



## Variance Petition No. V07-081

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner           | Petitioner     | Representative |
|--------------------------|----------------|----------------|
| Steen and Gitte Hagensen | Steen Hagensen | Steen Hagensen |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                    |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 165 Seville Chase<br>Land Lot 86, District 17                                                                                      |
| Council District                                           | 3                                                                                                                                  |
| Frontage and Area                                          | 103 feet of frontage along the southwest side of Seville Chase. The subject property has a total area of approximately 0.93 acres. |
| Existing Zoning and Use                                    | CUP (Community Unit Plan District) under zoning cases Z77-020 and Z79-080. The property is developed with a single-family house.   |
| Overlay District                                           | N/A                                                                                                                                |
| Interim 2025 Comprehensive Future Land Use Map Designation | R1-2 (1 to 2 units per acre)                                                                                                       |
| INTENT                                                     |                                                                                                                                    |

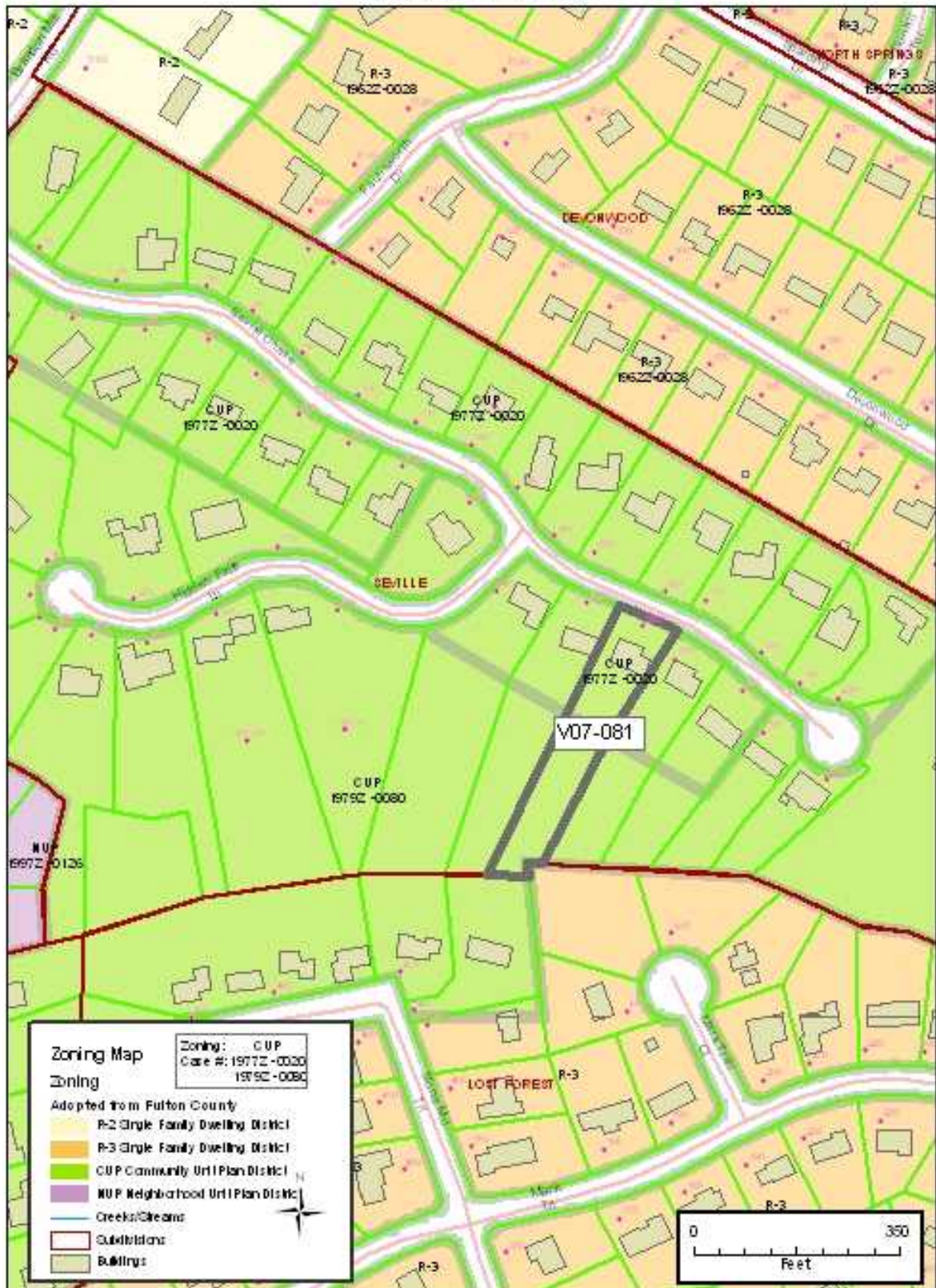
The applicant is requesting four (4) primary variances:

1) variance from Section 4.24.9.C of the Zoning Ordinance to construct a new structure over a Special Flood Hazard Area, 2) variance from Section 14.3.5.a.i of the Floodplain Management/Flood Damage Prevention Ordinance to allow new construction of a principal building within the limits of the future-conditions floodplain, 3) variance from Section 14.3.5.a.xi of the Floodplain Management/Flood Damage Prevention Ordinance to allow improvement to a structure which is not compliant with the provisions of the ordinance that furthers or replaces the non-conformity, and 4) variance from Section 14.3.5.b.i.a of the Floodplain Management/Flood Damage Prevention Ordinance to allow new construction of principal building within the limits of the future-conditions floodplain.

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

## Parcel Map

165 Seville Chase



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 10, 2008

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

CASE NUMBER: V07-015

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

**ANALYSIS:**

The applicant is requesting primary variances from Section 4.24.9.C of the Zoning Ordinance to construct a new structure over a Special Flood Hazard Area, from Section 14.3.5.a.i of the Floodplain Management/Flood Damage Prevention Ordinance to allow new construction of a principal building within the limits of the future-conditions floodplain, from Section 14.3.5.a.xi of the Floodplain Management/Flood Damage Prevention Ordinance to allow improvement to a structure which is not compliant with the provisions of the ordinance that furthers or replaces the non-conformity, and from Section 14.3.5.b.i.a of the Floodplain Management/Flood Damage Prevention Ordinance. The applicant intends to enclose a covered porch and add a second story above it. The applicant also intends to construct additional wood decking.

The applicant submitted a site plan indicating the subject property to have a long irregular shape and indicating it to be in a Special Flood Hazard Area (floodplain area). The site plan shows a stream located adjacent to the rear property line(s). The house is sited towards the front of the lot and is located within a required side yard setback. The house is considered "grandfathered" in terms of it being located in a side setback and flood plain.

The applicant states that the addition cannot be situated at the front of the house not only because it would be unharmonious with the general designs of the neighborhood, but because one of the main goals is to expand the second floor master bathroom. To redo the floor plan of the entire house to accommodate an expansion located further towards the front of the house would be impractical and too costly.

The applicant states that the foundation of the renovated porch will be based on piers rather than a slab-on-grade foundation. In addition, the added deck will be based on 4 x 4 wood posts. The applicant states the proposed design will allow free flow/movement of possible flood water.

The applicant states that the subject property was acquired in 1989, at which time the property was located in FEMA Zone C (Map 135160 0070C). The applicant states further that at that time properties numbered from 145 Seville Chase to 205 Seville Chase were also located in FEMA Zone C. In addition, the applicant states that prior to the formation of the City of Sandy Springs, several home owners in this area added substantial additions to their properties; thereby updating their living space and increasing their property values. Through a series of construction events, the FEMA Zone in the area was subsequently changed from Zone C to Zone AE. The applicant further states that if the variance is granted, the lost property value that

occurred with the FEMA Zone shift to AE would be recouped and the property would be in harmony with the neighborhood, especially those having had improvements over the years. Without a variance, the applicant's lot would be left with a house that cannot be altered or be brought up to date with the standards of buildings going up in the nearby vicinity. The applicant believes that the proposed addition would cause no detriment to the public.

### Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                          |                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | <ul style="list-style-type: none"> <li>▪ Building plans, including foundation and footing plans, for all proposed new construction requiring a variance shall bear the seal and signature of a professional engineer or architect and shall include certification signed by the design professional that the new construction is anchored to prevent flotation, collapse, or lateral movement of the structure and that the improvements shall be constructed with materials resistant to flood damage.</li> </ul> |
|                                          | Sandy Springs Building Plan Reviewer                          | <ul style="list-style-type: none"> <li>▪ The building Division has no concerns as long as any structure is constructed to the building codes currently adopted by the City of Sandy Springs.</li> </ul>                                                                                                                                                                                                                                                                                                            |
|                                          | Sandy Springs Landscape Architect/ Arborist                   | <ul style="list-style-type: none"> <li>▪ The entire house is in the 100 year flood plain. There is one protected tree that may be minimally impacted by the proposed construction.</li> </ul>                                                                                                                                                                                                                                                                                                                      |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Protection Engineer                        | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>TRANSPORTATION</b>                    | Sandy Springs Department of Transportation, Planning Engineer | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                          | Georgia Department of Transportation                          | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## 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 house is sited towards the front of the lot and is located within a required side yard setback. The house is considered “grandfathered” in terms of it being located in a side setback and flood plain.

The applicant states that the addition cannot be situated at the front of the house not only because it would be unharmonious with the general designs of the neighborhood, but because one of the main goals is to expand the second floor master bathroom. To redo the floor plan of the entire house to accommodate an expansion located further towards the front of the house would be impractical and too costly. The applicant has provided plans and photos to document the above statement(s).

The applicant states that the foundation of the renovated porch will be based on piers rather than a slab-on-grade foundation. In addition, the added deck will be based on 4 x 4 wood posts. The applicant states the proposed design will allow free flow/movement of possible flood water. The applicant has provided plans and photos to document the above statement(s).

The applicant states that the subject property was acquired in 1989, at which time the property was located in FEMA Zone C (Map 135160 0070C). The applicant states further that at that time properties numbered from 145 Seville Chase to 205 Seville Chase were also located in FEMA Zone C. In addition, the applicant states that prior to the formation of the City of Sandy Springs, several home owners in this area added substantial additions to their properties; thereby updating their living space and increasing their property values. Through a series of construction events, the FEMA Zone in the area was subsequently changed from Zone C to Zone AE. The applicant further states that if the variance is granted, the lost property value that occurred with the FEMA Zone shift to AE would be recouped and the property would be in harmony with the neighborhood, especially those having had improvements over the years. Without a variance, the applicant’s lot would be left with a house that cannot be altered or be brought up to date with the standards of buildings going up in the nearby vicinity. The applicant has provided plans and photos to document the above statement(s).

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 submitted a site plan indicating the subject property to have a long irregular shape and indicating it to be in a Special Flood Hazard Area (floodplain area). The site plan shows a stream located adjacent to the rear property line(s). The applicant believes that the proposed addition would cause no detriment to the public.

**Recommended Condition(s)**

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

- 1) That the proposed additions be constructed in accordance with the Site Plan, provided by the applicant dated received November 5, 2007 by the Department of Community Development, showing the encroachment into the flood plain only where necessary to accommodate the portion of the shown encroachment.
- 2) That the building plans, including foundation and footing plans, for all proposed new construction requiring a variance shall bear the seal and signature of a professional engineer or architect and shall include certification signed by the design professional that the new construction is anchored to prevent flotation, collapse, or lateral movement of the structure and that the improvements shall be constructed with materials resistant to flood damage.

ATTACHMENTS: Site plans, elevation drawing, letter of support, photographs, and letter of appeal.



## Variance Petition No. V07-082

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner       | Petitioner             | Representative |
|----------------------|------------------------|----------------|
| Lee and Sherry Bagel | Cavallino Design Group | Michael Beck   |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                                        |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 225 Trimble Crest Drive<br>Land Lot 14, District 17                                                                                                    |
| Council District                                           | 5                                                                                                                                                      |
| Frontage and Area                                          | 35 feet of frontage along the southeast side of the Trimble Crest Drive cul-de-sac. The subject property has a total area of approximately 0.65 acres. |
| Existing Zoning and Use                                    | CUP (Community Unit Plan District) under zoning case Z99-063. The property is being developed with a single-family residence.                          |
| 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 a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a ten (10) foot undisturbed buffer to allow for a swimming pool on an existing deck.

# Parcel Map

225 Trimble Crest Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 10, 2008

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

CASE NUMBER: V07-082

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

**ANALYSIS:**

The applicant is requesting relief from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a ten (10) foot undisturbed buffer to allow for a swimming pool on an existing deck.

The Brookhaven Lakes subdivision was originally platted in the year 2000 and revised in subsequent years. The existing house under construction was originally permitted under Fulton County, and with the creation of the City of Sandy Springs, the inspection process was transferred to the City. Staff has concluded that through a series of events, the subject pond was once significantly smaller, and, because the pond was once significantly smaller, the original permitted house did not require a Stream Buffer variance.

Because of the pool's proposed location within the twenty-five (25) foot State Buffer, the applicant has filed for a variance with the state to allow the proposed pool. To date, Staff is not aware of state approval for what is being proposed.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a pond in the rear yard, directly behind the existing house. Photographs and a topographical map indicate the yard to slope from the cul-de-sac frontage towards the pond in the rear of the subject property. The existing house encroaches into the twenty-five (25) foot impervious surface setback, the fifty (50) foot undisturbed natural buffer, and the twenty-five (25) foot state buffer.

The applicant states that due to the size, shape (influenced by the cul-de-sac frontage), and topography of the lot, the front and side yards are practically non-existent and can not be reasonably utilized for leisure/recreation activities. Even the back yard can not be reasonably utilized for leisure/recreation activities due to the slope; this is why the deck (constructed some nine (9) feet above grade) is hoped to be used as a leisure/recreation area having a small pool (15' x 32') and seating area.

The applicant states that the deck is constructed to commercial standards and is more than heavy duty enough to accept the above ground pool as hoped. In fact, no further land disturbance would be required to install the pool.

The applicant states that, since there is no common pool and tennis type club there, the majority of houses in the Brookhaven Lakes subdivision have pools. To not allow a pool on the subject property would be unharmonious because it is probably the most expensive home in the subdivision.

The applicant states that environmentally, the entire area around the house is already stabilized, landscaped and secured. The installation of the pool would not add any more impervious surface and would have zero (0) impact on the existing trees and environment. The applicant continues by stating the equipment and materials to construct the proposed pool all have to come through the house down to the deck area.

### Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                          |                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | <ul style="list-style-type: none"> <li>Proposed pool appears to be located within the 25ft State Waters Buffer associated with the pond; therefore, a variance from the GaEPD is required before Sandy Springs can issue a permit to construct the proposed pool.</li> </ul>                                                                                                                                                                                                                              |
|                                          | Sandy Springs Building Plan Reviewer                          | <ul style="list-style-type: none"> <li>The building Division has no concerns as long as any structure is constructed to the building codes currently adopted by the City of Sandy Springs.</li> </ul>                                                                                                                                                                                                                                                                                                     |
|                                          | Sandy Springs Landscape Architect/ Arborist                   | <ul style="list-style-type: none"> <li>The site was originally permitted by Fulton County and the encroachment is pre-existing.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Protection Engineer                        | <ul style="list-style-type: none"> <li>If any residence is constructed closer than 20 feet to another residential structure or other outbuilding larger than 300 sf, automatic sprinklers shall be required in the kitchen and fuel fired equipment room pursuant the City of Sandy Springs fire ordinance 2006-11-86: Chapter 15, Health and Public Safety, which became effective on November 8, 2006. See enclosed Minimum Design Guidelines for the City of Sandy Springs Fire Department.</li> </ul> |
| <b>TRANSPORTATION</b>                    | Sandy Springs Department of Transportation, Planning Engineer | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                          | Georgia Department of Transportation                          | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## 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;*

A site plan provided by the applicant shows the existing house encroaching into the twenty-five (25) foot impervious surface setback, the fifty (50) foot undisturbed natural buffer, and the twenty-five (25) foot state buffer.

The applicant states that the deck is constructed to commercial standards and is more than heavy duty enough to accept the above ground pool as hoped. In fact, no further land disturbance would be required to install the pool. The applicant has provided site plans and photographs to document the above statement(s).

The applicant states that, since there is no common pool and tennis type club there, the majority of houses in the Brookhaven Lakes subdivision have pools. To not allow a pool on the subject property would be unharmonious because it is probably the most expensive home in the subdivision. The applicant has provided photographs to document the above statement(s).

The applicant states that, environmentally, the entire area around the house is already stabilized, landscaped and secured. The installation of the pool would not add any more impervious surface and would have zero (0) impact on the existing trees and environment. The applicant continues by stating the equipment and materials to construct the proposed pool all have to come through the house down to the deck area. The applicant has provided site plans and photographs to document the above statement(s).

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 to have an irregular shape and a pond in the rear yard, directly behind the existing house. Photographs and a topographical map indicate the yard to slope from the cul-de-sac frontage towards the pond in the rear of the subject property.

The applicant states that due to the size, shape (influenced by the cul-de-sac frontage), and topography of the lot, the front and side yards are practically non-existent and can not be reasonably utilized for leisure/recreation activities. Even the back yard can not be reasonably utilized for leisure/recreation activities due to the slope; this is why the deck (constructed some nine (9) feet above grade) is hoped to be used as a leisure/recreation area having a small pool (15' x 32') and seating area. The applicant has provided site plans and photographs to document the above statement(s).

## **Recommended Condition(s)**

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

1. That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received November 5, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a ten (10) foot undisturbed natural buffer 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 has 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 has 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letters of appeal, site plans, letters of support, and photographs.



## Variance Petition No. V07-083

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner   | Petitioner           | Representative       |
|------------------|----------------------|----------------------|
| GPH Atlanta, LLC | Stephanie Schleicher | Stephanie Schleicher |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                  |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 5470 Meridian Mark Road<br>Land Lot 15,16, 38 & 39, District 17                                                                  |
| Council District                                           | 5                                                                                                                                |
| Frontage and Area                                          | 41 feet of frontage along the west side of Meridian Mark Road. The subject property has a total area of approximately 3.5 acres. |
| Existing Zoning and Use                                    | A-L (Apartment Limited Dwelling District). The property is developed with an apartment for senior citizens personal care home.   |
| Overlay District                                           | N/A                                                                                                                              |
| Interim 2025 Comprehensive Future Land Use Map Designation | Living-Working Regional (LWR)                                                                                                    |

### INTENT

The applicant is seeking a primary variance from Section 33.26.C of the Sandy Springs Zoning Ordinance to allow for a wall sign in an apartment zoning district.

## Parcel Map

5470 Meridian Mark Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 10, 2008

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

CASE NUMBER: V07-083

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

**ANALYSIS:**

The Golden Living Center, formerly Healthcare Center has been located on this property for over twenty years (20). The facility has been purchased by Golden Ventures, which is in the process of re-naming the building.

Currently, there is a wall sign on the building that measures 120 square feet in size, displaying the name Beverly Healthcare. The applicable wall elevation is approximately 11,200 square feet which would allow for a wall sign maximum 180 square feet in size. The proposed sign designed to display the new name of the facility, Golden Living Center, measures 112.99 square feet in size. However, it was discovered during the permitting process, that this property is zoned A-L (Apartment Limited Dwelling District), which does not provide for wall signs.

The applicant is requesting relief from Section 33.26.C of the Sandy Springs Zoning Ordinance to allow for a wall sign on an apartment zoning district.

The applicant states that the literal interpretation of the code would pose a definite hardship in that they would have no way to identify the building. Residents, visitors, delivery services, and first responders answering 911 calls, would have no way to locate the facility, which is not only a hardship or an inconvenience, but a safety hazard as well. The center is located in an area that is surrounded by healthcare agencies which are identified with signage. According to the applicant, the absolute necessity for which Golden Living Center a senior citizens personal care home should be allowed to have signage is more for safety than marketing, without an identification sign it will be complicated for emergency vehicles or emergency assistant to find it.

## Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                          |                                                               |               |
|------------------------------------------|---------------------------------------------------------------|---------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | ▪ No comments |
|                                          | Sandy Springs Building Plan Reviewer                          | ▪ No comments |
|                                          | Sandy Springs Landscape Architect/ Arborist                   | ▪ No comments |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Protection Engineer                        | ▪ No comments |
| <b>TRANSPORTATION</b>                    | 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's purpose is to present an identification of its premises, communicating to the public the location of the Golden Living Center. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

## Recommended Condition(s)

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

1. That the wall sign shall not exceed 113 square feet, as shown on the sign design detail submitted by the applicant, dated received November 6, 2007 by the Department of Community Development

ATTACHMENTS: Letter of appeal, site plans, and photographs.



## Variance Petition No. V07-085

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner                 | Petitioner | Representative                 |
|--------------------------------|------------|--------------------------------|
| Graham's Service Station, Inc. | Wachovia   | Carl Westmoreland/Jessica Hill |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                                                                                                                                               |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 5565 New Northside Drive<br>Land Lot 205, District 17                                                                                                                                                                                                         |
| Council District                                           | 6                                                                                                                                                                                                                                                             |
| Frontage and Area                                          | 290 feet of frontage along the north side of Powers Ferry Road and 500 feet of frontage along the east side of New Northside Drive and 340 feet of frontage along the south side of I-285. The subject property has a total area of approximately 1.40 acres. |
| Existing Zoning and Use                                    | C-1 (Community Business District) under zoning case Z71-071 and A-O (Apartment Office District) under zoning case Z68-009. The property is developed with a restaurant and gas station.                                                                       |
| Overlay District                                           | N/A                                                                                                                                                                                                                                                           |
| Interim 2025 Comprehensive Future Land Use Map Designation | LWN (Living-Working Neighborhood)                                                                                                                                                                                                                             |

