



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, February 3, 2021

Case: **V20-0042 – 960 Edgewater Drive NW**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: January 14, 2021

REQUEST

Request for a Variance from Sec. 2.3.2. to allow for a home addition and front porch to encroach into the primary street building setback at 960 Edgewater Drive NW.

APPLICANT

Property Owner: Stewart Teegarden	Petitioner: Stewart Teegarden	Representative: N/A
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SUMMARY

The Applicant requests a Variance to allow for a home addition to encroach 29 feet into the 60' primary street building setback and a front porch to encroach an additional 7 feet beyond the home addition. The existing residence encroaches into a drainage easement and the primary street building setback. The purpose of this request is to move the home out of the easement and construct the addition to encroach a similar amount into the primary street building setback as the existing home does.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance** V20-0042.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received November 20, 2020

Plans:

1. "Site Plan," prepared by Flippo Civil Design, dated November 9, 2020, received November 20, 2020

The following images show the existing conditions of 960 Edgewater Drive NW.



Front of home, view from the street



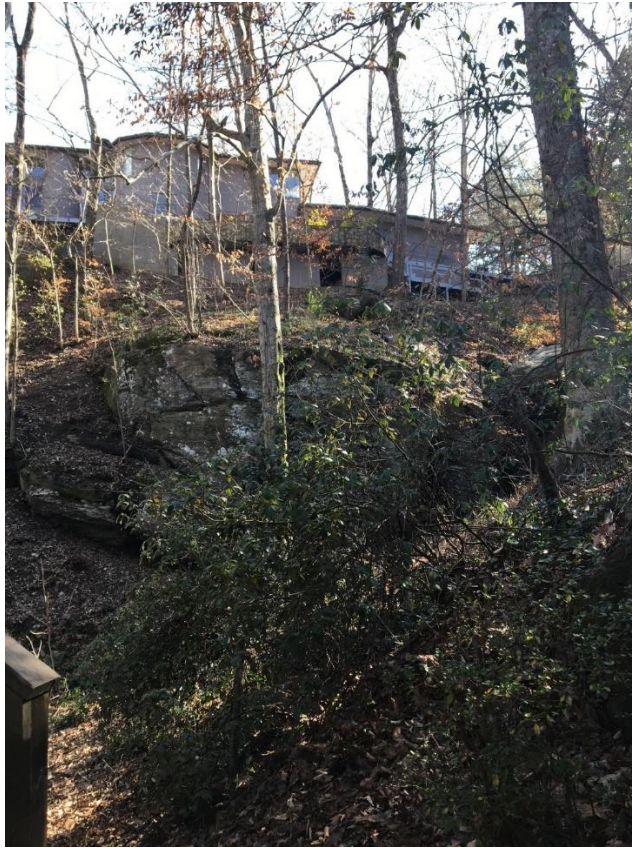
Front of home, view from front yard



View of backyard



View of culvert and backyard



View of cliff in the rear yard



View of cliff in side yard

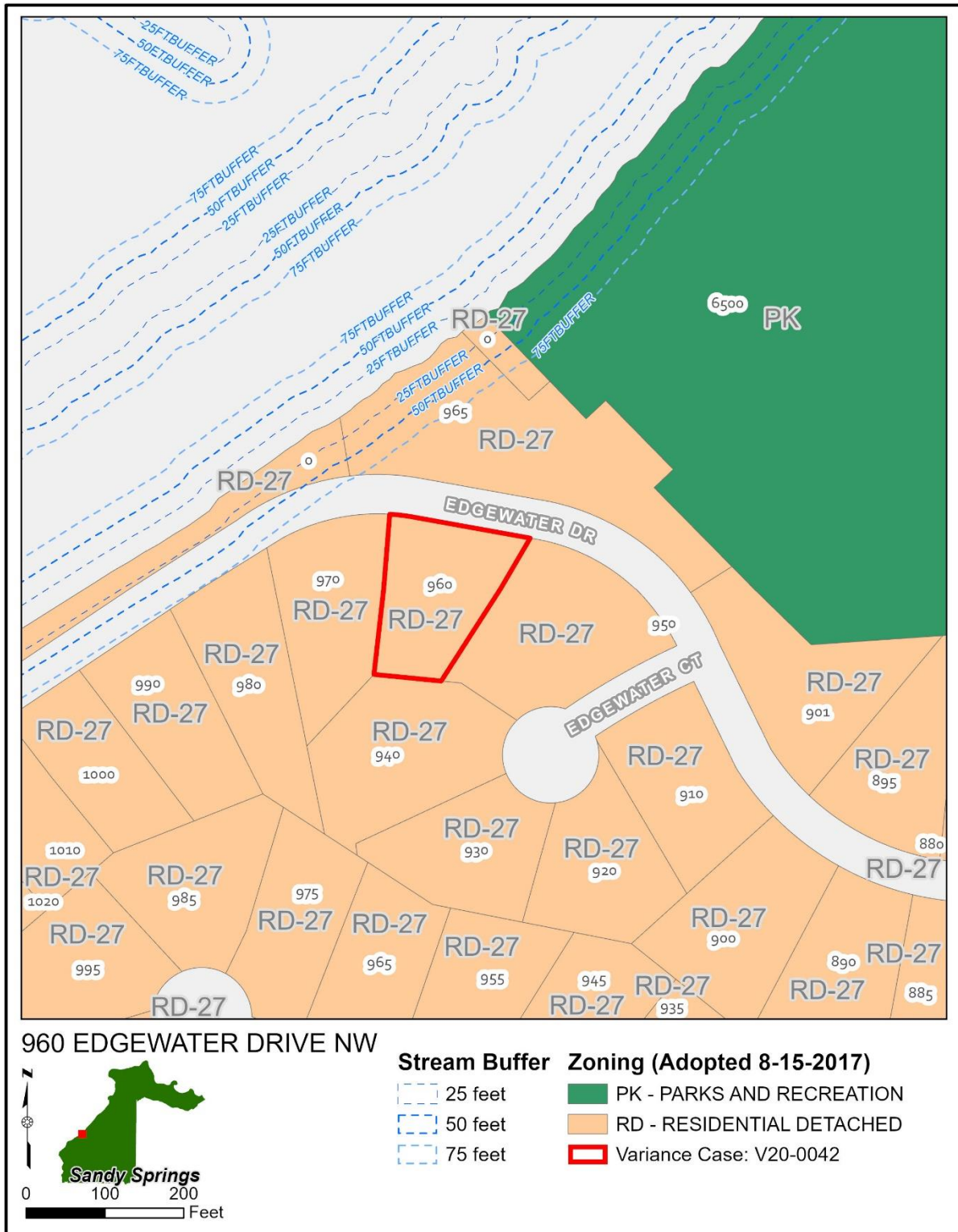
(All photographs by Madalyn Smith, January 15, 2021)

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	RD-27 / Single Unit Detached Residence	965 Edgewater Drive NW	1.67
East	RD-27 / Single Unit Detached Residence	950 Edgewater Drive NW	0.89
South	RD-27 / Single Unit Detached Residence	940 Edgewater Court NW	1.20
West	RD-27 / Single Unit Detached Residence	970 Edgewater Drive	0.70
PROPOSED DEVELOPMENT			
--	RD-27 / Single Unit Detached Residence	960 Edgewater Drive NW	0.69

