



SANDY SPRINGS

GEORGIA

BOARD OF APPEALS

Sherri Allen, Chair
Justin Sparano, Vice Chair
Jason Bodwell
Fred Jewell
Nathan Kongthum
Bill Thackston
Susan Maziar

Wednesday, August 7, 2024

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. August 7, 2024 Board of Appeals Meeting Agenda

IV. Approval of Meeting Minutes

- A. May 8, 2024 Board of Appeals Meeting Minutes
(Presented by Samantha Brown, Planning and Zoning Clerk)

V. Cases

- A. **2024-0005 V24-0018 - 280 Lafayette Way** - Applicant requests a variance from code section 7.8.24.A.2.a. to allow for the construction of a swimming pool and deck between the main building and a primary street.
(Presented by LaQuita Williams, Planner I)
- B. **2024-0006 V24-0019 - 485 Franklin Road** - Applicant requests a variance from code section 6.5.2.A.1. to allow for a second driveway to remain constructed on a residential lot with less than 130 ft of frontage.
(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. **2024-0007 V24-0020 - 6040 Riverwood Drive** - Applicant requests a variance from code section 9.4.2.G.3.a. to allow for grading and retaining walls to be placed within the 20-foot rear grading setback.
(Presented by LaQuita Williams, Planner I)

VI. Ongoing Business

VII. New Business

VIII. Adjournment

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P&Z STAFF REPORT

Board of Appeals Meeting, August 7, 2024

Case: **V24-0018 – 280 Lafayette Way**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: July 1, 2024

REQUEST

Request for a variance from code section 7.8.24.A.2.a. to allow for the construction of a swimming pool and deck between the main building and a primary street.

APPLICANT

Property Owners:	Petitioner:	Representative:
Brian and Daniella McGowan	David A. Adams	David A. Adams

RECOMMENDATIONS

Department of Community Development

Staff recommends **Approval** of **Variance V24-0018**

MATERIALS SUBMITTED AND REVIEWED

Materials and Plans

1. “280 Lafayette Way McGowanVarianceReSubmission6-25-24.pdf” received on June 27, 2024
2. “Survey” received on June 27, 2024, prepared by Site Works Surveys & Planning stamped by Ronald E. Gudger.
3. “McGowan Residence Swimming Pool Variance Site Plan” received on June 27, 2024, prepared by Stewardship Enterprise, LLC stamped by David Allman Adams.

PROPERTY INFORMATION	
Location:	280 Lafayette Way (17 011900020455)
Council District:	6 – Andy Bauman
Neighborhood:	Chastain Park Civic Association
Road frontage:	Approximately 116 feet along Powers Ferry Road NW Approximately 189 feet along Lafayette Way NW
Lot Depth	Approximately 114 Lafayette Way NW
Acreage:	Approximately 0.47 acres
Current Zoning	RD-18 (Residential Detached – 18,000 square feet)
Existing Land Use:	Single-Family detached
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	285 Lafayette Way NW	0.41 Acres
North	RD-18/Residential Detached	275 Lafayette Way NW	0.42 Acres
Northeast	RD-18/Residential Detached	271 Lafayette Way NW	0.46 Acres
East	RD-18/Residential Detached	270 Lafayette Way NW	0.54 Acres
South	RD-18/Residential Detached	4675 Powers Ferry Road NW	0.69 Acres
West	RD-18/Residential Detached	305 Old Powers Lane NW	0.39 Acres
West	RD-18/Residential Detached	4700 Powers Ferry Road NW	0.56 Acres
Northwest	RD-18/Residential Detached	4706 Powers Ferry Road NW	0.42 Acres
PROPOSED DEVELOPMENT			
-	RD-18/Residential Detached	280 Lafayette Way NW	0.47 Acres

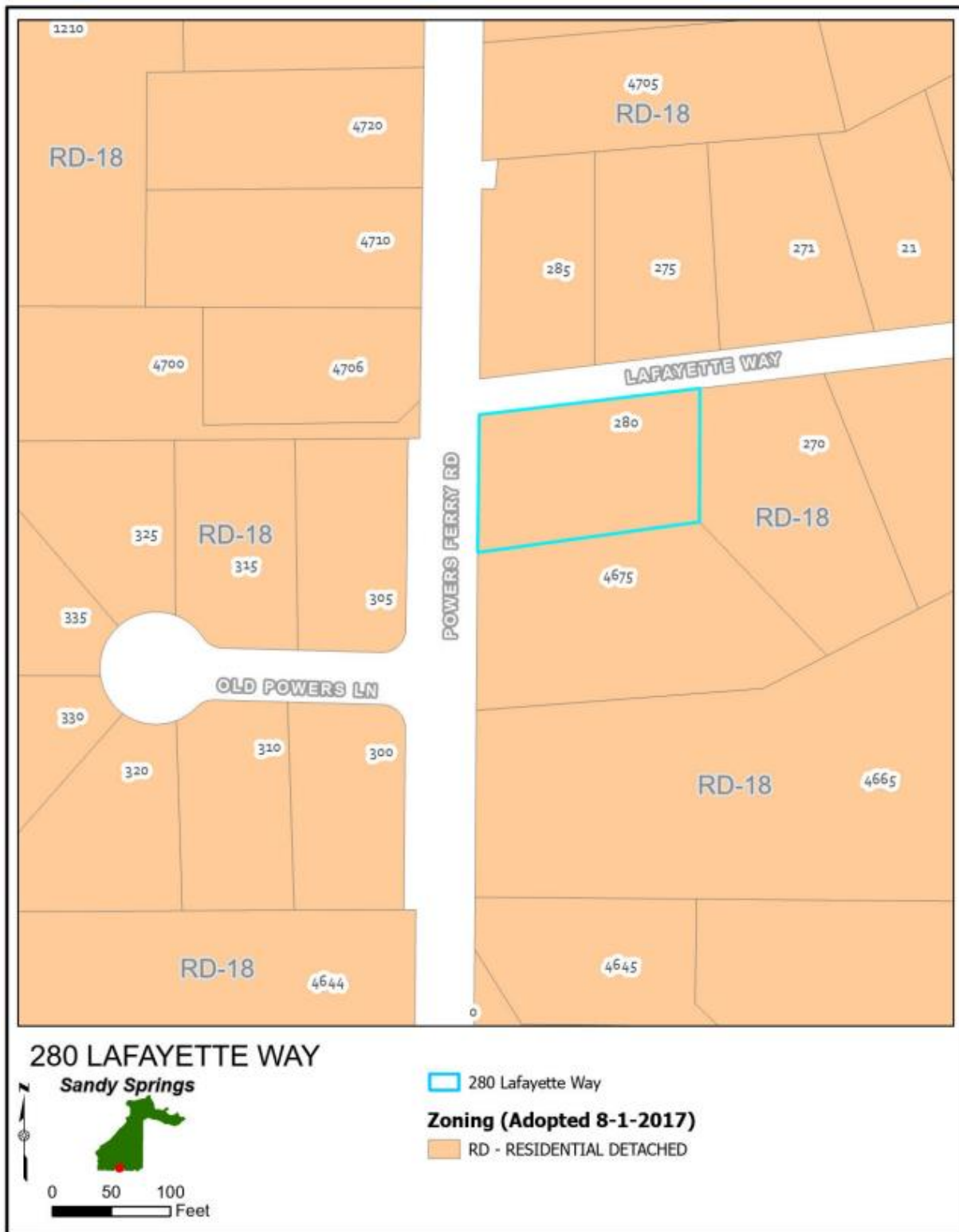
CHARACTER AREA MAP

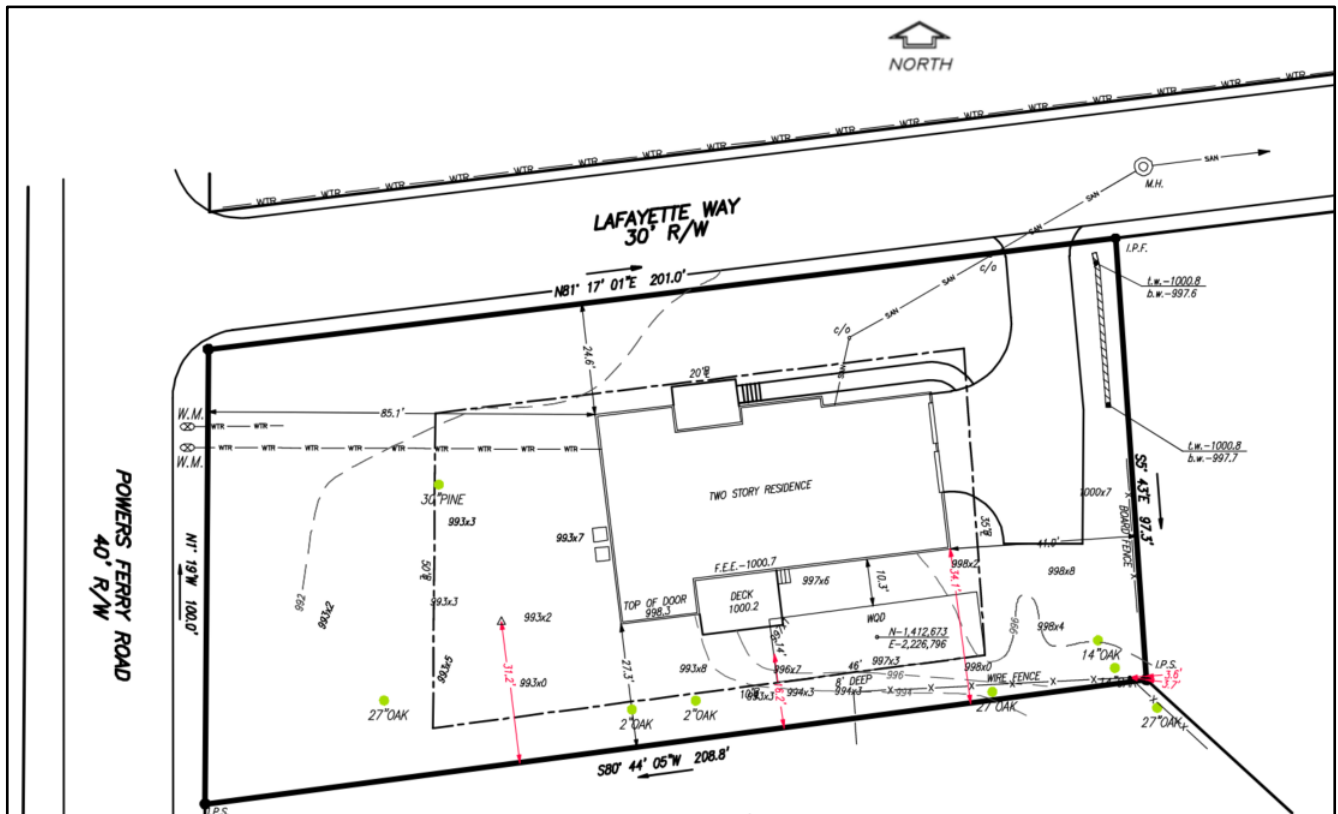


AERIAL IMAGE



ZONING MAP

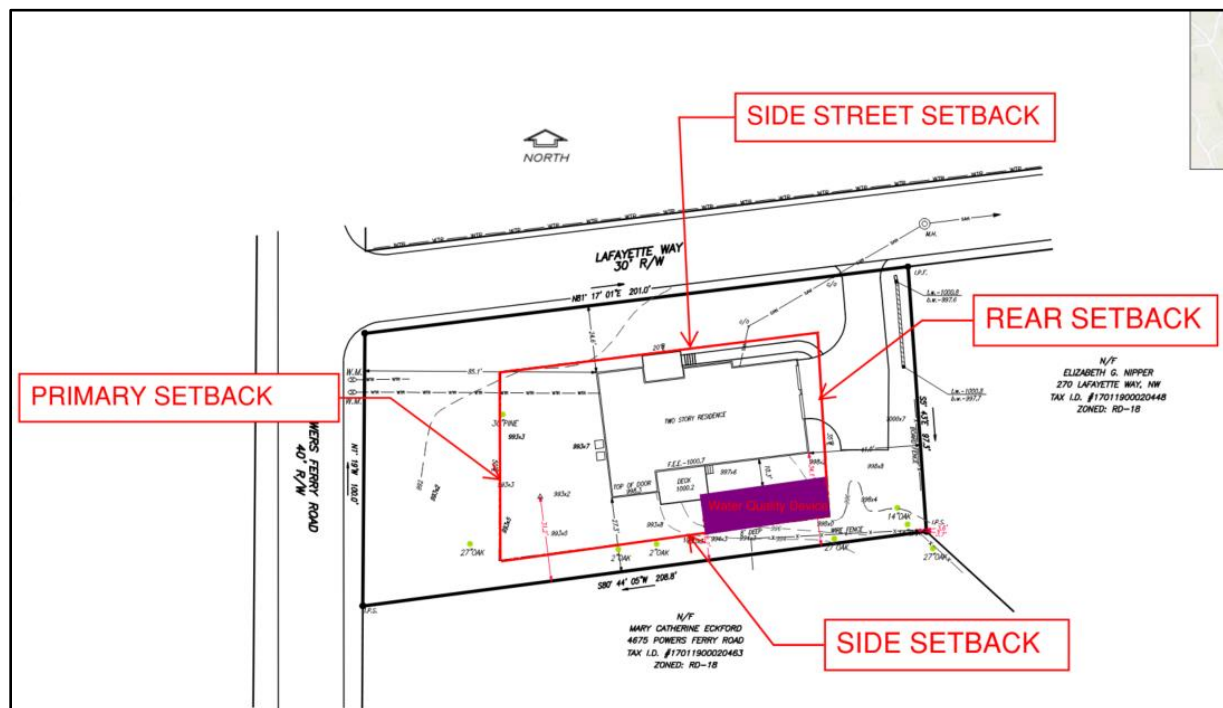




EXISTING DEVELOPMENT

The .47-acre subject property is designated as RD-18 zoning (Residential Detached – requiring a minimum lot size of 18,000 square feet). Based on Fulton County records, the present owners acquired the property in 2022 and the home was built in 2021. The two-story single-family home has a basement, a two-car garage, and a rear deck. Located within the Chastain Park neighborhood, the subject property is to the south of the City and lies within the Nancy Creek Declared Sensitive Area. The lot sits at the corner of Powers Ferry Road and Lafayette Way. To the rear of the home sits an underground water device that encompasses a large portion of the area.

The lot is rectangular with a subtle elevation increase of approximately 12 feet extending west to east. Due to the orientation of the home, Lafayette Way was designated as the side street, ensuring compliance with setback regulations, and precluding any encroachment into the setback area.



Aerial image of property showing setback lines (in red) and the approximate location of the water quality device (in purple).



