issuance of this variance will not be protective of natural resources and the environment because this property has never been developed and any development would alter the raw land.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

SITE ENGINEERING AND TRANSPORTATION COMMENTS: 1. Stairs are shown within right-of-way. These must be located on the site property. 2. The driveway is shown where there are existing catch basins. Driveway apron cannot be placed where catch basin is. Site plan shall show how this will be addressed. 3. Plan appears to show retaining wall being constructed within right-of-way. Remove walls from right-of-way. 4. Due to limited site space, conceptual plan needs to address stormwater management for this site, including proposed impervious area. 5. Project site has future conditions floodplain. Site plan needs to address the location/limits of the future floodplain. 6. Topography on site is steep. Show contours on the site plan. GIS may be used for conceptual purposes, field run is preferred. 7. Site requires a steep slope analysis in accordance with Section 9.4.2 of the Development Code. 8. Due to steep topography, site plan needs to address retaining walls required and foundation wall requirements. 9. Concept plan should show how sanitary sewer service will be achieved due to topographic limitations. Will service be required to cross the stream? Or, can service be achieved with a connection in the street? 10. Dimension distance to end of road from intersection of Zeblin Rd and Bruton Way.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

Division 9.3 of the Sandy Springs Development Code details the tree conservation requirements associated with developing the site. The site would be required to adhere to the minimum canopy requirement of 35%. Impacts to the critical root zones of Boundary Trees would have to be assessed as part of the project. If impacts to the critical root zones are 25% or more, escrow would be required.

Sandy Springs Sustainability Manager:

Should the Board decide to approve the request, a planting plan that meets the State Water Buffer Restoration Standards (Tech. Manual Sec. 1.E.) for stabilization of the disturbance in the impervious setback should be considered as a condition of approval.

Sandy Springs Building Official:

Label stream buffers correctly. The 25-ft State Water Stream Buffer, the 50-ft City Stream Buffer, and the 75-ft Impervious Setback. A greater encroachment into the side setback is suggested, in order to decrease the encroachment into the stream buffers. Provide a transverse section through the house and the site showing how the house will sit on the site and indicating what structural strategy will be used for supporting the house, considering the challenging topographical conditions. Based on topographical information on the City G.I.S. maps, the site drops from 998 at the front left corner to about 948 at the stream. Staff also discussed the idea of locating the garage on the left side of the house, since it would probably be easier to get the driveway in to the garage. The garage could be embedded into the hillside, too, whereas it would probably not be desirable for the dining room to be set into the hillside. If the dining room were on the right side of the house, it would have better views. Provide spot elevations for corners of proposed driveway.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Land Development Manager:

No Comment provided.

Sandy Springs Transportation Planner:

See City Engineer comments.

Correspondence Received:

No comment provided.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS

Following review, and based on the findings, staff recommends **Conditional Approval** of **Variance V23-0033**, a request for relief from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home with the following conditions:

1. This project shall meet the full requirements for Stormwater Management meeting Division 9.6 of the Development Code, including Water Quality, Channel Protection, Overbank Flooding and Extreme Flooding up to and including the 100-year design storm event regardless of the quantity of new, replaced or created impervious surfaces.
2. Provide a planting plan that meets the State Water Buffer Restoration Standards (Tech. Manual Sec. 1.E.) for stabilization of the disturbance in the impervious setback.
3. The construction be substantially similar to the submitted site plan unless instructed to provide modifications per the City Engineer.

Board of Appeals

December 6, 2023



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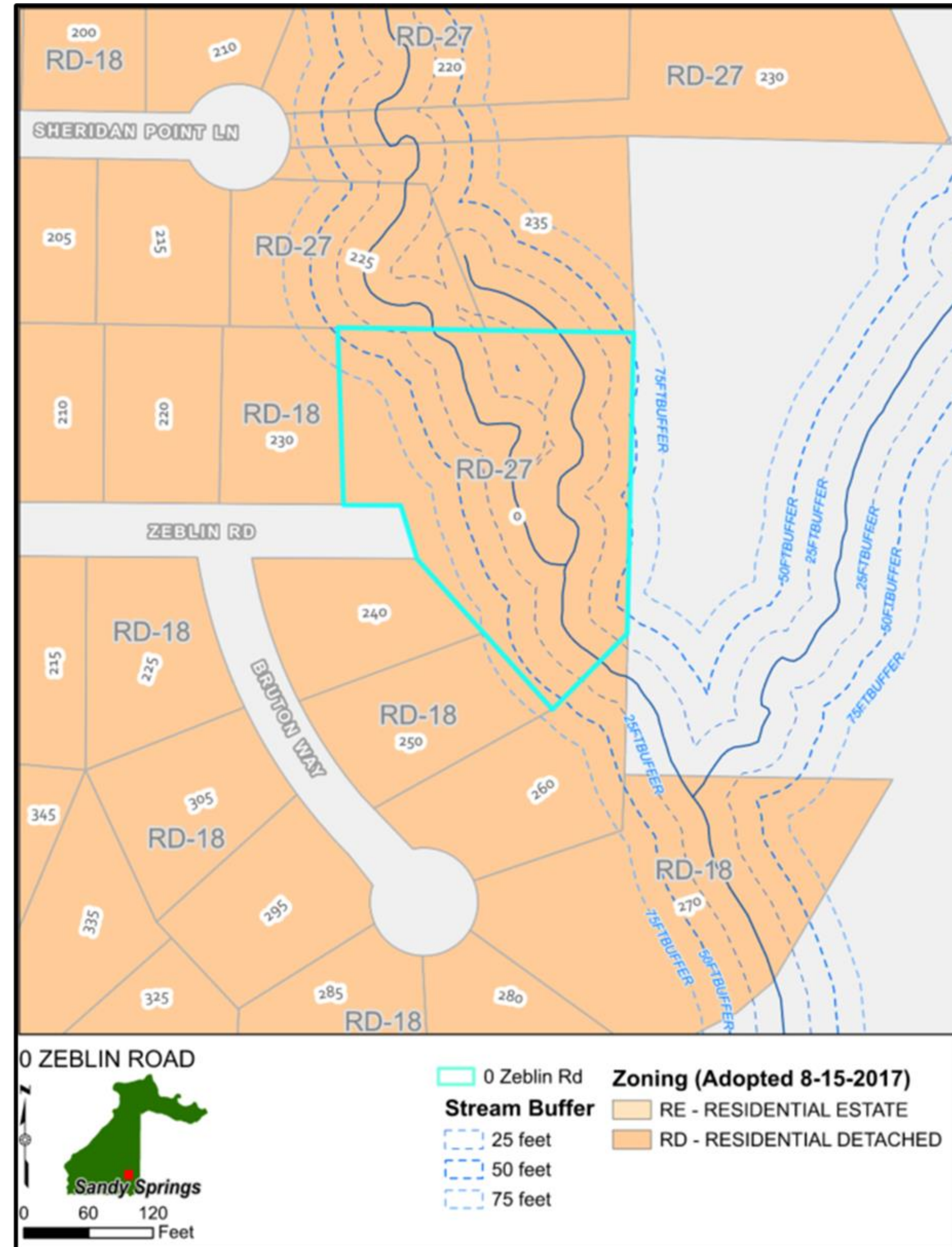
V23-0033
0 (238) Zeblin Road