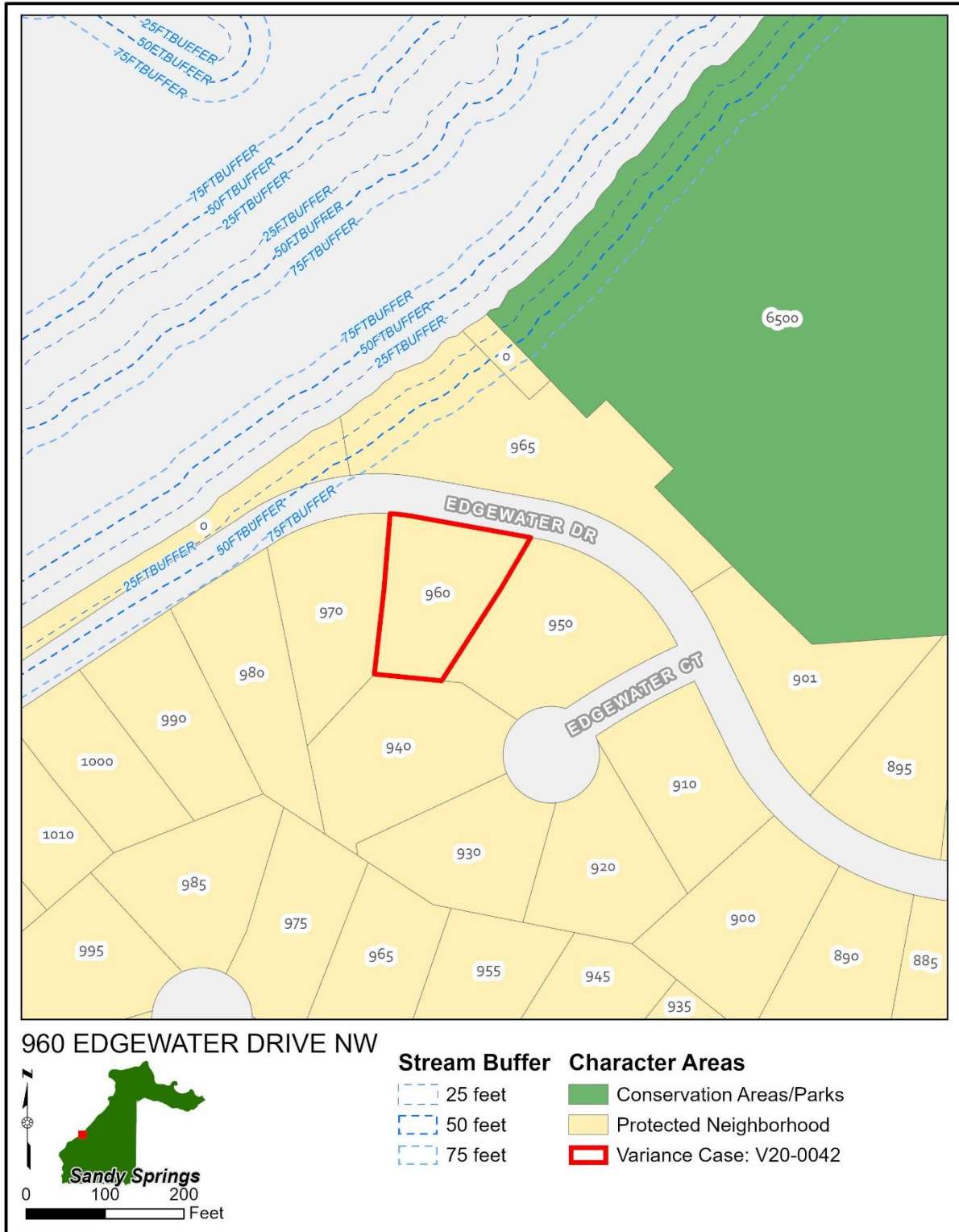
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.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***
 - 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 subject property has significant challenges due to extreme topography and the location of the existing structure. Directly behind the home is a rocky cliff. This topography reduces the buildable area by approximately 70% (see the figure below). The Applicant proposes to demolish only the portion of the house that encroaches into the drainage easement (See Figure 1.), and there is not a suitable location within the buildable area for new construction. Due to the topography and the location of the existing home, a hardship is considered to exist onsite.

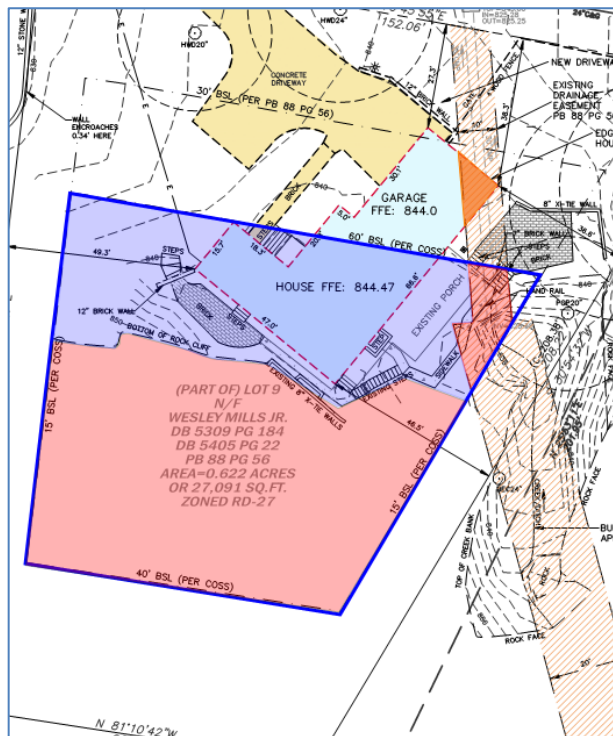


Figure 1. Survey showing the buildable area in blue and the unbuildable area in red. The portion of the home currently encroaching into the drainage easement is in orange.

