



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** December 11, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: 201403259 - 135 Foxridge Road, Applicant: Robert Crewdson, to modify conditions 1 and 2 of Z72-0096 to amend the letter of intent to allow for an existing garage to remain, with concurrent variances

MEETING DATE: For Submission onto the December 16, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Zoning Modification

CITY MANAGER APPROVAL: JMM

PLACED ON AGENDA FOR: **12/16/2014**

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: December 3, 2014 for submission onto the December 16, 2014 City Council meeting

Agenda Item: **201403259 135 Foxridge** a request to modify the site plan and condition 5.a of CV06-005/ZM06-001 to add a three (3) foot by three (3) foot encroachment into the front yard setback.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

APPROVAL CONDITIONAL of the request to modify condition 5.a of CV06-005/ZM06-001 to add a three (3) foot by three (3) foot encroachment into the front yard setback.

PROPERTY INFORMATION

Address, Land Lot, and District	135 Foxridge Land Lot 133, District 17
Council District	6 (Andy Bauman)
Frontage	Approximately 375 feet of frontage along the south side of Foxridge
Area	3.11 Acres
Existing Zoning and Use	R-2 (Single Family Dwelling District) under Fulton County zoning case Z-72-096 developed with a single family dwelling.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 (0-1 unit per acre)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Robert Crewdson	Robert Crewdson	Robert Crewdson
Community Zoning Information Meeting October 28, 2014	Mayor and City Council Hearing December 16, 2014	

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

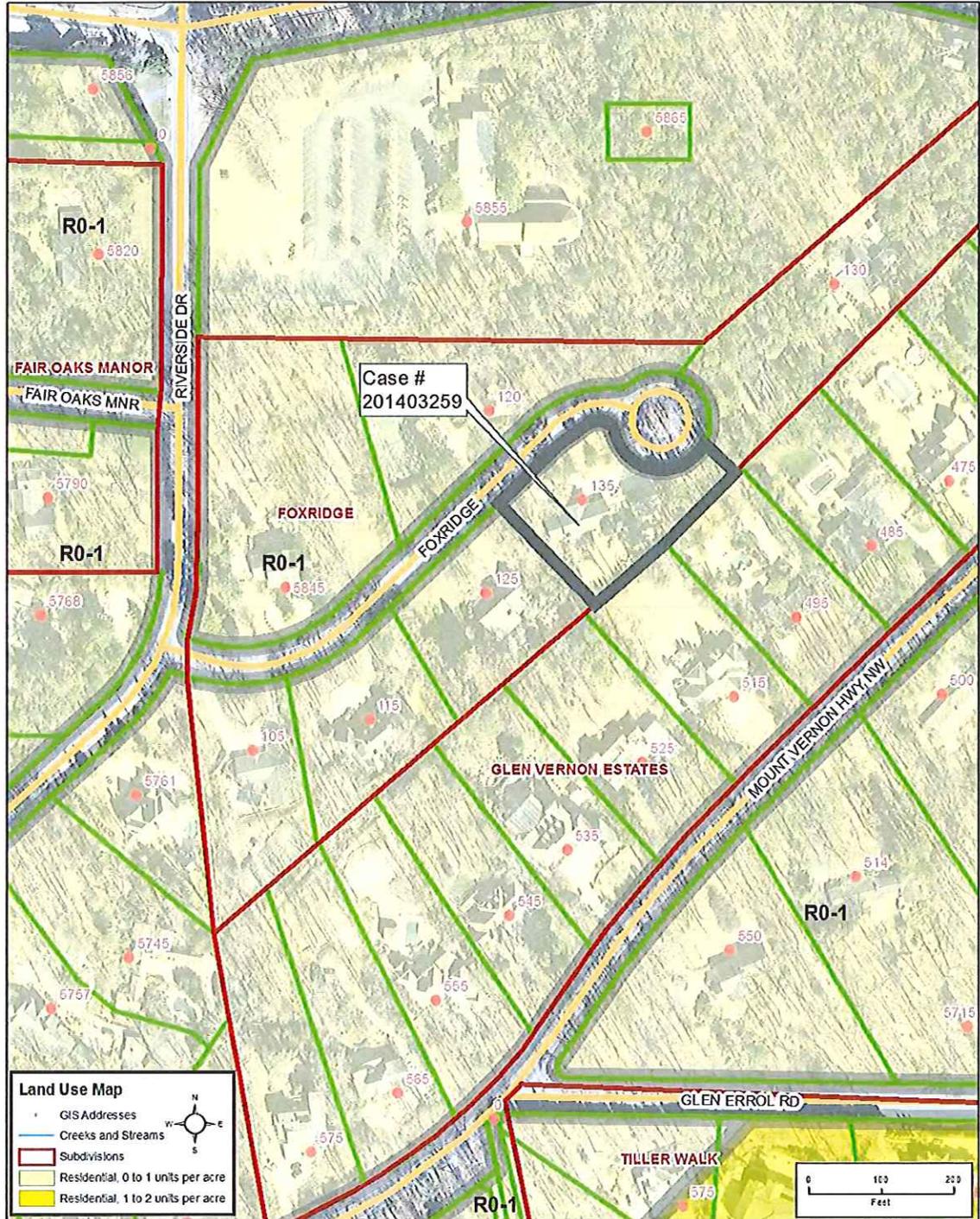
The applicant is requesting to modify the site plan and condition 5.a of CV06-005/ZM06-001 to add a three (3) foot by three (3) foot encroachment into the 40 foot front yard setback.

