



Variance Petition No. V06-133

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007 (Deferred)

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Greg Camia

Petitioner

Jim Winer

Representative

Janice Fung

PROPERTY INFORMATION

Address, Land Lot, and District 821 Tanglewood Trail
Land Lot 163, District 17

Council District 6

Frontage and Area 190 feet of frontage along the northeast side of Jett Ferry Road and 445 feet of frontage along the northwest side of Tanglewood Trail. The subject property has a total area of approximately 2.36 acres.

Existing Zoning and Use R-1 (Single-Family Dwelling District). The lot is developed with a single-family home.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

R0-1 Residential (0 to 1 units per acre)

INTENT

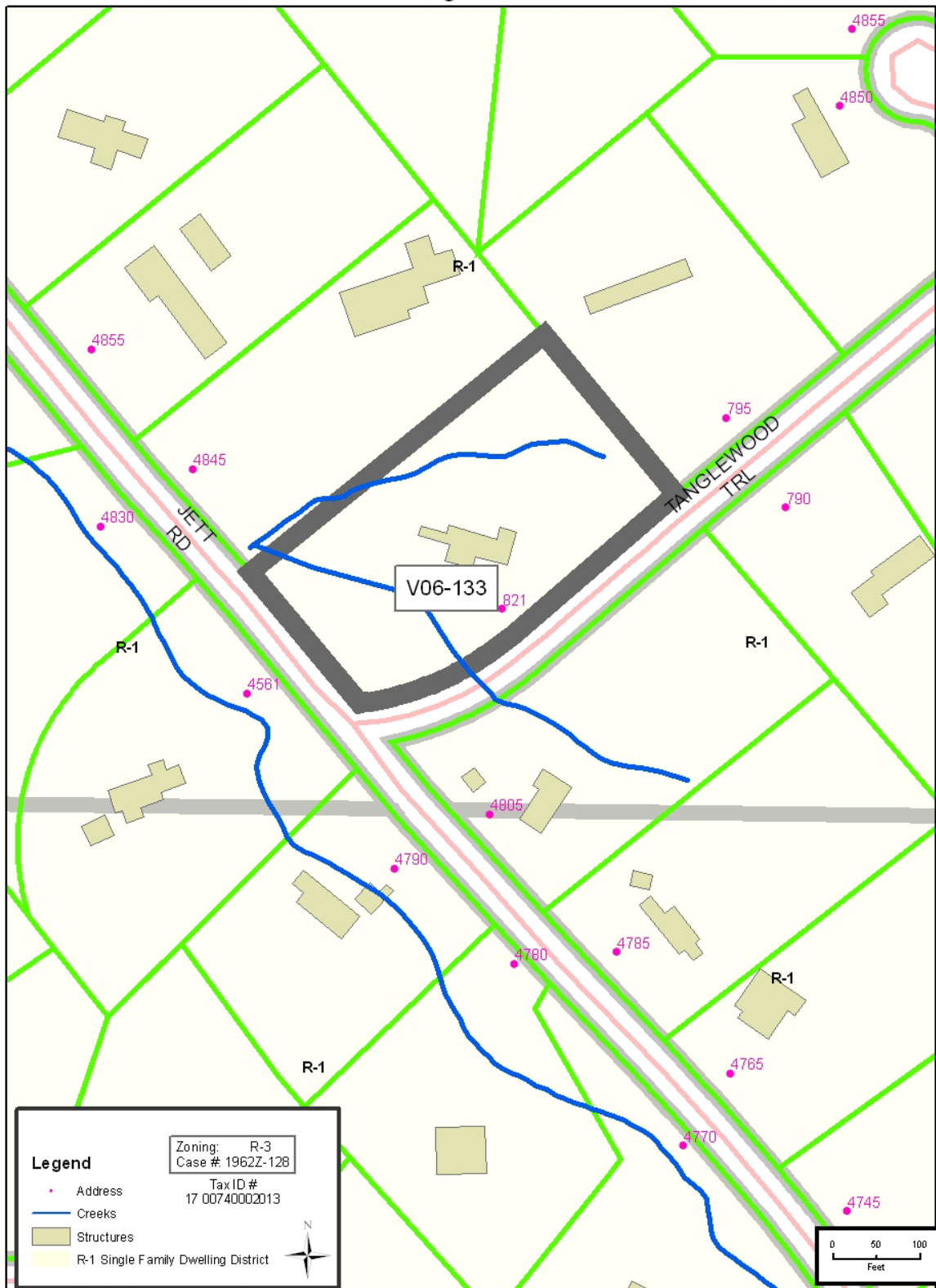
The applicant is seeking a primary variance for relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback of a branching stream to a twenty-five (25) foot undisturbed buffer for one branch and to a twenty-five (25) foot undisturbed buffer for the other branch. The variance is for the construction of a single-family house, "rain gardens", and associated paved surfaces.