STAFF RECOMMENDATION:
Approval with Conditions

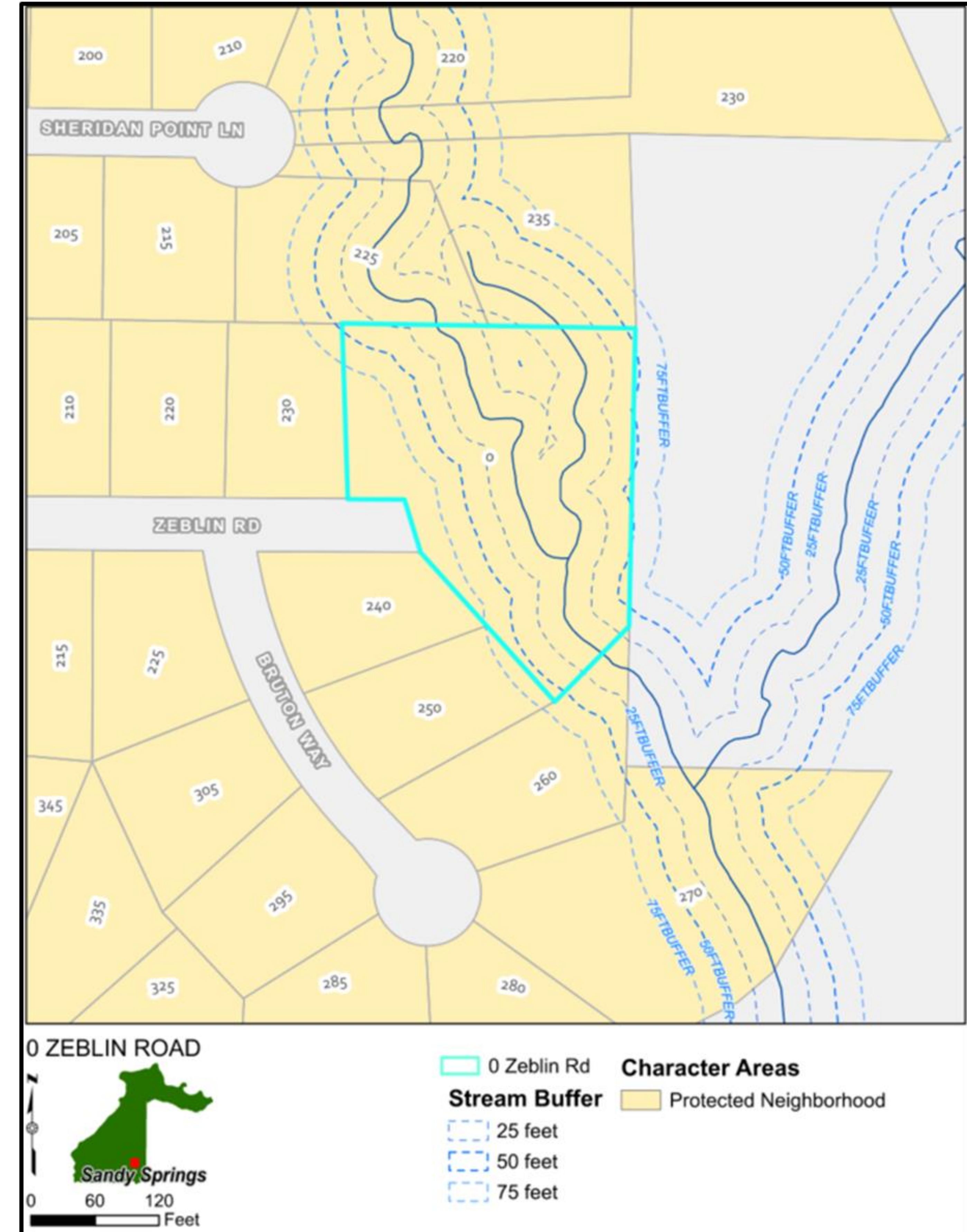
Request

Request for relief from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home.

Zoning



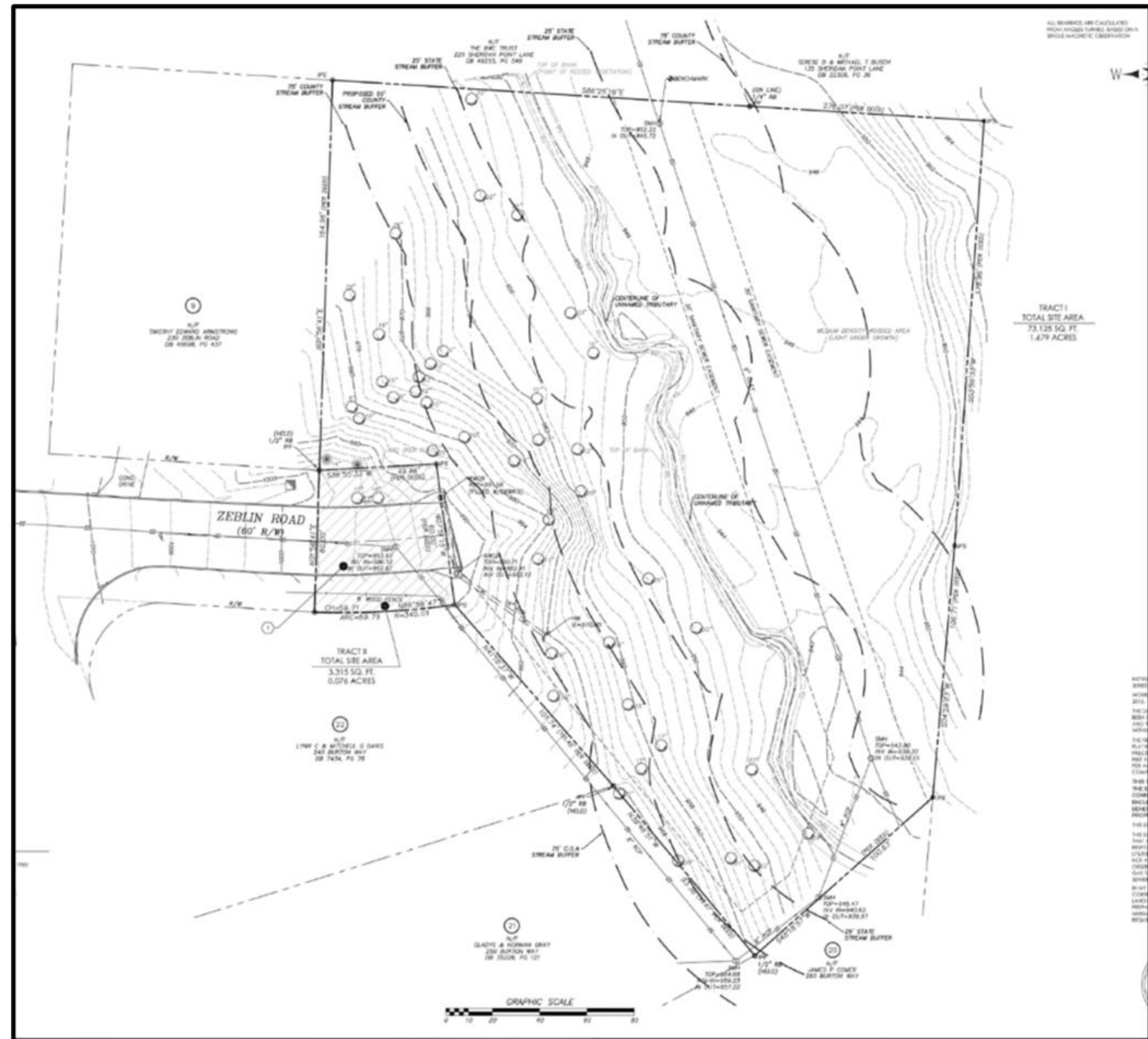
Character Area



Aerial Image



Survey



Existing Development

- The 1.60 -acre subject property zoned as RD-27 (residential detached – 27,000 square feet minimum) is currently undeveloped in the High Point Civic neighborhood.
- According to Fulton County Tax records, the current property owner purchased the land in 2014.
- The rectangular parcel is bordered by a stream flowing in a north-south direction, accompanied by its respective stream buffers and setbacks, thereby leaving a very small buildable area approx. 600sf.
- The northwest section of the property exhibits a steep upward slope toward the neighboring property on the west.

