

Variance Petition No. V06-112

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006 (deferred)

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Exquisite Custom Homes, LLC	Samir Properties, Inc.	Robert Scholz, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	227 Saint Nicholas Circle Land Lot 120, District 17
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Council District	6
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Frontage and Area	230 feet of frontage along the west side of Nicholas Circle (private drive) and 35 feet of frontage along the north side of Mount Paran Road. The subject property has a total area of approximately 1.04 acres.
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Existing Zoning and Use	R-2 (Single-Family Dwelling District). The lot is undeveloped.
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Overlay District	N/A
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Interim 2025

Comprehensive Future Land Use	R0-1 Residential (0 to 1 units per acre)
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Map Designation

INTENT

The applicant is seeking two (2) primary variances for relief from:

1) Section 14.6.5.a. i and ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to thirty-five (35) feet and

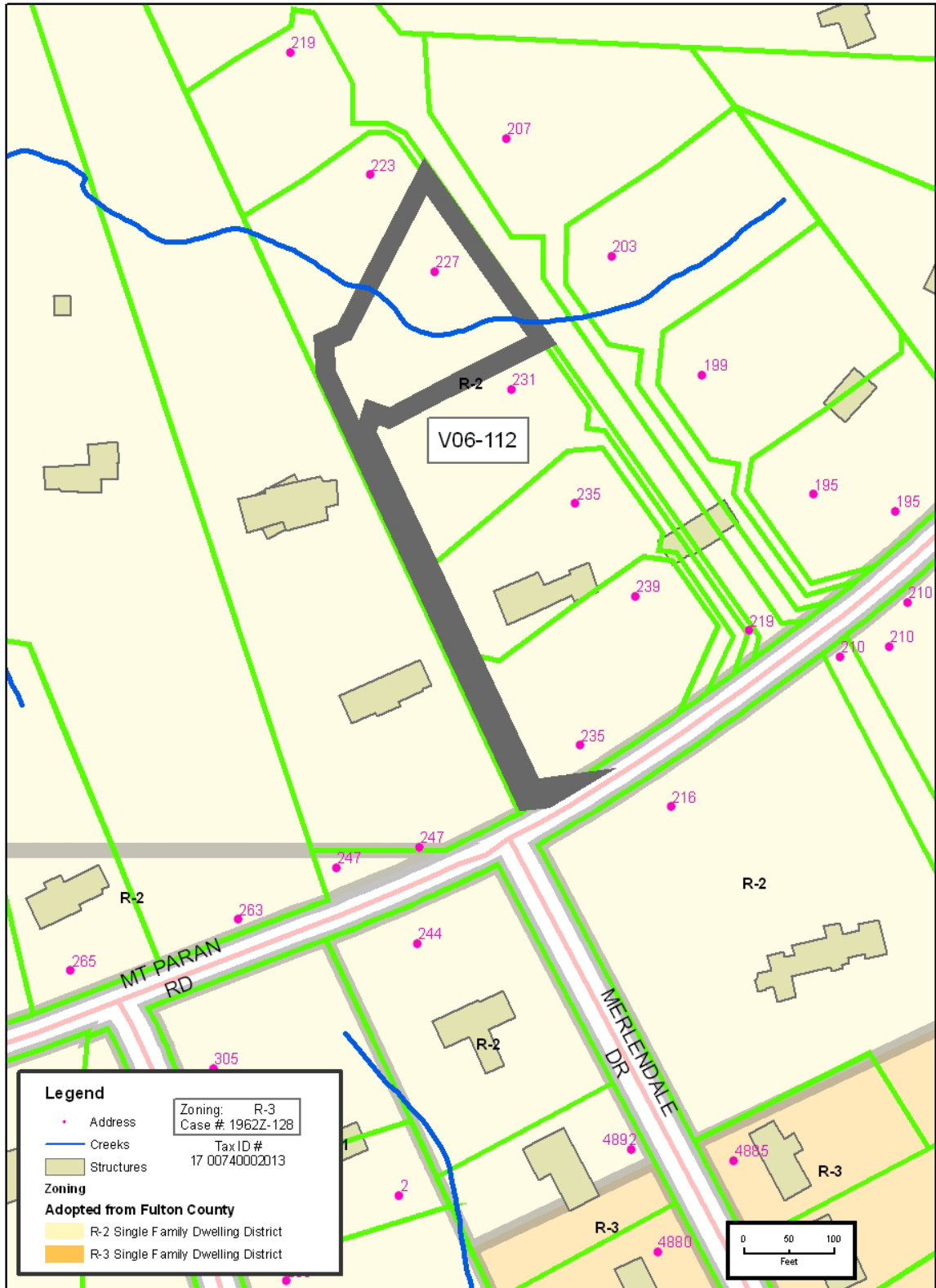
2) Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-five (25) inch pine and tree "B" - a twenty-five (25) inch pine.

All variances are for the construction of a single-family house.

Please note: On December 6, 2006, the applicant submitted a revised site plan indicating a reduction in the scope of his variance request regarding the stream buffer. Instead of requesting to be within the fifty (50) foot undisturbed portion of the seventy-five (75) stream buffer and set back thirty-five (35) from the stream, the applicant now intends to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream.

Parcel Map

227 Saint Nicholas Circle



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-112

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(i) and Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed retaining wall to be set back a minimum of thirty-five (35) feet from a stream and to allow a proposed house to be setback a minimum of thirty-seven (37) feet from a stream. Both structures will be located within the twenty-five (25) foot impervious setback area and the fifty (50) undisturbed portion of the required seventy-five (75) foot stream buffer. Additionally, the applicant is requesting relief and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-five (25) inch pine and tree "B" - a twenty-five (25) inch pine. Tree "A" is located within the footprint of the proposed house and tree "B" is located just to the rear of the proposed house.

The applicant has submitted a site plan indicating the subject property is an irregularly shaped and grandfathered flag lot having two frontages - one on Mount Paran Road and one on Nicholas Circle, a private drive. The buildable area, or flag portion, of the lot fronts Nicholas Circle and is at the most northern portion of the subject property - a stream is located at the southern one-third (1/3) portion of this buildable or flag area of the lot. The subject parcel is virtually unbuildable due to the presence of the stream and the seventy-five (75) foot buffer on both sides of it. The site plan also indicates existing topography to support the contention that the lot is sloped.

The applicant states that the proposed house is consistent in size to surrounding properties. He also contends that the lot is heavily wooded and that he will not unnecessarily remove trees on the subject lot and that existing trees and vegetation will remain along the western side of the stream and the portion of the property extending approximately five-hundred (500) feet to Mount Paran Road - if the two (2) subject pine trees are removed, three specimen trees will remain.

At the November 9, 2006 Board of Zoning Appeals (BZA) meeting, the BZA approved a 30 day deferral to allow the applicant to detail, through hydrological study, the effectiveness of the subject stream's existing detention area and to detail the condition of the stream's basin beyond the detention area. The hydrological study should include the projected effect the proposed new construction would have on the stream, including the detention area. Additionally, an alternate plan should be provided detailing reduced stream buffer encroachment and additional measures to minimize the effect on the stream.

On December 6, 2006, the applicant submitted a revised site plan indicating a reduction in the scope of his variance request regarding the stream buffer. Instead of requesting to be within the fifty (50) foot undisturbed portion of the seventy-five (75) stream buffer and set back thirty-five (35) from the stream, the applicant now intends to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream.

Department Comments

The staff held a Focus Meeting on October 4, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction. Please see attached: Arborist's Site Visit Narrative, Memorandum regarding GA Erosion and Sedimentation Act – State Waters Issues, City of Sandy Springs GIS/Hydrology Map, and site visit photographs.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states the proposed house is consistent in size to surrounding properties. The applicant has provided copies of Fulton County Board of Assessors documents as evidence to support the above claim. He also contends that the lot is heavily wooded and that he will not unnecessarily remove trees on the subject lot and that existing trees and vegetation will remain along the western side of the stream and the portion of the property extending approximately five-hundred (500) feet to Mount Paran Road. If the two (2) subject pine trees are removed, three specimen trees will remain. Additionally, the applicant has reduced his stream buffer request to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream. The applicant has provided site plans to support the above claims.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The subject property is sloped, irregularly shaped, and a grandfathered flag lot having two frontages – one on Mount Paran Road and one on Nicholas Circle, a private drive. The buildable area, or flag portion, of the lot fronts Nicholas Circle and is at the most northern portion of the subject property - a stream is located at the southern one-third (1/3) portion of this buildable or flag area of the lot. The subject parcel is virtually unbuildable due to the presence of the stream and the seventy-five (75) foot buffer on both sides of it. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received December 6, 2006 by the Department of Community Development, showing the buffer reduced to no less than fifty (50) feet where necessary to accommodate the portion of the encroachment only and showing the removal of two (2) specimen trees identified as follows: tree “A” - a twenty-five (25) inch pine and tree “B” - a twenty-five (25) inch pine.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.

3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The fifty (50) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the fifty (50) foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal, revised letter of appeal, amended letter of appeal, site plans, photographs, letters of support, and Fulton County Board of Assessors documents.

Variance Petition No. V06-113

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Maynard Berry

Petitioner
Ed Levin

Representative
Ed Levin

PROPERTY INFORMATION

Address, Land Lot, and District 25 Cates Ridge Road
Land Lot 203, District 17

Council District 6

Frontage and Area 315 feet of frontage along the northwest side of Cates Ridge Road.
The subject property has a total area of approximately 3.29 acres.

Existing Zoning and Use R-1 (Single-Family Dwelling District) and CUP (Community Unit Plan District) conditional under zoning case Z79-112. The lot is developed with a single-family home.