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 existing lot and house predate the City's Development Code. This property received a variance at the time of construction to allow the home to be built with a 30-foot primary street setback. The original builder also constructed the home within the drainage easement. These conditions were existing at the time the home was purchased last year, so such conditions are not the result of action or inaction of the current property owner.

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

Finding: The proposed addition reduces the amount of encroachment into the primary street building setback, as well as the amount of impervious surface onsite. The Applicant proposes to shift the home slightly so that it is outside of the drainage easement but maintain a similar footprint to what is existing. Due to the constraints of the topography, there is not a viable alternative that meets the required 60-foot primary street setback. Therefore, Staff finds the proposal to be 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: The subject property is located in the Chattahoochee River Corridor, which discourages land disturbance and impervious surfaces. Allowing the requested encroachment into the primary street building setback would minimize land disturbance and reduce the amount of impervious surface. Additionally, the proposed addition would improve the property by removing a potentially dangerous encroachment into the drainage easement. For this reason, Staff believes this proposal would benefit the public good.

COMMENTS FROM OTHER PARTIES

Sandy Springs Building Official:

Since the building addition is within 10-feet of the buried pipe, any foundations shall be supported on helical piers that extend below the bottom elevation of the buried pipe. All structural modification shall require a structural engineer design and sealed drawings.

Correspondence Received:

No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval** of **Variance V20-0042**, request for a Variance from Sec. 2.3.2. to allow for a home addition and front porch to encroach into the primary street building setback at 960 Edgewater Drive NW, subject to the following conditions:

1. That the encroachment be limited to that shown on the “Site Plan,” prepared by Flipppo Civil Design, signed and sealed by Paul Flipppo, PE., dated November 9, 2020, received November 20, 2020.
2. That the lot coverage be limited to that shown on the “Site Plan,” prepared by Flipppo Civil Design, signed and sealed by Paul Flipppo, PE., dated November 9, 2020, received November 20, 2020.
3. Any foundations shall be supported on helical piers that extend below the bottom elevation of the buried pipe. All structural modification shall require a structural engineer design and sealed drawings.

Received:
11/20/2020
City of Sandy Springs
Community Development Department



VARIANCE APPLICATION

(Excludes Stream Buffer Variances)

Application Checklist:

Page No.	Item	Completed/ Included in Submittal
1	Project Information Sheet	☐
2-3	Detailed Process and Instructions	N/A
4-5	Authorization Forms	☐
6	Letter of Intent	☐
6-7	Variance Analysis	☐
7	Chattahoochee River Corridor Certificate	☐ or N/A ☐
7-8	8½" x 11" copy of Survey	☐
7-8	8½" x 11" copy of Site Plan	☐
7-8	11" x 17" copy of Survey	☐
7-8	11" x 17" copy of Site Plan	☐
7-8	Two (2) full-scale copies of Survey	☐
7-8	Two (2) full-scale copies of Site Plan	☐
7	8½" x 11" copy of Legal Description (must be in Word format)	☐
	11" x 17" copy of Elevations and/or Sections	☐ or N/A ☐
9	Meeting Schedule	N/A
9	Fee Schedule	N/A
10	Sign Specifications	N/A
9	Fee Payment	☐
	All documents in electronic form (jump drive)	☐

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: _____

Received:
11/20/2020
City of Sandy Springs
Community Development Department



SANDY SPRINGS™
GEORGIA

Case No.: _____
Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 960 Edgewater Drive NW	
	Parcel Tax ID: 17-0171-0002-024-5	
	Land Lot(s): 9	Land District(s): 17
	Total acreage: 0.622	Council district:
	Current zoning: RD-27	Current use: residential
	Character Area:	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	Re: 60' setback for R-27 Article 2Div.2.3, Section 2.3.2	
	Home was built to an original deeded 30' setback. most of the existing home is within the 60' setback referenced above. Part of the home is built on a storm easement. We are proposing to remove the portion of home above the storm easement and build back portion in compliance with 30' setback but within 60' due to unbuildable nature of steep grade at remaining area of site. variance to 60' setback is being requested due to hardship.	
	Petitioner: Stewart Teegarden (homeowner)	
	Petitioner's address:	
	960 Edgewater Drive	
	Phone: [REDACTED]	

