



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: September 10, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: **201402352** - 9620 Huntcliff Trace, *Applicant: Robert & Linda Corr*, to modify conditions of Z70-0090 to allow a proposed deck to encroach in the required side yard setback

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

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Zoning Modification

APPROVAL BY CITY MANAGER: BLP APPROVED

PLACED ON AGENDA FOR: **09/16/2014**

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: September 2, 2014 for submission onto the September 16, 2014 City Council Regular Meeting

Agenda Item: **201402352 9620 Huntcliff Trace** to modify condition 6 of the letter of intent of Fulton County zoning case Z79-0049 to allow a deck to encroach into the setback

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402352 – APPROVAL CONDITIONAL

DISCUSSION

The applicant is requesting to modify condition 6 of the letter of intent of Fulton County zoning case Z79-0049 to allow a deck to encroach into the side setback as follows:

“6. To the petitioner’s agreement that the minimum house size will exceed 2,000 square feet if one story and 2,600 square feet if two stories; that the minimum side yard will be 15 feet except on street side where it will be 30 feet and except for Lot 1 Block G of Huntcliff Unit Six (known as 9620 Huntcliff Trace) to allow for a deck to be reconstructed on the property line, and that the minimum rear yard will be 40 feet.”

The existing deck encroaches over the property line. The applicant is proposing to reconstruct the deck within the property boundary, but within the minimum setback.

HEARING & MEETING DATES

Community Zoning Information Meeting
July 22, 2014

Mayor and City Council Hearing
September 16, 2014

APPLICANT/PETITIONER INFORMATION

| Property Owners | Petitioner | Representative |
|---------------------|---------------------|---------------------|
| Robert & Linda Corr | Robert & Linda Corr | Robert & Linda Corr |

PROPERTY INFORMATION

| | |
|--|--|
| Address, Land Lot, and District | 9620 Huntcliff Trace Land Lot 78, District 17 |
| Council District | 2 – Ken Dishman |
| Frontage | 293.19 feet of frontage along the west side of Huntcliff Trace |
| Area | 47,955 square feet (1.101 acres) |
| Existing Zoning and Use | CUP (Community Unit Plan District) conditional under Fulton County zoning case Z79-0049, developed with a single family residence. |
| Overlay District | N/A |
| 2027 Comprehensive Future Land Use Map Designation | R0-1 (Residential, 0 to 1 units per acre) |

STAFF ANALYSIS

The staff is of the opinion that the applicant's request to modify condition 6 of Z79-0049 will not be a detriment to the public as the deck is located along the property line adjacent to the Huntcliff Golf Course and is not impacting any adjacent residences. Additionally, the deck encroachment has existed in its current configuration prior to the current ownership and prior to the City's incorporation. Based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this modification request.