Overlay District N/A

Interim 2025 Comprehensive Future Land Use Map Designation R0-1 Residential (0 to 1 units per acre)

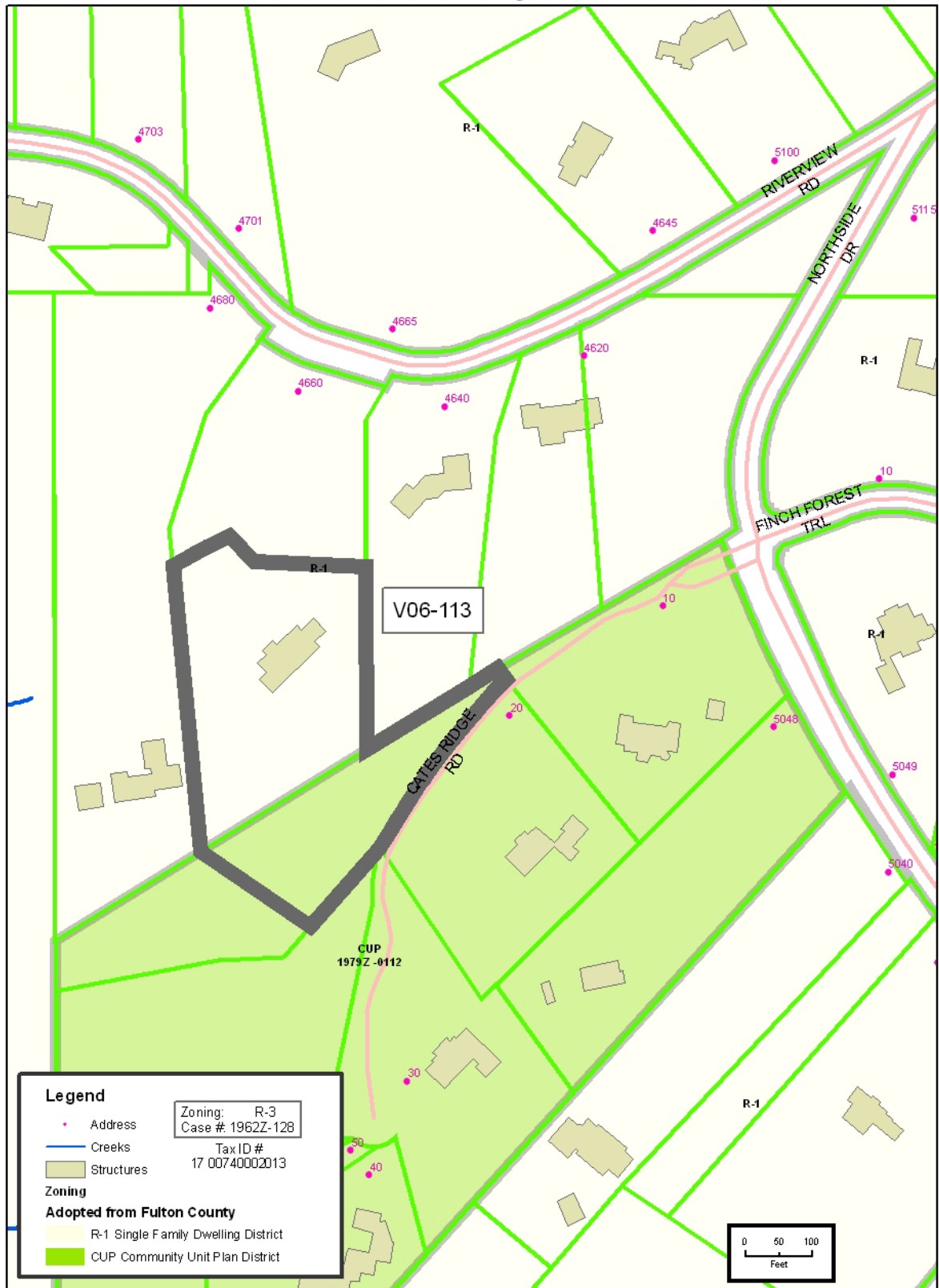
INTENT

Originally, the applicant was seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree and the encroachment into the critical root zone of two (2) specimen trees for the construction of a house driveway.

The applicant amended his application to seek a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-nine (29) inch oak and tree "D" - a twenty-four (24) inch pine. The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the encroachment into the critical root zone of one (1) specimen tree as follows: tree "B" - a twenty-nine (29) inch pine. The applicant intends to construct a driveway.

Parcel Map

25 Cates Ridge Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-113

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-nine (29) inch oak and tree "D" - a twenty-four (24) inch pine. The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the encroachment into the critical root zone of one (1) specimen tree as follows: tree "B" - a twenty-nine (29) inch pine. The applicant intends to construct a driveway.

Originally, the parent property to the subject property was zoned completely R-1 and had one (1) road frontage on Riverview Road. Through acquisition of land (portions of lots 2 and 6 of Cates Ridge Subdivision, a CUP development to the south), the parent property became dual zoned (R-1 and CUP) having two frontages, one still on Riverview Road and one on a private street named Cates Ridge Road used to access the Cates Ridge Subdivision. The applicant provided a copy of Cates Ridge Subdivision plat (originally recorded October 10, 1980) having a revision date recorded December 6, 2005. The revision note on the plat indicates the revision to reflect the aforementioned boundary changes that took place by warranty deed only in 1980 - a total of 1.14 acres was taken from original lots 2 & 6 and added to parent property.

The parent property, having become reconfigured to dual zoning with two frontages, was subsequently subdivided, approximately in half, into two (2) parcels. One parcel is now undeveloped and has one (1) frontage on Riverview Road. The other parcel remains developed with a house, is dual zoned, has one (1) frontage on Cates Ridge Road, and is the subject property of this application. The applicant provided a copy of a plat having a dated recorded December 6, 2005. The plat indicates the parent tract subdivided as mentioned above and shows the subject property as presented in this variance application.

The subject property is irregularly shaped, sloping, and heavily wooded. The applicant states that due to the shape and sloping topography of the subject property the best and most logical location for the proposed driveway is as indicated - this location would provide best access to the property, disturb the least amount of land, and would have the least amount of impact on the trees growing in the lot.

Further, the applicant states that the subject property requires a driveway in order to have vehicular access to Cates Ridge Road. The proposed driveway would be in harmony with the surrounding neighborhood because other properties in the Cates Ridge Subdivision have driveways that access Cates Ridge Road. Additionally, the applicant states that the lot is heavily wooded and will remain in that condition if the variance is approved and the subject trees are removed.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The site plan accurately represents the location of the specimen trees. There are 2 to be removed and one to have encroachment into the Critical Root Zone. The one tree stands a good chance of surviving with the help of an ISA Certified Arborist.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No vehicular connection between Cates Ridge and Riverview Road, via driveway or otherwise.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that the subject property requires a driveway in order to have vehicular access to Cates Ridge Road. The proposed driveway would be in harmony with the surrounding neighborhood because other properties in the Cates Ridge Subdivision have driveways that access Cates Ridge Road. Additionally, the applicant states that the lot is heavily wooded and will remain in that condition if the variance is approved and the subject trees are removed.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The applicant states that due to the shape and sloping topography of the subject property the best and most logical location for the proposed driveway is as indicated – this location would provide best access to the property, disturb the least amount of land, and would have the least amount of impact on the trees growing in the lot.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received November 21, 2006 by the Department of Community Development showing the removal of two (2) specimen trees identified as tree “A” - a twenty-nine (29) inch oak and tree “D” - a twenty-four (24) inch pine and showing the encroachment into the critical root zone of one (1) specimen tree identified as tree “B” - a twenty-nine (29) inch pine.
2. That no vehicular connection between Cates Ridge Road and Riverview Road occur on the subject property via driveway or otherwise.

ATTACHMENTS: Letter of appeal, amended letter of appeal, letter of opposition, copies of plats, letter describing platting, and site plans.

Variance Petition No. V06-120

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Bruce and Joan Eicher	Donna J. Lee	Donna J. Lee

PROPERTY INFORMATION

Address, Land Lot, and District	1005 Heards Ferry Road Land Lot 172 and 173, District 17
Council District	3
Frontage and Area	35 feet of frontage along the north side of Heards Ferry Road. The subject property has a total area of approximately 1.02 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) conditional under zoning case Z00-058. The lot is developed with a single-family home.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)
INTENT	

The applicant is seeking a primary variance for relief from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum east side yard setback from fifteen (15) feet to twelve (12) feet to allow for the addition of an elevator to an existing single-family house.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-120

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum east side yard setback from fifteen (15) feet to twelve (12) feet. The applicant intends to construct an elevator and ramp addition to an existing single-family house.

The applicant has submitted a site plan and topography map indicating the subject property as irregularly shaped and sloping from south to north. The applicant states that due to topographical issues, the original house was constructed abutting the eastern side property line. The proposed elevator and ramp addition would encroach into the minimum eastern side yard. The applicant states that the proposed location of the elevator and ramp is the most suitable place because it allows the best exterior access to the upper and lower floor common areas of the house.

Additionally, the site plans provided by the applicant show an existing deck and stairs set back 10.1 feet from the eastern side property line. The applicant states that the proposed elevator and ramp would replace an existing deck having stairs and would appear in harmony with the existing house's appearance - the materials used would be comparable with those used to construct the residence.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If submitted after Dec. 31, 2006, design and construction shall be per the 2006 IRC with 2007 Ga State amendments. If elevator applies additional loadings to existing house or foundations, the design professional must submit a sealed and signed letter that the existing structure(s) are in compliance with Appendix J of the IRC. Elevator must meet ANSI 117.6 requirements and must be inspected by the applicable state agency.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that the proposed elevator and ramp would replace a deck having stairs currently set back 10.1 feet from the eastern side property line and would appear in harmony with the existing house's appearance - the materials used would be comparable with those used to construct the residence. The applicant has provided site plans and photographs to document the above statement.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The subject property is irregularly shaped and sloped from south to north. The applicant states that due to topographical issues, the original house was constructed abutting the eastern side property line. The applicant states that the proposed location of the elevator and ramp, encroaching into the minimum eastern side yard, is the most suitable place because it allows the best exterior access to the upper and lower floor common areas of the house. The applicant has provided site plans, topographical map, and floor plans to document the above statement.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received October 3, 2006 by the Department of Community Development, showing the side yard setback reduced to no less than twelve (12) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plans, topographical map, photographs, floor plans, and letters of support.