View facing south showing the front of home



View facing west showing the existing Underground Water Quality Device and deck

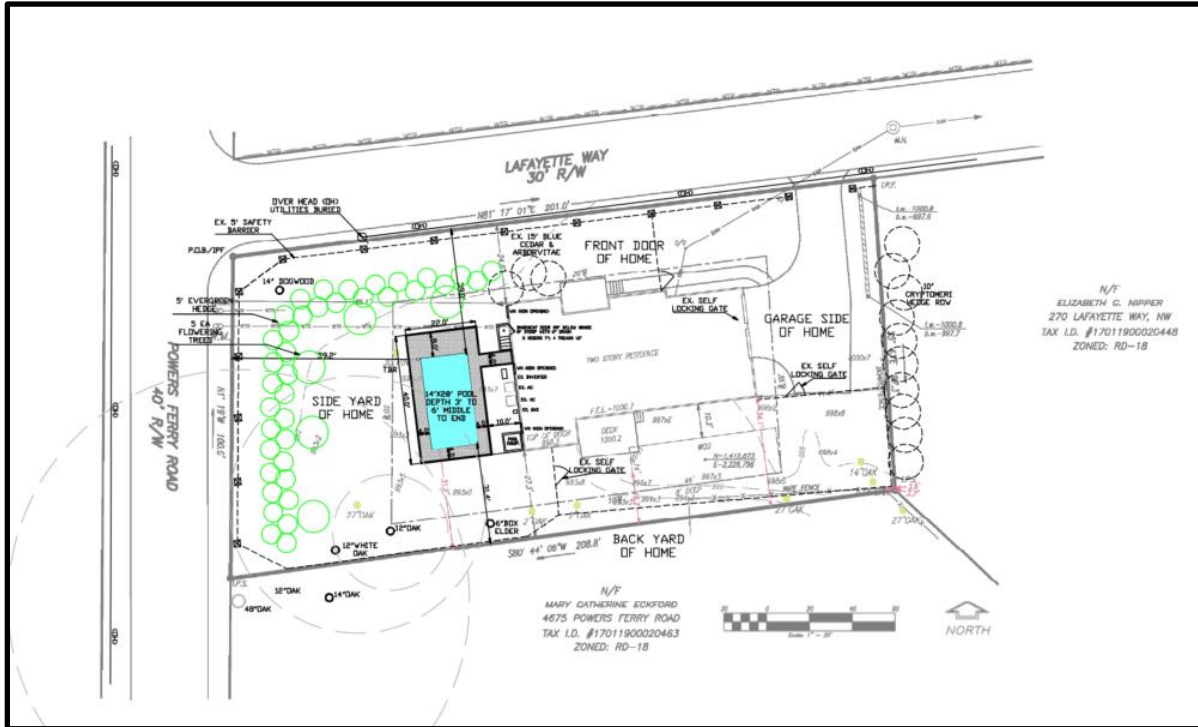


View of existing Unground Water Quality Device and deck



View of existing landscape looking northwest towards intersection of Powers Ferry Road and Lafayette Way

SITE PLAN (received June 27, 2024)

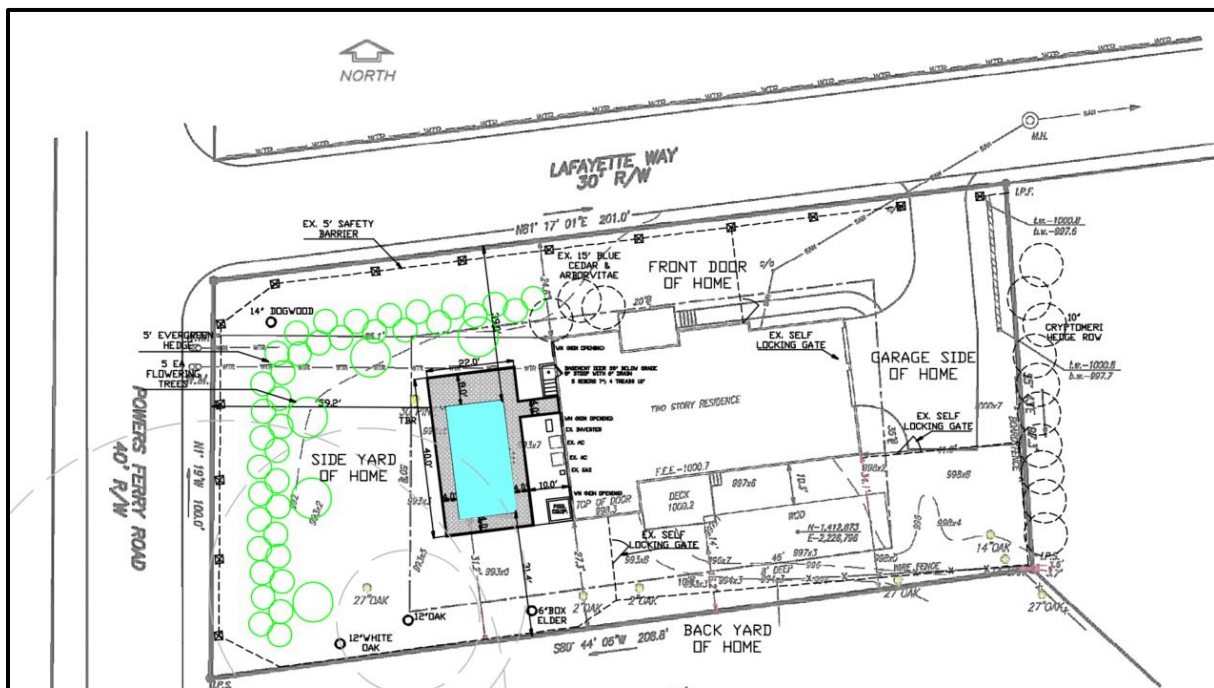


PROPOSED DEVELOPMENT/VARIANCE REQUEST

The proposed development includes adding a minor residential accessory structure (a pool and surrounding deck) between the main building and principal street.

The proposed pool is 14 feet by 28 feet for a total of 392 square feet and the proposed deck surrounding the pool is 530 square feet. The total new impervious area, with the pool equipment, is 958 square feet. The proposed lot coverage of the parcel will be 30.2% which meets the RD-18 requirement.

Per the Sandy Springs Development Code, Section 7.8.24.A.2.a. *Basic Use Standards* – No minor residential accessory structures may be located between the main building and a primary street.



Proposed pool (in teal) and deck (in gray) located in the primary street setback



View of Powers Ferry Road at proposed pool location



View of Lafayette Way standing at proposed pool location

V24-0018 VARIANCE CONSIDERATIONS
Per Sec. 11.6.2. 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 variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies; Finding: The variance conflicts with the intent of the Development Code as the request would allow a minor residential accessory structure and associated site elements to be placed within the primary street setback. However, placing a pool or other accessory structures on the lot would be impossible without a variance given the location of the water quality device, orientation of primary structure (the home), and the setbacks associated with RD-18 lots. Staff believes the proposal will not be detrimental to the neighborhood character given the proposed landscape and site improvement.
b. The variance if granted will not be detrimental to the public safety, health or welfare of the public or injurious to other property; Finding: The variance request as demonstrated on the site plan provided, will not be detrimental to the public safety, health nor welfare of the public or injurious to other property.
c. The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property; Finding: Staff believes this lot is unique due to, orientation of the home and property and the limited options for residential accessory structures. Staff has determined that Lafayette Way cannot be the primary street because the home is 24 feet from the property line and according to zoning standards for RD-18 lots, the home/primary structure must be 50 feet away from primary property line. This will create a need for more variances and limited the amount of buildable space for future expansions.
d. Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; Finding: Staff believes strict adherence to setback requirements would prevent the applicant from expanding on their property without first obtaining a variance. The subject property's physical surroundings are unique and causes a hardship to expand and develop. Typically, residential accessory structures are constructed on the side and rear of properties however the water quality device and driveway sit in the east and south of the home providing no additional buildable space. The applicant reviewed alternatives that included placing the proposed pool in the north and east side of the home however these were not viable options given topography and setback requirements. The applicant also reviewed adding the proposed pool in the rear of the subject property however currently there sits an enormous, approximately 630 sf, underground water quality device that has been deemed unsafe to remove by City's Land Development Manager/City Engineer.
e. The variance requested is the minimum necessary to accomplish the development or building;

Finding: Staff believes that the current development on property, a two-story single-family home with a garage, is sufficient, however the proposal is not detrimental to the character of the neighborhood.

f. In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resources affected by the proposed development, should the variance be granted; and

Finding: The proposal and the Development Code call for heavy landscaping along Powers Ferry Road and Lafayette Way. The proposal will not pose any harm on the abutting neighbor.

g. Such conditions are not the result of action or inaction of the current property owner;

Finding: The physical conditions of the property are not the direct result of action of the current property owner (the applicant). The home and porch were built right at the northern buildable line providing less than five feet of space. The applicant wishes to place their pool between the main building and primary street.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

Provide appropriate screening for pool.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

Urban Forest Coordinator:

No comment provided.

Sandy Springs Building Official:

It is true that there aren't other good alternative locations for a swimming pool on that site. However, it was the builder's decision to orient the house as it is. The Applicant is asking to re-designate Powers Ferry Road as a side street. Powers Ferry Road is not a side street. If the Board of Appeals grants the variance someone will still need to apply for a pool permit. The drawings will be put into plan review for compliance with the ISPSC, State EPD requirements, and other applicable codes. Being granted a variance does not constitute being issued a permit.

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 Approval with Conditions of Variance V24-0018, a request for a variance from code section 7.8.24.A.2.a. to allow for the construction of a swimming pool and deck between the main building and a primary street with the following condition: • That the construction be substantially similar to the proposed site plan

Board of Appeals

August 7, 2024



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V24-0018
280 Lafayette Way

STAFF RECOMMENDATION:
Approval with Conditions

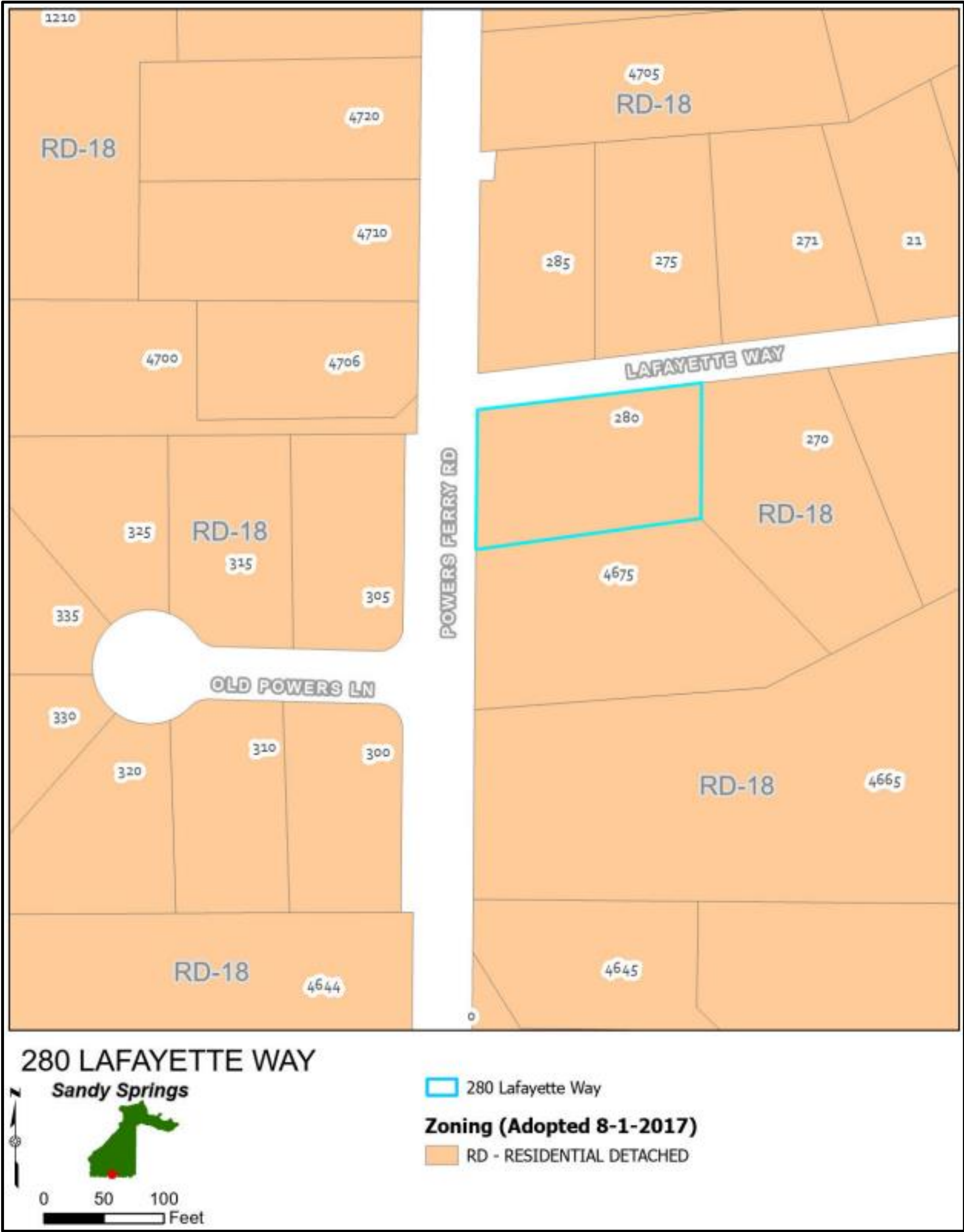
Request

Request for a variance from code section 7.8.24.A.2.a. to allow for the construction of a swimming pool and deck between the main building and a primary street.

Character Area



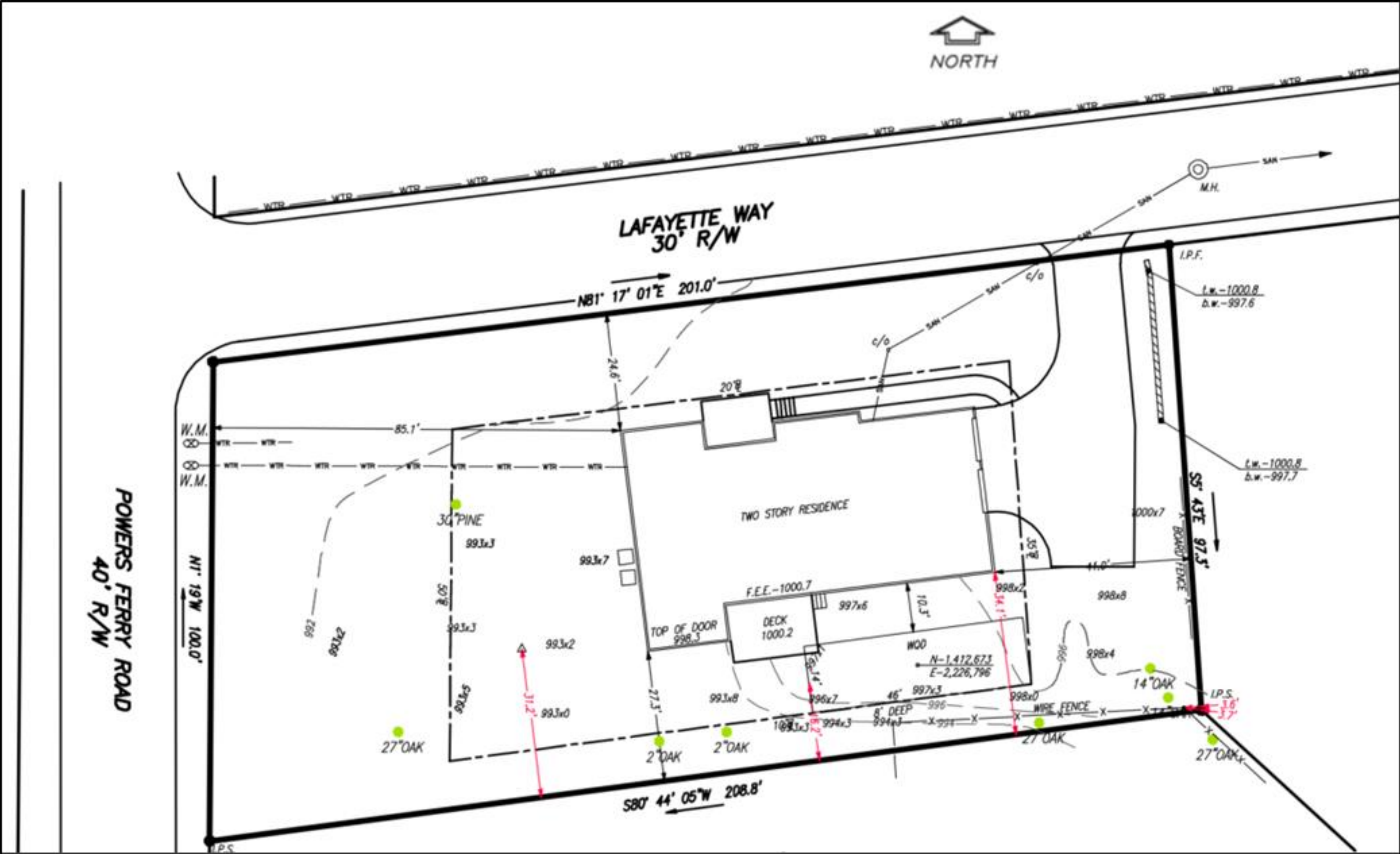
Zoning



Aerial Image



Survey



Existing Development

- **History**

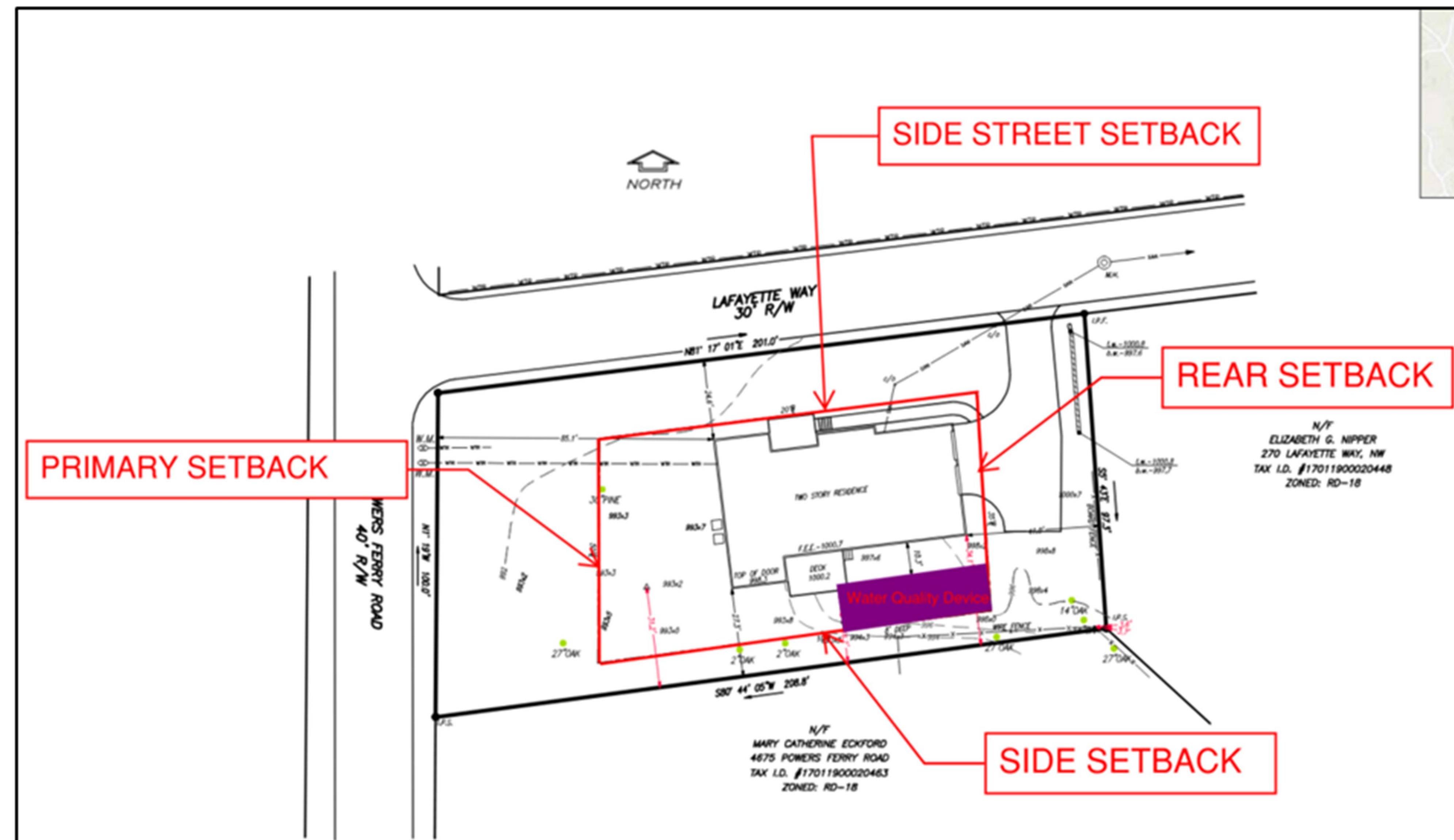
- The present owners acquired the property in 2022 and the home was built in 2021.