### INTENT

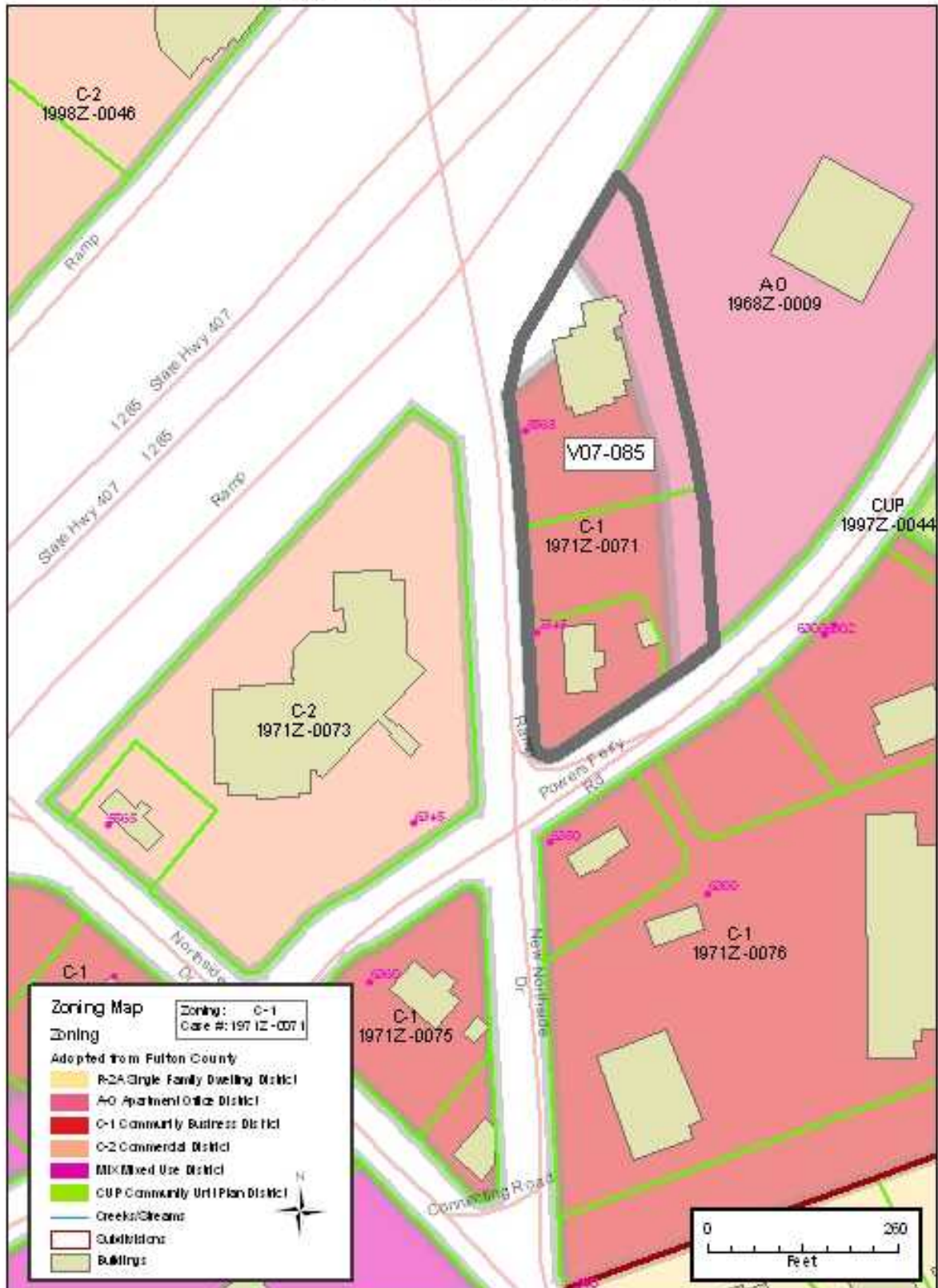
The applicant is requesting two (2) primary variances:

- 1) Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required number of parking spaces from 131 parking spaces to 85 parking spaces and
- 2) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a forty (40) foot undisturbed natural buffer to allow for a maximum of 45 square feet of an existing impervious retaining wall to remain and to allow for a maximum of 561 square feet of an existing impervious drive to remain.

Both variances are for the construction of branch bank.

## Parcel Map

5545 - 5565 New Northside Drive



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

CASE NUMBER: V07-085

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

ANALYSIS:

The applicant is requesting relief from Section 18.2.1 of the Zoning Ordinance to reduce the required number of parking spaces from 131 parking spaces to 85 parking spaces and from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a forty (40) foot undisturbed natural buffer to allow for a maximum of 45 square feet of an existing impervious retaining wall to remain and to allow for a maximum of 561 square feet of an existing impervious drive to remain. Both variances are for the construction of branch bank.

Staff notes that regardless of deed conveyances, the City recognizes the entire subject property as a single lot of record because the entire subject property was recognized as such and bound to provisions under zoning case Z71-071.

The applicant has submitted a site plan indicating the subject property to have an irregular, narrow shape and a stream running along the eastern side property line. Existing elements (asphalt, buildings, and etc.) of the current uses encroach into the seventy-five (75) foot stream buffer and are considered "grandfathered".

The applicant states that approximately 5,365 square feet of impervious surfaces currently encroach into the Stream Buffer and that what is being proposed is a net reduction of 4,759 square feet of impervious surfaces to encroach into the Stream Buffer. The applicant further states that the public will benefit from what is being proposed because existing encroachment into the stream buffer will be reduced and water quality will be improved. Additionally, the applicant states that what is being proposed to remain in the stream buffer (asphalt drive and concrete retaining wall) will allow continued vehicular access from Powers Ferry Road and allow the site to continue to be stabilized; removal of any portions of the existing retaining wall would cause further detriment to the stream.

The applicant states that the parking reduction could be made to be in harmony with the general purpose and intent of the Zoning Ordinance because there are an adequate number of parking spaces on the tract for the active uses. The parking reduction requested contemplates the parking required for the existing gas station, the proposed Wachovia branch bank and the existing, abandoned restaurant. Of the 131 parking spaces required, 105 of those spaces are attributed to the abandoned restaurant use. Only twenty-six (26) parking spaces are required for the bank and gas station to be in compliance. Thirty-six (36) parking spaces are proposed to service the bank and gas station. As a condition of the development of the Wachovia branch bank, the abandoned restaurant will be demolished. At the time the branch bank commences operation, the abandoned restaurant will be demolished and the bank and gas station uses will

be in compliance with the applicable parking requirements. To grant the requested parking variance would be consistent with the general purpose and intent of the Zoning Ordinance because adequate parking is being provided for the active uses.

### Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                          |                                                               |                                                                                                                                                       |
|------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | ▪ No comments                                                                                                                                         |
|                                          | Sandy Springs Building Plan Reviewer                          | ▪ The building Division has no concerns as long as any structure is constructed to the building codes currently adopted by the City of Sandy Springs. |
|                                          | Sandy Springs Landscape Architect/ Arborist                   | ▪ The proposed construction is within the limits of the existing parking lot.                                                                         |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Protection Engineer                        | ▪ No comments                                                                                                                                         |
| <b>TRANSPORTATION</b>                    | 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;*

A site plan provided by the applicant shows existing elements (asphalt, buildings, and etc.) of the current uses encroach into the seventy-five (75) foot stream buffer and are considered “grandfathered”.

The applicant states that approximately 5,365 square feet of impervious surfaces currently encroach into the Stream Buffer and that what is being proposed is a net reduction of 4,759 square feet of impervious surfaces to encroach into the Stream Buffer. The applicant further states that the public will benefit from what is being proposed because existing encroachment into the stream buffer will be reduced and water quality will be improved. Additionally, the applicant states that what is being proposed to remain in the stream buffer (asphalt drive and concrete retaining wall) will allow continued vehicular access from Powers Ferry Road and allow the site to continue to be stabilized; removal of any portions of the existing retaining wall would cause further detriment to the stream. The applicant has provided site plans to document the above statement(s).