OWNER	Property owner: Stewart Teegarden	
	Owner's address: 960 Edgewater Drive	
	Phone: [REDACTED]	
	Signature (authorizing initiation of the process): 	
If the property is under contract, provide a copy of the contract		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	

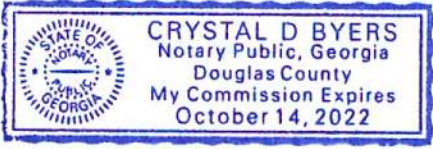


SANDY SPRINGS

GEORGIA

AUTHORIZATION FORM – PART I

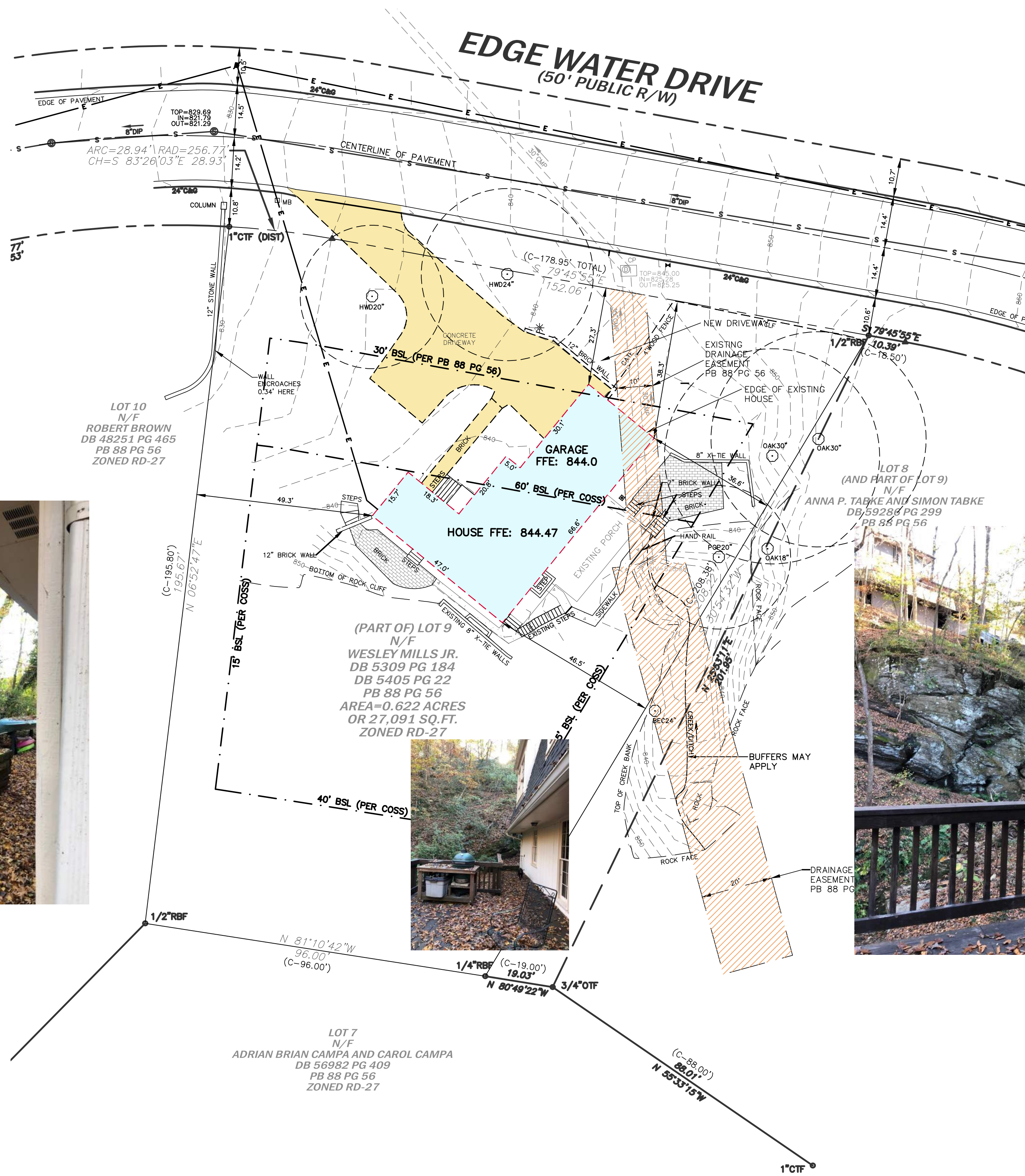
A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: Stewart Teegarden	Sworn and subscribed before me this
Address: 960 Edgewater drive NW	<u>30th</u> day of <u>October</u> 20 <u>20</u>
City, State, Zip Code: Atlanta, GA 30328	Notary public: <u>Crystal D. Byers</u>
Email address: [REDACTED]	Seal:
Phone number: [REDACTED]	
Owner's signature: <u>[Signature]</u>	Commission expires: <u>Oct. 14, 2022</u>