- **Zoning and Development**

- RD-18 zoning (Residential Detached - 18,000 square feet minimum)
- 2-story home - 2-car garage - and a rear deck
- Chastain Park neighborhood
- Nancy Creek Declared Sensitive Area

- **Physical Conditions**

- Underground water device
- Subtle elevation changes



Existing Conditions



View facing south showing the front of home



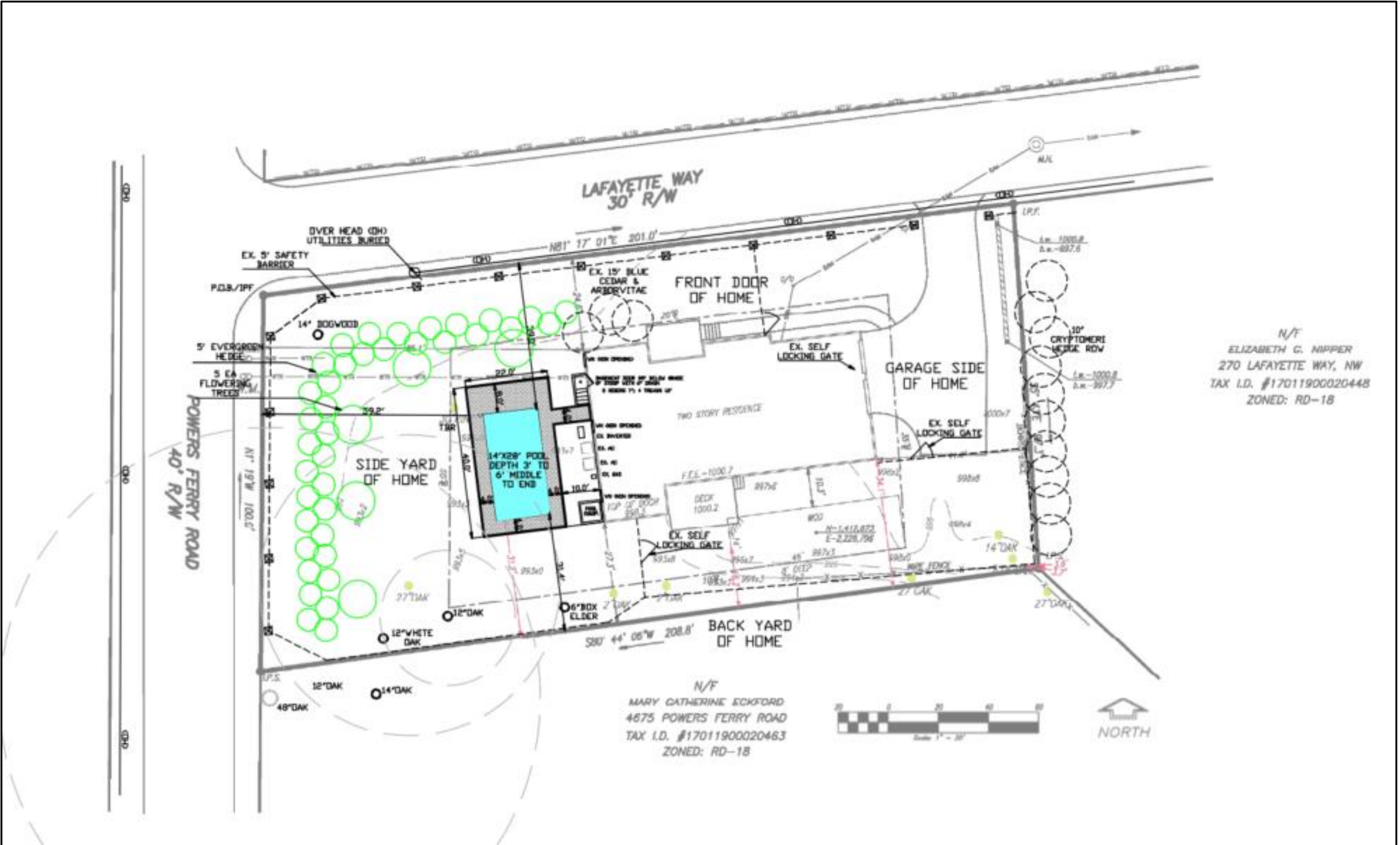
View facing west showing the existing Underground Water Quality Device and deck

Existing Conditions



**View of existing landscape
looking northwest
towards intersection of
Powers Ferry Road and
LaFayette Way.**

Site Plan



Proposed Development

- The proposed development includes adding a minor residential accessory structure (a pool and surrounding deck) between the main building and principal street.
- The proposed pool is 392 square feet and the proposed deck surrounding the pool is 530 square feet. The total new impervious area, with the pool equipment, is **958** square feet. The proposed lot coverage of the parcel will be 30.2% which meets the RD-18 requirement.
- Per the Sandy Springs Development Code, Section 7.8.24.A.2.a. Basic Use Standards – No minor residential accessory structures may be located between the main building and a primary street.

Proposed Development



View facing northwest towards Powers Ferry Road showing the proposed pool location in foreground



View facing north towards LaFayette Way standing at the proposed pool location

Variance Considerations

Variances will only be granted upon showing that:

- **The variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;**
 - Placing a pool or many other accessory structures on the lot would be impossible without a variance given the location of the water quality device, orientation of primary structure (the home), and the setbacks associated with RD-18 lots. Staff believes the proposal will not be detrimental to the neighborhood character given the proposed landscape and site improvement.
- **In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resources affected by the proposed development, should the variance be granted; and**
 - The proposal and the Development Code call for heavy landscaping along Powers Ferry Road and Lafayette Way. The proposal will not pose any harm on the abutting neighbor.

Variance Considerations

- **Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**
 - It is Staff's view that strict adherence to setback requirements would prevent the applicant from expanding on their property without first obtaining a variance. The subject property's physical surroundings are unique and causes a hardship to expand and develop. Typically, residential accessory structures are constructed on the side and rear of properties however the water quality device and driveway sit in the east and south of the home providing no additional buildable space.
 - The applicant reviewed alternatives that included placing the proposed pool in the north and east side of the home however these were not viable options given topography and setback requirements. The applicant also reviewed adding the proposed pool in the rear of the subject property however currently there sits an enormous, approximately 630 sf, underground water quality device that has been deemed unsafe to remove by City's Land Development Manager/City Engineer .

Recommendation

- Staff recommends **Approval with Conditions of Variance V24-0018**, a request for a variance from code section 7.8.24.A.2.a. to allow for the construction of a swimming pool and deck between the main building and a primary street with the following condition:
 - That the construction be substantially similar to the proposed site plan



SANDY SPRINGS

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P&Z STAFF REPORT

Board of Appeals Meeting, August 7, 2024

Case: **V24-0019 – 485 Franklin Road NW**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: June 21, 2024

REQUEST

Request for a variance from code section 6.5.2.A.1. to allow for a second driveway to remain constructed on a residential lot with less than 130 ft of frontage.

APPLICANT

Property Owners:	Petitioner:	Representative:
Erin and Timothy Wolfe	Erin and Timothy Wolfe	Erin and Timothy Wolfe

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance** V24-0019

MATERIALS SUBMITTED AND REVIEWED

Materials

1. “Variance Application 2024 Wolfe_485 Franklin Road.pdf” received on June 12, 2024, Variance Application

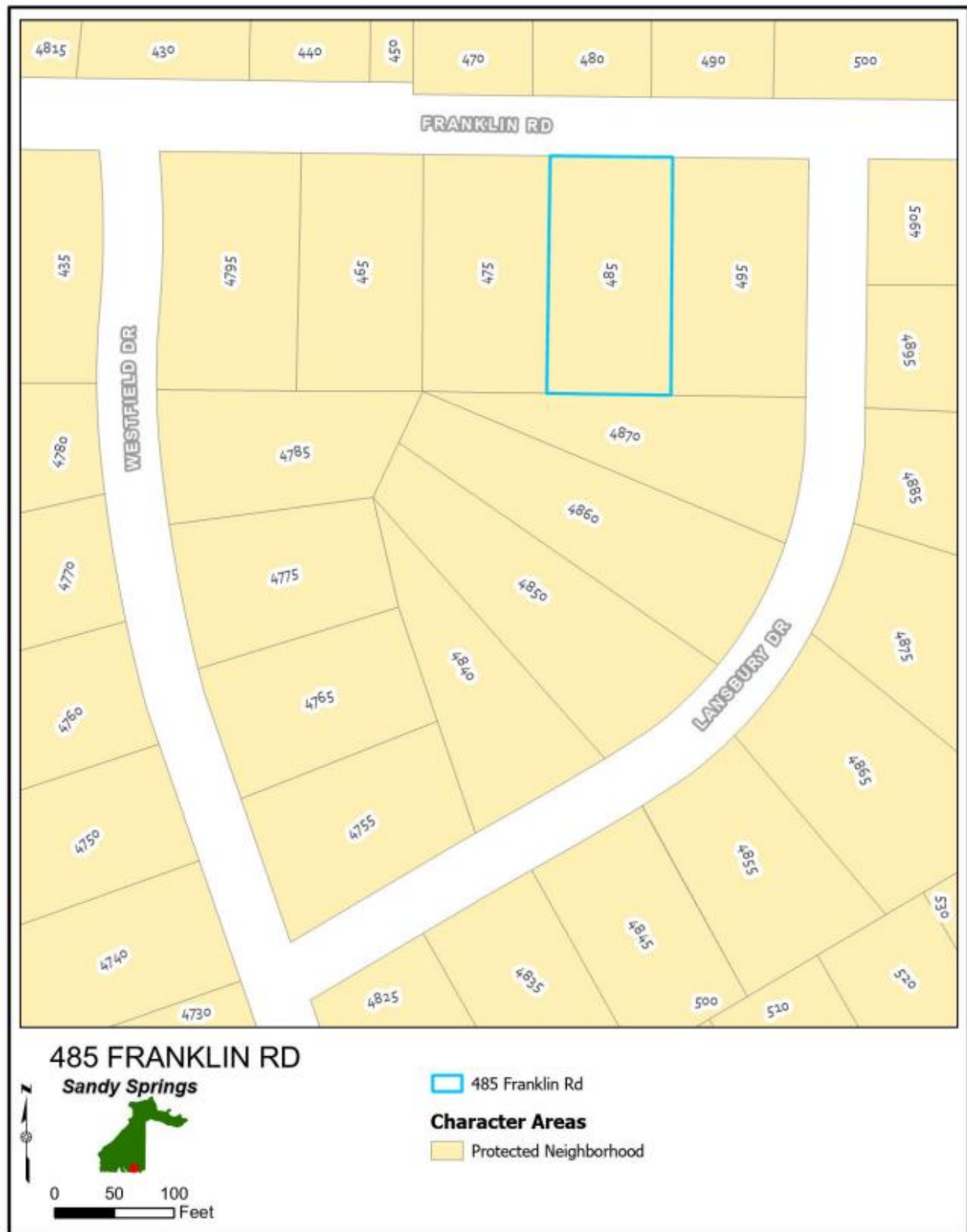
Plans

2. “Boundary Survey” received on June 12, 2024, stamped by Daniel W. Venable and prepared by OnPoint Surveying and Mapping, Inc
3. “Residential Site Plan for: C&C Contractors, Inc” stamped by Caleb A. McGaughey and prepared by GA Land Surveyor

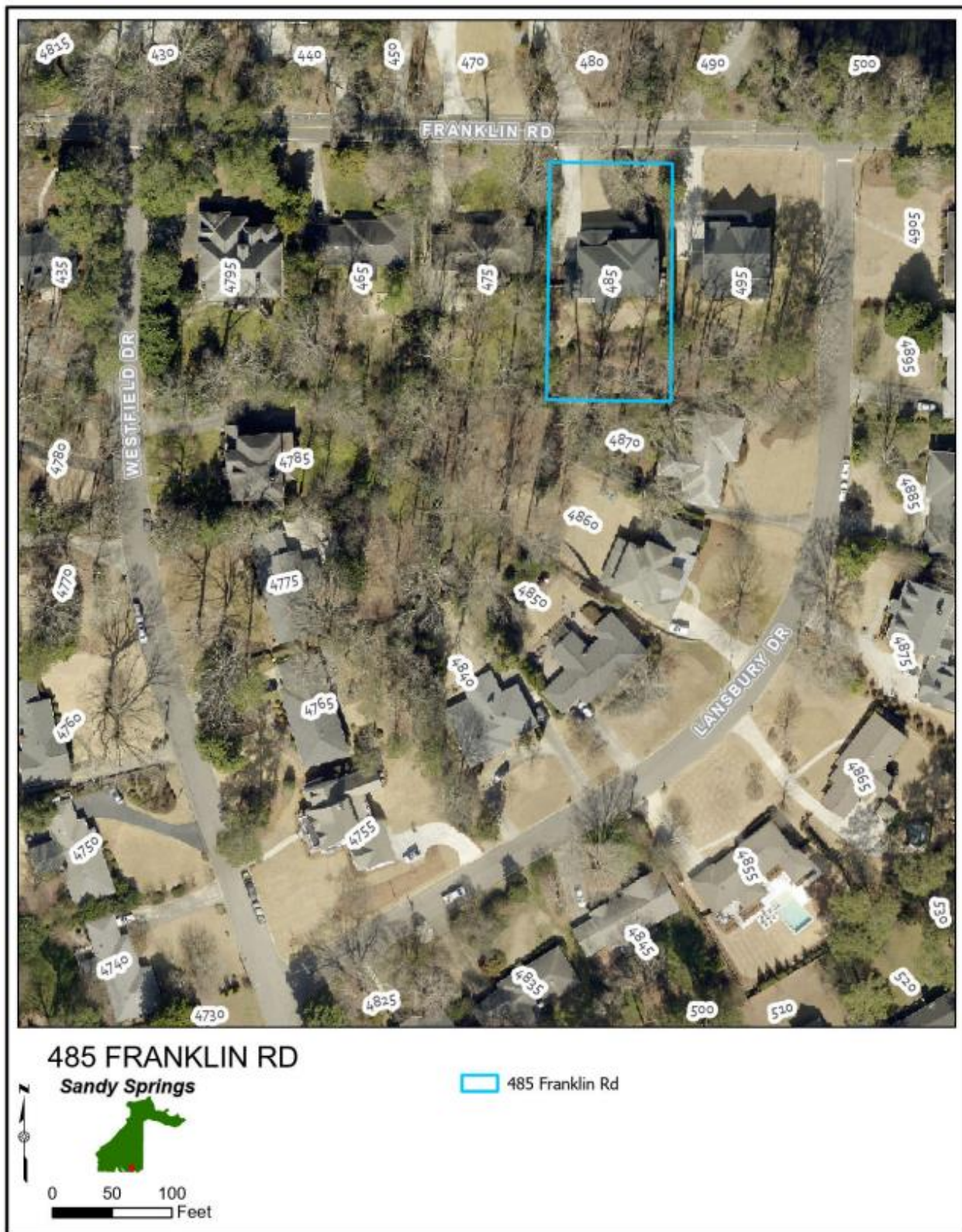
PROPERTY INFORMATION	
Location:	485 Franklin Road (17 006600040043)
Council District:	5 – Tiberio "Tibby" DeJulio
Neighborhood:	High Point Civic Association
Road frontage:	Approximately 102 feet along Franklin Road NW
Lot Depth	Approximately 199 feet
Acreage:	Approximately 0.48 acres
Current Zoning	RD-18 (Residential Detached – 18,000 square feet minimum lot size)
Existing Land Use:	Single-Family detached
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	480 Franklin Road NW	0.48 Acres
Northeast	RD-18/Residential Detached	490 Franklin Road NW	0.69 Acres
East	RD-18/Residential Detached	495 Franklin Road NW	0.53 Acres
South	RD-18/Residential Detached	4870 Lansbury Drive NW	0.48 Acres
West	RD-18/Residential Detached	475 Franklin Road NW	0.48 Acres
Northwest	RD-18/Residential Detached	470 Franklin Road NW	1.33 Acres
PROPOSED DEVELOPMENT			
-	RD-18/Residential Detached	485 Franklin Road NW	0.48 Acres