Variance Petition No. V06-122

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Carolyn Malcolm

Petitioner
Jeffrey Tacca

Representative
Jeffrey Tacca

PROPERTY INFORMATION

Address, Land Lot, and District 4726 East Conway Drive
Land Lot 137, District 17

Council District 3

Frontage and Area 70 feet of frontage along the west side of East Conway Drive. The subject property has a total area of approximately 0.58 acres.

Existing Zoning and Use R-3 (Single-Family Dwelling District) developed with a single-family home.

Overlay District N/A

Interim 2025

Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

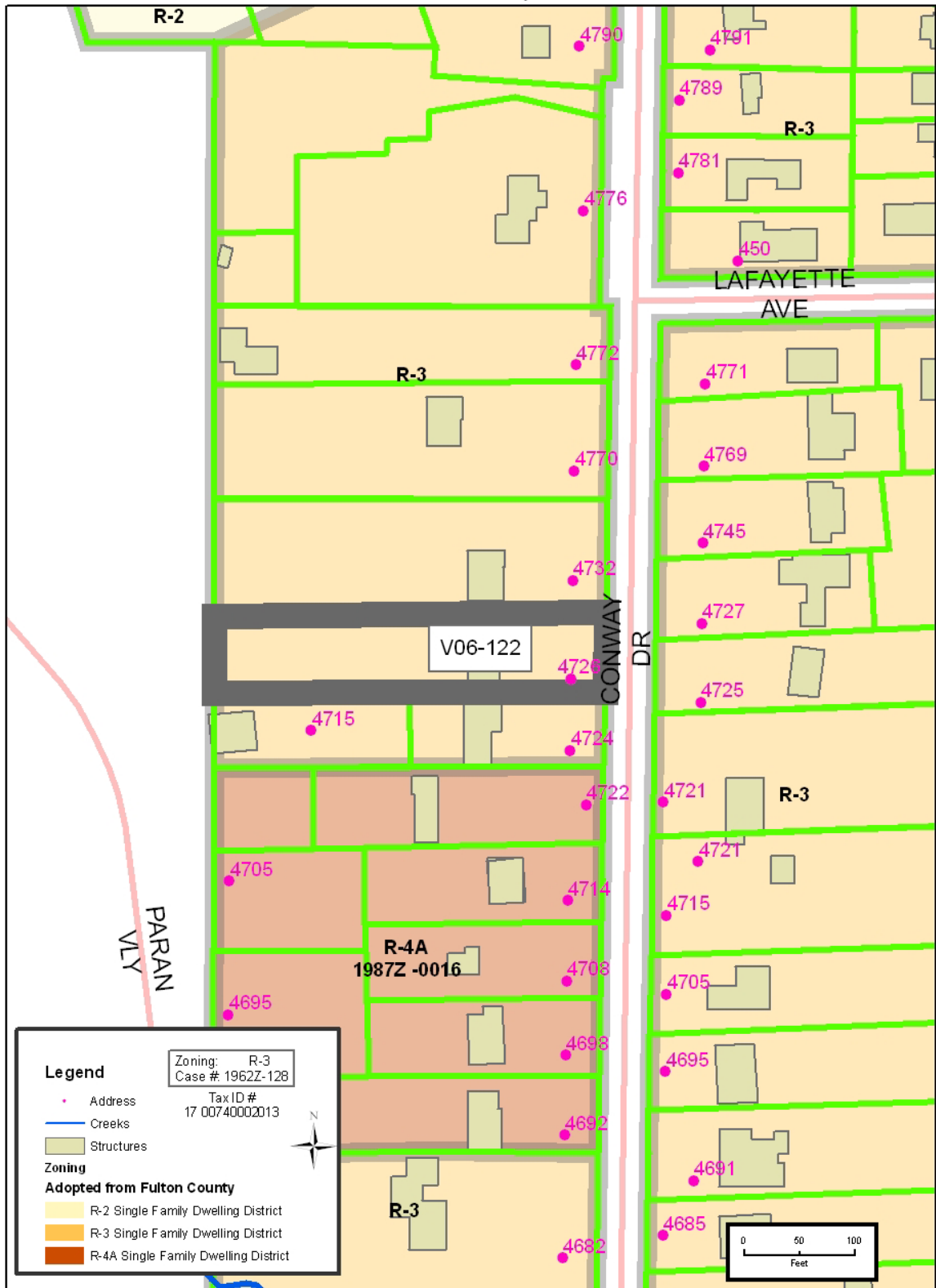
The applicant is seeking primary variances for relief from:

- 1) Section 6.4.3.C of the Zoning Ordinance to reduce the minimum north side yard setback from ten (10) feet to seven (7) feet,
- 2) Section 6.4.3.C to reduce the minimum south side yard setback from ten (10) feet to seven (7) feet, and
- 3) Section 6.4.3.B to reduce the minimum front yard setback from fifty (50) feet to thirty-five (35) feet.

All variances to allow for the construction of a single-family house.

Parcel Map

4726 Conway Dr.



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-122

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting primary variances from the Zoning Ordinance for Section 6.4.3.C to reduce the minimum north side yard setback from ten (10) feet to seven (7) feet, Section 6.4.3.C to reduce the minimum south side yard setback from ten (10) feet to seven (7) feet, and Section 6.4.3.B to reduce the minimum front yard setback from fifty (50) feet to thirty-five (35) feet. The applicant intends to redevelop the lot with a single-family house.

The applicant has submitted a copy of a plat indicating the subject property is legally non-conforming (grandfathered) in terms of having seventy (70) feet of lot width where one-hundred (100) feet is required under current regulations. The applicant states that the lot's grandfathered width is too narrow to reasonably accommodate the current zoning's required ten (10) foot side setbacks. Additionally, the applicant states that the existing house on the subject property and others currently on East Conway Drive, have at least one side setback of seven (7) feet on lots having seventy (70) feet of lot width.

The applicant also states that due to the sloping topography of the subject lot, if a fifty (50) foot front setback was utilized, the proposed house would be significantly below street level – this situation would reduce the proposed house's privacy, attractiveness, and property value. The applicant further states that there are other houses existing on East Conway Drive having a thirty-five (35) foot front setback.

Staff notes that there are properties just south of the subject lot that are zoned R-4A. Current zoning requirements for R-4A parcels include: seven (7) foot side setbacks, a thirty-five (35) foot front setback, and an eighty-five (85) foot lot width. However, some houses in the area are located more than thirty-five (35) from the right-of-way (seemingly due to topography issues). Only a few houses are located as close as thirty-five (35) feet to the right-of-way.

Additionally, the City Arborist detected a thirteen (13) inch specimen dogwood tree located in the front portion of the lot. If the lot is redeveloped with a new house positioned further forward on the lot than the existing footprint, then a primary variance for specimen tree removal will be required.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ There is a thirteen (13) inch dogwood that will need a variance to be removed to move the house forward.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that the existing house on the subject property and others currently on East Conway Drive, have at least one side setback of seven (7) feet on lots having seventy (70) feet of lot width. The applicant further states that there are other houses existing on East Conway Drive having a thirty-five (35) foot front setback. The applicant has provided a copy of a plat and site plans to document the above statements.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The applicant states that the lot's grandfathered width is too narrow to reasonably accommodate the current zoning's required ten (10) foot side setbacks. The applicant also states that due to the sloping topography of the subject lot, if a fifty (50) foot front setback was utilized, the proposed house would be significantly below street level – this situation would reduce the proposed house's privacy, attractiveness, and property value. The applicant has provided site plans and a topographical map to document the above statements.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received October 24, 2006 by the Department of Community Development, showing the side yard setbacks reduced to no less than seven (7) feet and the front yard setback to no less than thirty-five (35) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plans, topographical map, and a copy of a plat.

Variance Petition No. V06-123

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
The Epstein School	The Epstein School	jB+a, inc./ Alex Cook

PROPERTY INFORMATION

Address, Land Lot, and District	335 Colewood Way Land Lot 131, District 17
Council District	3
Frontage and Area	660 feet of frontage along the north side of Colewood Way. The subject property has a total area of approximately 11.0 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) conditional under zoning cases U87-08, U94-05, and ZM05-035/VC05-119. The lot is developed with a school.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	CF (Community Facility)

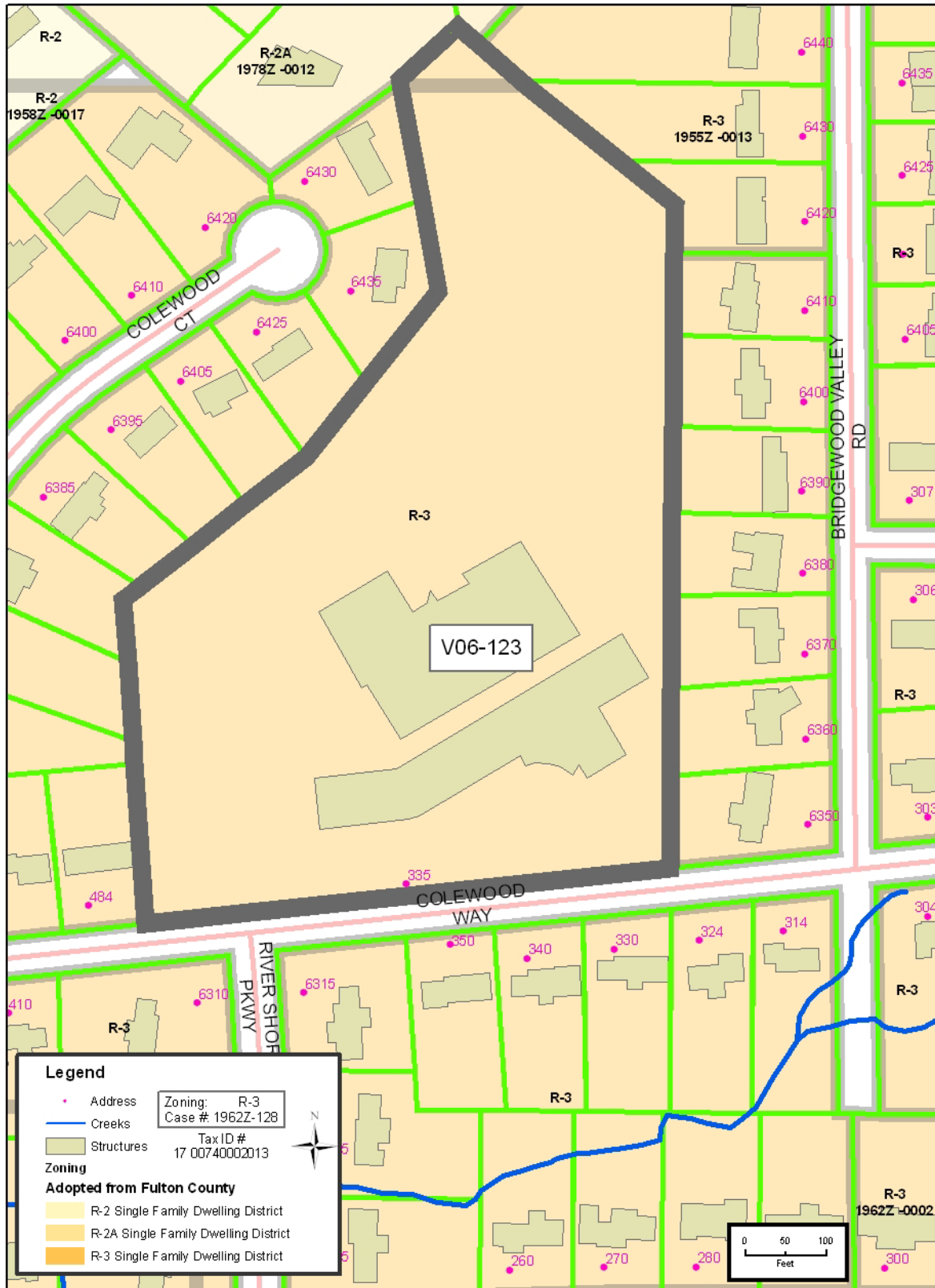
INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the encroachment into the critical root zone of five (5) specimen trees for the construction of thirty-two (32) parking spaces.