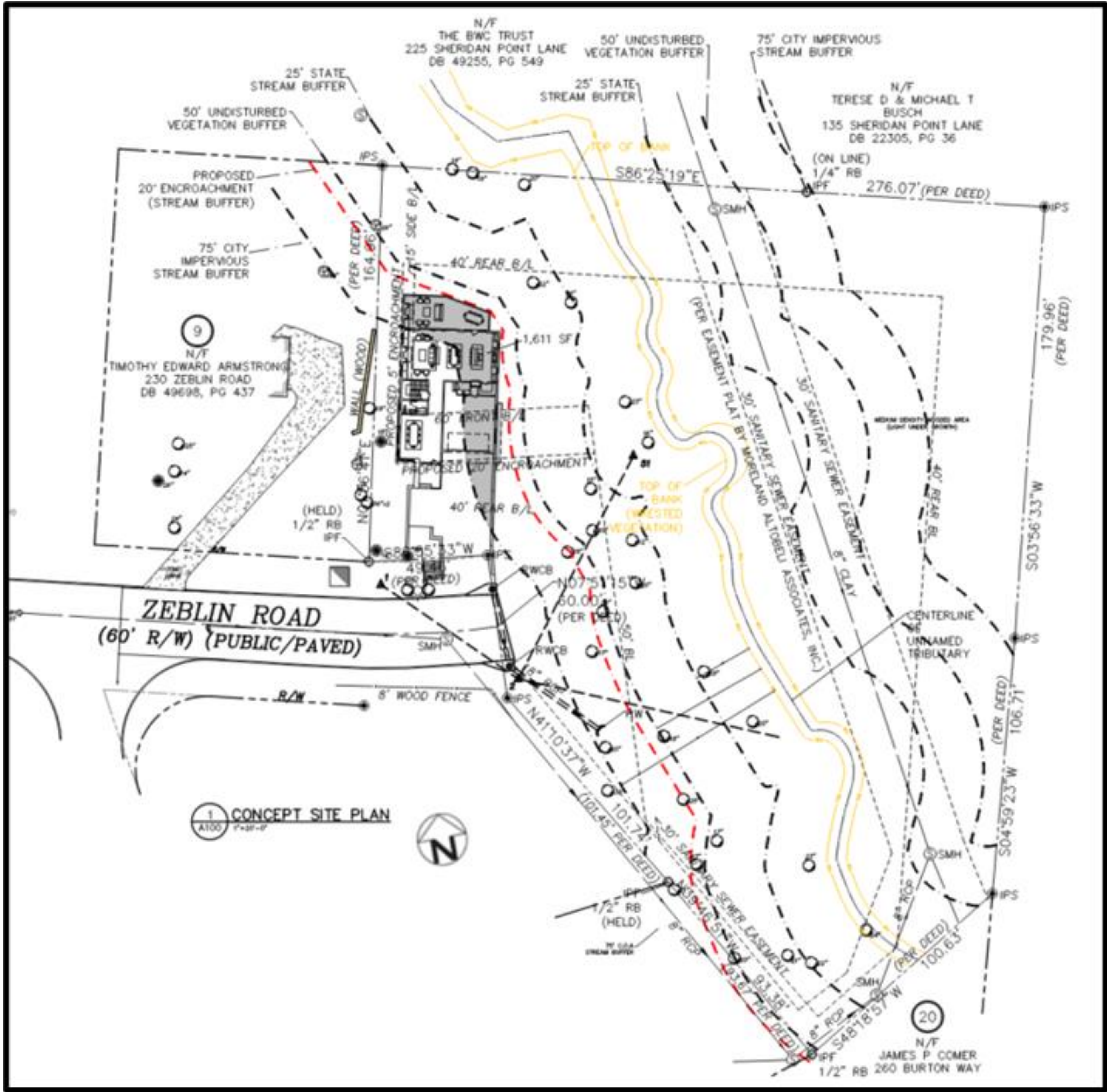
**View of the west portion of the
parcel standing at the dead end
of Zeblin Road NE**



**View of neighbors to the
west of the subject parcel**



Site Plan



Proposed Development

- The applicant is seeking a variance from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home.
- The proposal includes a 4,000 square foot, 2-story single family home with a basement and garage. The proposal also includes an encroachment into the 75-foot impervious surface setback by 1,217 square feet, a side yard setback encroachment of 10 feet, and a primary street setback encroachment of 20 feet.
- Per the Development Code 6.1.2.B. Setback Encroachments
 - All buildings and structures must be located at or behind the required setbacks, except as listed below. No building or structure can extend into a required buffer, easement (including private street easement) or public right-of-way.
- Per the Development Code 9.2.4.A.2.a. Buffer and Setback Requirements
 - All impervious surfaces are prohibited from an additional setback of 25 feet, measured horizontally from the 50-foot undisturbed buffer.

V23-0036 Variance Considerations

Variances will only be granted upon showing that:

- **The property's shape, topography, or other physical conditions existing on December 12, 2005, prevent land development unless a buffer or setback Variance is granted;**
 - The stream bisects the parcel, and its associated buffers cover most of the lot.
 - The available space for construction, given the building setbacks per RD-27 and the buffers and setbacks associated with the stream (approx. 600 square feet), cannot accommodate a reasonably sized home without encroaching into the specified setbacks.
 - The existing topography also poses a challenge, as the land slopes sharply towards the creek.
- **There Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and**
 - The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. It is Staff's view that there is deficient space to make reasonable use of the parcel because of the building setbacks, and the buffers and impervious surface setback associated with the stream.

Recommendations

- Staff recommends **Conditional Approval of Variance V23-0033**, a request for relief from Section 6.1.2.B. Building Placement, and Division 9.2. State Waters, to encroach into setbacks for the construction a new home with the following conditions:
 1. This project shall meet the full requirements for Stormwater Management meeting Division 9.6 of the Development Code, including Water Quality, Channel Protection, Overbank Flooding and Extreme Flooding up to and including the 100-year design storm event regardless of the quantity of new, replaced or created impervious surfaces.
 2. Provide a planting plan that meets the State Water Buffer Restoration Standards (Tech. Manual Sec. 1.E.) for stabilization of the disturbance in the impervious setback.
 3. The construction be substantially similar to the submitted site plan unless instructed to provide modifications per the City Engineer.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, December 6, 2023

Case: **V23-0041 – 7165 Brandon Mill Road**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: November 14, 2023

REQUEST

Request for a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.

APPLICANT

Property Owners:	Petitioner:	Representative:
Jiahui Xu	Carlton Brown, Creo Atlanta	Carlton Brown, Creo Atlanta

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance(s)** V23-0041.