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

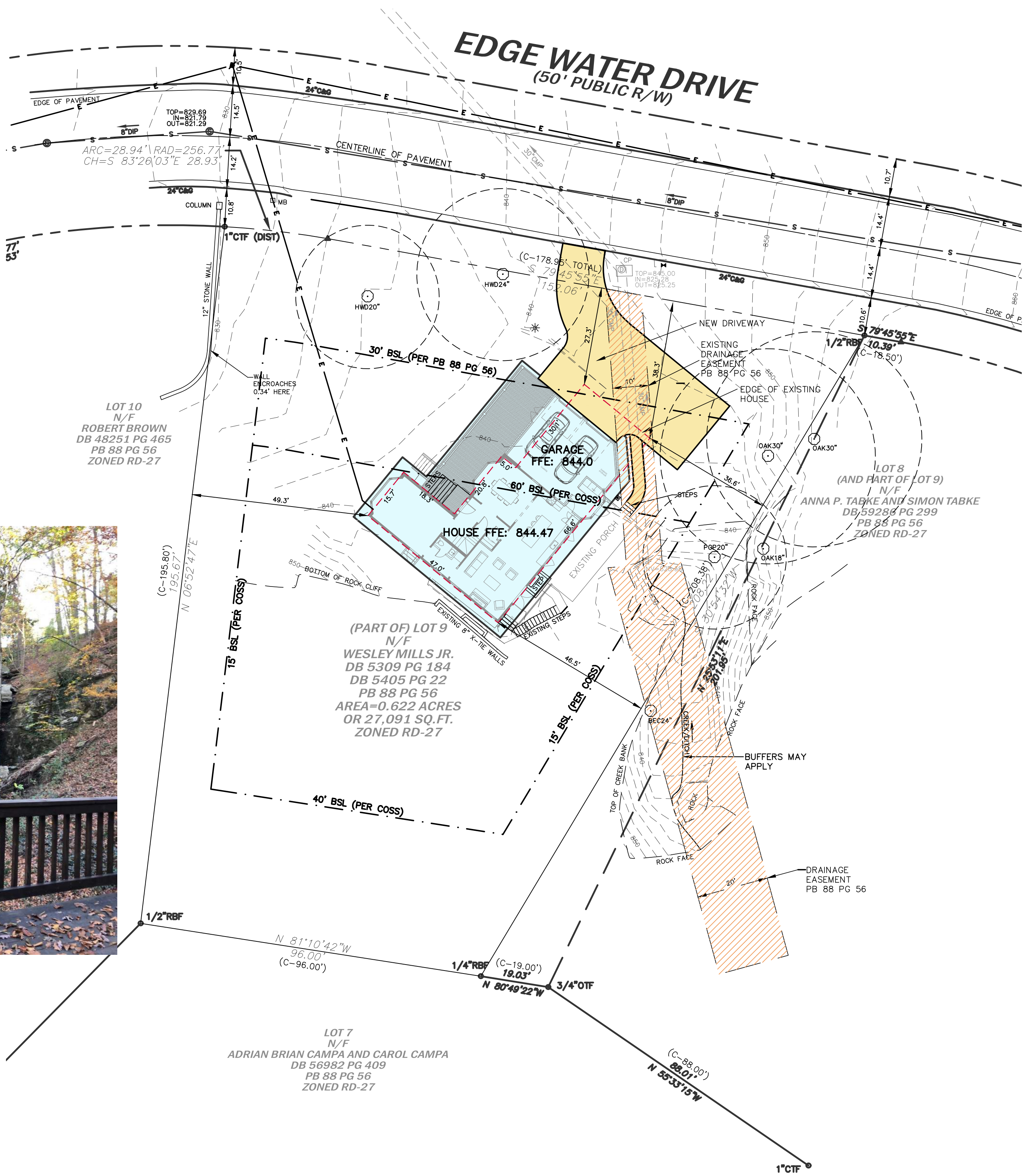
Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or	
☐ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or	
☐ He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this
Company name:	_____ day of _____ 20 _____
Address:	Notary public: _____
City, State, Zip Code:	Seal:
Email address:	
Phone number:	
Applicant's signature:	
Commission expires: _____	