Admin. Mod. Required

Parcel Map

335 Colewood Way



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 12, 2006

Variance Petition No. V06-124

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Charles Cunningham	Sanctuary Development, LLC	Paul Cables

PROPERTY INFORMATION

Address, Land Lot, and District	5305 Mount Vernon Parkway Land Lot 164, District 17
Council District	6
Frontage and Area	131 feet of frontage along the east side of Mount Vernon Parkway. The subject property has a total area of approximately 0.63 acres.
Existing Zoning and Use	R-2A (Single-Family Dwelling District) under zoning case Z61-044. The lot is undeveloped.
Overlay District	N/A

Interim 2025

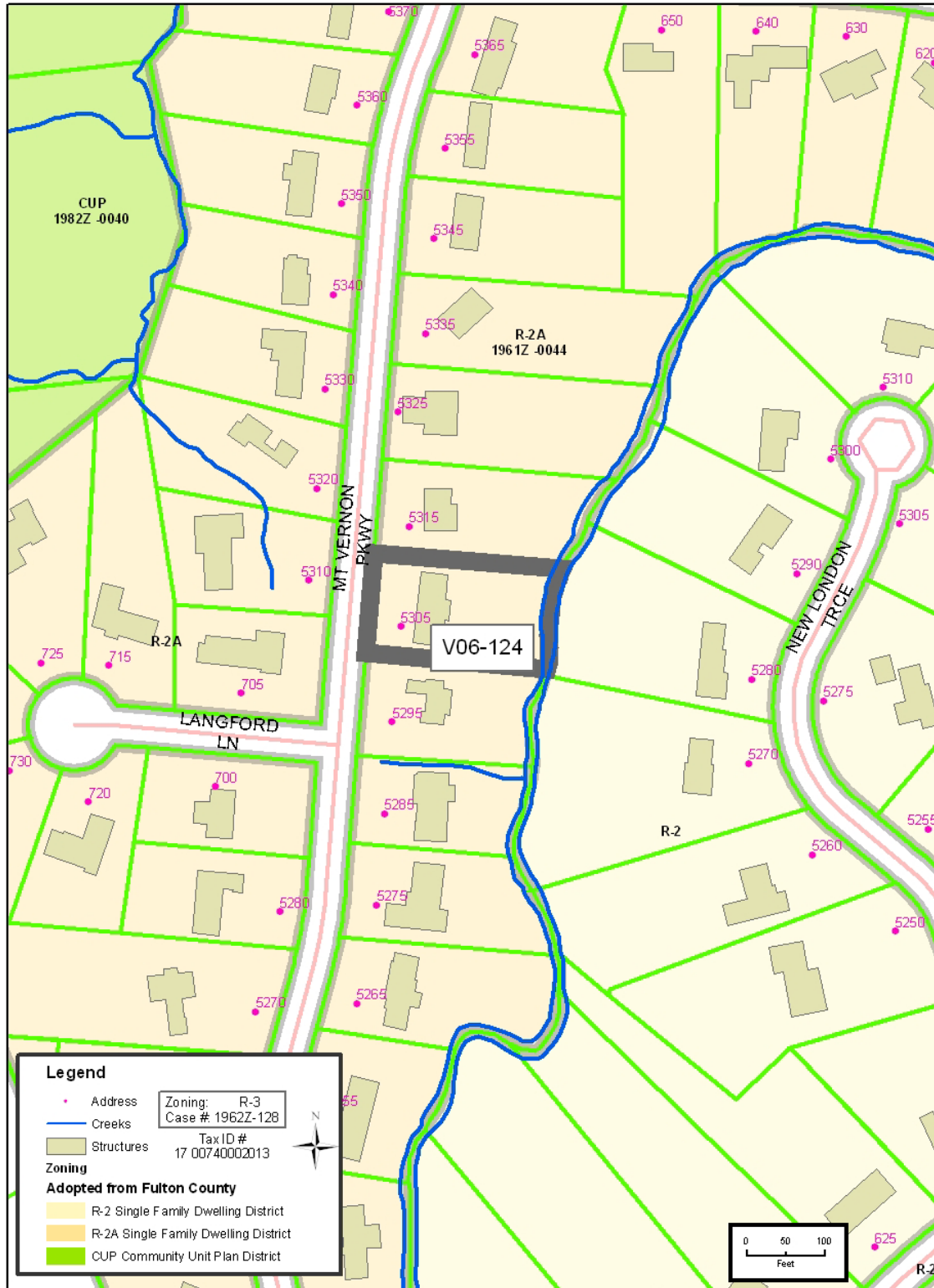
Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance for relief from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback (of the seventy-five (75) foot stream buffer) to sixteen (16) feet to allow for the construction of a covered porch.

Parcel Map

5305 Mt. Vernon Pkwy



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-124

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback (of the seventy-five (75) foot stream buffer) to sixteen (16) feet. The applicant intends to construct a covered porch (deck and concrete pad) addition to a proposed single-family residence.

The applicant has submitted site plans/topography maps indicating the subject property to be sloped from west to east and indicating the presence of a stream having a center line located along the rear east property line. The seventy-five (75) foot stream buffer extends west and encompasses approximately the eastern half or rear portion of the subject property. The applicant intends to redevelop the lot over the footprint of the existing home, however; the proposed house's footprint will be larger than the original home's. The required forty (40) foot rear setback line falls within the fifty (50) foot undisturbed portion of the seventy-five foot stream buffer.

The applicant states that he chose to request relief from the required stream buffer rather than shifting the house forward and requesting relief from the front setback because if the proposed house were ten (10) feet closer to the street, it would not be in harmony and character with the neighborhood. Further, the applicant states that the covered porch would be tastefully constructed, have minimal effect on the stream by encroaching into the impervious setback 218 square feet (6.6%), and would pose no detriment to the neighbors. Additionally, the applicant states that extra care would be taken to control water run-off during construction and to preserve the natural, vegetative surroundings.

The applicant intends to construct a retaining wall within the required impervious setback portion of the stream buffer. Staff has made the determination that the Zoning Ordinance allows for retaining walls to be located in impervious setbacks.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If submitted after Dec. 31, 2006, design and construction shall be per the 2006 IRC with 2007 Ga State amendments. If porch applies additional loadings to existing house or foundations, the design professional must submit a sealed and signed letter that the existing structure(s) are in compliance with Appendix J of the IRC.
	Sandy Springs Landscape Architect/ Arborist	▪ The stream is down a severe slope that is fully wooded with mature trees and riparian vegetation.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that he chose to request relief from the required stream buffer rather than shifting the house forward and requesting relief from the front setback because if the proposed house were ten (10) feet closer to the street, it would not be in harmony and character with the neighborhood. Further, the applicant states that the covered porch would be tastefully constructed, have minimal effect on the stream by encroaching into the impervious setback 218 square feet (6.6%), and would pose no detriment to the neighbors. Additionally, the applicant states that extra care would be taken to control water run-off during construction and to preserve the natural, vegetative surroundings. The applicant has provided site plans to support the above claims.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The applicant has submitted site plans/topography maps indicating the subject property to be sloped from west to east and indicating the presence of a stream having a center line located along the rear east property line. The seventy-five (75) foot stream buffer extends west and approximately encompasses the eastern half of rear portion of the subject property. The applicant intends to redevelop the lot over the footprint of the existing home, however; the proposed house's footprint will be larger than the original home's. The required forty (40) foot rear setback line falls within the fifty (50) foot undisturbed portion of the seventy-five foot stream buffer.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received October 3, 2006 by the Department of Community Development, showing the buffer reduced to no less than sixty-six (66) feet where necessary to accommodate the portion of the encroachment only.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The sixty-six (66) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the sixty-six (66) foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal, City's determination on retaining walls located in impervious setbacks, Letter of appeal of the City's determination on retaining walls located in impervious setbacks, and site plans.

Variance Petition No. V06-125

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Robert and Lisa Burnett

Petitioner

Robert Burnett

Representative

Robert Burnett

PROPERTY INFORMATION

**Address, Land Lot,
and District** 435 Bridges Creek Trail
Land Lot 72, District 17

Council District 4

Frontage and Area 135 feet of frontage along the south side of Bridges Creek Trail. The subject property has a total area of approximately 0.45 acres.