MATERIALS SUBMITTED AND REVIEWED

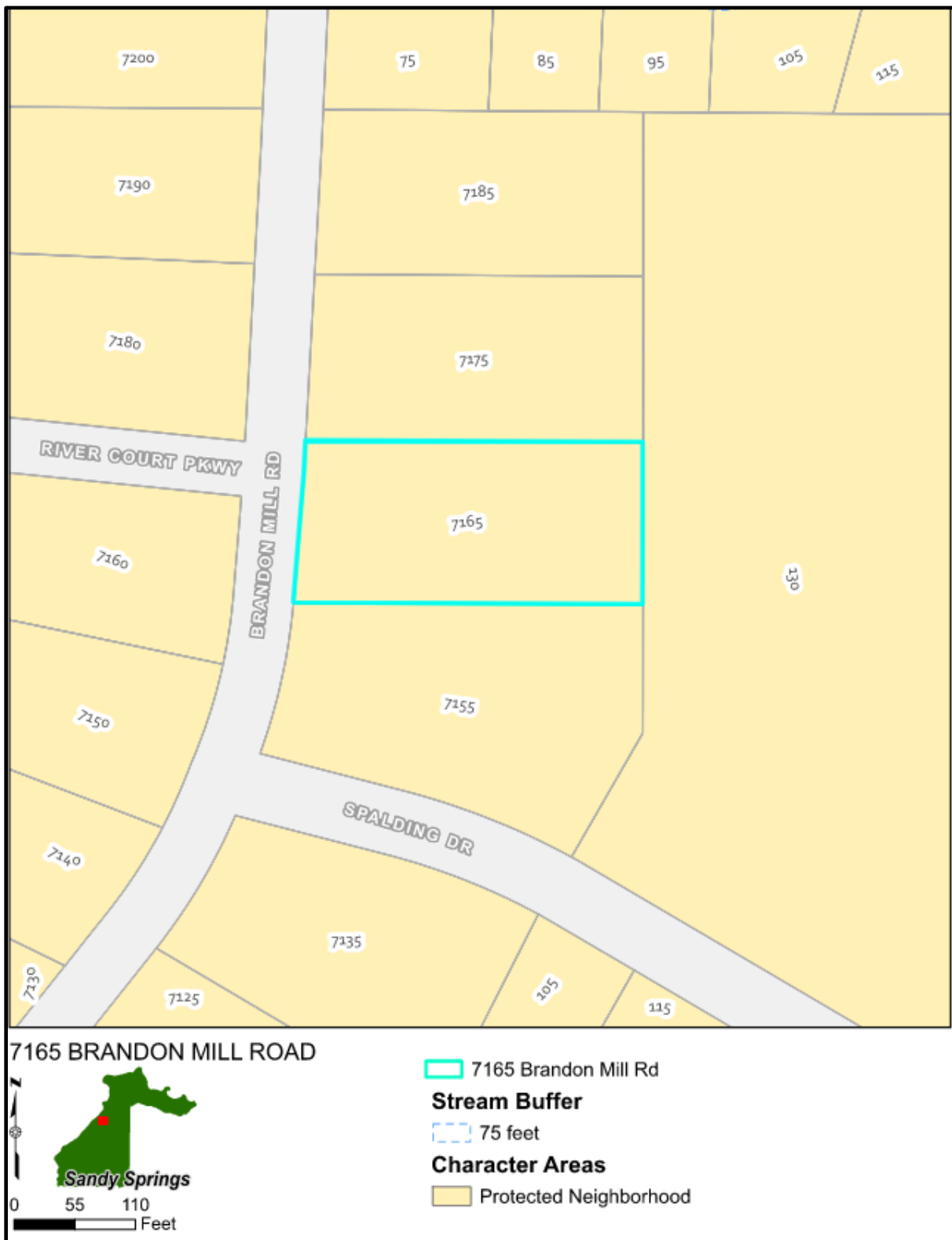
Materials and Plans

1. "Letter to Sandy Springs request for a variance.pdf" received on October 26, 2023.
2. "Letter to Sandy Springs request for variance analysis.pdf" received on October 26, 2023.
3. "Sandy Springs.pdf" received on October 26, 2023
4. "Buyer Transmittal Letter with Recorded Docs.pdf" received on October 26, 2023.
5. "BM legal description.pdf" October 26, 2023.
6. "Brandon Mill site plan 6-5-23 7165 Brandon Mill Road HLP.pdf" received on October 26, 2023. stamped by George H. Baltz.

PROPERTY INFORMATION	
Location:	7165 Brandon Mill Road (17 0086LL0283)
Council District:	2- Melody Kelley
Neighborhood:	North Springs
Road frontage:	Approximately 149 feet
Lot Depth	Approximately 312 feet
Acreage:	1.08 acres
Current Zoning	RE-1 (Residential Estate – 1acre 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	RE-1/ Residential Estate	7175 Brandon Mill Road	1.05 Acre
Northeast, East, Southeast	RE-2/ Residential Estate	Spalding Drive Elementary School 130 West Spalding Drive	11.30 Acres
South	RE-1/ Residential Estate	7155 Brandon Mill Road	1.35 Acres
Southwest	RE-1/ Residential Estate	7150 Brandon Mill Road	1.07 Acres
West	RE-1/ Residential Estate	7160 Brandon Mill Road	1.09 Acres
Northwest	RE-1/ Residential Estate	7180 Brandon Mill Road	1.07 Acres
PROPOSED DEVELOPMENT			
-	RE-1/ Residential Estate	7165 Brandon Mill Road	1.08 Acres