The applicant states that the parking reduction could be made to be in harmony with the general purpose and intent of the Zoning Ordinance because there are an adequate number of parking spaces on the tract for the active uses. The parking reduction requested contemplates the parking required for the existing gas station, the proposed Wachovia branch bank and the existing, abandoned restaurant. Of the 131 parking spaces required, 105 of those spaces are attributed to the abandoned restaurant use. Only twenty-six (26) parking spaces are required for the bank and gas station to be in compliance. Thirty-six (36) parking spaces are proposed to service the bank and gas station. As a condition of the development of the Wachovia branch bank, the abandoned restaurant will be demolished. At the time the branch bank commences operation, the abandoned restaurant will be demolished and the bank and gas station uses will be in compliance with the applicable parking requirements. To grant the requested parking variance would be consistent with the general purpose and intent of the Zoning Ordinance because adequate parking is being provided for the active uses. The applicant has provided site plans to document the above statement(s).

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 to have an irregular, narrow shape and a stream running along the eastern side property line.

## **Recommended Condition(s)**

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

1. That the proposed development shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 17, 2007 by the Department of Community Development, showing 85 parking spaces and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a minimum of a forty (40) foot undisturbed natural buffer (for a maximum of 45 square feet of an existing impervious retaining wall and for a maximum of 561 square feet of an existing impervious drive) to accommodate the portion(s) of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has 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 has 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letters of appeal, site plans, supporting documents, and photograph.



## Variance Petition No. V07-086

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner        | Petitioner            | Representative        |
|-----------------------|-----------------------|-----------------------|
| Sally and Jerry White | Sally and Jerry White | Sally and Jerry White |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                      |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 5160 Vernon Springs Trail<br>Land Lot 175, District 17                                                                               |
| Council District                                           | 6                                                                                                                                    |
| Frontage and Area                                          | 216 feet of frontage along the west side of Vernon Springs Trail. 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 Z62-067. The property is developed with a single-family residence.          |
| 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 a primary variance from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to forty-eight (48) feet to allow for additions to a single-family house.

## Parcel Map

### 5160 Vernon Springs Trail



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

CASE NUMBER: V07-086

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

**ANALYSIS:**

The applicant is requesting relief from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to forty-eight (48) feet to allow for additions to a single-family house.

The applicant has provided site plans showing the subject property to have an irregular, trapezoidal shape, curving front property line, and a stream along the southwest side property line. Due to the shape and slope (towards the stream) of the property, the existing house is located primarily adjacent to the front (southeast) and side (north) setback lines.

The applicant states that the proposed addition would be a master bedroom and bath located on the main level. The applicant further states a master bedroom and bath located on the main level would allow better living conditions suited for people to grow into their "golden years".

The applicant states that the variance request is in harmony with the Zoning Ordinance because what is proposed would increase property values and blend in architecturally. Additionally, due to the proximity of the proposed addition and slope of the land in the area, the proposed addition would barely be visible to the adjacent neighbors and neighbors across the street.

The applicant states that a hardship exists because of the irregular shape of the lot, sloping yard, curving front property line, and the existence of a stream on the property. Adding any reasonable main floor addition would require a variance. The street curves towards the subject property which causes the sixty (60) foot setback to curve into the lot, greatly reducing the amount of the property that is buildable. If the street did not curve and the lot was rectangular, no variance would be necessary.

Staff notes that most houses in the immediate area, which are addressed on Vernon Springs Trail, appear to respect the required sixty (60) foot front setback. Staff also notes that the portion of Vernon Springs Trail in the immediate vicinity of the subject house is curved, and because of this, the orientation of neighboring houses does not appear to be in a straight line in relation to each other.

## Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                          |                                                               |                                                                                                                                                       |
|------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | ▪ The proposed work must stay out of the stream buffer.                                                                                               |
|                                          | Sandy Springs Building Plan Reviewer                          | ▪ The building Division has no concerns as long as any structure is constructed to the building codes currently adopted by the City of Sandy Springs. |
|                                          | Sandy Springs Landscape Architect/Arborist                    | ▪ No comments                                                                                                                                         |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Protection Engineer                        | ▪ No comments                                                                                                                                         |
| <b>TRANSPORTATION</b>                    | 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 proposed addition would be a master bedroom and bath located on the main level. The applicant further states a master bedroom and bath located on the main level would allow better living conditions suited for people to grow into their "golden years".

The applicant states that the variance request is in harmony with the Zoning Ordinance because what is proposed would increase property values and blend in architecturally. Additionally, due to the proximity of the proposed addition and slope of the land in the area, the proposed addition would barely be visible to the adjacent neighbors and neighbors across the street. The applicant has provided photographs to document the above statement(s).

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 provided site plans showing the subject property to have an irregular, trapezoidal shape, curving front property line, and a stream along the southwest side property line. Due to the shape and slope (towards the stream) of the property, the existing house is located primarily adjacent to the front (southeast) and side (north) setback lines.

The applicant states that a hardship exists because of the irregular shape of the lot, sloping yard, curving front property line, and the existence of a stream on the property. Adding any reasonable main floor addition would require a variance. The street curves towards the subject property which causes the sixty (60) foot setback to curve into the lot, greatly reducing the amount of the property that is buildable. If the street did not curve and the lot was rectangular, no variance would be necessary. The applicant has provided photographs and site plans to document the above statement(s).

### **Recommended Condition(s)**

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

1. That the addition(s) be constructed in accordance with the Site Plan, provided by the applicant dated received November 6, 2007 by the Department of Community Development, showing the sixty (60) foot minimum front yard setback reduced to forty-eight (48) feet where necessary to accommodate the portion of the encroachments only.

**ATTACHMENTS:** Site plans, photographs, letter(s) of support, and letter of appeal.



## Variance Petition No. V07-087

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner     | Petitioner         | Representative |
|--------------------|--------------------|----------------|
| Westfield Partners | Westfield Partners | Scott Reiser   |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 490 Franklin Road<br>Land Lot 67, District 17                                                                                  |
| Council District                                           | 5                                                                                                                              |
| Frontage and Area                                          | 100 feet of frontage along the north side of Franklin Road. The subject property has a total area of approximately 0.69 acres. |
| Existing Zoning and Use                                    | R-3 (Single-family Dwelling District). The property is developed with a single-family residence.                               |
| 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 a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a twenty (20) foot undisturbed natural buffer to allow for a maximum of approximately 2,161 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer to install an impervious driveway, parking pad/turn-around, walkway (& steps), and walls, and to allow for a maximum of approximately 1,719 square feet of impervious driveway, parking pad/turn-around, walkway (& steps), and walls within the twenty-five (25) foot impervious surface setback.

## Parcel Map

490 Franklin Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 10, 2008

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

CASE NUMBER: V07-087

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a twenty (20) foot undisturbed natural buffer to allow for a maximum of approximately 2,161 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer to install an impervious driveway, parking pad/turnaround, walkway (& steps), and walls, and to allow for a maximum of approximately 1,719 square feet of impervious driveway, parking pad/turnaround, walkway (& steps), and walls within the twenty-five (25) foot impervious surface setback.

Previously, a stream buffer variance was granted under V06-067 to allow a second floor and bay window additions to be setback a minimum of twenty-one (21) feet from the top of pond bank. One of the conditions of approval for V06-067 is as follows: All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.

Because of the driveway's proposed location within the twenty-five (25) foot State Buffer, the applicant has filed for a variance with the state to allow the proposed driveway. To date, Staff is not aware of state approval for what is being proposed.

The applicant has submitted a site plan indicating the subject property to be irregular in shape, heavily wooded, and sloping. The plan also indicates a stream located near the rear northern property line and a pond located adjacent to the east side of the property.

The applicant states that the parking pad/turnaround with sidewalk to enter the front of the house would be constructed with pervious pavers. Additionally, the proposed location of the parking pad/turnaround is the natural low spot (level with the driveway) that would allow the applicant to create a storm water runoff area to protect the adjacent stream/pond and would allow for a less steep, therefore safer, ascent to the front door. The applicant further states that location of the proposed parking pad/turnaround takes into consideration the safety of cars reversing from the garage and takes into consideration existing landmark and other trees.