**Existing Zoning
and Use** R-3 (Single-Family Dwelling District) developed with a single-family residence.

Overlay District Urban District (N/ A)

Interim 2025

**Comprehensive
Future Land Use
Map Designation**

R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking primary variances for relief from:

- 1) Section 6.4.3.C of the Zoning Ordinance to reduce the minimum west side yard setback from ten (10) feet to one and a half (1.5) feet, and
- 2) Section 6.4.3.d to reduce the minimum rear yard setback from thirty-five (35) feet to three (3) feet.

Both variances for the construction of an attached carport.

Parcel Map

435 Bridges Creek Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-125

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting primary variances for relief from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum west side yard setback from ten (10) feet to one and a half (1.5) feet and from Section 6.4.3.d of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to three (3) feet. The applicant intends to construct an attached carport.

The applicant has submitted a site plan indicating the subject property as irregularly shaped having an existing house that is skewed in relation to all property lines. The residence is legally non-conforming because it encroaches into the rear setback. The applicant states that the house previously had a carport that was converted into another room for the house by the owners at that time. The previous owners then extended the existing driveway towards the west side yard to provide room for cars once accommodated by the converted carport - the applicant intends to utilize the location of the existing driveway to access the proposed carport. The applicant states that the proposed location of the carport is the most suitable place because the house's existing floor plan has exterior access on that side - the other side of the residence ends with two (2) bedrooms, and there is no entrance to the house.

The applicant states that the proposed carport would appear in harmony with the existing house's appearance - the carport's design would be consistent with the rest of the home. The applicant further states that the proposed carport addition would be consistent with other properties in the neighborhood having structures located closer than ten (10) feet to side property line(s) and/or closer than thirty-five (35) to the rear property line.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If submitted after Dec. 31, 2006, design and construction shall be per the 2006 IRC with 2007 Ga State amendments. If porch applies additional loadings to existing house or foundations, the design professional must submit a sealed and signed letter that the existing structure(s) are in compliance with Appendix J of the IRC.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The existing residence is legally non-conforming because it encroaches into the rear setback. The applicant states that the proposed carport would appear in harmony with the existing house's appearance - the carport's design would be consistent with the rest of the home, and the applicant would utilize the location of the existing driveway. The applicant further states that the proposed carport addition would be consistent with other properties in the neighborhood having structures located closer than ten (10) feet to side property line(s) and/or closer than thirty-five (35) to the rear property line. The applicant has provided photographs to document the above claims.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The applicant has submitted a site plan indicating the subject property as irregularly shaped having an existing house that is skewed in relation to all property lines. The residence is legally non-conforming because the existing residence encroaches into the rear setback. The applicant states that the house previously had a carport that was converted into another room for the house by the owners at that time. The previous owners then extended the existing driveway towards the west side yard to provide room for cars once accommodated by the converted carport - the applicant intends to utilize the location of the existing driveway to access the proposed carport. The applicant states that the proposed location of the carport is the most suitable place because the house's existing floor plan has exterior access on that side - the other side of the residence ends with two (2) bedrooms, and there is no entrance to the house.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received October 3, 2006 by the Department of Community Development, showing the side yard setback reduced to no less than one and a half (1.5) feet and showing the rear yard setback reduced to no less than three (3) feet where necessary to accommodate the portions of the encroachments only.

ATTACHMENTS: Letter of appeal, amended letter of appeal, site plans, photographs, letter of opposition, and letter of support.

Variance Petition No. V06-126

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
North Atlanta Properties, Inc.	North Atlanta Properties, Inc.	Thomas Alexander

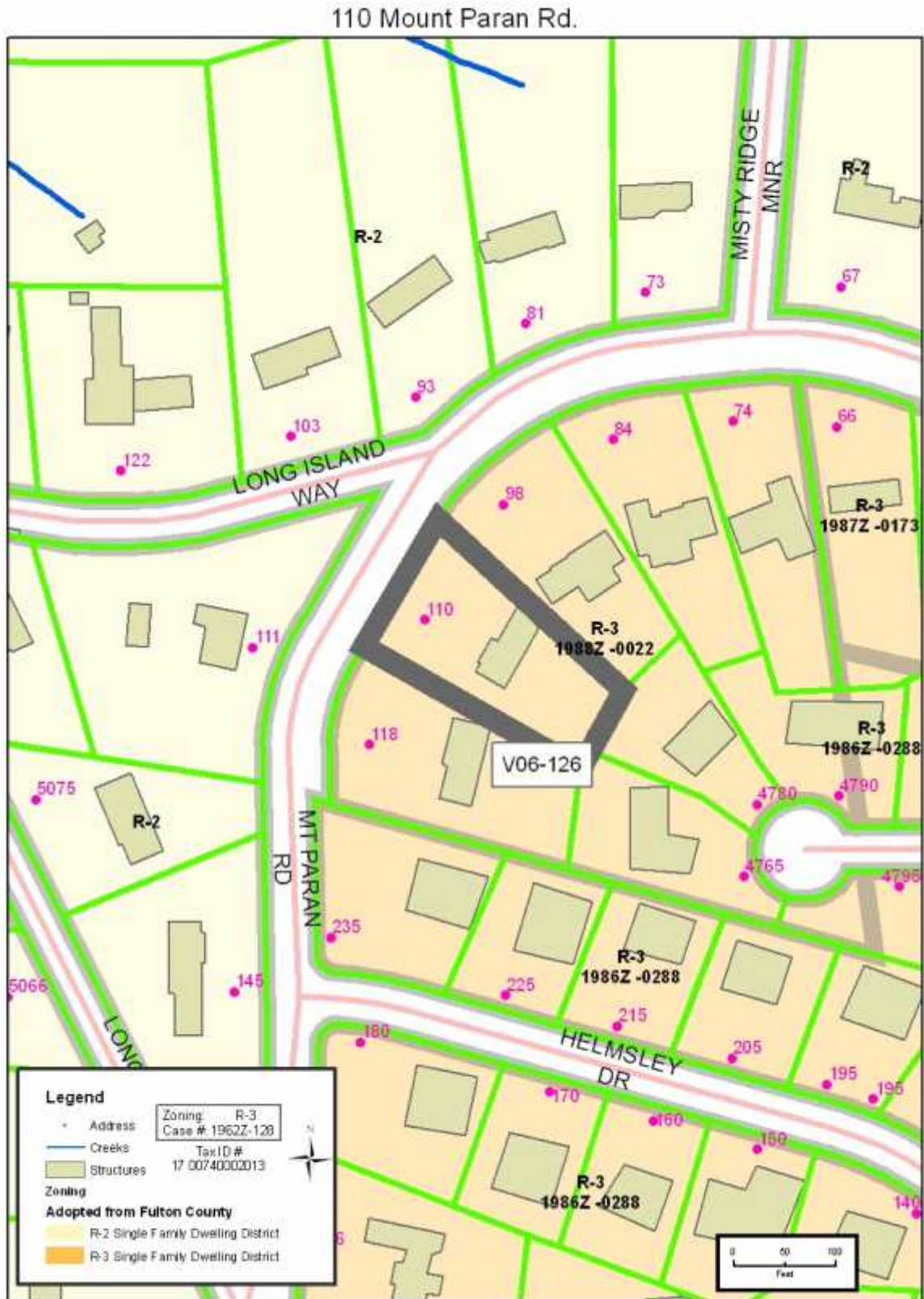
PROPERTY INFORMATION

Address, Land Lot, and District	110 Mount Paran Road Land Lot 120, District 17
Council District	6
Frontage and Area	147 feet of frontage along the southeast side of Mount Paran Road. The subject property has a total area of approximately 0.64 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) conditional under zoning case Z88-022. The lot is being developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre) and R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree.

Parcel Map



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-126

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree, a twenty-nine (29) inch pine.

The applicant is constructing a single-family residence. The tree proposed to be removed is growing in the rear, southeastern, buildable area of the lot. The applicant states that the back foundation wall of proposed house is in the same location as the foundation wall of the previous house and that the subject pine tree is located twenty (20) feet from the proposed residence. The applicant further states that the subject tree has most of its limbs located on the side that faces the house, and that the tree is a danger to the proposed home because of its close proximity to the master bedroom and the house in general.

Additionally, the applicant states that two other specimen pine trees are growing in the rear area of the lot. The applicant intends to save the aforementioned pine trees as well as the numerous other trees growing on the subject property.

The City Arborist examined the subject tree and believes it to be healthy and leaning towards the new house.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ Applicant wants to remove a twenty-nine (29) inch pine that is close to the new house. The tree appears to be healthy but leaning towards the new house.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that the back foundation wall of proposed house is in the same location as the foundation wall of the previous house and that the subject pine tree is located twenty (20) feet from the proposed residence. The applicant further states that the subject tree has most of its limbs located on the side that faces the house, and that the tree is a danger to the proposed home because of its close proximity to the master bedroom and the house in general. Additionally, the applicant states that two other specimen pine trees are growing in the rear area of the lot. The applicant intends to save the aforementioned pine trees as well as the numerous other trees growing on the subject property. The applicant has provided a site plan and photographs in an attempt to document the above claims.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received October 2, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plan.

Variance Petition No. V06-127

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Lifestyle-Spalding, Inc.

Petitioner
Sam Leveto

Representative
Jack O'Hanlon

PROPERTY INFORMATION

Address, Land Lot, and District 910 Spalding Drive
Land Lot 22, District 17

Council District 4

Frontage and Area 172 feet of frontage along the north side of Spalding Drive and 1,307 feet of frontage along the west side of Turner McDonald Parkway (GA 400). The subject property has a total area of approximately 5.85 acres.

Existing Zoning and Use TR (Townhouse Residential District) conditional under zoning case Z00-023. The lot is being developed with townhouse residences.