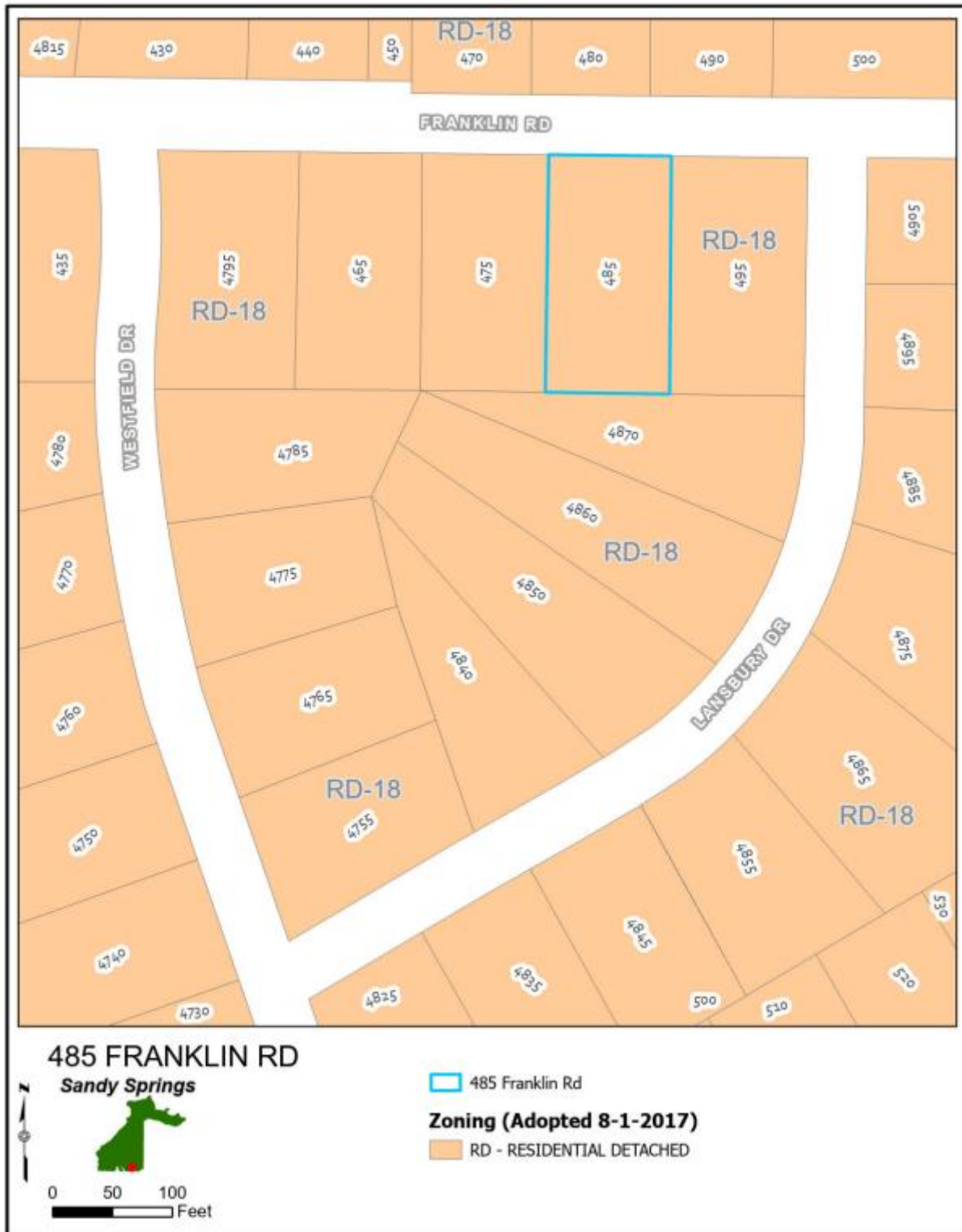
CHARACTER AREA MAP

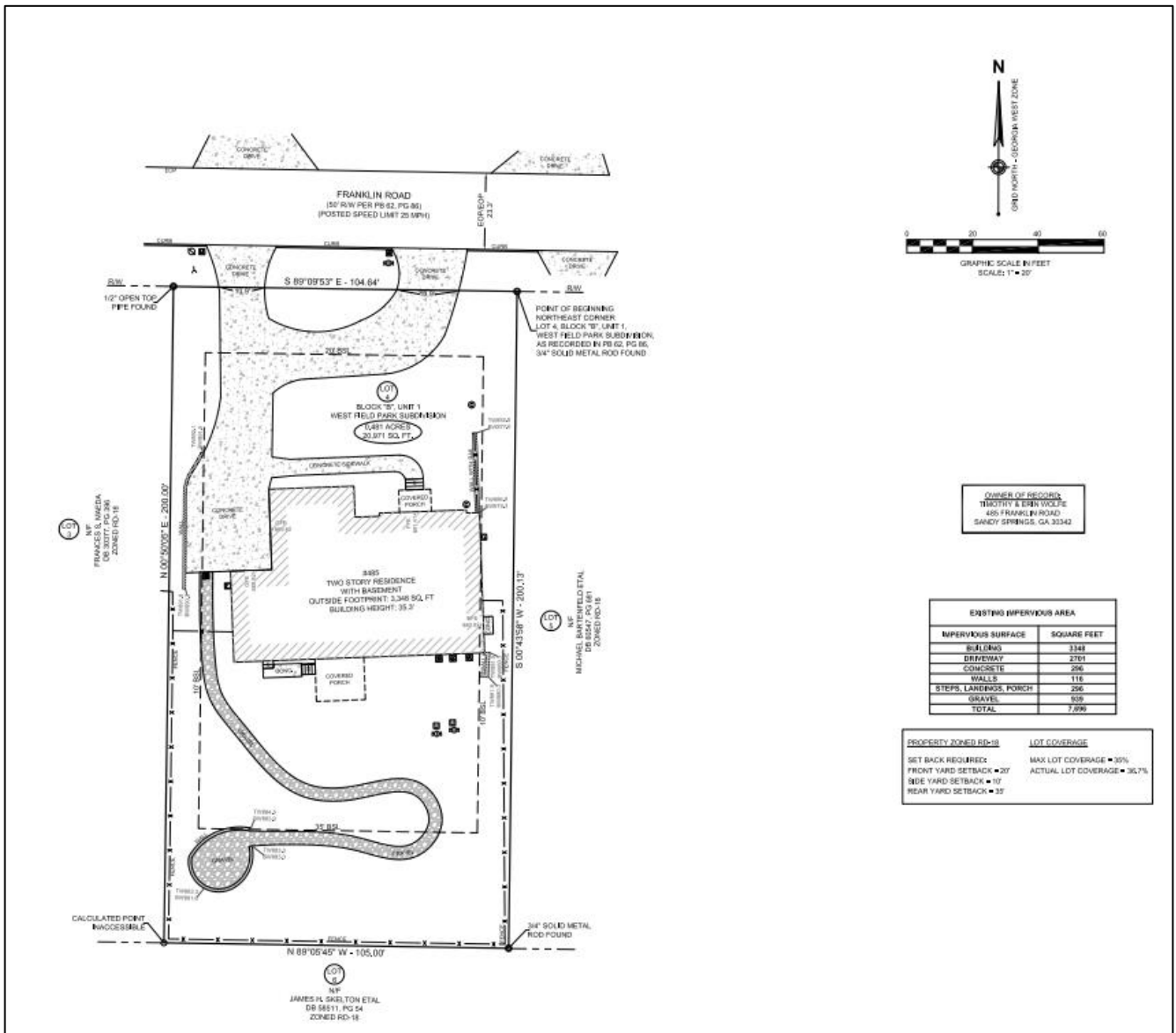


AERIAL IMAGE



ZONING MAP





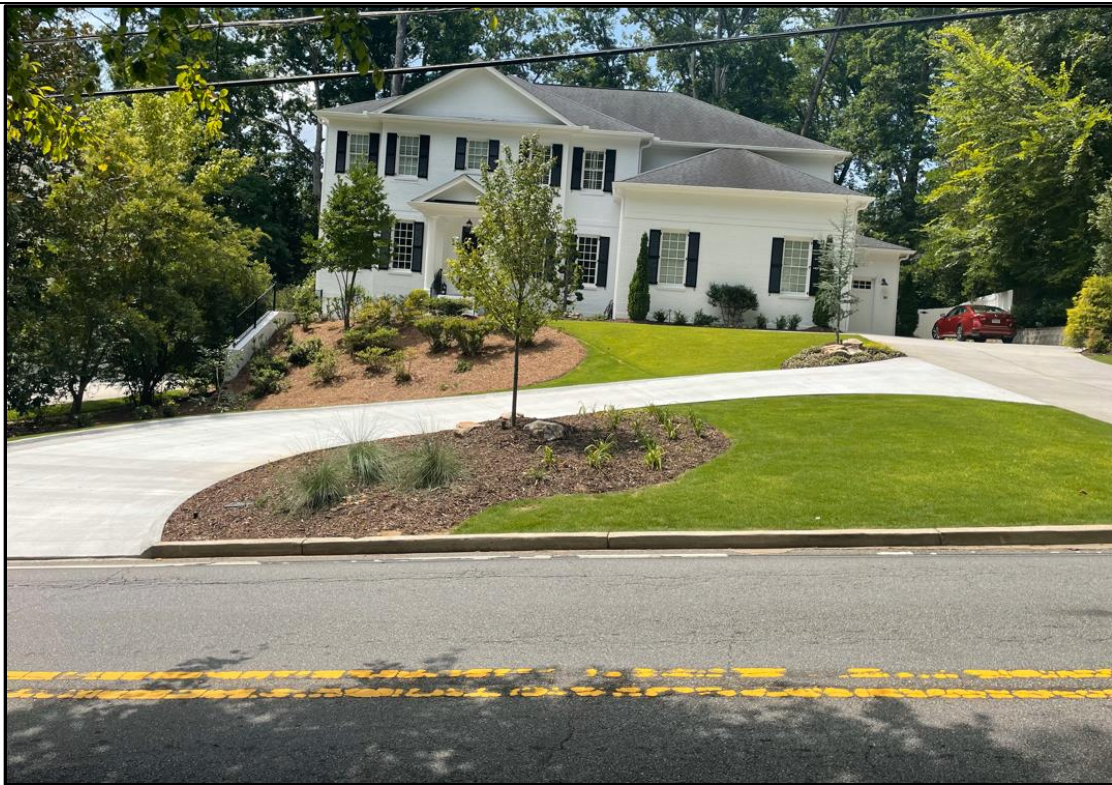
EXISTING DEVELOPMENT

The house, which was originally constructed in 1972, underwent a significant remodel in 2017. Based on Fulton County records, the present homeowner acquired the property in 2020. The 0.48-acre subject property is designated as RD-18 zoning (Residential Detached – requiring a minimum lot size of 18,000 square feet) The two-story single-family home has a basement, a three-car garage, and two driveways. Positioned within the High Point Civic Association neighborhood, the subject property lies in the southeastern part of the city and falls within the boundaries of the Nancy Creek Declared Sensitive Area. The parcel is located on Franklin Road, which has a functional classification of Minor.

The homeowners constructed the additional driveway without a permit in 2024 less than 130 feet apart. This segment of Franklin Road is on a slope. The elevation at the original driveway entrance is approximately 880 feet. At the two nearest intersections, the elevation is approximately 924 feet at Franklin Road and Westfield Drive; and approximately 862 feet at Franklin Road & Lansbury Drive.



Aerial image of Franklin Road with elevations (in orange)

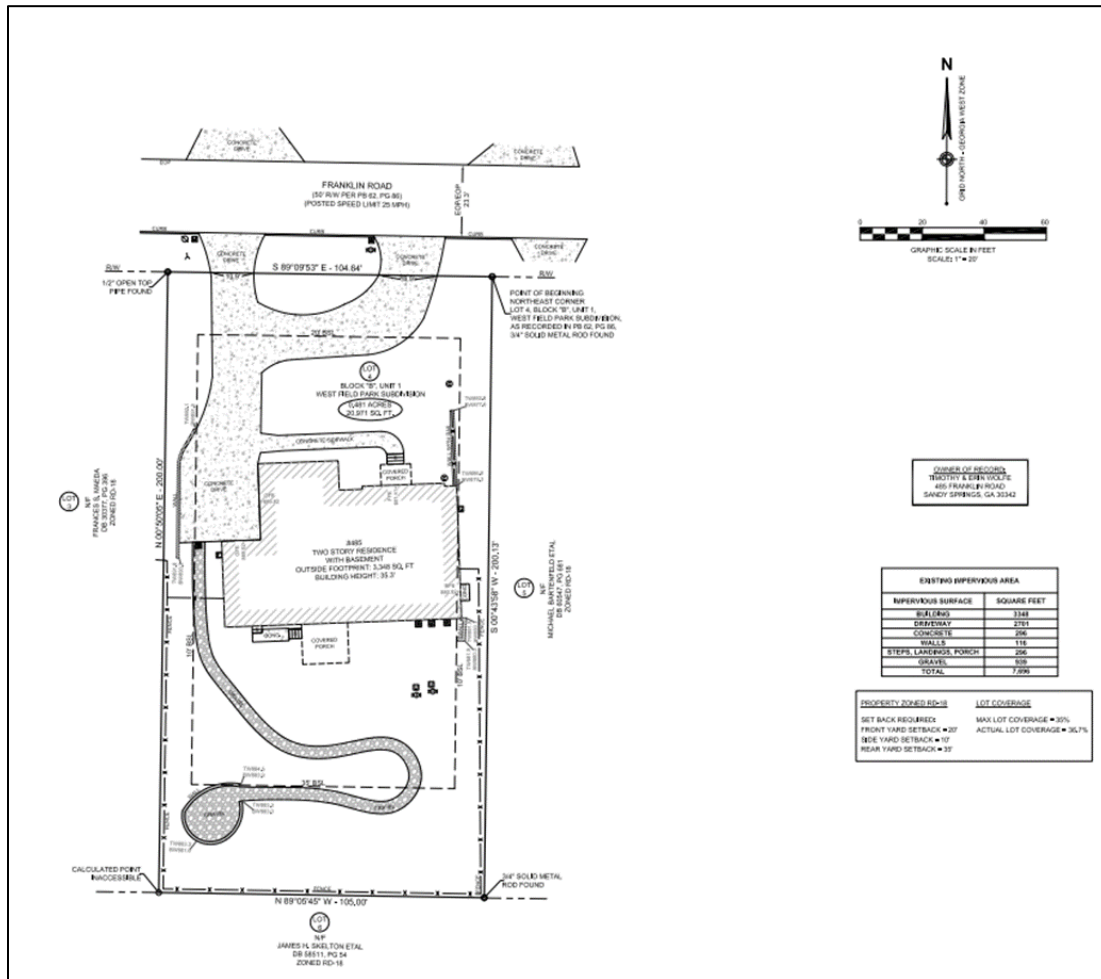


View of home and noncompliant driveway (to the left) standing on Franklin Road looking south



View of noncompliant driveway facing east

SITE PLAN (received June 12, 2024)



VARIANCE REQUEST

The applicants are seeking a variance to retain a second driveway that was constructed without a permit. According to the Development Code, a property is permitted to have more than one driveway only if it has over 130 feet of road frontage or one driveway for every 65 feet of road frontage, provided the property is situated on a Collector or Arterial Street. The subject property is on a minor street with approximately 106 feet of road frontage on Franklin Road.