The 3'x3' encroachment would correct a construction error that led a portion of the structure to encroach by 2.4 feet into the reduced setback. The proposed action would correct a minor existing inconsistency for a portion of the existing structure. As the current owner prepared to sell the home this encroachment was discovered. The staff is of the opinion that the requested variance will have little to no impact on surrounding properties. Based on these reasons, the staff recommends **APPROVAL** of this modification request.

COMMUNITY DEVELOPMENT

Future Land Use Map

135 Foxridge



DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on November 5, 2014 at which no departments had comments. The staff has received additional comments from Fulton County Department of Health and Wellness (see attachments).

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the modification the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

To the owner's agreement to abide by the following:

- 1) To the site plan received by the Department of Community Development dated October 21, 2014.

Attachments

- Letter of Intent dated received October 21, 2014
- Site Plan dated received October 21, 2014
- Additional comments from the Fulton County Department Health and Wellness

October 21, 2104

Community Development Department
City of Sandy Springs, Georgia
7840 Roswell Road
Sandy Springs, Georgia 30350
Attention: Kevin Howard

RECEIVED

OCT 21 2014

City Of Sandy Springs
Community Development

Re: Zoning Variance – 135 Foxridge

Dear Mr. Howard:

This letter briefly discusses the purpose and intent behind this application for a zoning variance.

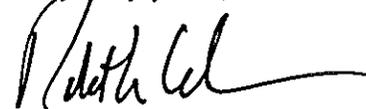
This property was subject to a prior variance application in 2006 that was approved by the Mayor and City Council, which was designed to permit the construction of a garage and guesthouse on the referenced property. The construction was completed in 2008, presumably in conformance with the approved site plan and zoning variance.

In the course of selling this property this summer, we discovered that the actual construction of the garage occurred one foot forward of where it should have been, creating, at its greatest point, a 2.4 foot encroachment into the revised setback allowed by the 2006 variance. It is not clear at this time whether this was a design or construction mistake, but as the owner of the property we had no idea this had occurred.

In order to make sure the property is fully compliant with zoning requirements, and in accordance with agreements I have made with the buyer of the property, David Leslie, I have filed this new zoning variance for the very limited purpose of adding an extra 3 foot by 3 foot square of land to the variance at the corner of garage, so that the garage is fully compliant. It is apparent that allowing this change will not create any issues cognizable by the zoning ordinances – in fact, the building footprint is off by so little no one would be able to tell, visually, whether or not the building was compliant with the original variance or not.

We respectfully request approval of the variance.

Very truly yours,



Robert L. Crewdson
Applicant



MEMORANDUM

TO: Linda Abaray, Senior Planner
 City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner
 Department of Health and Wellness, Office of the Director

DATE: October 23, 2014

SUBJECT: Zoning Comments for September and October 2014 Deadlines

AGENDA ITEM	ZONING COMMENTS
201403165	<p>The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>Since two of the three proposed lots are less than one acre, the Fulton County Department of Health and Wellness will require that the owner/developer connect the development to public water and public sanitary sewer, if available. A public or community sewerage system shall be considered available if it is within 200 feet of the nearest property line of the development, such distance being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sanitary sewer is not available and the use of onsite sewage management system is needed, a minimum of one (1) acre (43,560 square feet) of gross lot area is required for each lot.</p> <p>If the sewer is not available and the gross lot area minimum for each lot is satisfied, the Department of Health and Wellness will require the submission of site plans, all necessary percolation and soil data, required layouts, and supportive data for review and determined acceptable.</p> <p>Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>Motor vehicle exhaust is a major contributor to air pollution, and persons living near roadways have increased exposure to air pollutants. Heart disease and stroke, lung diseases such as chronic obstructive pulmonary disease and asthma, and diabetes can be aggravated by air pollution. Since the proposed development is near I-285, it is recommended that the owner/developer consider design modifications to the structure to reduce potential exposure.</p>
201403178	<p>The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Fulton County Department of Health and Wellness will require that the applicant connects to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p>

AGENDA ITEM	ZONING COMMENTS
201403227	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If persons under the age 18 will be served, no smoking will be allowed on the premises at any time.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health Services permit to construct, modify, or renovate before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</p> <p>This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>
201403130	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If persons under the age 18 will be served, no smoking will be allowed on the premises at any time.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health Services permit to construct, modify, or renovate before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</p> <p>This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p>

AGENDA ITEM	ZONING COMMENTS
201403566	<p>The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Fulton County Department of Health and Wellness will require that the applicant connects to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>
201403259	<p>The Fulton County Department of Health and Wellness does not anticipate any health problems with the proposal to adding the 9 square feet of area to the variance in order to accommodate the existing garage.</p>