DEPARTMENT COMMENTS

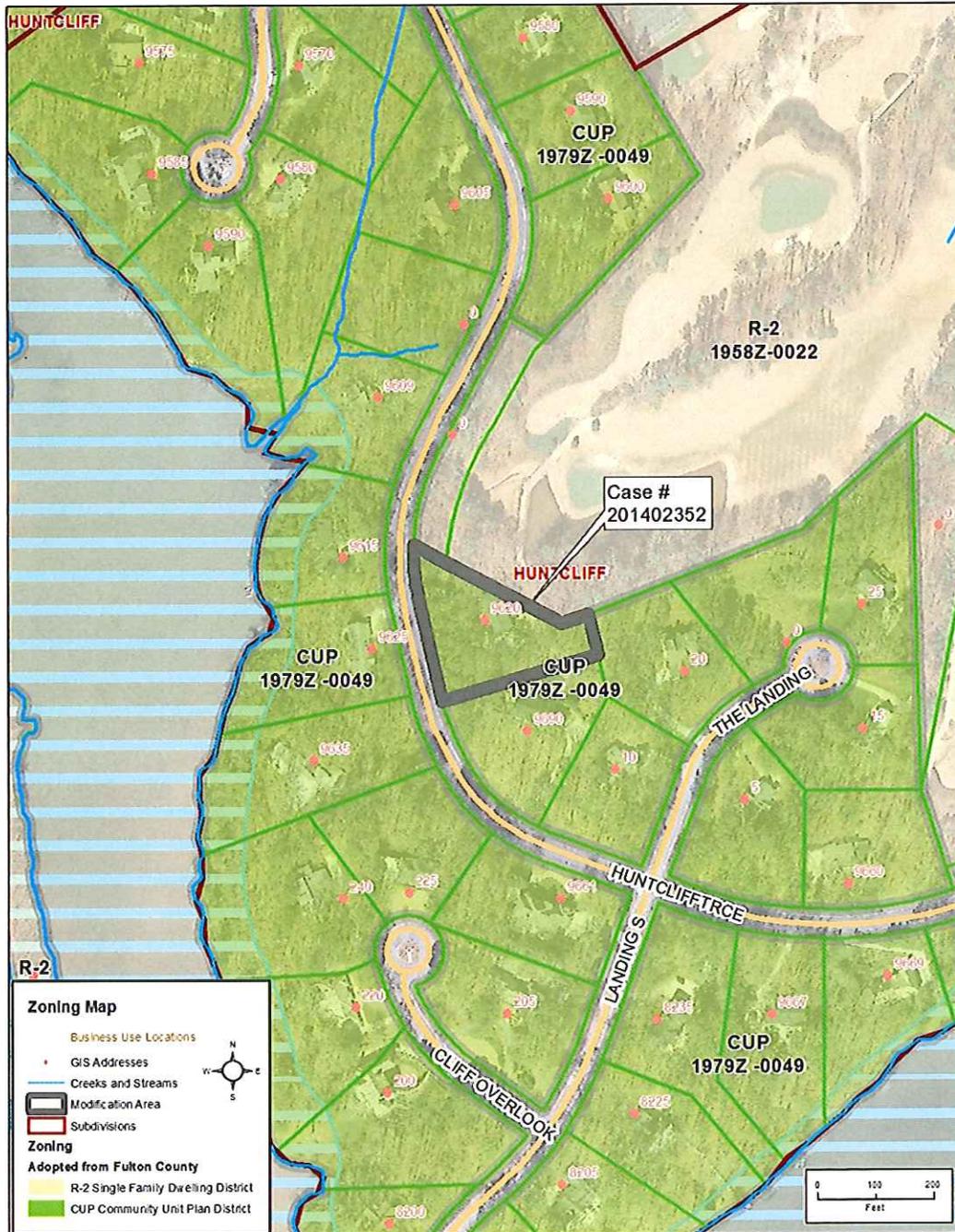
The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on August 6, 2014 at which no comments were generated.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

| SUBJECT PETITION 20142352 | Existing Use | Land Area (Acres) | Unit | Density (Number of Units per Acre) | |
|---|---------------------|--|--------------------------|---|---|
| | Single Family Home | 1.101 | 1 | 0.91 | |
| Location in relation to subject property | Zoning | Use | Land Area (Acres) | Square Footage or Number of Units | Density (Number of Units per Acre) |
| North | R-2 Z58-0022 | Huntcliff Golf Course | 27.83 | --- | --- |
| East | CUP Z79-0049 | 20 The Landing Single Family Home | 0.93 | 1 | 1.08 |
| South | CUP Z79-0049 | 9690 Huntcliff Trace Single Family Home | 1.08 | 1 | 0.93 |
| West | CUP Z79-0049 | 9625 Huntcliff Trace Single Family Home | 1.05 | 1 | 0.95 |

Zoning Map

9620 Huntcliff Trace



STAFF RECOMMENDATION

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 modify condition 6 of the letter of intent of Fulton County zoning case Z79-0049 to allow a deck to encroach into the side setback as follows:

6. To the petitioner's agreement that the minimum house size will exceed 2,000 square feet if one story and 2,600 square feet if two stories; that the minimum side yard will be 15 feet except on street side where it will be 30 feet and except for Lot 1 Block G of Huntcliff Unit Six (known as 9620 Huntcliff Trace) to allow for a deck to be reconstructed on the property line, and that the minimum rear yard will be 40 feet.

Attachments

Letter of Intent dated received June 30, 2014

Site Plan(s) received June 30, 2014

Pictures

Department Comments

Memo

FROM: Robert Corr

DATE: [June 27, 2014](#)

SUBJECT: Letter of Intent for Variance Application

Our current deck is at a minimum 15-20 years old. We have owned our home for 12 years.

We had two evaluations done on my deck to review its condition. We were prompted to do this because the front step has started to collapse and needs to be repaired. The consensus was that, for safety reasons, we should upgrade the major support beams where needed. The 4x6 posts should definitely be replaced with 6x6 posts that support it to the ground. Concerning the major support beams under the flooring some of them appear to still be in decent shape and others should be replaced. It is difficult to view some of the boards that go way under the deck because it is too small of a crawl space for the best visibility. The current railing and flooring has been in constant repair for the past number of year's one board at a time and we would like to replace these as well.