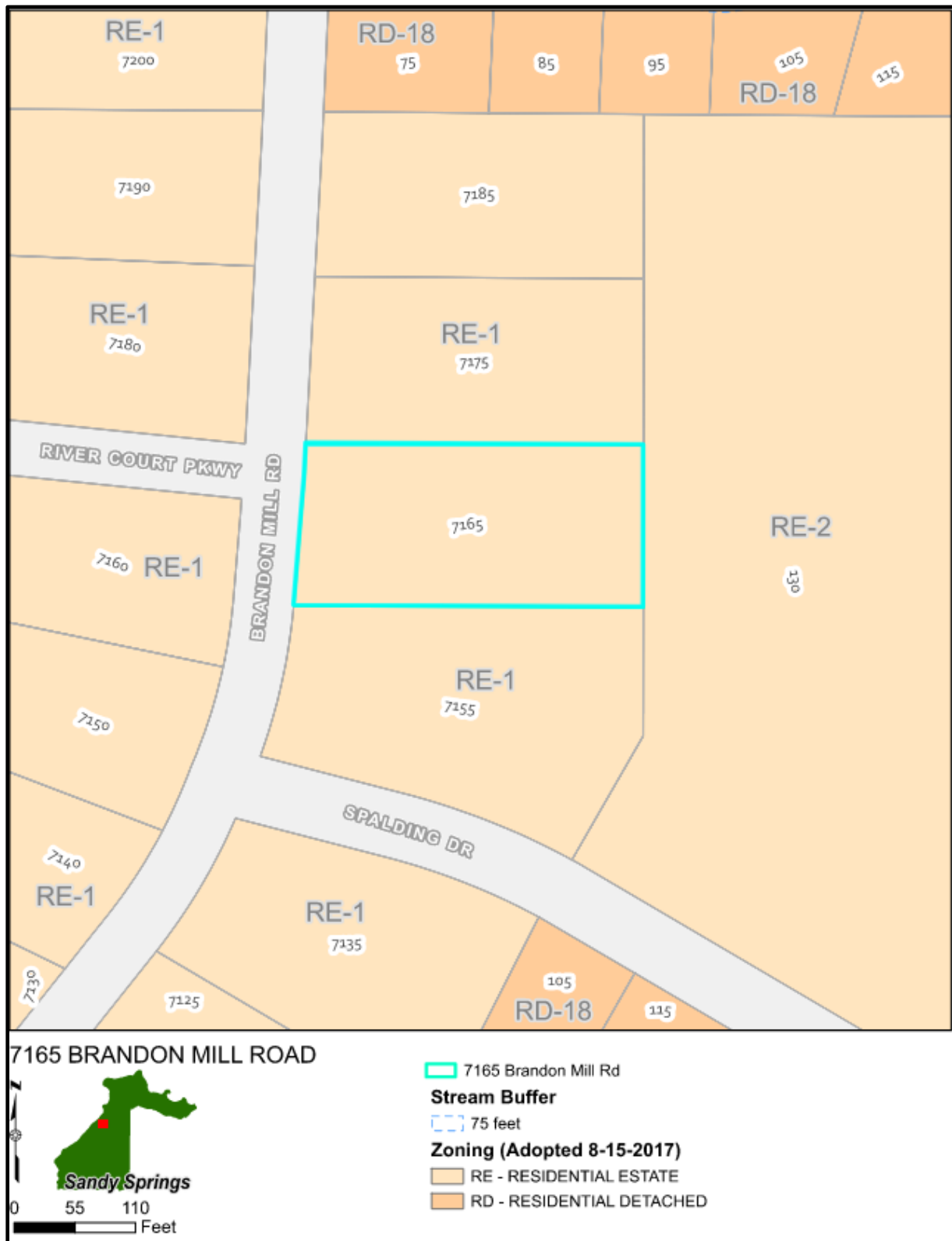
CHARACTER AREA MAP

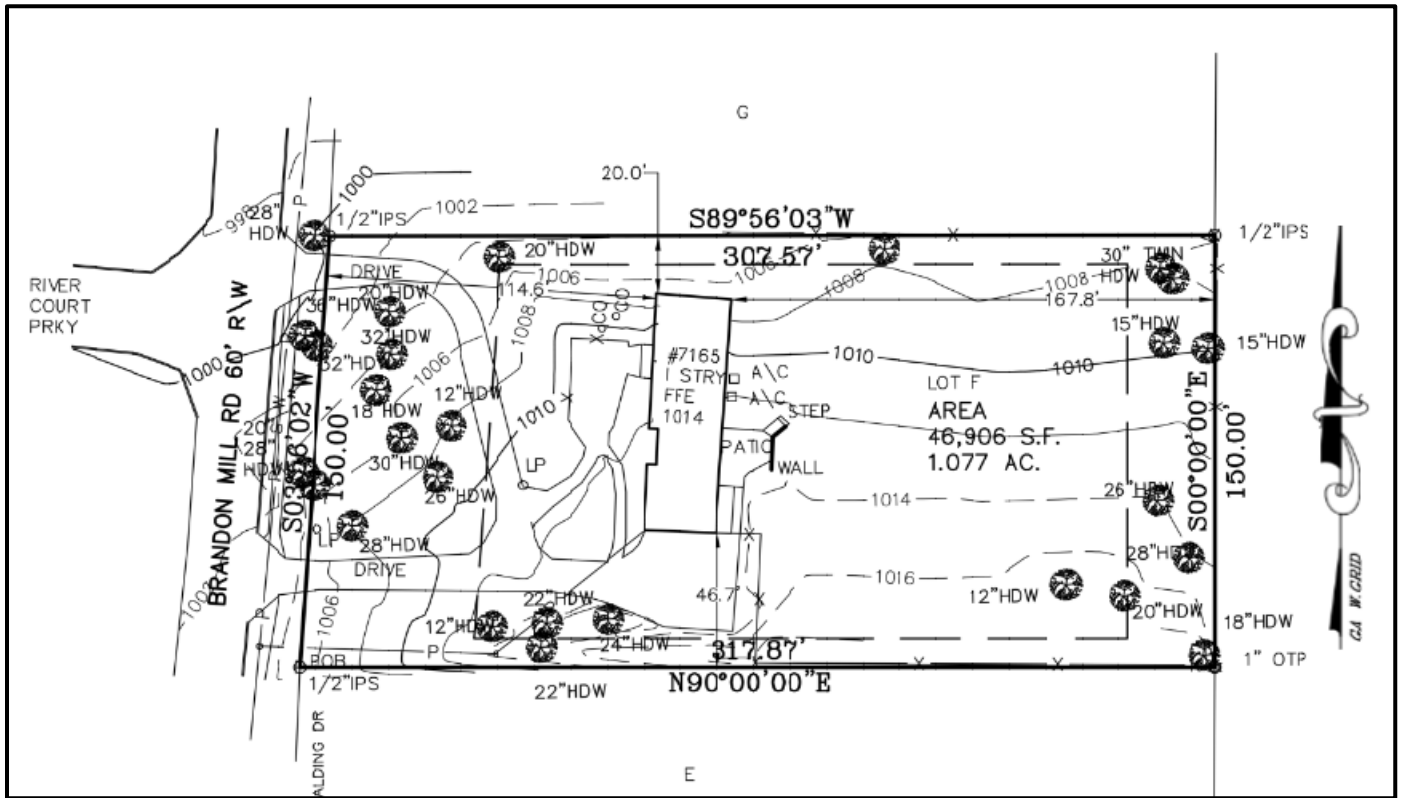


AERIAL IMAGE



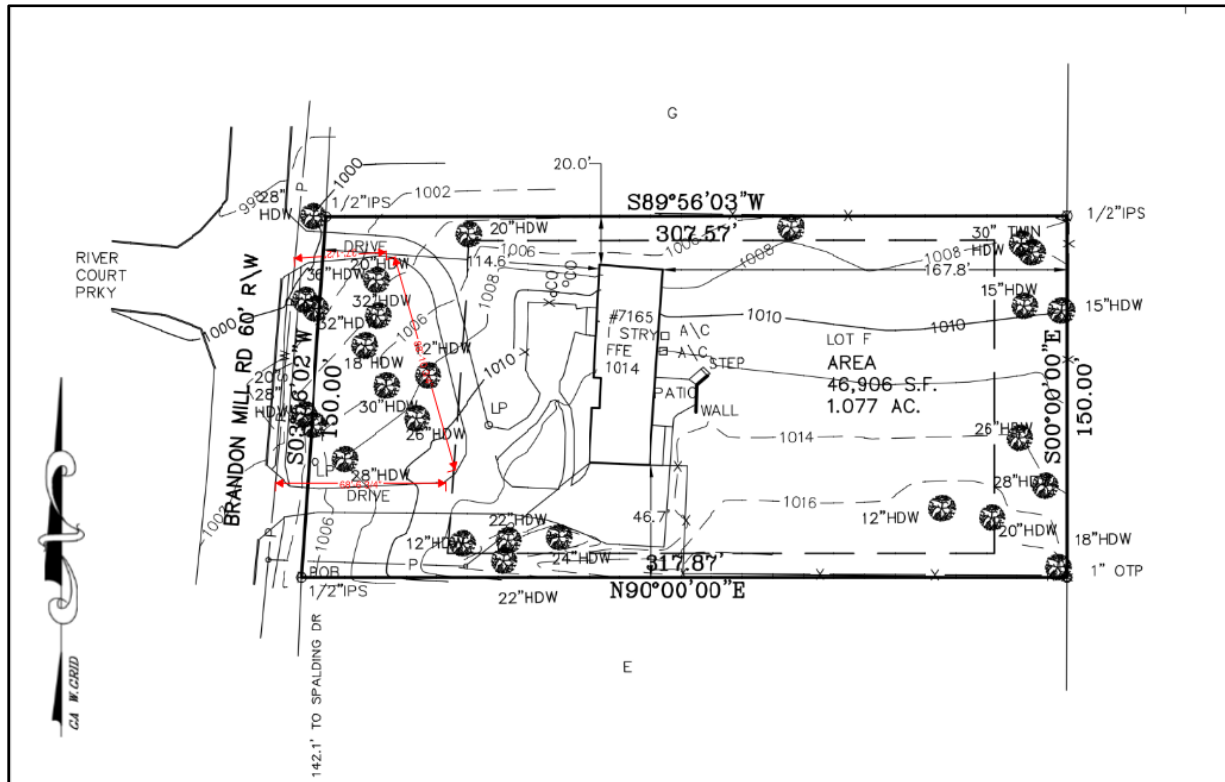
ZONING MAP



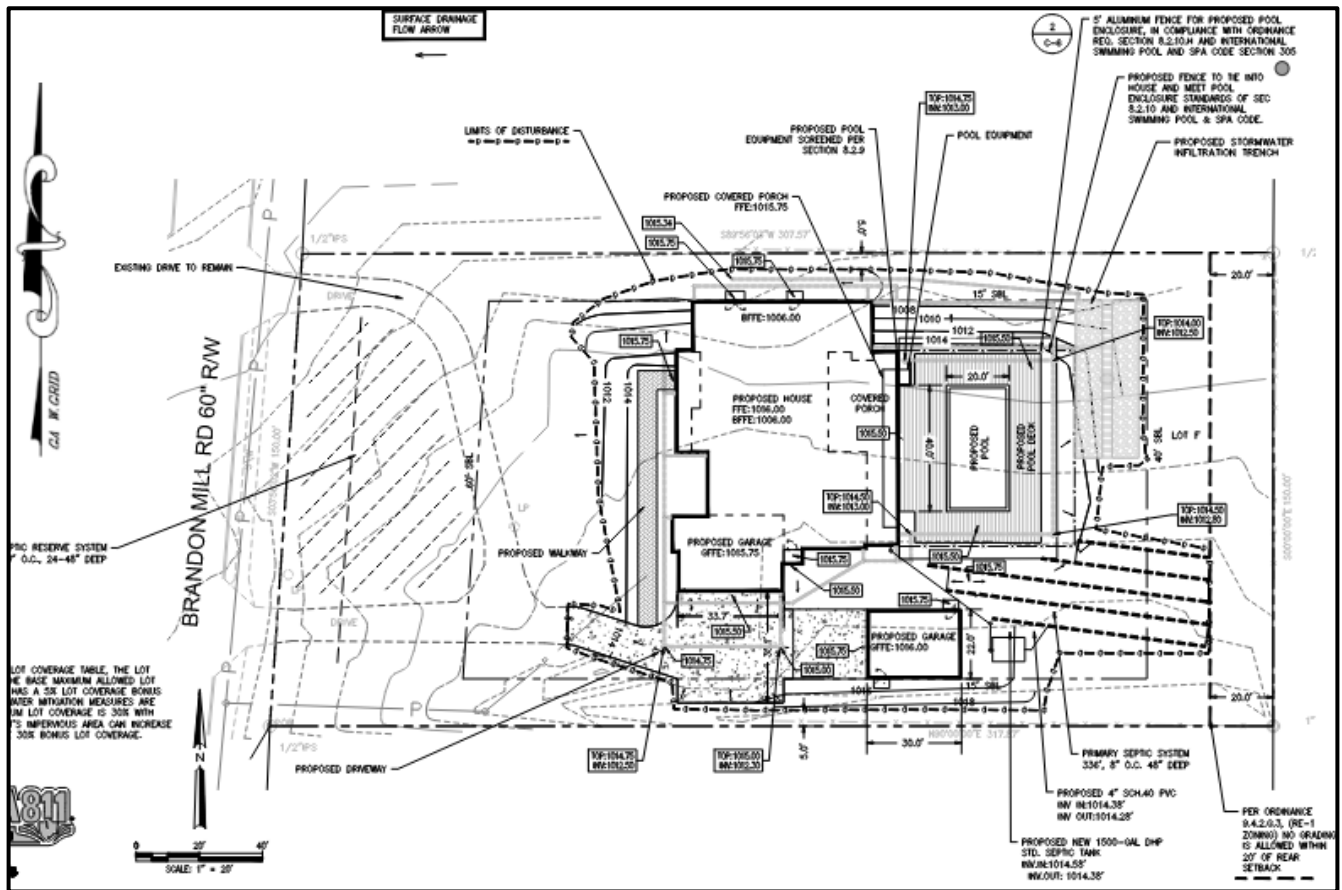


EXISTING DEVELOPMENT (received October 26, 2023)

The 1.08-acre subject property zoned as RE-1 (residential estate – 1 acre minimum) has recently been demolished (demolition permit was approved August 2023). Previously it was developed with a 2-story single-family home with a 2-car garage and rear patio. According to Fulton County Tax records, the previous home was constructed in 1963. The parcel is on Brandon Mill Road; which has a functional classification of Collector. The lot has two curb cuts and driveways remaining from the previous house, approximately 88 feet apart on Brandon Mill Road.



The applicants are seeking a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.



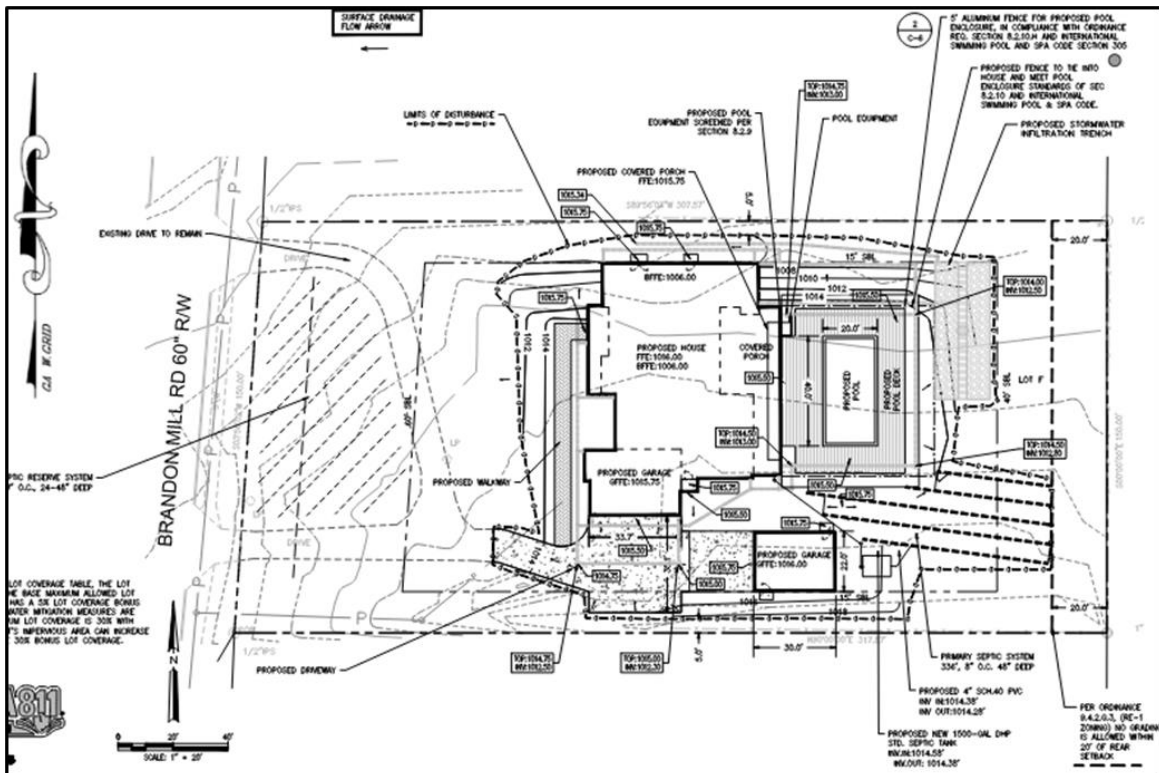
PROPOSED DEVELOPMENT

The applicants are seeking a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.

The proposal entails retaining the current pair of curb cuts while reconstructing an enlarged residence featuring a pool, a three-car garage, and an additional two-car garage.

Per the Sandy Springs Development Code, Section 6.5.2.A.1. – *Single Unit Detached Dwelling – Front and Side Yard Paving* - Only one driveway is allowed for every 65 feet of residential frontage on a same lot. Only a single driveway is allowed on streets with a functional classification of Collector or Arterial.

Per the Sandy Springs Technical Manual, Section 3.B.3. *Residential driveway standards* - Not more than one private curb cut may be located on any one street frontage for any one dwelling where the street is classified as a collector or higher order street.



The property has two existing curb cuts and driveways that previously served a now demolished home. The construction of a new home necessitates the adherence to the prevailing Development Code which prohibits more than one curb cut per parcel on Brandon Mill. If the previous home remained, adherence to the existing development code standards would not have been triggered, as the driveways would have been categorized as a legal nonconforming site element.

V23-0022 VARIANCE CONSIDERATIONS

Community Development

Cases V23-0041

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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 Development Code states, "Only a single driveway is allowed on streets with a functional classification of Collector or Arterial." The Development Code also defines a collector as "a central but non-through route within a subdivision or other project will be considered as a collector if the average daily traffic generated by the development on the route will exceed 4,000 trips." Brandon Mill Road currently experiences a baseline (2017) traffic count of 7,993 vehicles per day, and future projections indicate an anticipated increase to over 8,987 vehicles per day. The elimination of these curb cuts, would contribute to enhanced traffic safety conditions.

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: There are no extraordinary or exceptional conditions on this lot. This lot lacks distinctive features attributable to its size, shape, and topography, aligning closely with neighboring parcels in terms of land characteristics. The elevation of the parcel gradually descends diagonally by approximately 18 feet across its entirety. The lot conforms to a standard rectangular shape, consistent with others in the vicinity.