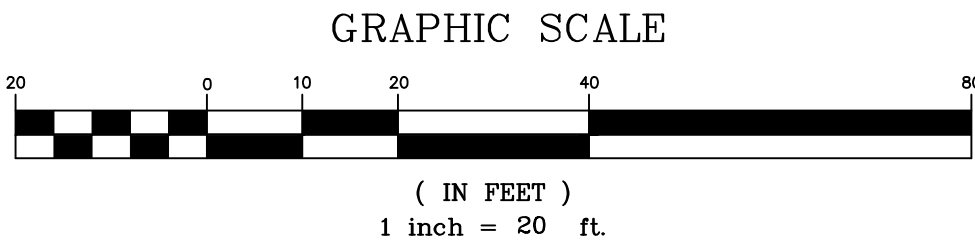
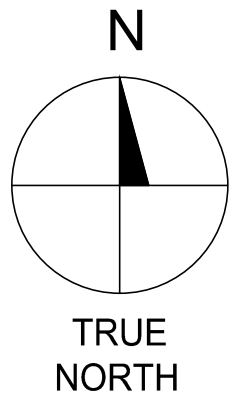
EXISTING SITE (5,741 SF COVERAGE, 21.1%)

LEGAL DESCRIPTION: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1074 OF THE 16TH LAND DISTRICT, 2ND SECTION, CITY OF MARIETTA, COBB COUNTY, GEORGIA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF CAMPBELL HILL STREET (R/W VARIES) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET (R/W VARIES).THENCE ALONG THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET THE FOLLOWING COURSES AND DISTANCES, SOUTH 87 DEGREES 31 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 149.08 FEET TO A 1/2" OPEN TOP PIPE FOUND; THENCE SOUTH 01 DEGREES 21 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 4.11 FEET TO A 1/2" IRON PIN SET AT THE INTERSECTION OF THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET AND THE REQUIRED SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET; THENCE ALONG THE REQUIRED SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET THE FOLLOWING COURSES AND DISTANCES, NORTH 87 DEGREES 22 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 50.39 FEET TO A POINT; THENCE SOUTH 89 DEGREES 50 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 36.68 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 113.00 FEET AND AN ARC LENGTH OF 36.57 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 80 DEGREES 34 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 36.41 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 33.00 FEET AND AN ARC LENGTH OF 31.56 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 43 DEGREES 54 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 30.37 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 113.00 FEET AND AN ARC LENGTH OF 37.58 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 06 DEGREES 58 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 37.40 FEET TO A POINT; THENCE NORTH 89 DEGREES 37 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 0.80 FEET TO A POINT AT THE INTERSECTION OF THE REQUIRED SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET AND THE EASTERLY RIGHT-OF-WAY LINE OF CAMPBELL HILL STREET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF CAMPBELL HILL STREET, NORTH 00 DEGREES 22 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 73.32 FEET TO A RAILROAD SPIKE FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF CAMPBELL HILL STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WHITCHER STREET, SAID RAILROAD SPIKE BEING THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINS 0.032 ACRES OR 1,376 SQUARE FEET.