The existing conditions are that:

- 1) The deck currently is slightly encroaching on the survey line in just one corner. Maybe 1 -2 feet. This was inherited from the previous owners. (As noted on the survey)
- 2) The repairs for support may not exceed 75% but we will not know that for certain until the flooring comes off and we can see the balance of all the major support boards. If some of them have to be replaced then there is the possibility that more than 75% could be replaced and want to be safe just in case.

It is our intent that while upgrading this deck to its proper safety code, to expand it slightly as noted in the attached plan. This area would be cantilevered with no posts required in the ground for support. A wooden pergola would go over a portion this area.

Thank you for your consideration in this matter.

Received

JUN 30 2014

***City of Sandy Springs
Community Development
Department***

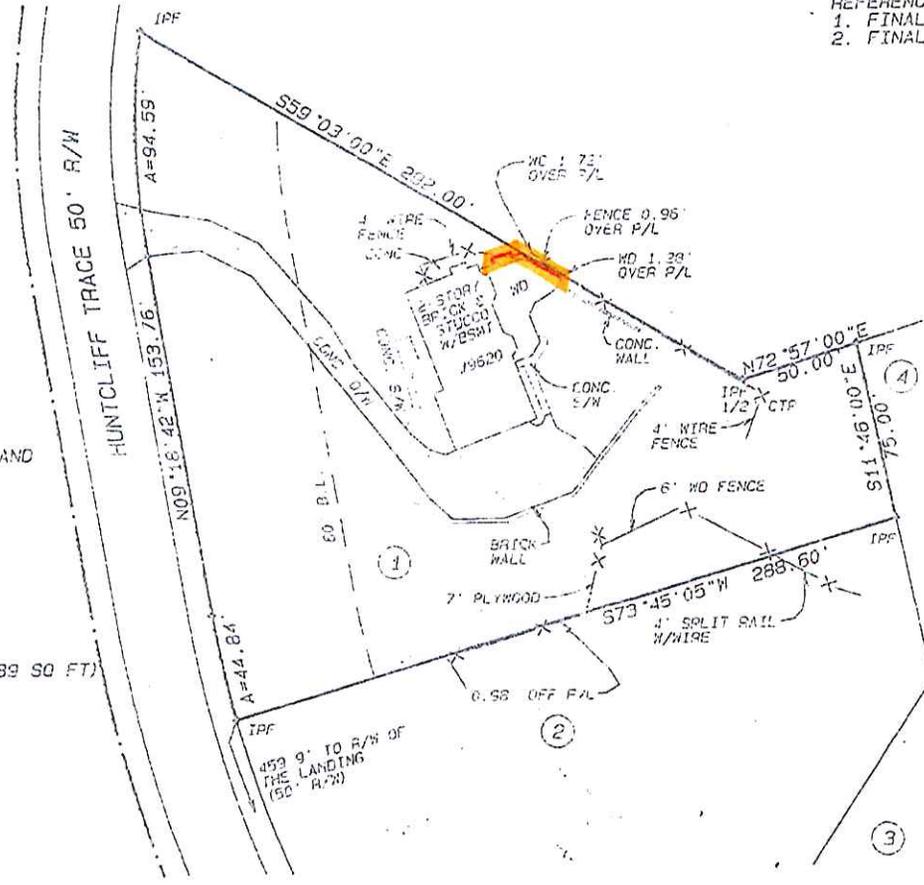


- REFERENCE:
 1. FINAL PLAT UNIT SIX-A HUNTCLIFF PB. 115 PG. 23
 2. FINAL PLAT UNIT SIX HUNTCLIFF PB. 116 PG. 87

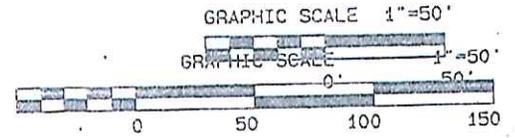
IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW

NOTE: #4 REBAR AT CORNERS UNLESS OTHERWISE NOTED

AREA = 1.101 ACRES (47,955 SQ FT)
 IMPERVIOUS AREA = 0.188 ACRES (8,189 SQ FT)



I HAVE, THIS DATE, EXAMINED THE FHA OFFICIAL FLOOD HAZARD MAP COMMUNITY NO. 135160, PANEL NO. 0151 E, DATED JUNE 22, 1998, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.