The applicant states the proposed new poured concrete driveway would be constructed primarily over the footprint of the current driveway. The applicant also states that 275 square feet of existing impervious driveway located within the Stream Buffer is proposed to be removed and replaced with natural vegetation. The applicant states further that although the disturbed area is calculated at 2,068 square feet in the fifty (50) foot undisturbed natural buffer and 1,091 square feet in the twenty-five (25) foot impervious surface setback, only about 4% or 135 square feet of disturbed area is not existing concrete.

The applicant states that what is being proposed would preserve and improve the neighborhood.

### Department Comments

The staff held a Focus Meeting on December 5, 2007 at which the following departmental comments were provided:

|                                                  |                                                                        |                                                                                                                                                                                         |
|--------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING AND<br/>DEVELOPMENT<br/>DIVISION</b> | Sandy Springs<br>Engineering Plan<br>Reviewer                          | ▪ No comments                                                                                                                                                                           |
|                                                  | Sandy Springs Building<br>Plan Reviewer                                | ▪ The building Division has no concerns as long as any structure is constructed to the building codes currently adopted by the City of Sandy Springs.                                   |
|                                                  | Sandy Springs<br>Landscape<br>Architect/ Arborist                      | ▪ The driveway is part of an existing structure that is in the 50' undisturbed buffer and 25' impervious setback. Typically we require the paving in these areas to be pervious pavers. |
| <b>FIRE DEPT.</b>                                | Sandy Springs<br>Fire Protection Engineer                              | ▪ No comments                                                                                                                                                                           |
| <b>TRANSPORTATION</b>                            | Sandy Springs<br>Department of<br>Transportation,<br>Planning Engineer | ▪ No comments                                                                                                                                                                           |
|                                                  | Georgia Department of<br>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 parking pad/turnaround with sidewalk to enter the front of the house would be constructed with pervious pavers. Additionally, the proposed location of the parking pad/turnaround is the natural low spot (level with the driveway) that would allow the applicant to create a storm water runoff area to protect the adjacent stream/pond and would allow for a less steep, therefore safer, ascent to the front door. The applicant further states that location of the proposed parking pad/turnaround takes into consideration the safety of cars reversing from the garage and takes into consideration existing landmark and other trees.

The applicant states the proposed new poured concrete driveway would be constructed primarily over the footprint of the current driveway. The applicant also states that 275 square feet of existing impervious driveway located within the Stream Buffer is proposed to be removed and replaced with natural vegetation. The applicant states further that although the disturbed area is calculated at 2,068 square feet in the fifty (50) foot undisturbed natural buffer and 1,091 square feet in the twenty-five (25) foot impervious surface setback, only about 4% or 135 square feet of disturbed area is not existing concrete.

The applicant states that what is being proposed would preserve and improve the neighborhood.

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 to be irregular in shape, heavily wooded, and sloping. The plan also indicates a stream located near the rear northern property line and a pond located adjacent to the east side of the property.

## **Recommended Condition(s)**

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

1. That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received November 7, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to a minimum of a twenty (20) foot undisturbed natural buffer to allow for a maximum of approximately 2,161 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer to install an impervious driveway, parking pad/turn-around, walkway (& steps), and walls, and to allow for a maximum of approximately 1,719 square feet of impervious driveway, parking pad/turn-around, walkway (& steps), and walls within the twenty-five (25) foot impervious surface setback to accommodate the portion of the encroachment(s) only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has 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 has 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letter of appeal, site plan, letter of concern, and photographs.



## Request for Initiation

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

| Property Owner      | Petitioner  | Representative |
|---------------------|-------------|----------------|
| Sears Partners, LLC | Craig Sears | Craig Sears    |

### PROPERTY INFORMATION

|                                                            |                                                                                                                                 |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot, and District                            | 5511 Wing Street<br>Land Lot 363, District 6                                                                                    |
| Council District                                           | 2                                                                                                                               |
| Frontage and Area                                          | 70 feet of frontage along the northwest side of Wing Street. The subject property has a total area of approximately 0.37 acres. |
| Existing Zoning and Use                                    | R-2 (Single-family Dwelling District). The property is developed with a single-family residence.                                |
| Overlay District                                           | N/A                                                                                                                             |
| Interim 2025 Comprehensive Future Land Use Map Designation | R5-8 Residential (5 to 8 units per acre)                                                                                        |

### INTENT

A citation was issued to the applicant on June 28, 2007 for building a retaining wall without a permit. The ensuing court case that resulted from the citation has since been adjudicated. The applicant was fined and ordered either receive a variance to permit the wall or remove the wall.

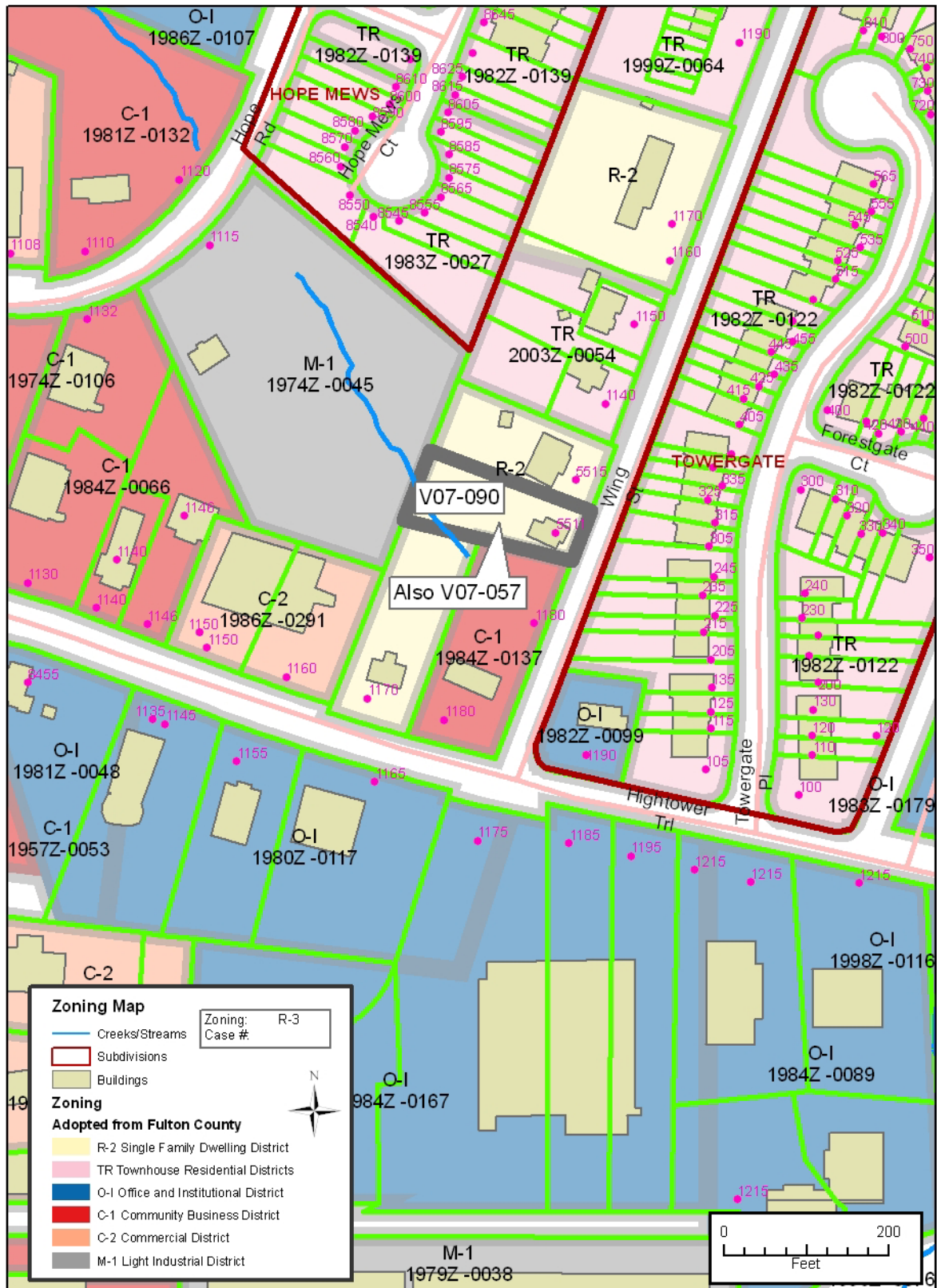
Under variance application V07-057, the applicant sought a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-five (25) foot undisturbed buffer to allow for a retaining wall under construction to remain in its current location and to be completed. At the October 11, 2007 hearing, the City of Sandy Springs Board of Zoning Appeals (BZA) denied variance petition V07-057.