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-133 variance application has been amended to only consider relief from the required stream buffer.

At the January 11, 2007 Board of Zoning Appeals (BZA) meeting, application V06-133 was deferred until the March 8, 2007 BZA meeting to allow the applicant and his attorney to be present.

Parcel Map

821 Tanglewood Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 8, 2007

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

CASE NUMBER: V06-133

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(i) and Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed paved walkway, driveway, and rain garden to be set back a minimum of twenty-five (25) feet from the point of wrested vegetation of the southerly stream branch and to allow proposed rain gardens to be setback a minimum of twenty-five (25) feet from the point of wrested vegetation of the northerly stream branch. The proposed house will also be located in both stream branches' fifty (50) foot undisturbed buffer and twenty-five (25) foot impervious surface setback.

The applicant has submitted a site plan/topographical map indicating the subject property is roughly rectangular in shape and sloped. The branches of the stream run diagonally through the subject property, primarily east to west. The streams cover most of the buildable area – what is left is a triangular area that can be used for construction.

The applicant states that the proposed house is in harmony with surrounding properties, will not adversely impact the neighbors, nor will it be a detriment to the public good. The applicant also states that the current residence, proposed to be demolished, is located within the twenty-five (25) foot impervious setback. The applicant indicates that he will build the proposed house (7,121 square feet) primarily over the footprint of the existing house (3,225 square feet).

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-133 variance application has been amended to only consider relief from the required seventy-five (75) foot stream buffer.

At the January 11, 2007 Board of Zoning Appeals (BZA) meeting, application V06-133 was deferred until the March 8, 2007 BZA meeting to allow the applicant and his attorney to be present.

The applicant has supplied a revised site plan showing essentially the same house footprint, however, the new site plan indicates the reduction of the amount of paved decking proposed to encroach into both stream branches' required twenty-five (25) foot impervious surface setback and fifty (50) foot undisturbed buffer. The revised site plans also indicates two (2) "rain gardens" proposed to be located within the northern stream branch's fifty (50) foot undisturbed buffer and one (1) "rain garden" proposed to be located with the southern stream branch's fifty (50) foot undisturbed buffer.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The determination of "Waters of the State" is based on the memo from Carol Couch of the EPD. Disregard the letter from Jim Winer. relief from the required stream buffer. Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Conservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-133 variance application has been amended to only consider relief from the required stream buffer.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the proposed house is in harmony with surrounding properties, will not adversely impact the neighbors, nor will it be a detriment to the public good. The applicant also states that the current residence, proposed to be demolished, is located within the twenty-five (25) foot impervious setback. The applicant indicates that he will build the proposed house (7,121 square feet) primarily over the footprint of the existing house (3,225 square feet). The applicant has provided site plans to support the above claims.

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

The applicant has submitted a site plan/topographical map indicating the subject property is roughly rectangular in shape and sloped. The branches of the stream run diagonally through the subject property, primarily east to west. The streams cover most of the buildable area – what is left is a triangular area that can be used for construction.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received February 22, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a twenty-five (25) foot undisturbed buffer for the southern stream branch and to a twenty-five (25) foot undisturbed buffer for the northern stream branch where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback 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 through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Revised letter of appeal, amendment to application, site plans, memo, letters of support, letter of appeal supplement, and photographs.

Variance Petition No. V06-134

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Pat Chesser

Petitioner
Scott Morgan

Representative
Scott Morgan

PROPERTY INFORMATION

Address, Land Lot, and District 1140 and 1150 Hammond Drive
Land Lot 18, District 17

Council District 5

Frontage and Area 860 feet of frontage along the east side of Peachtree Dunwoody Road and 1075 feet of frontage along the north side of Hammond Drive. The subject property has a total area of approximately 7.94 acres (this phase).

Existing Zoning and Use MIX (Mixed Use District) under zoning case Z05-004/U05-003/VC05-010. The subject property is developed with offices.