Received

JUN 30 2014

**City of Sandy Springs
 Community Development
 Department**

5022
 FINAL SURVEY
 5022.P80

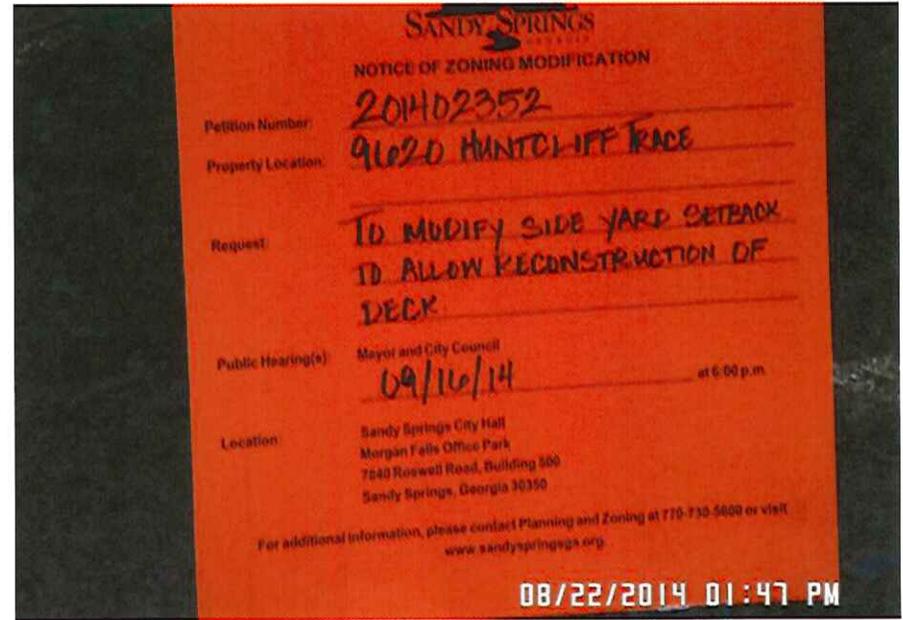
BETTERTON
 SURVEYING & DESIGN, INC.
 LAND SURVEYING/PLANNING
 SUBDIVISION & COMMERCIAL SITE DESIGN
 1341 Terrell Mill Road, Suite 150, Marietta, Georgia 30067
 (678) 483-0242



| NO. | DATE | REASON FOR REVISION |
|-----|------|---------------------------|
| 1 | 7/02 | TO CHANGE IMPERVIOUS AREA |
| | | |
| | | |
| | | |

LOT 1, BLOCK 6 OF HUNTCLIFF
 UNIT SIX
 LAND LOT 78, 17TH DISTRICT,
 FULTON COUNTY, GEORGIA
 SCALE = 1" = 50'
 DATE: JULY 3, 2002
 PREPARED FOR:
LINDA CORR







Kasim Reed
MAYOR

CITY OF ATLANTA

Jo Ann J. Macrina, PE
COMMISSIONER

DEPARTMENT OF WATERSHED MANAGEMENT
72 Marietta Street
ATLANTA, GEORGIA 30303-3544

July 17 2014

Linda Abaray
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350

Subject: Water Availability at 9620 Hunt Cliff Trace

Dear Ms. Abaray

Our records indicate that there is an existing 8 inch water main along the south side of Hunt Cliff Trace. These water mains are owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval.
2. The enclosed basis of design form to include all applicable information, with a copy of a City of Atlanta fire hydrant flow test. Contact the Bureau of Engineering Services office of Meter Application at 404-330-6091 for payment and scheduling for the flow test.
3. A two thousand dollar deposit (\$2000.00). Check must be payable to City of Atlanta.

Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should additional information be needed, please contact Ron Brown at 404-546-3289 or @ cell # 404 449-2528

Sincerely,

Ron Brown
Field Engineer

Cc: Parett Smith



To: Patrice Dickerson, Manager of Planning and Zoning
From: Kristen Wescott, Public Works
Copies: Linda Abaray, Garrin Coleman, and Brad Edwards
Date: August 12, 2014
Subject: Public Works Comments—Zoning—Focus Meeting August 6, 2014

The following are comments provided from the Public Works Department regarding the August 6 Focus Meeting zoning petitions.