Overlay District N/A

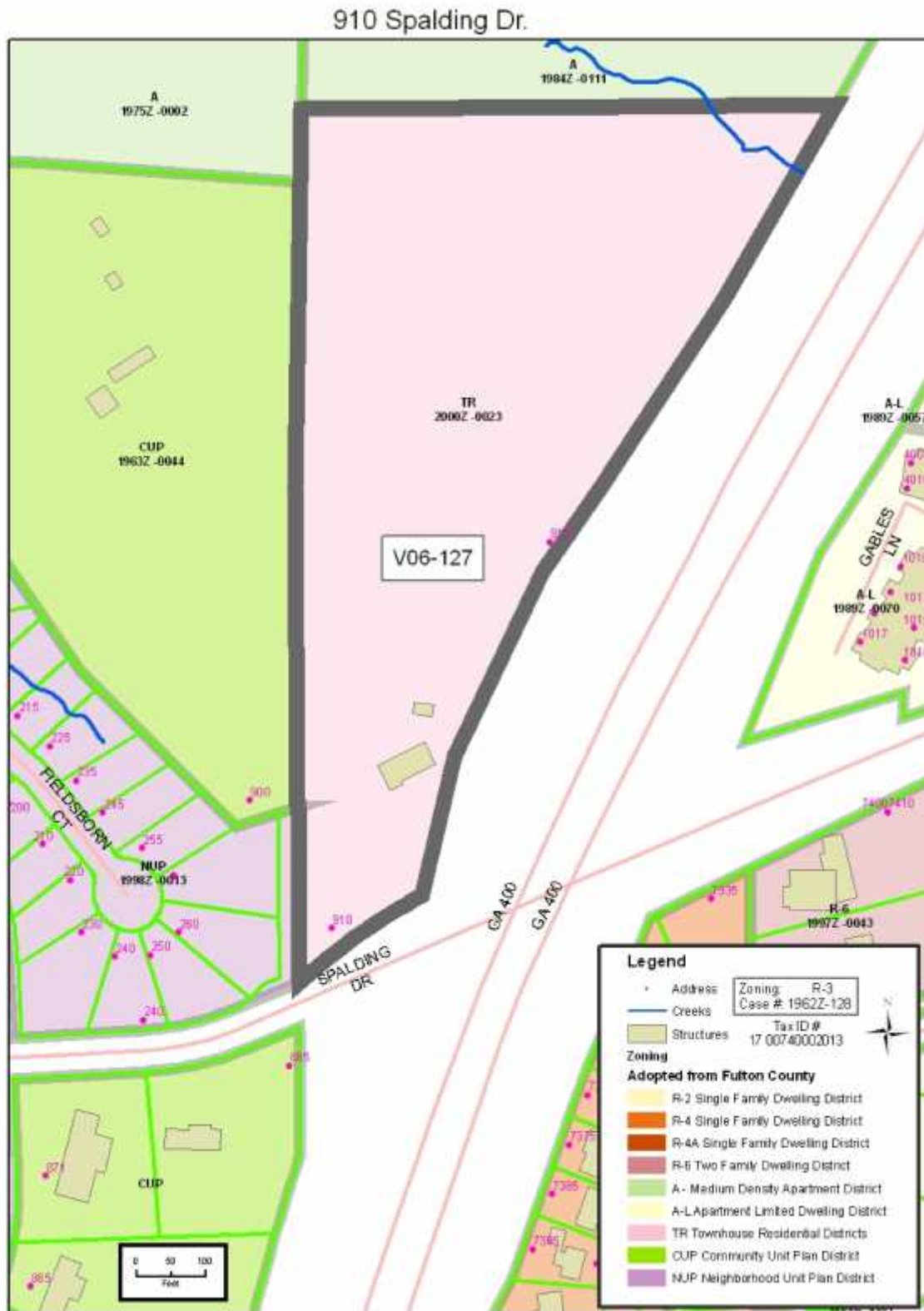
Interim 2025 Comprehensive Future Land Use Map Designation R12-20 Residential (12 to 20 units per acre)

INTENT

The applicant is seeking primary variances for relief from:

- 1) Section 7.2.3.H.2 of the Zoning Ordinance to reduce the minimum perimeter side yard setback from forty (40) feet to twenty (20) feet for the construction of the mail kiosk and to thirty-three (33) feet for the construction of decks on six (6) townhouse units,
- 2) Section 4.23.1.A of the Zoning Ordinance to reduce the minimum side corner landscape strip from thirty (30) feet to twenty (20) feet for the construction of the mail kiosk, and
- 3) Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (mail kiosk) within the landscape strip.

Parcel Map



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-127

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting primary variances from Section 7.2.3.H.2 of the Zoning Ordinance to reduce the minimum perimeter side yard setback from forty (40) feet to twenty (20) feet for the construction of the mail kiosk and to thirty-three (33) feet for the construction of decks on six (6) townhouse units (building six), Section 4.23.1.A of the Zoning Ordinance to reduce the minimum side corner landscape strip from thirty (30) feet to twenty (20) feet for the construction of the mail kiosk, and from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (mail kiosk) within the landscape strip.

The development will consist of 101 townhouse units. The applicant states that under zoning case Z00-023, an approved site plan indicated a mail kiosk for the townhouse development located near the entrance on Spalding Drive and adjacent to five (5) parking spaces provided for car passengers using the kiosk. Subsequently, a Land Disturbance Permit was approved by Fulton County. After beginning construction, it became evident that a site plan revision was necessary to accommodate Fulton County's regulations regarding gated communities - the revision directly affected the location of the proposed mail kiosk. The revised site plan was approved by Sandy Springs and included a reconfigured entry and eight (8) additional "overflow"/guest parking spaces. The applicant further states that after studying traffic flow for the subject townhouse community, considering traffic patterns for similar developments, and after discussions with the U.S. Postal Service, it was determined that the mail kiosk should be located internal of the development. The applicant believes the most logical location for the kiosk would be adjacent to the aforementioned eight (8) additional "overflow"/guest parking spaces in order to allow residents better access to their mail.

The applicant indicates that the variance requests regarding the mail kiosk would be in harmony with the general purpose and intent of the Ordinance because the proposed kiosk, being roughly two-hundred (200) square feet, would not jeopardize the intent of the requirement to provide the perimeter side setback and landscape strip. The perimeter side setback and landscape strip are internal to the property line that abuts GA 400. The applicant indicates that the proposed mail kiosk would cause no detriment to the public and have no effect on adjoining property owners. The applicant further indicates that by locating the proposed mail kiosk internal to the development, utilizing the "overflow"/guest parking spaces, it would provide for better traffic flow and better serve the community.

If granted, the applicant indicates that the variance request regarding the proposed decks would be in harmony with the general purpose and intent of the Zoning Ordinance because the proposed decks would not jeopardize the intent of the requirement to provide the perimeter side setback. The perimeter side setback is adjacent to the right-of-way of GA 400. The applicant states that all the other townhouses in the development would have similar style

decks, therefore; the proposed decks would be in harmony with the neighborhood. Staff notes that if the subject townhouse development consisted of lots of individual records, the proposed decks could encroach into the required setback up to ten (10) feet without the need for a variance.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The existing landscape strip is to be replanted so no existing trees will be impacted.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant believes that the variance requests regarding the mail kiosk is in harmony with the general purpose and intent of the Ordinance because the proposed kiosk, being roughly two-hundred (200) square feet, would not jeopardize the intent of the requirement to provide the perimeter side setback and landscape strip. The perimeter side setback and landscape strip are internal to the property line that abuts GA 400 – the proposed mail kiosk would cause no detriment to the public and have no effect on adjoining property owners. The applicant further believes that by locating the proposed mail kiosk internal to the development, utilizing the “overflow”/guest parking spaces, it would provide for better traffic flow and better serve the community. The applicant has provided site plans to document the above statements.

The applicant believes that the variance request regarding the proposed decks is in harmony with the general purpose and intent of the Zoning Ordinance because the proposed decks would not jeopardize the intent of the requirement to provide the perimeter side setback. The perimeter side setback is internal to the property line that abuts GA 400 – the proposed decks would cause no detriment to the public and have no effect on adjoining property owners. The applicant states that all the other townhouses in the development would have similar style decks, therefore; the proposed decks would be in harmony with the neighborhood. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan and Details of Site Plan, provided by the applicant dated received October 2, 2006 by the Department of Community Development, showing the proposed mail kiosk located twenty (20) feet from the east side property line and showing the proposed decks having a perimeter side yard setback reduced to not less than thirty-three (33) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letters of appeal, photographs, elevation drawings, and site plans.

Variance Petition No. V06-128

HEARING & MEETING DATES

Design Review Board Meeting

November 14, 2006

Board of Zoning Appeals Hearing

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Madison Retail-Glenridge, LLC

Petitioner

Homes by Williamscraft, Inc.

Representative

Jake Sisley

PROPERTY INFORMATION

Address, Land Lot, and District

Glenridge Heights Subdivision
Land Lot 38, District 17

Council District

5

Frontage and Area

800 feet of frontage along the north side of Glenridge Drive and 690 feet of frontage along the south side of I-285. The subject property has a total area of approximately 13.42 acres.

Existing Zoning and Use

TR (Townhouse Residential District) conditional under zoning case Z04-138/VC04-209. The lot is being developed with townhouse residences.

Overlay District

Urban District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

LWN Living-Working Community

INTENT

The applicant is seeking primary variances for relief from:

- 1) Section 7.2.3.H.1 of the Zoning Ordinance to reduce the minimum perimeter front yard setback from forty (40) feet to thirty-one (31) feet,
- 2) Section 4.23.1.A of the Zoning Ordinance to reduce the minimum front yard landscape strip from forty (40) feet to thirty-one (31) feet, and
- 3) Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow permanent structures (decks) within the landscape strip.

All variances for the construction of decks on a townhouse development.

Parcel Map

Glenridge Heights Subdivision



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-128

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting primary variances from Section 7.2.3.H.1 of the Zoning Ordinance to reduce the minimum perimeter front yard setback from 40 feet to 31 feet, Section 4.23.1.A of the Zoning Ordinance to reduce the minimum front yard landscape strip from 40 feet to 31 feet, and from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow permanent structures within the landscape strip. The applicant intends to construct deck additions to eighteen (18) townhouse units.

The subject property is considered a "thru lot", having two frontages and, as such, is required to provide two perimeter front yard setbacks and landscape strips that overlap each other. The property is accessed off of Glenridge Drive to the south and abuts I-285 to the north. The development will consist of 120 townhouse units.