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.

The subject property is located on Franklin Road with approximately 106 feet of road frontage, less than the minimum 130 feet as required by the code to allow for more the one driveway.

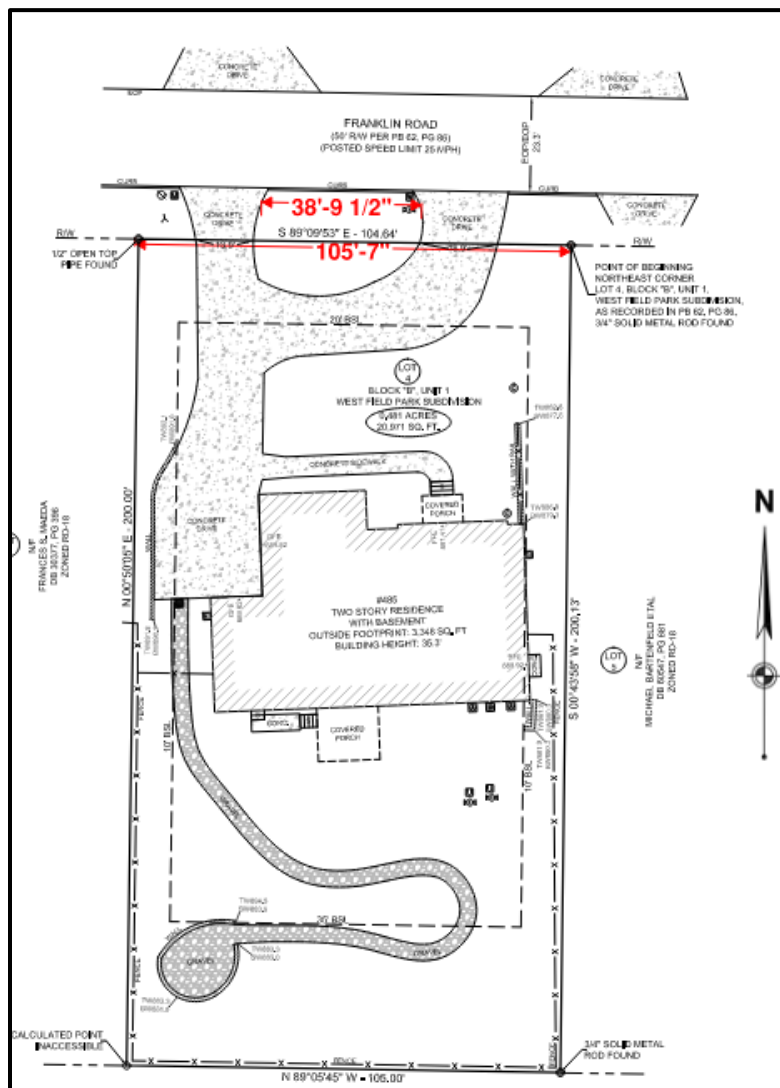


Image of survey showing dimensions of road frontage and distance from driveways in red



View of driveways facing north



View of home and noncompliant driveway (to the left) standing on Franklin Road looking south

V24-0019 VARIANCE CONSIDERATIONS

Per Sec. 11.6.2. 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 variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;**

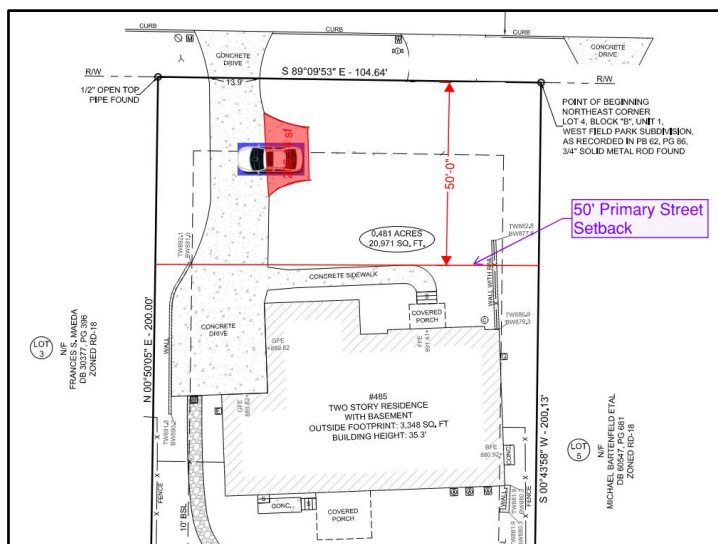
Finding: The variance conflicts with the intent of the Development Code as to allow for two driveways within every 65 feet of residential frontage when only one driveway is permitted. Access points are limited to one per lot to avoid excessive conflict points for the traveling public.

- b. The variance if granted will not be detrimental to the public safety, health or welfare of the public or injurious to other property;**

Finding: The request for a variance, as illustrated on the provided site plan, is likely to have adverse impact to public safety. It is estimated that this site will experience approximately 3,000 vehicle trips daily. With such a high volume of daily traffic, the risk of accidents and congestion at these access points is significantly elevated.

- c. The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;**

Finding: The typical rectangular shape lot is not unique, as a review of other properties in the area reveals that a single driveway is the standard practice. Staff notes that the power pole to the west of the original driveway and the increase of the road elevation creates a sight visibility issue. Additionally, staff believes that relocating the new, unpermitted driveway would have likely been approved if the original driveway had been abandoned (pictured below). A code compliant turnaround would have been more appropriate and improve the sight visibility issue.



****for illustration purposes only****

Image of the new built concrete to serve as a code compliant 200 square foot turnaround

d. Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Finding: Staff notes that the nearby power pole to the west of the original driveway and the increase of the road elevation creates a sight visibility challenge however staff recommends a code compliant turn around. Staff notes that the original driveway has been in the same location for over 20 years and may have been in this location since original construction of the home. The overhead power pole is an existing condition and appears to have there for over 25 years before the owners purchased the property. The applicant did not submit any alternatives with this application. Staff believes that applying the Development Code would not pose a hardship if strict letter of the regulations are carried out.

e. The variance requested is the minimum necessary to accomplish the development or building;

Finding: The property is developed with a driveway, garage and a two-story home and the newly constructed driveway is not necessary to accomplish the development of the site. The variance requested would allow the illegal nonconforming driveway to remain constructed.

f. In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resources affected by the proposed development, should the variance be granted; and

Finding: Not applicable

g. Such conditions are not the result of action or inaction of the current property owner;

Finding: The physical conditions of the property are the direct result of action of the current property owners because the driveway was constructed before obtaining proper permits and speaking with staff.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

The City Engineer recommends denial based on the following:

1. 2008 Average Daily Trips were measured at 2,844 vehicles per day. It is estimated that current trips exceed 3,000 vehicles per day.
2. Access points are limited to one per lot to avoid excessive conflict points for the traveling public.
3. A driveway relocation to the currently un-permitted location with abandonment of the existing location would likely have been approved due to the power pole obscuring sight vision at the current driveway location.
4. This application includes a request that would allow parking in the front yard. Per the Development Code Section 6.5.2.C.1 parking within the front setback is prohibited.
5. This site is in the Nancy Creek Declared Sensitive Area. If approved, require a permit to be obtained that would include compliance with Nancy Creek Declared Sensitive Area stormwater requirements.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Urban Forest Coordinator:

No comment provided.

Sandy Springs Building Official:

Two driveways are not needed in order to be able to pull out into the street rather than back out. It only requires a turn-around. One of the curb cuts can be eliminated and the applicants will still be able to pull out front facing from the other curb cut.

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 V24-0019, a request for a variance from code section 6.5.2.A.1. to allow for a second driveway to remain constructed on a residential lot with less than 130 feet of frontage.

Board of Appeals

August 7, 2024



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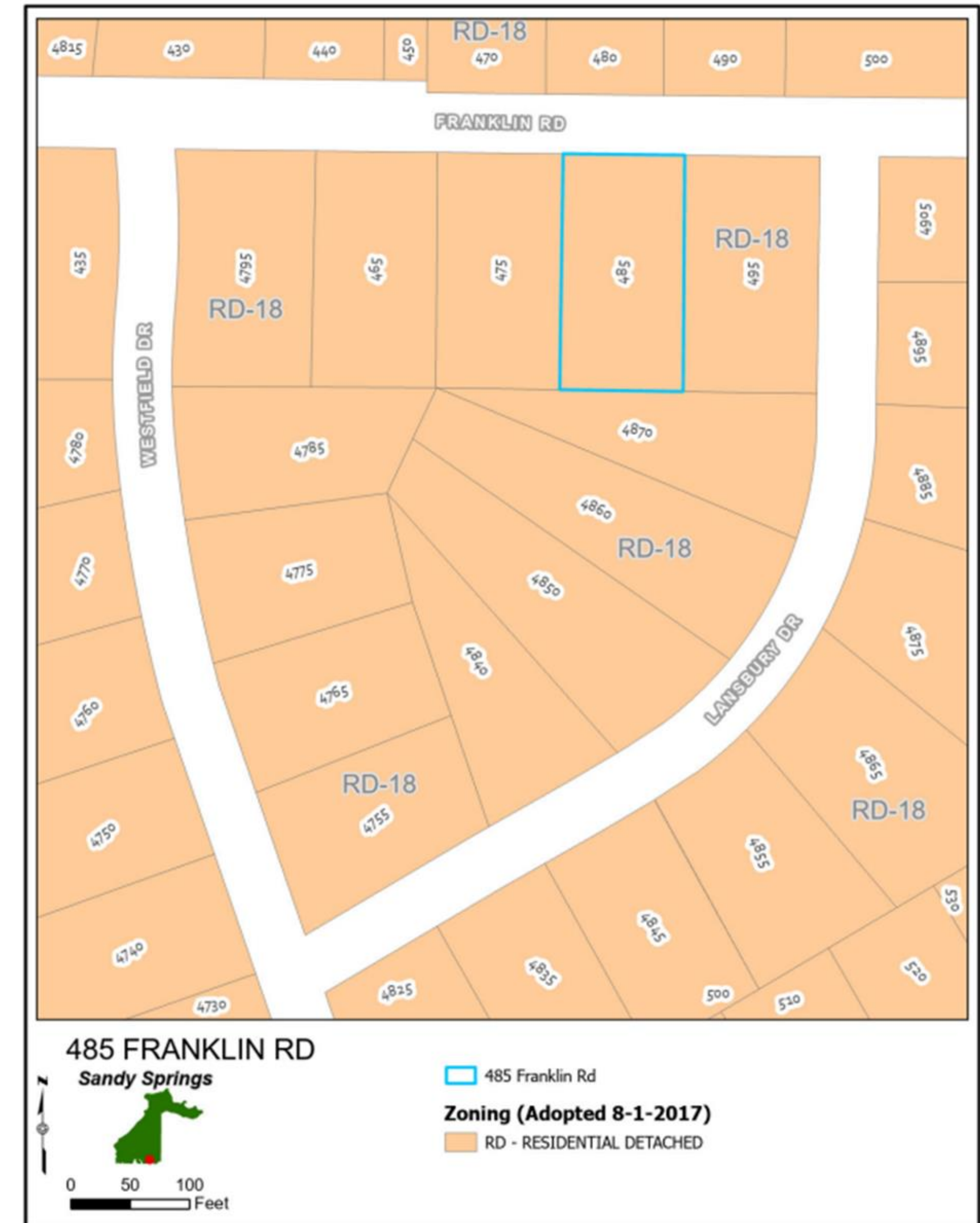
V24-0019
485 Franklin Road

STAFF RECOMMENDATION:
DENIAL

Request

Request for a variance from code section 6.5.2.A.1. to allow for a second driveway to remain constructed on a residential lot with less than 130 ft of frontage.