Zoning Modifications

201402339 - 540 Trimble Lake Court

Applicant: Chituru Adele

To modify Condition 3.a of Fulton County zoning case Z99-0063, with concurrent variances.

CZIM - 7/22/14

MCC- 9/16/14

For informational purposes only, Trimble Road is on the Sidewalk Master Plan network.

201402352 - 9620 Huntcliff Trace

Applicant: Linda & Robert Corr

To modify Condition VIII. MINIMUM LOT REQUIREMENTS of Fulton County zoning case Z70-0090.

CZIM - 7/22/14

MCC- 9/16/14

No comments.

Dickerson, Patrice

From: Akbar, Abdul <Abdul.Akbar@fultoncountyga.gov>
Sent: Tuesday, August 19, 2014 10:05 AM
To: Abaray, Linda
Cc: Dickerson, Patrice
Subject: sewer and water technical review comments for Modification Case 201402352
Attachments: 201402352, 9620 Huntcliff Trace, LL 78, Dist. 17.pdf

Dear Linda Abaray and Patrice Dickerson,

Please take a look at the attached information. It has my sewer and water technical review comments for Modification Case 201402352, 9620 Huntcliff Trace. I have **no comments** on this case because this lot is outside of the Fulton County sanitary sewer service area, (Lot 78, District 17) in Sandy Springs. Please contact me if you have any questions. Have a good day.

Yours truly,

Abdul Akbar
Engineer
Water Services Division
Department of Water Resources (Public Works)
Fulton County Government
141 Pryor Street, Atlanta, Georgia 30303
404-612-7518

All:

Please be advised, the material details the zoning petitions received on or before the July 1, 2014 submittal deadline. We are writing to solicit your comments with regard to these applications. Please forward a response in writing detailing your comments, or lack thereof to the attention of the Linda Abaray. Correspondence may be sent to the following address:

City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
labaray@sandyspringsga.gov

| Agenda Item | | Council District | Meeting Dates |
|-----------------|---|------------------|--|
| Rezoning | | | |
| 1. | 201402366 358 Mount Vernon Highway <i>Applicant: Mt. Vernon Estates, LLC</i> ▪ To rezone the subject property from R-1 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to allow the development of two (2) single family lots, with concurrent variances. | 3 | CZIM – 7/22/14 CDRM – 8/28/14 PC- 9/18/14 MCC- 10/21/14 |
| 2. | 201402368 | 5 | CZIM – 7/22/14 |



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: August 15, 2014

SUBJECT: Zoning Comments for August 2014

| AGENDA ITEM | ZONING COMMENTS |
|--------------------|---|
| 201402366 | <p>If a plat is anticipated for this property, 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 an exemption/minor plat 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 recommends that the applicant be required to connect the proposed development to public water available to the site.</p> <p>If public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection. As per Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – “Sewage Disposal”, public sanitary sewer is considered available if it is within 200 feet of the nearest property line of the development, such distances being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sewer is unavailable to the site, this Department requires that each lot be a minimum of 43,560 square feet and have 30,000 square feet minimum usable area to be considered for use of onsite sewage management system(s). This Department will require all necessary percolation and soil data, required plans, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.</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>If this proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>This department is requiring that existing structures that will be demolished 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> <p>Research shows that childhood exposure to traffic exhaust when living near a freeway can lead to substantial deficits in lung function that can last a lifetime and can increase the risk of developing allergies and asthma. In addition, exposure to traffic noise increases blood pressure, and long-term exposure to air pollution is known to increase the risk of death from heart disease.</p> |

| AGENDA ITEM | ZONING COMMENTS |
|------------------------|--|
| 201402368 | <p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed development to public water and public sanitary sewer 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>The commercial parts of this development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</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> |
| 201402384 | <p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed townhome and residential development to public water and public sanitary sewer 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 department is requiring that existing structures that will be demolished 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> |

| AGENDA ITEM | ZONING COMMENTS |
|------------------------|--|
| 201402388 | <p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed gas station development to public water and public sanitary sewer 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.</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>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 existing structures that will be demolished 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> <p>This department encourages that the owner reduce any potential pollution of the air and soil by consistently following best practices and complying with all applicable mandates.</p> |
| 201402339 | <p>If this property is served by an onsite sewage management system(s), plans for the proposed pool and fence must be submitted to this department for review and approval.</p> |
| 201402352 | <p>If this property is served by an onsite sewage management system(s), plans for the proposed deck/patio modification must be submitted to this department for review and approval.</p> |