The applicant is now requesting the BZA to initiate a variance application by waiving the six (6) month waiting period for an application for the same variance. The applicant states that new information pertinent to the subject was not previously considered. The aforementioned new information is written evaluations (attached) by a Senior Ecologist and Structural Engineer. The applicant further states that the Senior Ecologist recommended that

the wall be allowed to stand, as this would be the best method to provide long term stabilization of the lot and benefits to the adjacent stream. Additionally, the applicant states that the Structural Engineer recommended making the wall into a gravity wall by pouring concrete in front of the wall. The applicant states he is willing to follow both the Ecologist's recommendations for stabilizing the area and the Engineer's instructions to make the wall into a gravity wall.

# Parcel Map

5511 Wing Street





## Variance Petition No. V07-084

### HEARING & MEETING DATES

Design Review Board  
December 26, 2007

Board of Zoning Appeals Hearing  
January 10, 2008

### APPLICANT/PETITIONER INFORMATION

Property Owner  
Lyon management Group

Petitioner  
Chris Berry

Representative  
Chris Berry

### PROPERTY INFORMATION

Address, Land Lot,  
and District. 8085 Brandon Mill Road  
Land Lots 24, 29 and 30, District 17

Council District 2

Frontage and Area 414 feet of frontage along the west side of Roswell Road (SR 9). The entire property has a total area of 100 acres (4,356,000 square feet).

Existing Zoning  
and Use A (Medium Density Apartment District) conditional under Fulton County Z81-020, currently developed with apartment homes.

Overlay District Suburban District

Interim 2025  
Comprehensive  
Future Land Use  
Map Designation Commercial (C), Office (O) and Residential 5 to 8 units per acre (R5-8).

### INTENT

The applicant is seeking two (2) primary variances from Section 33.26.C.1 of the Zoning Ordinance to increase the permitted 16 square feet sign area of 2 single-faced freestanding signs to 32 square feet and to allow for 3 single-faced free standing signs where only 2 are allowed. The signs are for a residential development entrance.

### DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the December 26, 2007 DRB meeting. The Board endorsed (5-0) this application with the following recommendations:

1. That the background be made of stone.
2. That the height of the signs letters be reduced to 24".

Following the DRB recommendations the applicant has changed the background color of the sign face to Macadamia and reduced the sign faces of the signs to 28.53 square feet. The proposed letters heights are 22" and 29".

8085 Brandon Mill Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 10, 2008

CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS

CASE NUMBER: V07-084

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

ANALYSIS:

The subject property is the Jasmine at Sandy Springs apartments located on the west side of Roswell Road just north of Morgan Falls Road. The property is zoned A (Medium Density Apartment District) conditional under Fulton County zoning case Z81-020. The 100 acre site is developed with apartment homes consisting of approximately 1100 units. Two (2) years ago the property was purchased by Lyon Management group, Inc. The existing buildings were renovated to ultimately improve the demographic profile of the residents.

The applicant has indicated that a lot of effort has been invested to market the property with a little success, as their current occupancy is at 83% and 78%. Based on their experience, a property needs at least 60% of its traffic to be drive-by and/or signage-based to be successful. Their current drive-by and/or signage traffic is approximately 20%. The applicant stated that the primary reason for the low success rate is that the property is located on Brandon Mill Road which has no visibility from major thoroughfares.

In October of 2007, the applicant submitted two (2) sign permit applications to replace the existing sign structure located at the entrance to the development on Roswell Road, with two (2) structures, one on each side of the entrance to the development having sixteen (16) square feet of sign area each. The site currently has stacked stone CMU block entry walls at the entrance from Roswell Road.

The applicant wants to increase the sign area, stating that at the present location and due to the topography of the land, the signs sit too far from the main road and on a curve, making it very difficult for drivers to see and read the signs. Placing a larger identification sign at the proposed location, the applicant intends to capture visibility from the north and south bound traffic on Roswell Road (SR 9).

In addition, the staff identified an existing sign on the northernmost side of the entrance to the property, advertising the Grogan Bluff residential development. To have one sign on each side of the entrance advertising the apartment complex, the applicant must remove the existing sign, as the zoning ordinance allows two (2) single faced freestanding signs not exceeding sixteen (16) square feet for each side of the entrance. Therefore, a variance is necessary to maintain the existing sign for Grogan Bluff.

## Department Comments

The staff held a Focus Meeting on December 5, 2007 at which time the following departmental comments were provided:

|                                          |                                                               |               |
|------------------------------------------|---------------------------------------------------------------|---------------|
| <b>BUILDING AND DEVELOPMENT DIVISION</b> | Sandy Springs Engineering Plan Reviewer                       | ▪ No comments |
|                                          | Sandy Springs Building Plan Reviewer                          | ▪ No comments |
|                                          | Sandy Springs Landscape Architect/Arborist                    | ▪ No comments |
| <b>FIRE DEPT.</b>                        | Sandy Springs Fire Inspector                                  | ▪ No comments |
| <b>TRANSPORTATION</b>                    | 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's purpose is to present an identification of its premises, communicating to the citizens the location of the apartments. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance. Because of the extremely congested nature of Roswell Road, the applicant finds it imperative that these signs be visible enough so as to distract drivers for the minimal length of time

The applicant has provided pictures supporting these applications.

**Recommended Conditions:**

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

1. That the sign area of each sign shall not exceed 28.53 square feet, pursuant to the sign design detail, submitted by the applicant, dated received January 2, 2008 by the Department of Community Development.
2. That the existing sign for Grogans Bluff residential development be maintained on the northernmost side of the entrance to the property, not exceeding 10.22 square feet of sign area.

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



## Variance Petition No. V07-074

### HEARING & MEETING DATES

**Design Review Board Meeting**

November 27, 2007

**Board of Zoning Appeals**

January 10, 2008

### APPLICANT/PETITIONER INFORMATION

**Property Owner**

Sandy Springs Plaza

**Petitioner**

Pam Pellon/Permit  
Resources, Inc.

**Representative**

Pam Pellon

### PROPERTY INFORMATION

**Address, Land Lot,  
and District**

6225 Roswell Road (SR9)  
Land Lot 89, District 17

**Council District**

4

**Frontage and Area**

799.07 feet of frontage along the east side of Roswell Road. The subject property has a total area of 9.6 acres.

**Existing Zoning and Use**

C-1 (Community Business District) conditional under Fulton County zoning case Z57-029.