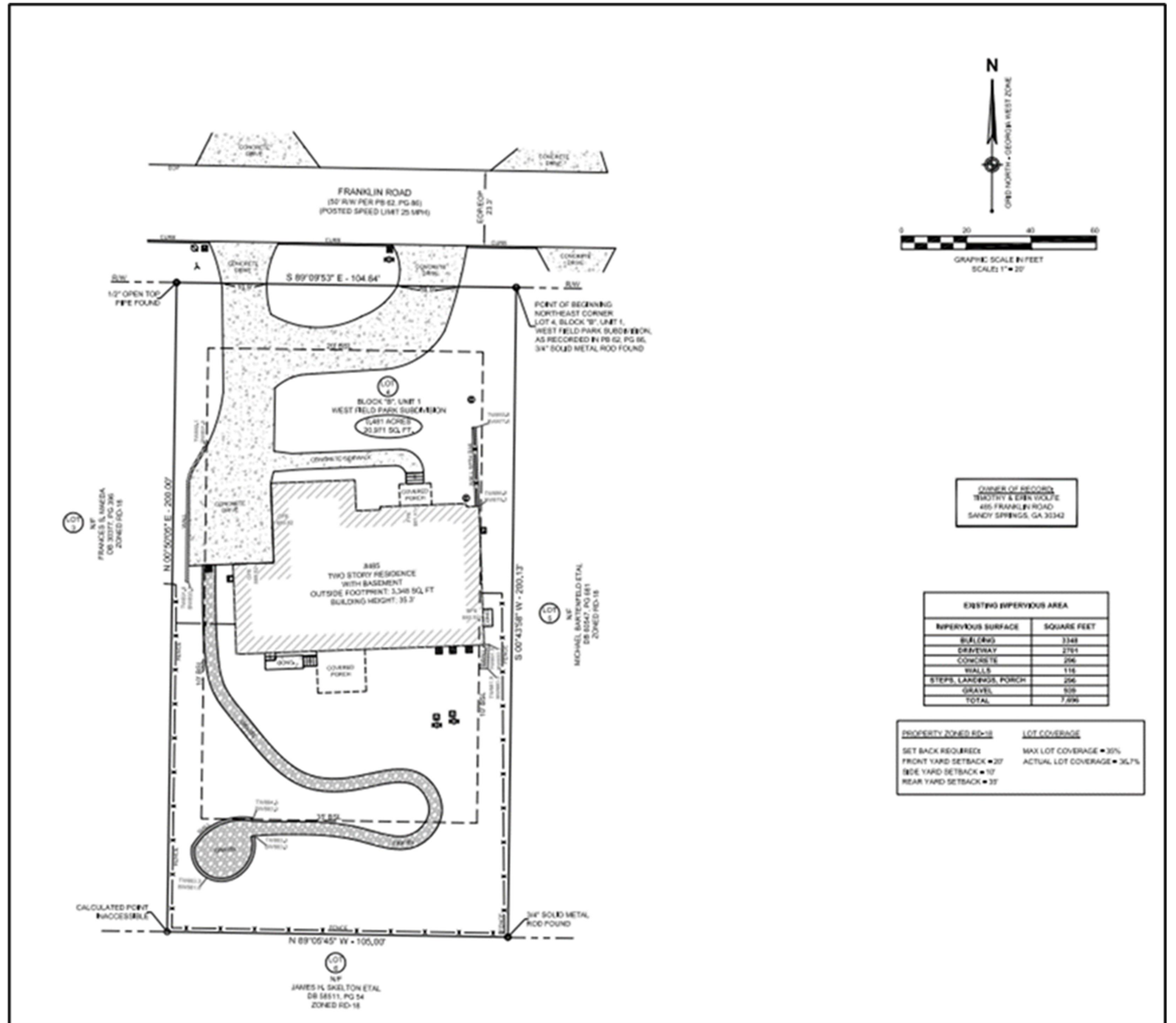
Zoning



Aerial Image



As-Built



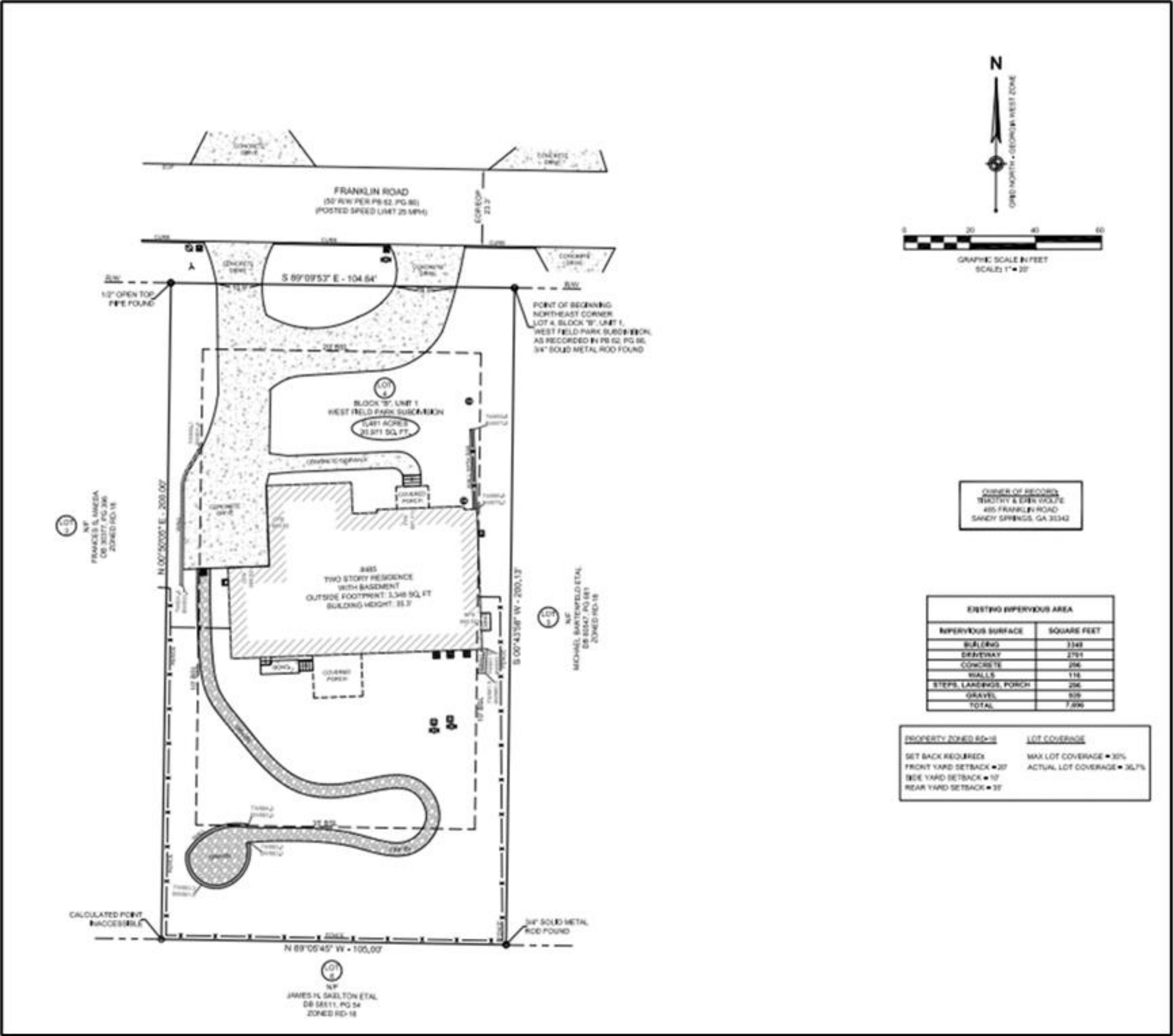
Existing Conditions

- The 0.48-acre subject property is zoned as RD-18 zoning (Residential Detached – 18,000 square feet minimum)
- Based on Fulton County records, the present homeowner acquired the property in 2020. The house, which was originally constructed in 1972, underwent a significant remodel in 2017.
- The two-story single-family home has a basement, a three-car garage, and two driveways.

Existing Development



As Built



Variance Request

- The existing development, which requires a variance from the Development Code, includes a second driveway where only one driveway is permitted.
- The existing development was constructed without a permit.
- 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.
- The subject property is located on Franklin Road with approximately 106 feet of road frontage, less than the minimum 130 feet as required by the code to allow for more the one driveway.

View facing northeast showing original driveway to Franklin Road with the additional driveway to the east (right)

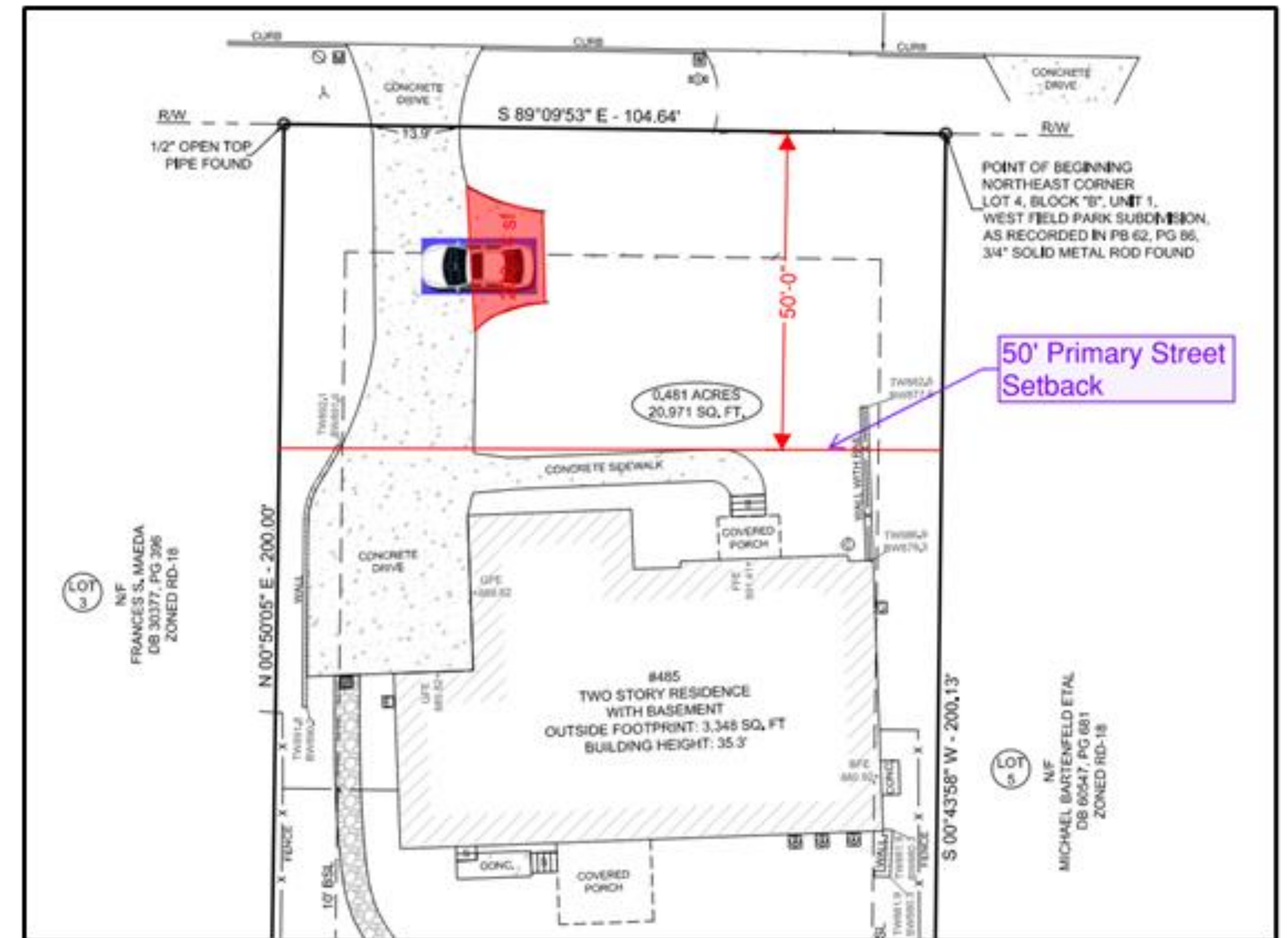


View facing west along Franklin showing the curb cut out of the additional driveway in the foreground and the curb cut of the main driveway in the background



Variance Considerations

- **The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;**
 - The typical rectangular shape lot is not unique, as a review of other properties in the area reveals that a single driveway is the standard practice.
 - Staff notes that the power pole to the west of the original driveway and the increase of the road elevation creates a sight visibility issue. Additionally, staff believes that relocating the new, unpermitted driveway would have likely been approved if the original driveway had been abandoned. A code compliant turnaround would have been more appropriate and improve the sight visibility issue.



Recommendation

- Staff recommends **Denial of Variance** V24-0019, a request for a variance from code section 6.5.2.A.1. to allow for a second driveway to remain constructed on a residential lot with less than 130 feet of frontage.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, August 7, 2024

Case: **V24-0020 – 6040 Riverwood Drive NW**
Staff Contact: LaQuita Williams (lwilliams@sandyspringsga.gov)
Report Date: June 21, 2024

REQUEST

Request for a variance from code section 9.4.2.G.3.a. to allow for grading and retaining walls to be placed within the 20-foot rear grading setback.

APPLICANT

Property Owners:	Petitioner:	Representative:
Chip and Katie Tinsley	Clark Harris	Clark Harris

RECOMMENDATIONS

Department of Community Development

Staff recommends **Denial** of **Variance** V24-0020

MATERIALS SUBMITTED AND REVIEWED

Materials and Plans

1. “6040 riverwood variance application” received on June 17, 2024
2. “Existing Conditions Survey” received June 17, 2024. Prepared for Innovative Design Build and stamped by Bene Butterworth
3. “Erosion Control Sit Plan” received June 17, 2024. Prepared for Innovative Design Build and stamped by Gregory L. Dean
4. “Tree Protection/Replacement Plan” received June 17, 2024. Prepared for Innovative Design Build and stamped by Susan Wright Keller
5. “Hardscape and Landscape Plan” received June 17, 2024. Prepared for Innovative Design Build and stamped by Susan Wright Keller

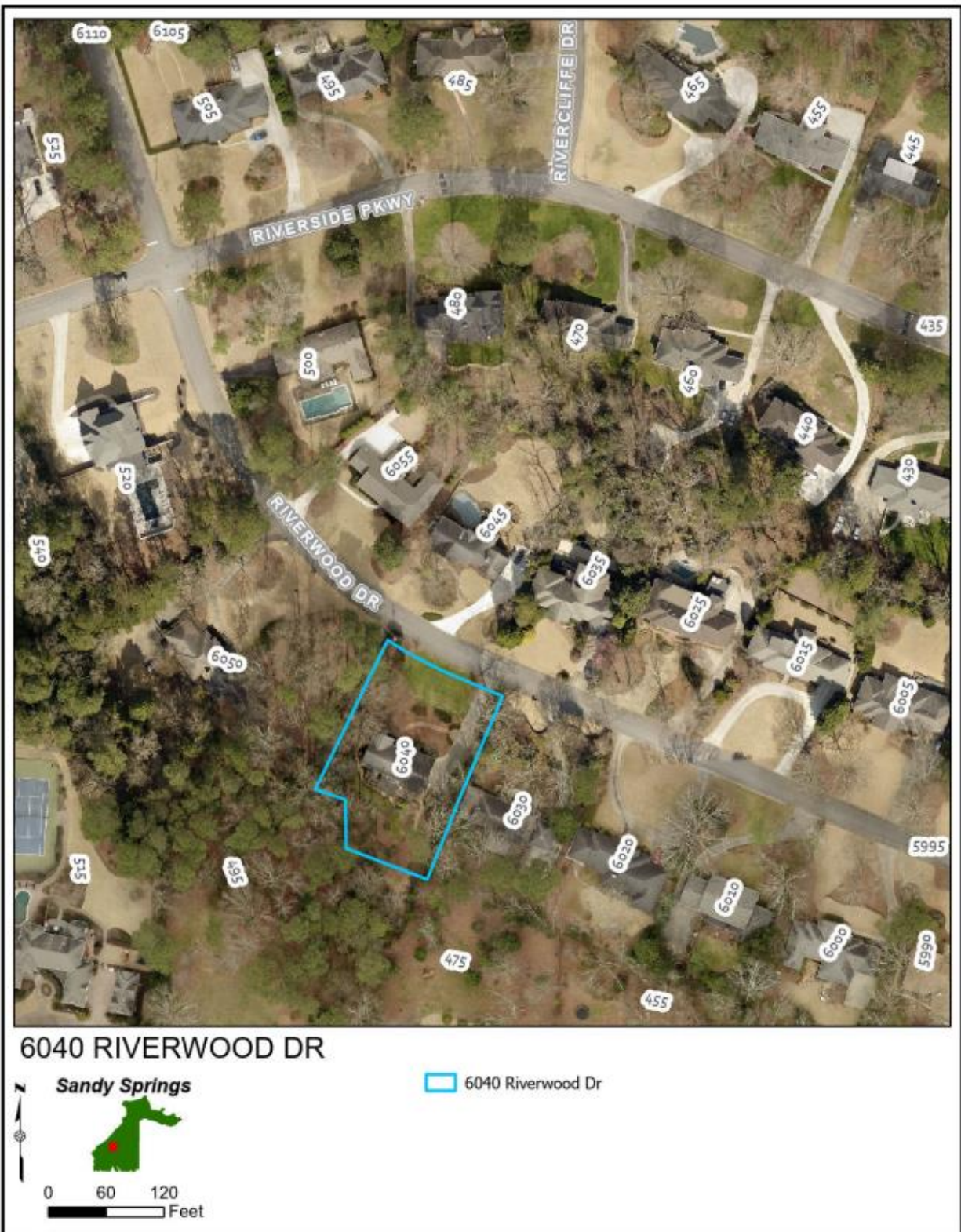
PROPERTY INFORMATION	
Location:	6040 Riverwood Drive NW (17 013200020409)
Council District:	3 – Melissa Mular
Neighborhood:	Rivershore Estates
Road frontage:	Approximately 133 feet along Riverwood Drive NW
Lot Depth	210 feet and greater
Acreage:	Approximately 0.59 acres
Current Zoning	RE-1 (Residential Estate – 1-acre minimum lot size)
Existing Land Use:	Single-Family detached
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	RE-1/Residential Estate	6045 Riverwood Drive NW	0.59 Acres
Northeast	RE-1/Residential Estate	6035 Riverwood Drive NW	0.57 Acres
East	RE-1/Residential Estate	6030 Riverwood Driver NW	0.56 Acres
South	RE-2/Residential Estate	475 Heards Ferry Road NW	1.78 Acres
Southwest	RE-2/Residential Estate	495 Heards Ferry Road NW	2.29 Acres
West	RE-1/Residential Estate	6050 Riverwood Drive NW	1.29 Acres
Northwest	RE-1/Residential Estate	6055 Riverwood Drive NW	0.51 Acres
PROPOSED DEVELOPMENT			
-	RE-2/Residential Estate	6040 Riverwood Drive NW	0.59 Acres