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 present property owner acquired the premises in 2021, and the preceding dwelling, constructed in 1963, underwent demolition to make way for a new single-family residence for the new owner. Consequently, the construction of the new home necessitated adherence to the prevailing Development Code. If the previous home remained, adherence to the existing development code standards would not have been triggered, as the driveways would have been categorized as nonconforming site elements. Consequently, the prevailing conditions can be directly attributed to the decisions and actions undertaken by the current homeowners.

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 one curb cut is sufficient to make a reasonable use of the property. Furthermore, consolidating access points aligns with safety goals and regulations, promoting a safer environment for the public.

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 only a single driveway is allowed on streets with a functional classification of Collector or Arterial. A major feature of The Next Ten and the Transportation Management. In this regard, the request would not result in development that is consistent with the general intent of the Development Code and The Next Ten. It is also deemed to be unsafe.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

Technical Manual Section 3.B.3.g States: Not more than one private curb cut may be located on any one street frontage for any one dwelling where the street is classified as a collector or higher order street. Brandon Mill Road is classified as a Collector Street and has a baseline (2017) traffic count of 7,993 vehicles per day. Future traffic counts are estimated to exceed 8987 vehicles per day. Brandon Mill Road is a major north-south connection between Johnson Ferry and Dalrymple Road serving numerous residential subdivisions in the area. A reduction of access points provides safer conditions for the overall traveling public. Based on the Soil Survey performed by EnviroSoil the whole entirety of this lot contains Cecil Soils. Cecil Soils have a soil suitability Code of A which states "These soils are suitable for installation of on-site systems with proper system design, installation and maintenance." Removal of the existing driveway by lessor invasive measures would not be prohibitive to installation of the reserve septic field, if or when that becomes necessary. Additionally, proper care of the primary drain field can result in a life expectancy exceeding 40 years. City Engineer recommends denial of this request.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

he driveway can be reduced to one curb cut with minimal impact to the critical root zones of the trees through the implementation of BMPs or the hand removal of the existing driveway. Additionally, the current plan shows the trees as being removed in the future through the potential installation of a reserve septic field in the same area. If the trees are intended to be preserved long-term, the reserve septic field should be shifted to another location on the property.

Sandy Springs Sustainability Manager:

No comment from a sustainability standpoint, but there is no evidence of hardship.

Sandy Springs Building Official:

Two curb cuts are not allowed on Brandon Mill Road. This is for the safety of the thousands of drivers who pass through there on a regular basis. Removing one end of the driveway by hand will only cause minimal damage to the tree roots. The trees would be removed anyway to install additional septic field. According to the City Engineer there are other suitable areas on the site for septic fields. Simply keeping both curb cuts does not preserve the character of the neighborhood. If the builder wanted to do that successfully he would not be demolishing the house to build a much larger house.

Sandy Springs Land Development Manager:

See City Engineer comments.

Sandy Springs Transportation Planner:

See City Engineer comments.

Correspondence Received:

No comment provided.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATIONS
Following review, and based on the findings, staff recommends Denial of Variance V23-0042 , a request for a Variance from Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.