PROPOSED SITE (4,937 SF COVERAGE, 18.2%)



STIPULATION FOR USE AND REUSE

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OWNER INFO

STEWART TEEGARDEN
STEEGARDEN@GAYCONSTRUCTION.COM
404.886.7310

SEAL


028608

CIVIL ENGINEER

FLIPPO CIVIL DESIGN

PAUL FLIPPO
1711 W. WILSON STREET, N.E.
ATLANTA, GEORGIA 30309
C-404.293.9940
E-PAUL@FLIPPCCIVIL.COM

960 EDGEWATER DRIVE

SINGLE FAMILY HOME RENOVATION AND SITEWORK
LAND LOT 174, 17TH DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA

MARK	DATE	DESCRIPTION
INITIAL	11/09/20	PLANNING
1	-	-
2	-	-
3	-	-
4	-	-

SITE PLAN

NOT RELEASED FOR CONSTRUCTION

C1.0

960 Edgewater Drive

Variance Application Letter of Intent

November 13,2020

Article 2 division 2.3 section 2.3.2 of the Sandy Springs, GA development code requires a primary street setback of 60' minimum for R-27 zoning. The home was built in 1970 compliant with the plat book setback of 30' and significant portion of the existing home encroaches the 60' City of Sandy Springs setback requirement. We are proposing to alter the existing footprint of the home, remove part of the home that currently encroaches a drainage easement, and reconstruct that portion of the home off the drainage easement, behind the original 30' setback as currently constructed. A variance is being requested to comply with the previous 30' deeded setback instead of the current 60' setback requirement.

The home is an existing two story with basement. The existing footprint is 2,060sf. The proposed modified footprint is 1,985sf and no longer encroaches on the existing drainage easement. The existing impervious is 5,741 SF or 21.1%. the proposed impervious is 4,937 SF or 18.2%.

The purpose of the proposed project is to remove the portion of the home that is currently constructed on a drainage easement. Removing this portion of the home without building the small addition proposed would cause the garage and living space of the home to be non-functional. Completely demolishing the home and building back behind the 60' setback is not viable due to excessively steep grade and stream buffers. The proposed development with partial demolition in the storm easement area, partial addition (requiring a variance to the 60' setback) and an overall reduction of impervious surfaces is the most viable option.

960 Edgewater Drive

Variance Analysis

November 13, 2020

Variance requested to comply with original deeded 30' setback instead of Article 2 division 2.3 section 2.3.2 of the Sandy Springs, GA development code which requires a primary street setback of 60' minimum for R-27 zoning.

This Variance is requested due to extraordinary and exceptional conditions of the size, shape, and topography of the existing property and encroachment of the existing home on a storm easement. The home was built in 1970 compliant with the plat book setback of 30' and significant portion of the existing home encroaches the 60' City of Sandy Springs setback requirement. The portion of the home that encroaches a storm easement contains a garage with living space above. To maintain functionality of these spaces, a small addition to the front of the existing home is proposed. The entire existing garage with living space above is in the 60' setback as the lot is in a curve in the street and the home does not directly face the street. The proposed development removes approximately 180sf of the existing home footprint and adds approximately 110sf to the existing home footprint, both of which are completely in the 60' setback. A variance for this setback will enable removal of the existing storm easement encroachment and provide clear title of the home. The area of proposed modifications is the only feasible area for a garage with access to the street in the home. The remaining portion of the lot is not accessible for a garage and not buildable due the excessive uphill grade. The proposed development with partial demolition in the storm easement area, partial addition (requiring a variance to the 60' setback) and an overall reduction of impervious surfaces is the most viable option.

The conditions are not the result of an action or inaction of the current property owner. The current property owner purchased the property in July 2020.

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The requested variance is for the proposed addition to be in compliance with the original setback that the house was originally built in compliance with. Even with the variance, the proposed development or addition is less in square footage than the area of the existing footprint that is being proposed to remove.

The variance request will result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. The overall reduction of impervious surface promotes conservation of land and natural resources. The proposed development addition requesting variance for will allow for preservation of the tree canopy which exists mostly in the steep dense wooded unimpacted portion of the property. The proposed variance will allow for removal of current encroachment to the current public drainage easement. The reduction of impervious service will increase the quantity and quality of landscape on this property, conserve land and natural resources, and provide for sustainable building and site design.

Beginning at a point on the southerly side of Edgewater Drive, said point being located 243.2 feet northwesterly direction 208.45 feet to an iron pin: running thence in a westerly direction, along the north line of lot 7 of said block and subdivision 96 feet to an iron pin: running thence in a northerly direction 195.8 feet to an iron pin: running thence in an easterly direction along the south side of Edgewater Drive 179 feet to the point of beginning.