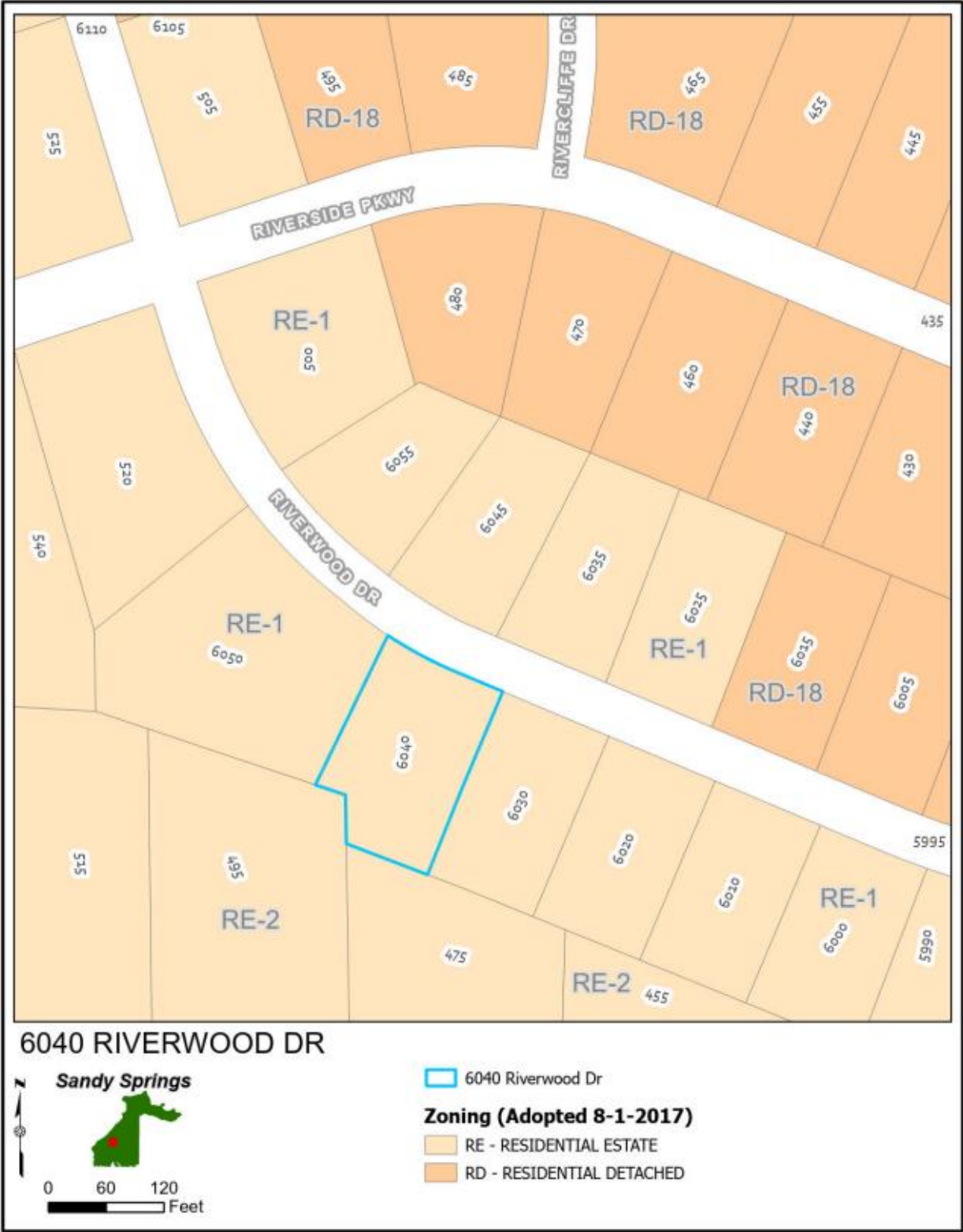
CHARACTER AREA MAP

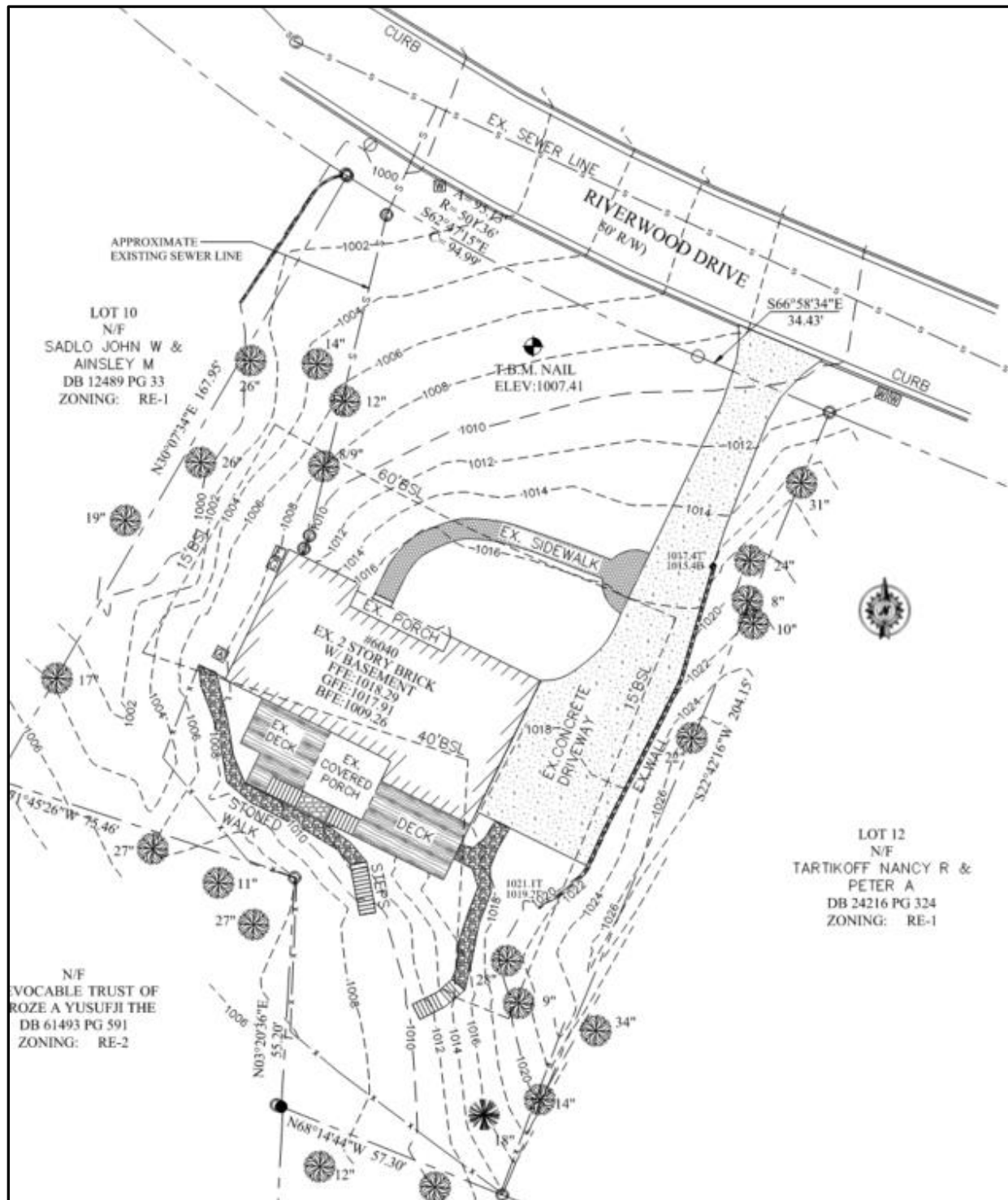


AERIAL IMAGE



ZONING MAP





EXISTING DEVELOPMENT

Based on Fulton County records, the present owners acquired the property in 2017 and the home was built in 1966. The subject property is designated as RE-1 zoning (Residential Estate – requiring a minimum lot size of 1 acre). The 0.59-acre subject property is equipped with a two-story single-family home with a basement, a two-car garage, two rear decks and a rear covered porch. Located within the Rivershore Estates neighborhood, the subject property is in the western portion of the City.

The house and driveway sit on a plateau and the rest of property slopes away from the home to the front, west side and rear of the parcel. The property to the east is higher which then slopes to the driveway. The home was built toward the rear most portion of the property and into the 40-foot rear setback.



View facing south of the front of home

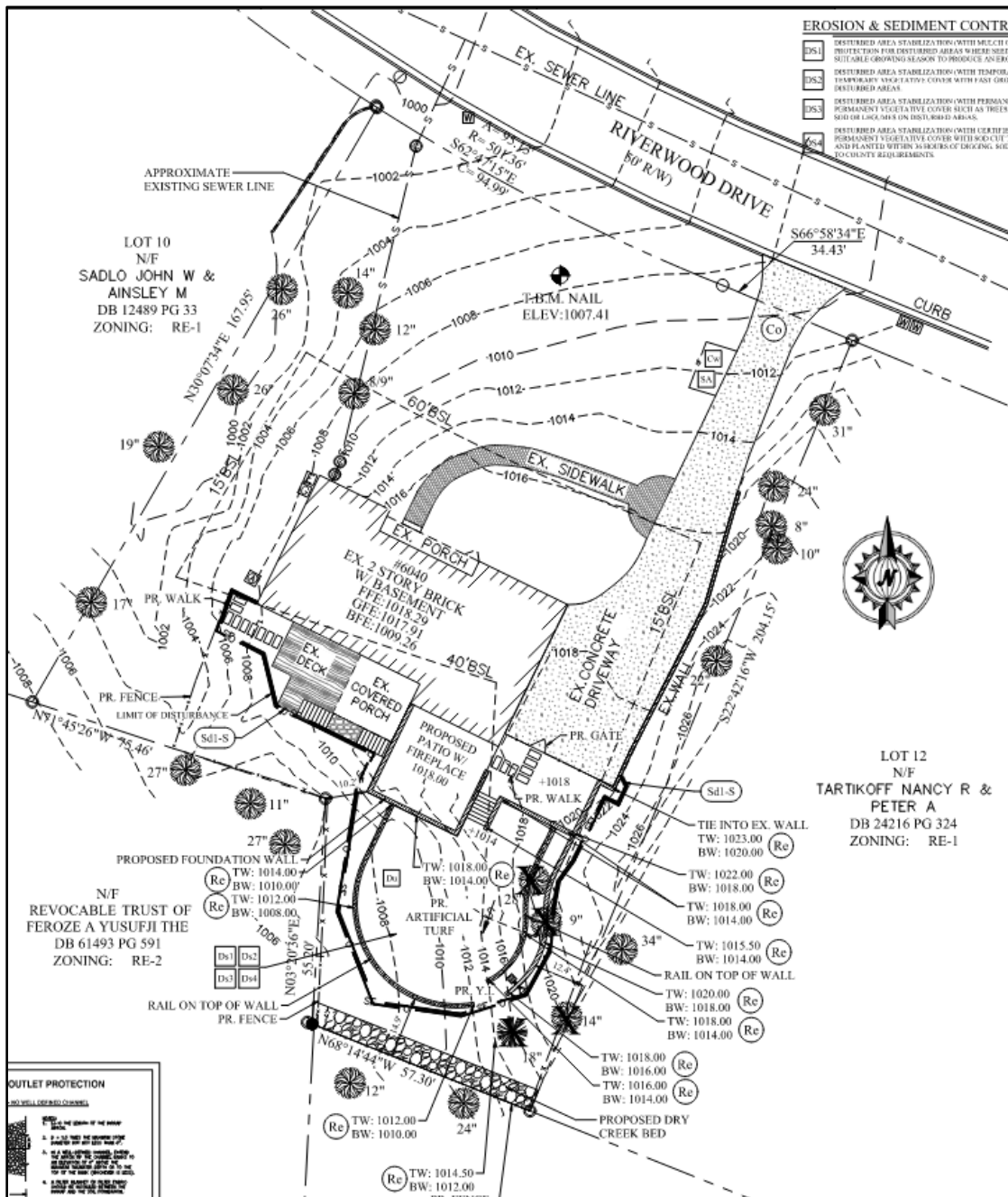


View facing north showing the rear of the home



View facing south of existing landscape and topography of rear yard

SITE PLAN (received June 14, 2024)





Location of proposal standing in rear yard facing Riverwood Drive



View of rear yard facing north



Image of rear yard facing south



Image of rear yard facing east

V24-0020 VARIANCE CONSIDERATIONS

Per Sec. 11.6.2. 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 variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;

Finding: The variance conflicts with the intent of the Development Code as the request would allow grading within 20 feet of the rear lot line and the 10-foot side grading setbacks on a lot in the Residential Estate district. Staff notes that a code compliant proposal can be accomplished for this property. The applicant seeks to exceed the code requirements to create this backyard.

b. The variance if granted will not be detrimental to the public safety, health or welfare of the public or injurious to other property;

Finding: The variance request as demonstrated on the site plan provided, will not be detrimental to the public safety, health nor welfare of the public or injurious to other property. On-site stormwater runoff must be maintained no adverse impact on adjacent property.

c. The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

Finding: The 0.59-acre lot is not typical for RE-2 properties in Sandy Springs. The trapezoidal shape of the rear corner of the subject property is unique. As previously mentioned, the house and driveway sit on a plateau and the rest of property slopes away from the home to the front, west side and rear of the parcel. The property to the east is higher which then slopes to the driveway. The home was built toward the rear most portion of the property and into the 40-foot rear setback. The placement of the home limits the size of the rear yard.

d. Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Finding: Staff believes that applying the Development Code would not pose a hardship. Strict adherence to grading setback requirements would allow the applicant to create a level backyard while also maintain stormwater runoff.

e. The variance requested is the minimum necessary to accomplish the development or building;

Finding: The property is developed with a two-story home and accessory structures. The applicants are seeking to exceed the minimum by grading to the property line to create a backyard. Abiding by the code can accomplish this with less impact.

f. In the case of an amendment to a buffer or setback required by this Code, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resources affected by the proposed development, should the variance be granted; and

Finding: The application included a proposed site plan that has not been reviewed for stormwater compliance. This type of review occurs during permit process subject to variance approval. The applicant must maintain drainage patterns.

g. Such conditions are not the result of action or inaction of the current property owner;

Finding: The existing physical conditions of the property are not the direct result of action or inaction of the property owners; the applicant proposes to grade and install retaining walls in the setbacks.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs City Engineer:

Alternate plans can be developed that would not require grading within 20 feet of the rear property lines for the proposed work.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Urban Forest Coordinator:

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 V24-0020, a request for a variance from code section 9.4.2.G.3.a. to allow for grading and retaining walls to be placed within the 20-foot rear grading setbacks. If the Board chooses to approve, Staff recommends the following condition: 1. The applicant must comply with other relevant code sections except as requested. 2.

Board of Appeals

August 7, 2024



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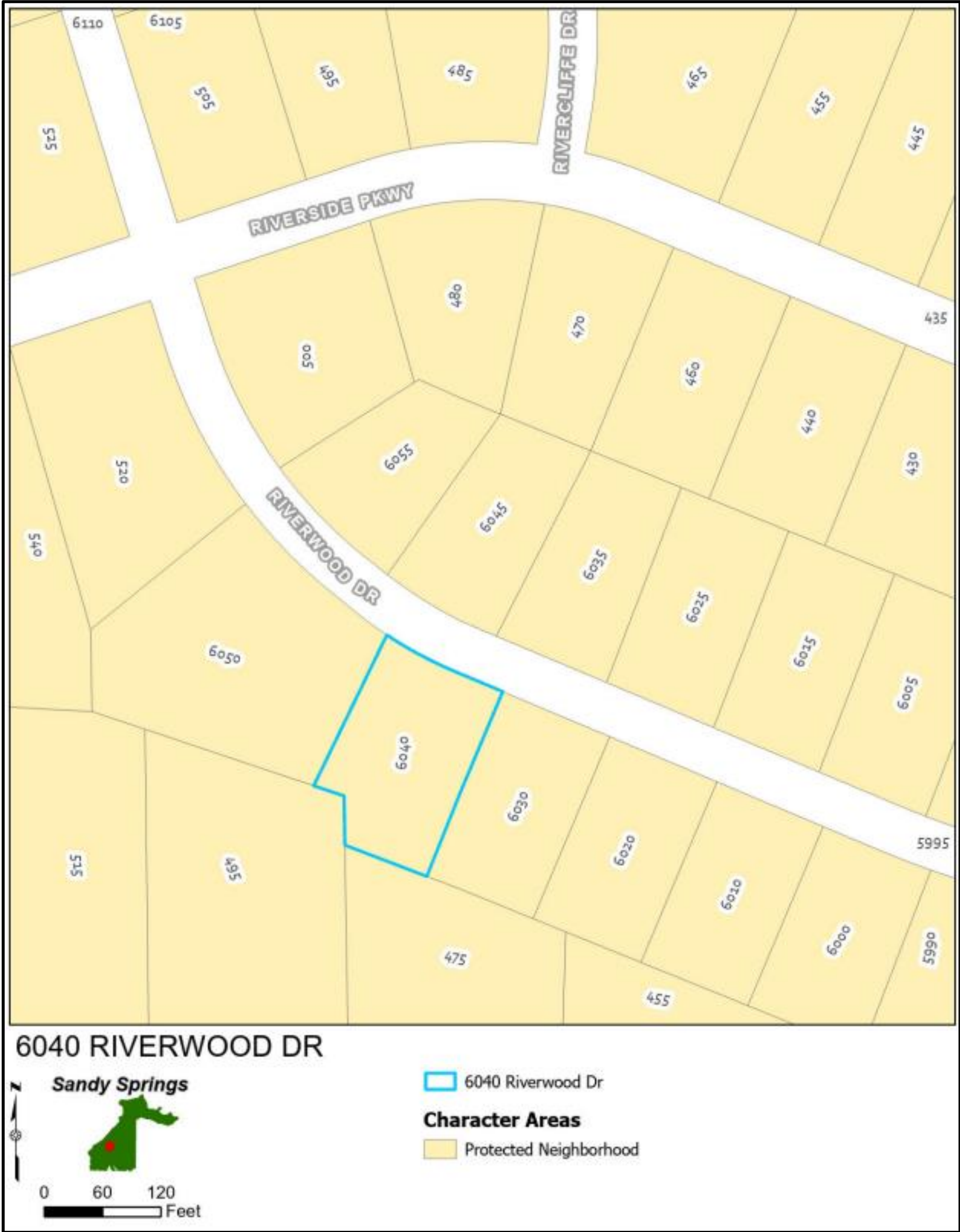
V24-0020
6040 Riverwood Drive