If granted, the applicant believes that the variance request for the proposed decks would be in harmony with the general purpose and intent of the Ordinance because the proposed decks would not jeopardize the intent of the requirement to provide the perimeter front setback and landscape strip - the perimeter front setback and landscape strip overlap and are internal to the property line that abuts I-285. Therefore, the proposed decks would cause no detriment to the public and have no effect on adjoining property owners. The applicant states that all the other townhouses in the development would have similar style decks, therefore; the proposed decks would be in harmony with the neighborhood.

On November 14, 2006, the Design Review Board (DRB) recommended approval of the variance request subject to the applicant installing the Overlay District streetscape and Perimeter Community Improvement District improvements, as required per Articles XII-B and XII-B(1), at the time of building permit approval.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If submitted after Dec. 31, 2006, design and construction shall be per the 2006 IRC with 2007 Ga State amendments. If deck applies additional loadings to existing townhouse or foundations, the design professional must submit a sealed and signed letter that the existing structure(s) are in compliance with Appendix J of the IRC. Connections of decks to townhouse structure must be properly detailed in accordance with applicable codes. Deck framing, guardrails, stairs, etc. must be in accordance with applicable codes and NFPA 101 for life safety. For deck to be of combustible materials, a three foot minimum distance from side property line will be required. Otherwise deck must be of one hour construction.
	Sandy Springs Landscape Architect/ Arborist	▪ The existing landscape strip is to be replanted so no existing trees will be impacted.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant believes that the variance request for the proposed decks is in harmony with the general purpose and intent of the Ordinance because the proposed decks would not jeopardize the intent of the requirement to provide the perimeter front setback and landscape strip - the perimeter front setback and landscape strip bisect each other and are internal to the property line that abuts I-285. Therefore, the proposed decks would cause no detriment to the public and have no effect on adjoining property owners. The applicant states that all the other townhouses in the development would have similar style decks, therefore; the proposed decks would be in harmony with the neighborhood.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received December 4, 2006 by the Department of Community Development, showing the proposed decks having a perimeter front yard setback reduced to not less than thirty-one (31) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal and site plans.



Variance Petition No. V06-129

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006 (Deferred)

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Scott Felton

Petitioner

Scott Felton

Representative

Scott Felton

PROPERTY INFORMATION

Address, Land Lot, and District 745 Fair Oaks Manor
Land Lot 166, District 17

Council District 6

Frontage and Area 35 feet of frontage along the northwest side of the Fair Oaks Manor cul-de-sac and 131 feet of frontage along the south side of I-285. The subject property has a total area of approximately 1.00 acre.

Existing Zoning and Use R-2 (Single-Family Dwelling District). The lot is undeveloped.

Overlay District N/A

Interim 2025

Comprehensive Future Land Use Map Designation R0-1 Residential (0 to 1 units per acre)

INTENT

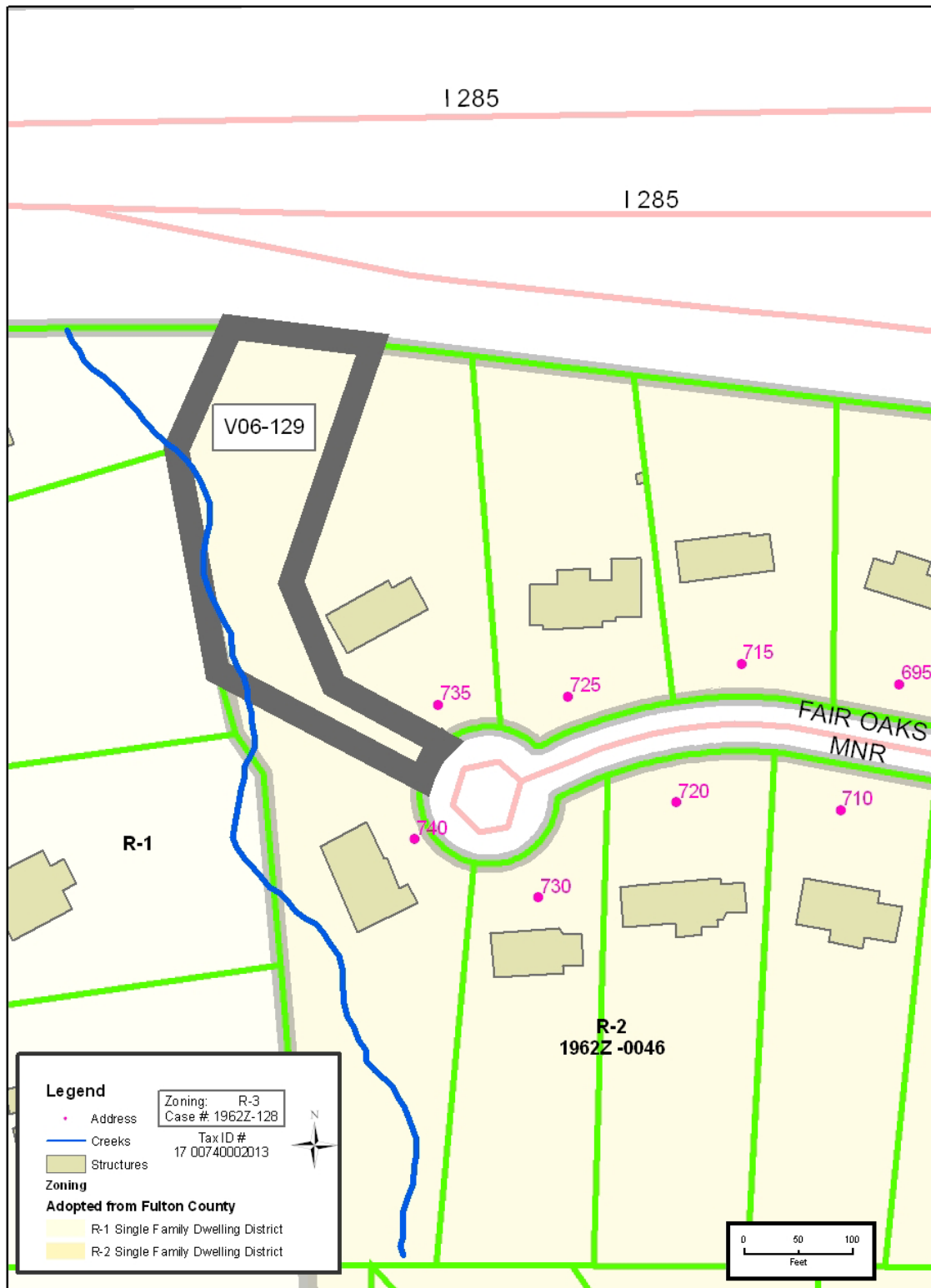
The applicant is seeking two (2) primary variances:

- 1) variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback (of the seventy-five (75) foot stream buffer) to four (4) feet and
- 2) variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback along I-285 from sixty (60) feet to forty (40) feet.

All variances are to allow for the construction of a single-family house.

Parcel Map

745 Glen Oaks Manor



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-129

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a) (ii) of the Land Development and Environment Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback (of the seventy-five (75) foot stream buffer) to four (4) feet. Moreover, according to the original site plan submitted with the application, the applicant requested relief from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback along I-285 from sixty (60) feet to forty (40) feet. The applicant intends to construct a single-family residence.

The subject property is a "Grandfathered" flag lot (platted 1989), and the applicant states that when he purchased the lot he was assured that the stream buffer requirement in effect was twenty-five (25) feet. The applicant has submitted site plans/topography maps indicating the subject property to be irregularly shaped, sloped from east to west, and indicating the presence of a stream having a center line located along the side west property line. The seventy-five (75) foot stream buffer extends east and encompasses approximately two-thirds (2/3) of the western half or side portion of the subject property. Portions of the required fifteen (15) foot side setback lines fall within the twenty-five (25) foot impervious surface setback, within the fifty (50) foot undisturbed portion, and beyond the stream bank. The applicant states that due to the lot's irregular configuration, the required stream buffer extends over the thin front portion of the lot making construction of a driveway to access the property impossible to accomplish without a stream buffer variance.

The applicant states that he is proposing a reasonable size house where the lot would not be "over-built" and in harmony with the neighborhood's surrounding homes. The applicant has intentionally designed and sited the house outside of the fifty (50) foot undisturbed portion of the required stream buffer.

After a site visit, the City of Sandy Springs Arborist determined that a twenty-five (25) inch specimen pine tree is growing on the neighboring property to the east. If the subject property's driveway is constructed as shown, it will affect the aforementioned tree. However, it would not incur detrimental critical root zone damage if the planned driveway construction occurs as shown - provided that no contour grading is performed within its critical root zone and/or the proposed driveway is shifted slightly to the west.

On December 14, 2006 the Board of Zoning Appeals (BZA) deferred variance application V06-129 to allow the applicant to consider revising his plans taking into account the following recommendations:

- A) That the applicant make every attempt to stay out of the required fifty (50) foot undisturbed buffer and out of the twenty-five (25) foot impervious setback. The applicant should also make every attempt to stay out of the required side setbacks. To achieve this, the Board suggested the following:
 - 1) Reduce and/or reconfigure the proposed house's footprint and/or
 - 2) Relocate the proposed house by rotating it away from required fifty (50) foot undisturbed buffer and out of the twenty-five (25) foot impervious surface setback and/or
 - 3) Relocate the proposed house closer to I-285 at the back or northern portion of the subject property.
- B) That the applicant considers using a pervious material to construct the entire driveway.

The original site plan provided by the applicant dated received October 3, 2006 by the Department of Community Development indicated a reduction of the twenty five (25) foot impervious surface setback to five (5) feet and the proposed setback along I-285 as forty (40) feet. According to Section 3.3.12 of the Zoning Ordinance, a lot having more than one front lot line does not have a rear lot line and is considered a dual frontage lot. Dual frontage lots shall take on the same front setback from each front property line indicated. In this case, the required minimum front yard setback from the property line adjoining I-285 to the north is sixty (60). The original site plan showed the house as setting back forty (40) feet from the property line adjoining I-285; therefore, encroaching twenty (20) feet into the minimum required sixty (60) foot front yard setback.