Board of Appeals

December 6, 2023



SANDY SPRINGS™
GEORGIA

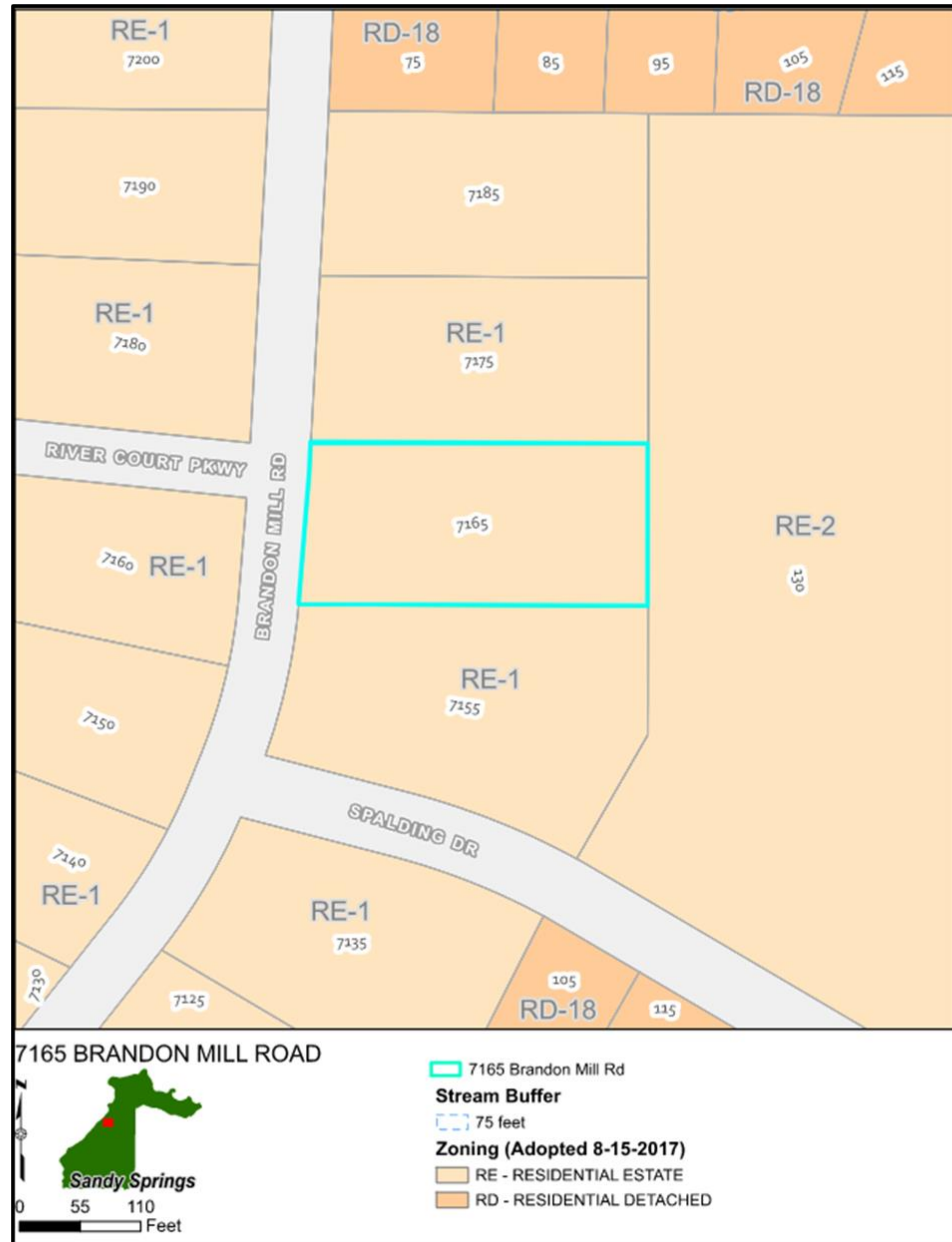
V23-0041
7165 Brandon Mill Road

STAFF RECOMMENDATION:
Denial

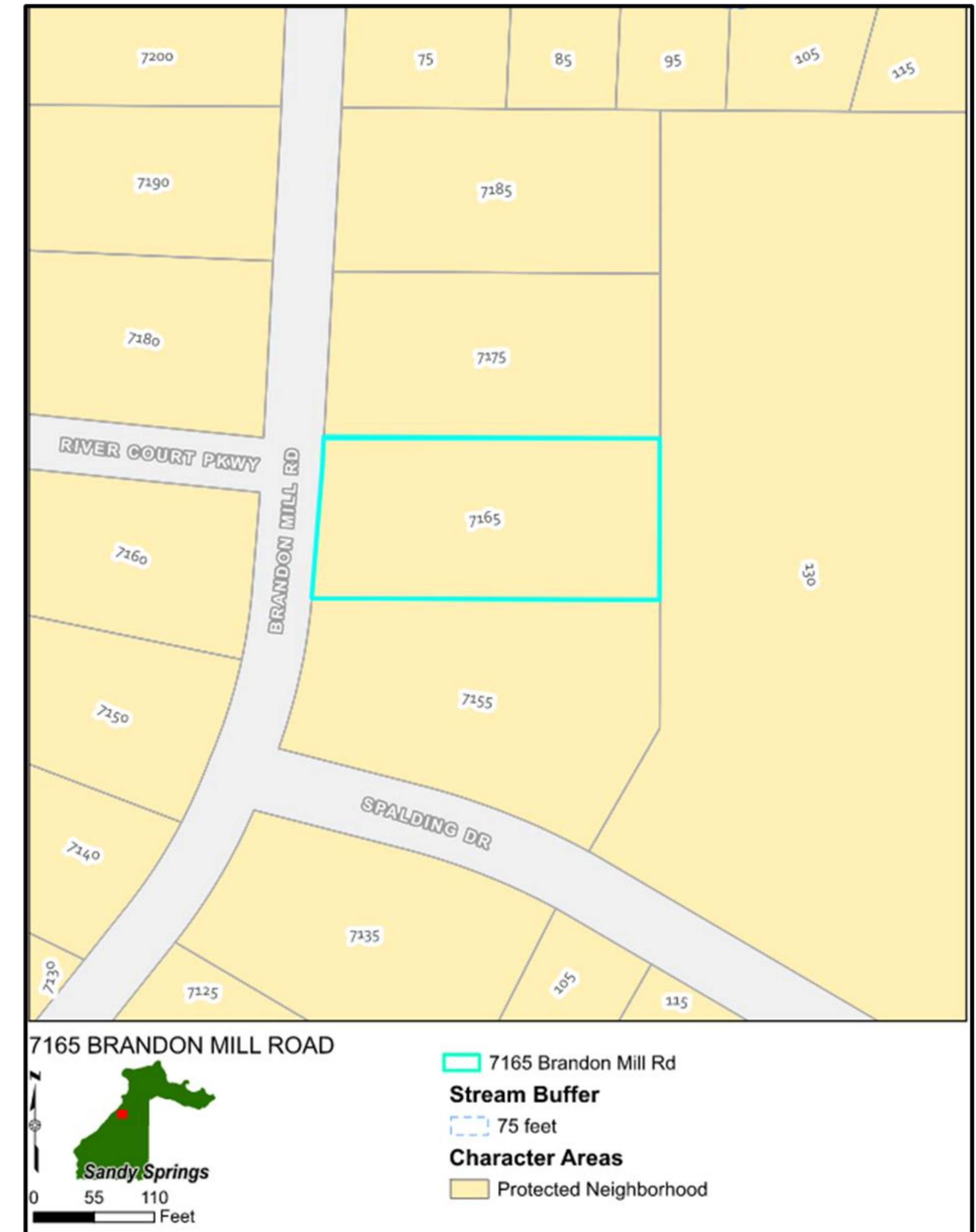
Request

Request for a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.

Zoning



Character Area



Aerial Image



Existing Development

- The 1.08-acre subject property zoned as RE-1 (residential estate – 1 acre minimum) has recently been demolished (demolition permit was approved August 2023).
- Previously it was developed with a 2-story single-family home with 2-car garage and rear patio. According to Fulton County Tax records, the previous home was constructed in 1963. The parcel is on Brandon Mill Road, which has a functional classification of Collector.
- From the northern curb cut to the southern curb cut is approximately 88 feet, however the code prohibits more than one curb cut on a collector road.
- The topographical feature of the site maintains generally level with a modest change in elevation spanning from east to west, encompassing a vertical shift of approximately 14 feet.

South Driveway



North Driveway



LOT COVERAGE TABLE: THE LOT HAS A 5% LOT COVERAGE BONUS. WATER MITIGATION MEASURES ARE IN LOT COVERAGE IS 30% WITH ITS IMPERVIOUS AREA CAN INCREASE 30% BONUS LOT COVERAGE.

BRANDON MILL RD 60" R/W

EXISTING DRIVE TO REMAIN

PROPOSED DRIVEWAY

PROPOSED WALKWAY

PROPOSED HOUSE
FTE: 1006.00
BFFE: 1006.00

PROPOSED GARAGE
GFFE: 1015.75

PROPOSED GARAGE
GFFE: 1006.00

PROPOSED POOL

PROPOSED POOL DECK

PROPOSED COVERED PORCH
FTE: 1015.75

PROPOSED POOL EQUIPMENT

PROPOSED STORMWATER INFILTRATION TRENCH

PRIMARY SEPTIC SYSTEM
336" 8" O.C. 48" DEEP

PROPOSED 4" SCH 40 PVC
IN: 1014.38"
IN: 1014.28"

PROPOSED NEW 1500-GAL DHP STD. SEPTIC TANK
IN: 1014.58"
IN: 1014.38"

PER ORDINANCE 9.4.2.0.3, (RE-1 ZONING) NO GRADING IS ALLOWED WITHIN 20' OF REAR SETBACK.

LOT F

LOT G

LOT H

LOT I

LOT J

LOT K

LOT L

LOT M

LOT N

LOT O

LOT P

LOT Q

LOT R

LOT S

LOT T

LOT U

LOT V

LOT W

LOT X

LOT Y

LOT Z

LOT AA

LOT AB

LOT AC

LOT AD

LOT AE

LOT AF

LOT AG

LOT AH

LOT AI

LOT AJ

LOT AK

LOT AL

LOT AM

LOT AN

LOT AO

LOT AP

LOT AQ

LOT AR

LOT AS

LOT AT

LOT AU

LOT AV

LOT AW

LOT AX

LOT AY

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LOT EJ

LOT EK

LOT EL

LOT EM

LOT EN

LOT EO

LOT EP

LOT EQ

LOT ER

LOT ES

LOT ET

LOT EU

LOT EV

LOT EW

LOT EX

LOT EY

LOT EZ

LOT FA

LOT FB

LOT FC

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LOT IK

LOT IL

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LOT IU

LOT IV

LOT IW

LOT IX

LOT IY

LOT IZ

LOT JA

LOT JB

LOT JC

LOT JD

LOT JE

LOT JF

LOT JG

LOT JH

LOT JI

LOT JJ

LOT JK

LOT JL

LOT JM

LOT JN

LOT JO

LOT JP

LOT JQ

LOT JR

LOT JS

LOT JT

LOT JU

LOT JV

LOT JW

LOT JX

LOT JY

LOT JZ

LOT KA

LOT KB

LOT KC

LOT KD

LOT KE

LOT KF

LOT KG

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LOT KL

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LOT KN

Proposed Development

- The applicant is seeking a for a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.
- The proposal entails retaining the current pair of curb cuts while reconstructing an enlarged residence featuring a pool, a three-car garage, and an additional two-car garage.
- Per the Sandy Springs Development Code, Section 6.5.2.A.1. – Single Unit Detached Dwelling – Front and Side Yard Paving - Only one driveway is allowed for every 65 feet of residential frontage on a same lot. Only a single driveway is allowed on streets with a functional classification of Collector or Arterial.
- Per the Sandy Springs Technical Manual, Section 3.B.3. Residential driveway standards - Not more than one private curb cut may be located on any one street frontage for any one dwelling where the street is classified as a Collector or higher order street.

V23-0041 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;**
 - It is Staff's view that the application of the development code does not constitute a hardship.
 - The Development Code states, "Only a single driveway is allowed on streets with a functional classification of Collector or Arterial."
 - A collector is defined as "a central but non-through route within a subdivision or other project will be considered as a collector if the average daily traffic generated by the development on the route will exceed 4,000 trips."
 - Brandon Mill Road currently experiences between 7,993 and 8,987 vehicles per day.
 - The elimination of these curb cuts would contribute to enhanced traffic safety conditions.

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 one curb cut is sufficient to make a reasonable use of the property.

Recommendations

- Staff recommends **Denial** of **Variance** V23-0041, a for a Variance from the Technical Manual Section 3 B.3.g. and Development Code Section 6.5.2.A.1. to allow more than one existing curb cut to remain on a single lot off a collector road as part of a new construction project.