**Overlay District**

Main Street District

**Interim 2025  
Comprehensive Future  
Land Use Map  
Designation**

Live Work Community (LWC)

### INTENT

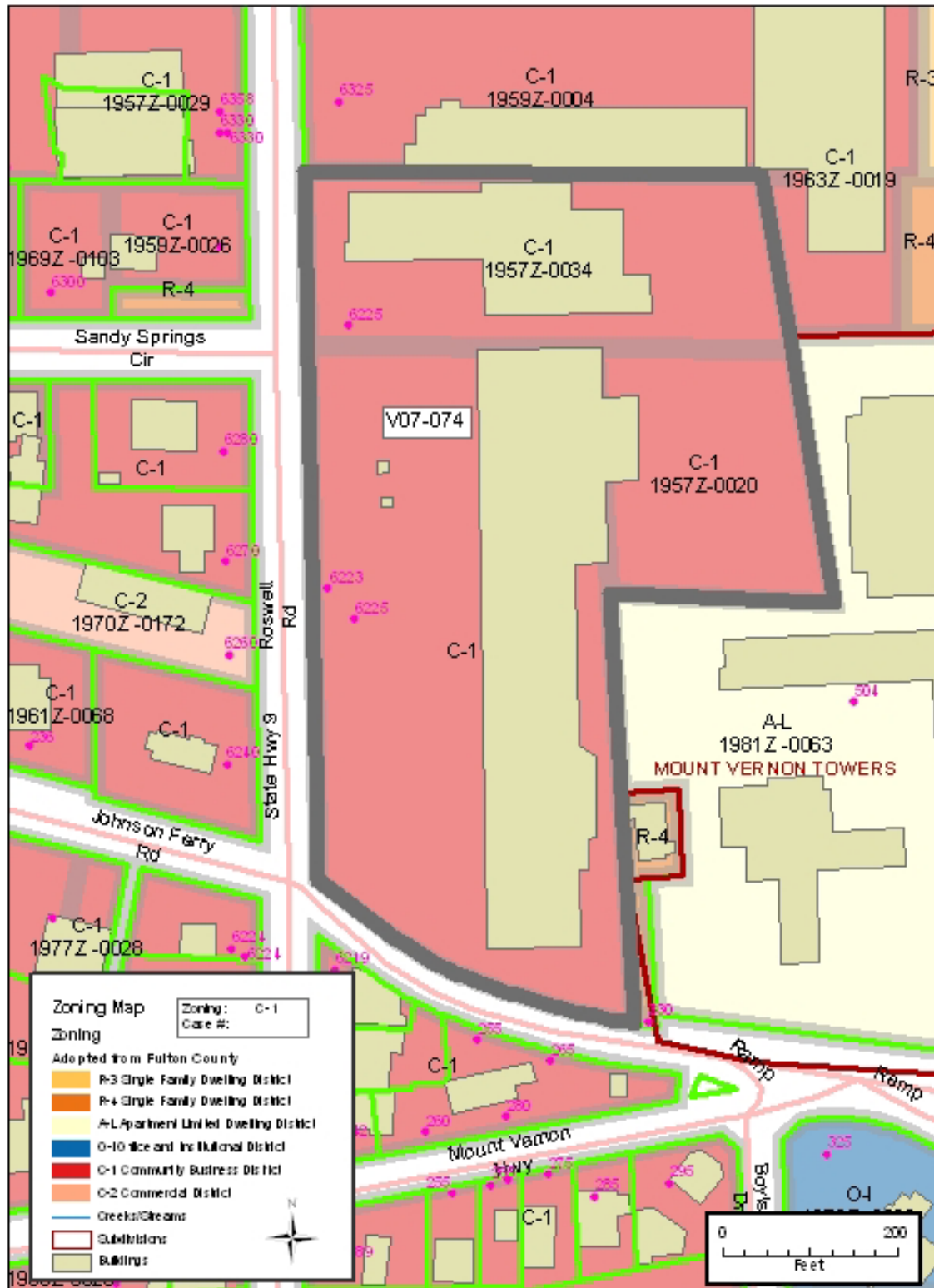
The applicant seeks a primary variance from Section 33.18.P of the Sandy Springs Zoning Ordinance to allow for two (2) projecting signs.

### DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the November 27, 2007 DRB meeting. The Board endorsed (5-0) this application (V07-074) as submitted without any conditions and/or requirements.

# Parcel Map

6309 Roswell Road



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

CASE NUMBER: V07-074

STAFF CONTACT: Cristina Nelson, City Planner 770-730-5569  
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The site is located at 6277 Roswell Road (SR 9) in the Sandy Springs Plaza shopping center on the east side of Roswell Road (SR 9) at the intersection with Johnson Ferry Road. The property is zoned C-1 (Community Business District) and is located within the Main Street District of the Sandy Springs Overlay District.

The staff of the Planning and Zoning Division inspected the Sandy Springs Plaza and determined that the signs were placed in violation of the zoning ordinance, as Article 33.18.P. of the Sandy Springs Zoning Ordinance prohibits the display of projecting signs. It was determined that a variance was needed to allow the signs.

The applicant is requesting relief from Article 33.18.P Prohibited Signs and Devices to allow for two (2) projecting signs (defined as projecting from the wall to which is attached). The applicant is proposing two projecting signs indicating direction to a parking lot that is located behind the buildings. The subject signs are attached to exterior walls that serve as the entrance to a rear parking lot. The proposed sign area for each sign is 3.98 square feet. The signs are mounted on an angle to point towards the back parking lot.

The applicant has indicated that the two signs were installed as part of the recent renovation of the plaza. These signs were installed with the belief that they were not only legal, but that they were exempt from permit requirements. The applicant stated that the singular purpose of the signs is to direct traffic to a rear parking lot, for the convenience of patrons during the busiest shopping times. According to the applicant, there is no other logical place to place the signs in a visible location. They would impede the foot traffic if placed on the sidewalk. They would be a traffic hazard if placed in the driveway. And, they would not be visible if placed parallel to the walls to which they are attached.

## Department Comments

The staff held a Focus Meeting on December 5, 2007 at which time the following departmental comments were provided:

|                                                  |                                                                        |               |
|--------------------------------------------------|------------------------------------------------------------------------|---------------|
| <b>BUILDING AND<br/>DEVELOPMENT<br/>DIVISION</b> | Sandy Springs<br>Engineering Plan<br>Reviewer                          | ▪ No comments |
|                                                  | Sandy Springs Building<br>Plan Reviewer                                | ▪ No comments |
|                                                  | Sandy Springs<br>Landscape<br>Architect/ Arborist                      | ▪ No comments |
| <b>FIRE DEPT.</b>                                | Fulton County<br>Fire Inspector                                        | ▪ No comments |
| <b>TRANSPORTATION</b>                            | Sandy Springs<br>Department of<br>Transportation,<br>Planning Engineer | ▪ No comments |
|                                                  | Georgia Department of<br>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 stated that there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification of the premises. The applicant indicates that due to variables beyond their control that the proposed location is the most appropriate.

The petitioner justifies his petition based on the following:

1. Without these directional signs, a hardship arises for Sandy Springs Plaza shoppers, in that they may find no available parking spaces during peak shopping times.

2. Without these directional signs, a hardship arises for Sandy Springs Plaza tenants, who may lose business if parking is limited.
3. Without these directional signs, a hardship arises for Sandy Springs Plaza owner, who will not be able to well serve the needs of either the customers of the plaza or his tenants.

**Recommended Conditions:**

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

1. That the projecting signs shall be installed pursuant to the sign design detail (Exhibit 1) and sign site plan location (Exhibit 2), submitted by the applicant, dated received October 02, 2007 by the Department of Community Development.

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