STAFF RECOMMENDATION:
DENIAL

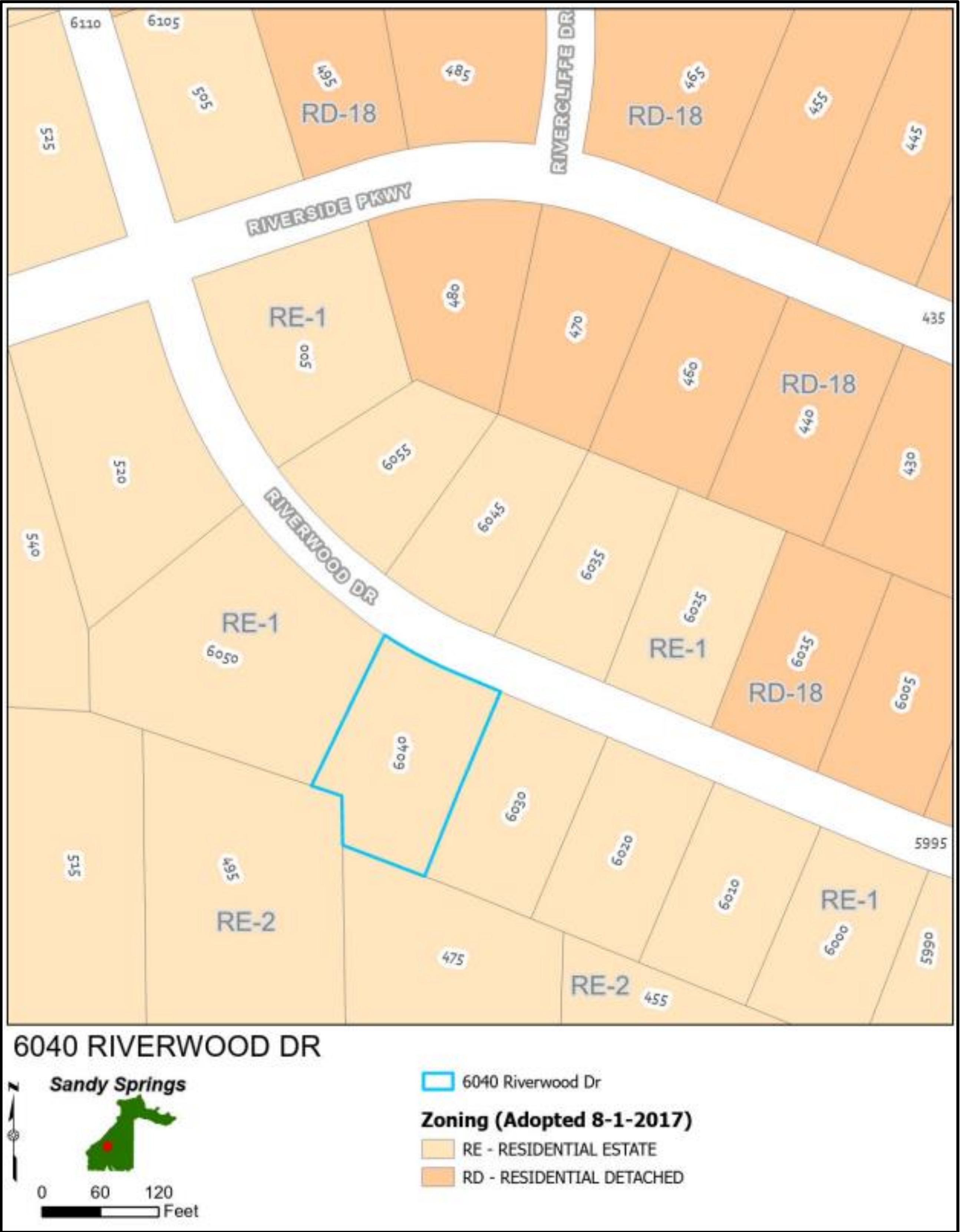
Request

Request for a variance from code section 9.4.2.G.3.a. to allow for grading and retaining walls to be placed within the 20-foot rear grading setback.

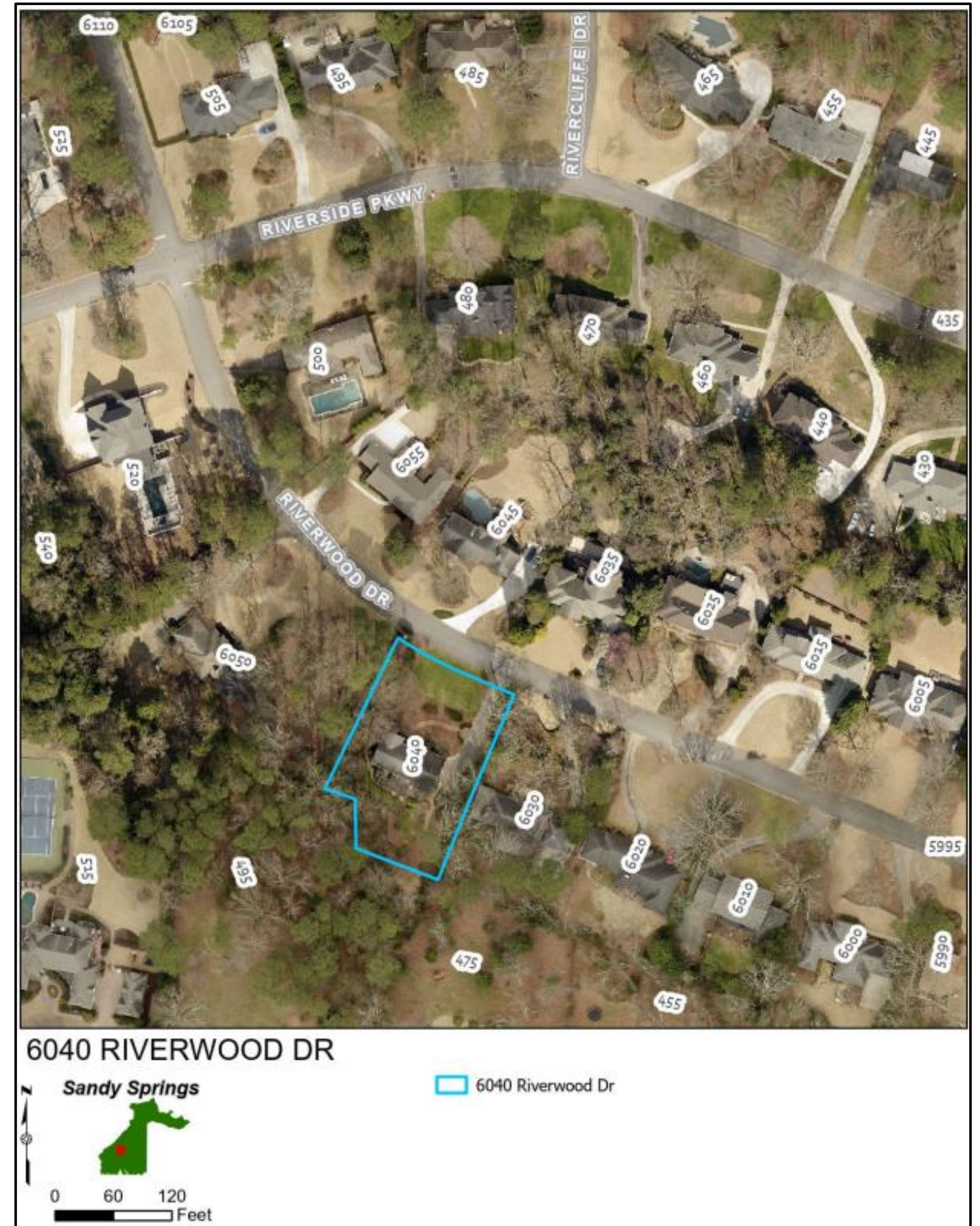
Character Area Map



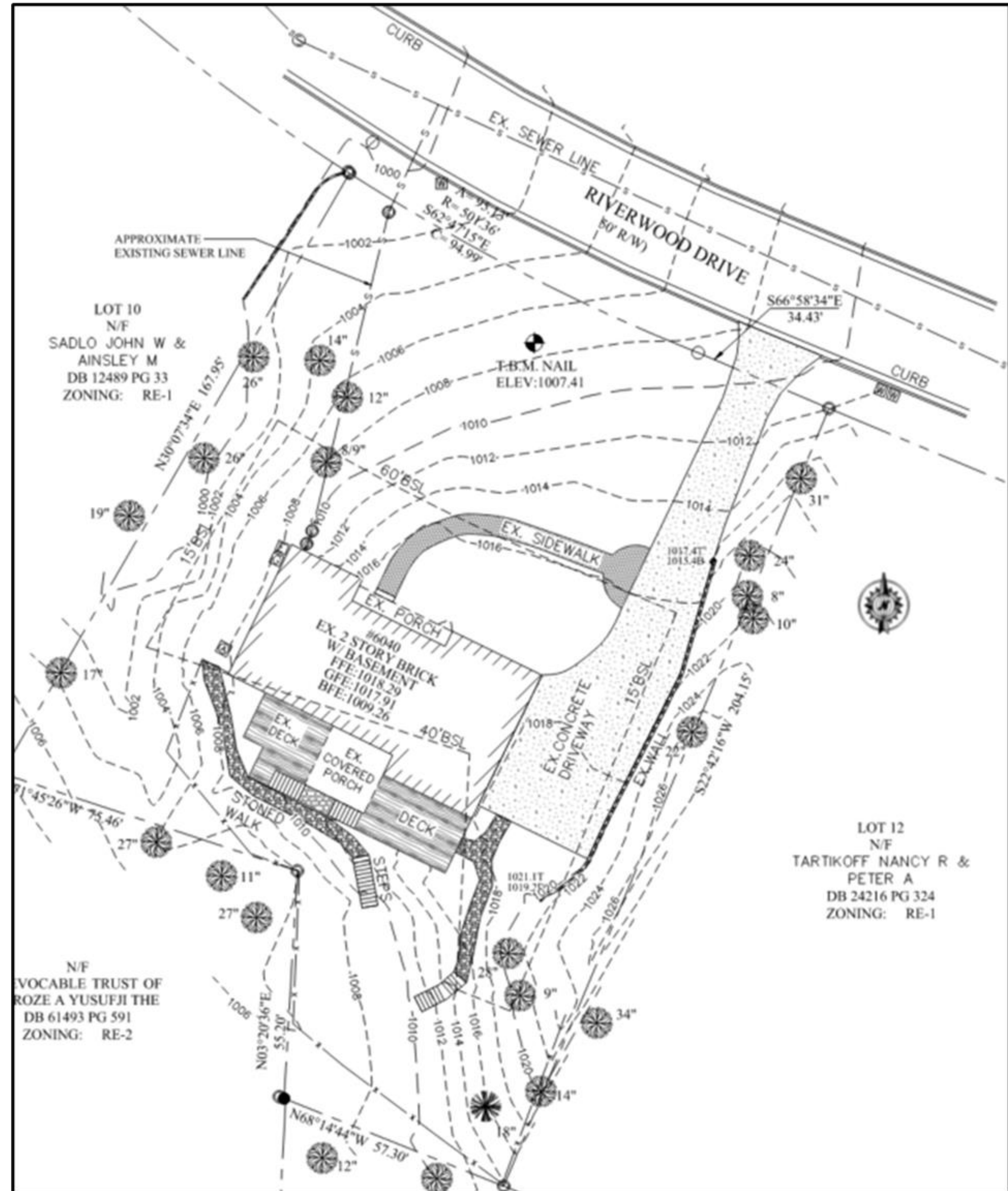
Zoning Map



Aerial Image



Survey



Existing Conditions

- Based on Fulton County records, the present owners acquired the property in 2017 and the home was built in 1966.
- The 0.59-acre subject property is zoned as RE-1 which is half the size of the one-acre requirement.
- The two-story home has a basement, a two-car garage, two rear decks, and a rear covered porch.
- The home was built toward the rear most portion of the property and into the 40-foot rear setback.
- The parcel is located within the Rivershore Estates neighborhood.
- Topography - The house and driveway sit on a plateau and the rest of property slopes away from the home to the front.

Existing Conditions



View facing south of the front of the home



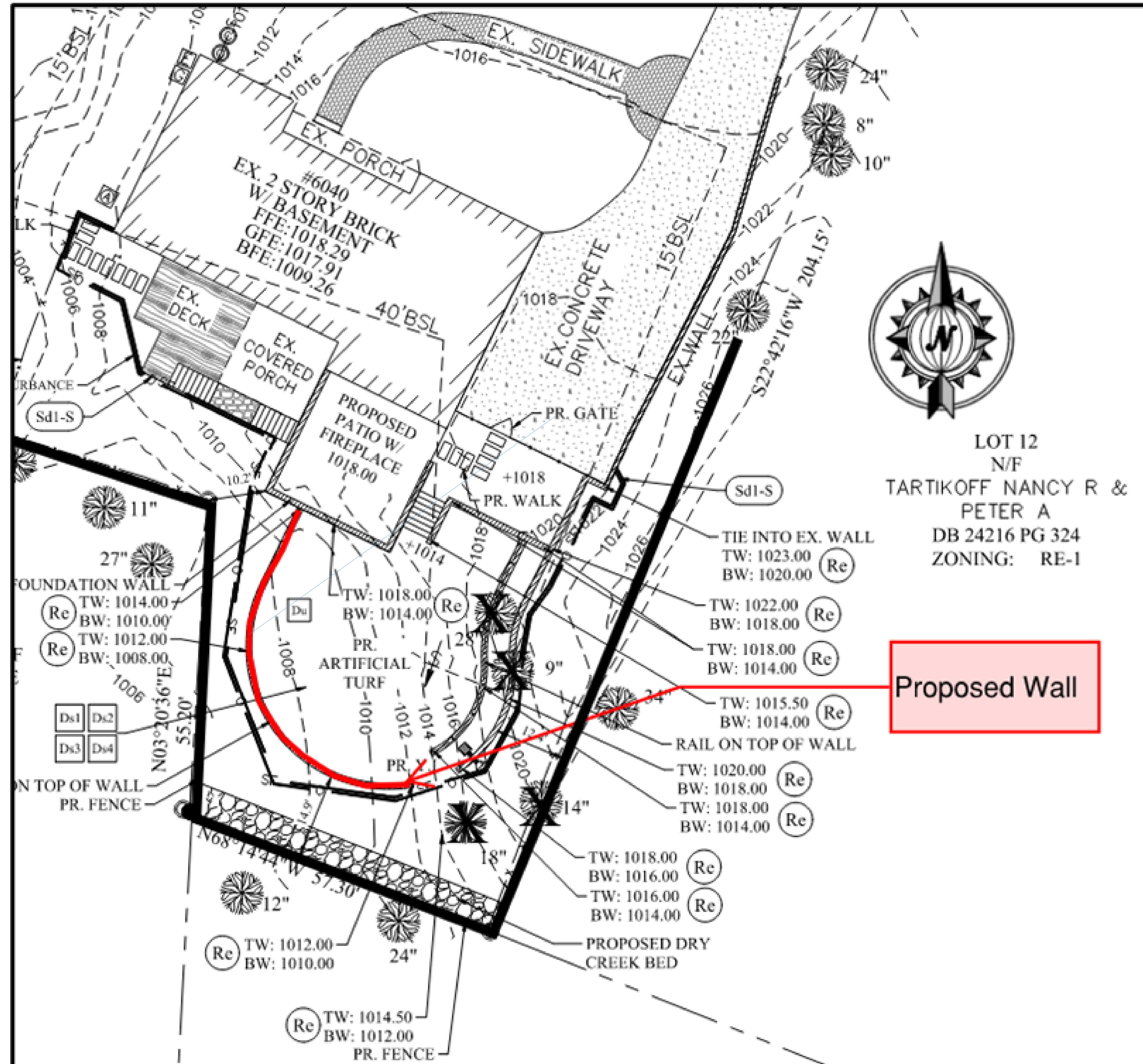
View facing north showing the rear of the home

Existing Conditions



*View facing south
showing existing
landscape and
topography of rear
yard*

Site Plan



Proposed Development



View of rear yard facing north

Proposed Development

- The proposed development includes grading and installing retaining walls within the 20-foot rear grading setback.
- The homeowners have requested to improve the southeast portion of the home to utilize the rear corner to modify and improve their backyard.
- Per the Sandy Springs Development Code, Section 9.4.2.G.3.a. Natural Grade Protection Standards – Rear Grading Setback – In all RE-districts, no grading is allowed within 20 feet of the rear lot line.

Variance Considerations

Variances will only be granted upon showing that:

- **The variance request would not result in negating the general intent of this Development Code or with the Comprehensive Plan policies;**
 - Staff notes that a code compliant proposal can be accomplished for this property. The applicant seeks to exceed the code requirements to create this backyard.
- **The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;**
 - The house and driveway sit on a plateau and the rest of property slopes away from the home to the front, west side and rear of the parcel.
- **Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**
 - Strict adherence to grading setback requirements would allow the applicant to create a level backyard while also maintain stormwater runoff.

Recommendation

- Staff recommends **Denial of Variance** V24-0020, a request for a variance from code section 9.4.2.G.3.a. to allow for grading and retaining walls to be placed within the 20-foot rear grading setback. If the Board chooses to approve, Staff recommends the following condition:
 - The applicant must comply with other relevant code sections except as requested.