Staff contacted the applicant several times in attempt to have him revise his site plan to address the Board's recommendations. The applicant supplied Staff with a revised site plan dated received January 29, 2007 by the Department of Community Development. The revised site plan shows an alternate house footprint in compliance with the required sixty (60) foot front yard setback from the property line adjoining I-285. However, the new alternate house footprint is shown to be set back fifty-four (54) feet from the stream, reducing the twenty-five (25) foot impervious surface setback to four (4) feet. The new site plan shows a house footprint encroaching one (1) foot more into the 25 foot impervious surface setback than the original site plan.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ There is one 25" pine on the neighbor's property that will be impacted by the new drive.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant states that he is proposing a reasonable size house where the lot would not be "over-built" and in harmony with the neighborhood's surrounding homes. The applicant has intentionally designed and sited the house outside of the fifty (50) foot undisturbed portion of the required stream buffer. The applicant has provided a site plan to support the above claims.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;*

The subject property is a "Grandfathered" flag lot. The applicant has submitted site plans/topography maps indicating the subject property to be irregularly shaped, sloped from east to west, and indicating the presence of a stream having a center line located along the side west property line. The seventy-five (75) foot stream buffer extends east and encompasses approximately two-thirds (2/3) of the western half or side portion of the subject property. Portions of the required fifteen (15) foot side setback lines fall within the twenty-five (25) foot impervious setback, within the fifty (50) foot undisturbed portion, and beyond the stream bank. The applicant states that due to the lot's irregular configuration, the required stream buffer extends over the thin front portion of the lot making construction of a driveway to access the property impossible to accomplish without a stream buffer variance.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received January 29, 2007 by the Department of Community Development, having the twenty-five (25) foot impervious surface setback reduced to no less than four (4) feet where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal, photographs, surveyor letter, copy of a plat, and site plans.

Variance Petition No. V06-132

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
The Simpson

Petitioner
City of Sandy Springs

Representative
City of Sandy Springs

PROPERTY INFORMATION

Address, Land Lot, and District. 7840 Roswell Road (SR 9)
Land Lot 30, District 17

Council District 2

Frontage and Area 1170.93 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 18.51441 acres (806,377 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County 84Z-162, currently developed with an Office Park.

Overlay District Suburban District

Interim 2025 Comprehensive Future Land Use Map Designation C – Commercial

INTENT

The applicant seeks a primary variance from Section 33.6.11.B.18 of the Sandy Springs Zoning Ordinance to allow for six (6) hanging signs to exceed the maximum allowed face size from three (3) square feet to 7.6 square feet. The signs are as follows:

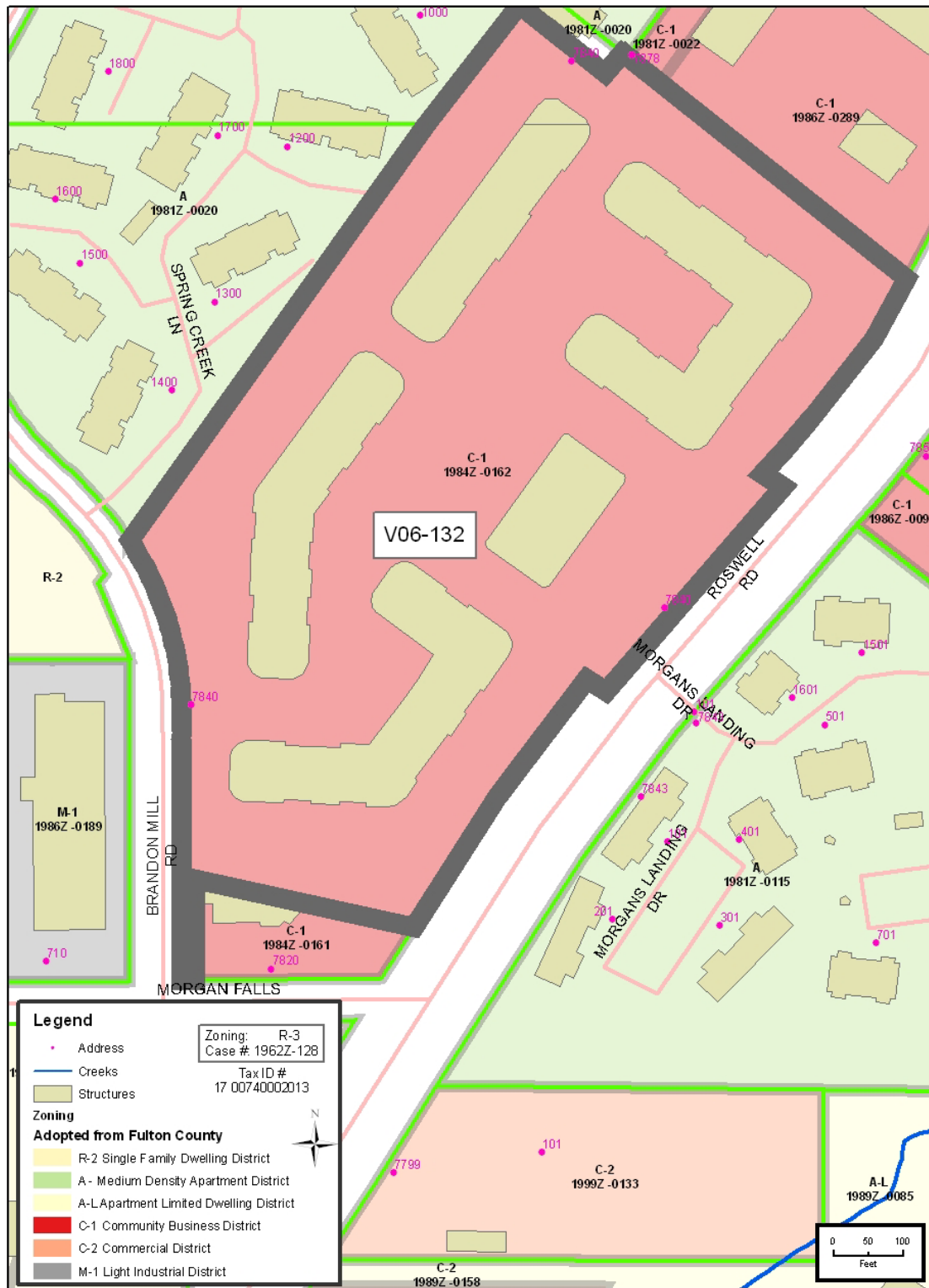
- 1) A hanging sign (ZONING & PERMITS) at the entrance to the Community Development Department on the southwest elevation of the building.
- 2) A hanging sign (CITY MANAGER'S OFFICE) at the entrance to the City Manager's office on the southwest elevation of the building.
- 3) A hanging sign (FINANCE, HUMAN RESOURCES, INFORMATION TECHNOLOGY and PURCHASING) at the entrance facing Roswell Rd.
- 4) A hanging sign (PUBLIC WORKS) at the entrance to the Public Works Department on the northeast elevation of the building.
- 5) A hanging sign (MUNICIPAL COURT ENTRANCE) at the entrance to the Municipal Court, on the south side of the north wing of the building, in the courtyard.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

6) A hanging sign (MAYOR & COUNCIL CHAMBERS, and LICENSING & TAXES) at the entrance shared with the Municipal Court.

Parcel Map

7840 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-132

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The City of Sandy Springs is seeking relief from Section 33.6.11.B.18 suspended (hanging) signs of the Sandy Springs Zoning Ordinance, to allow for six (6) hanging signs to exceed the maximum allowed face size from three (3) square feet to 7.6 square feet.

The applicant is a tenant within an office park, occupying approximately fifty five thousand (55,000.0) square feet of floor space. The building U configured floor plan; make it accessible to the specifics departments from the exterior of the building, as shown on exhibit 1.

The subject request is to allow the applicant to install signs at each entrance to the building for easy identification of each department and to gain access from the exterior. (Exhibit 2)

The Sandy Springs Zoning Ordinance makes provisions for businesses to have signs suspended from a porch oriented for pedestrian use, containing the name and logo of a use, not exceeding three (3) square feet in area. The applicant is asking to exceed the allowable sign area by four (4) feet, six (6) inches, for visibility purpose. (Exhibit 3)

The application is going to the Design Review Board on December 12, 2006. Recommendations from the Design Review Board are going to be available prior to the Board of Zoning Appeals hearing on December 14, 2006.

On December 12, 2006 meeting the Design Review Board recommended approval, conditioned to the signs being used for the Sandy Springs City Hall only.

Department Comments

The staff held a Focus Meeting on November 1, 2006 at which time the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from and adjoining road.*

The applicant stated that there are many variables taken into consideration with sign imaging. One of the most important variables is ensuring easy identification for pedestrian that can only be achieved with a larger sign.

The applicant also stated that the City Hall building is surrounded by other buildings within the office park, making it necessary an uncomplicated identification of the different services provided at City Hall.

Recommended Conditions:

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. That the suspended sign for (ZONING & PERMITS) shall not exceed 7.6 square feet in area, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development.
2. That the suspended sign for (CITY MANAGER'S OFFICE) shall not exceed 7.6 square feet, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development..
3. That the suspended sign for (FINANCE, HUMAN RESOURCE, INFORMATION TECHNOLOGY and PURCHASING) shall not exceed 7.6 square feet, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development.
4. That the suspended sign for (PUBLIC WORKS) shall not exceed 7.6 square feet, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development.
5. That the suspended sign for (MAYOR & COUNCIL CHAMBER and LICENSING & TAXES) shall not exceed 7.6 square feet, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development.
6. That the suspended sign for (MUNICIPAL COURT) shall not exceed 7.6 square feet, and be installed pursuant to the sign design detail (Exhibit 3) submitted by the applicant, dated received November 3, 2006 by the Department of Community Development.
7. That all the suspended signs for City Hall shall be installed pursuant to the sign location detail (Exhibit 4) submitted by the applicant, dated received November 28, 2006 by the Department of Community Development
8. That these suspended signs are only to be used to identify functions within the Sandy Springs City Hall.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, and letter of appeal.