Overlay District Perimeter Community Improvement District

Interim 2025 Comprehensive Future Land Use Map Designation LWR (Living-Working Regional)

INTENT

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

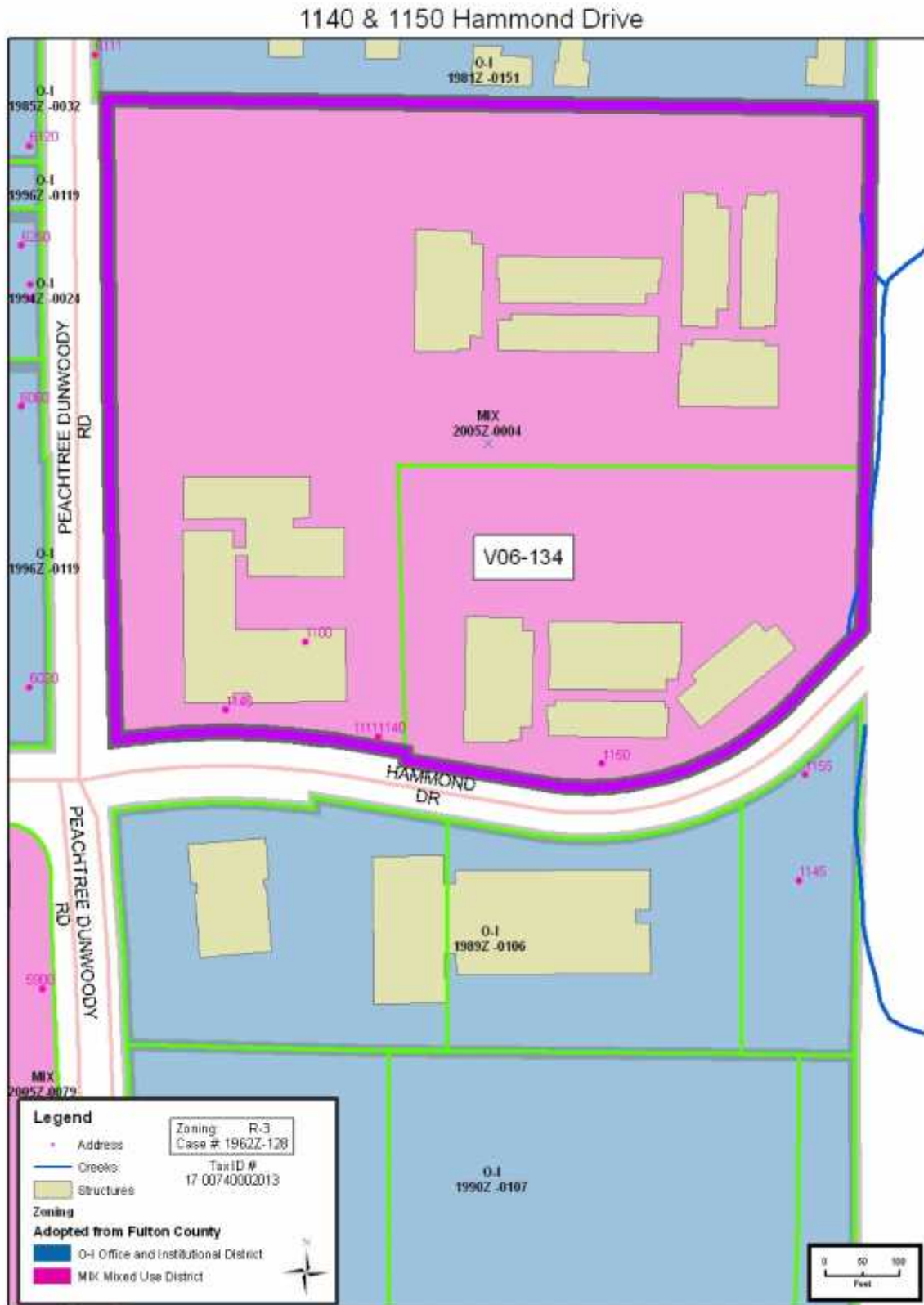
1) Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees identified as follows:

“A” - a forty-two (42) inch sycamore,
“B” - a thirty-one (31) inch pine, and
“C” - a thirty-two (32) inch pine and

2) Section 4.23.2 of the Zoning Ordinance to allow relief from required parking lot landscaping to allow the existing parking lot landscaping to remain with less parking islands that required.

All variances are for the construction of a mixed-used development.

Parcel Map



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

CASE NUMBER: V06-134

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

ANALYSIS:

The applicant intends to construct, in phases, a mixed use development. The subject property is zoned MIX (Mixed Use District) under zoning case Z05-004/U05-003/VC05-010. Conditions of Z05-004/U05-003/VC05-010 include an approved site plan for developing the subject property. The site plan included in this variance application is in accordance with the approved site plan under Z05-004/U05-003/VC05-010. In order to redevelop the property in accordance with the approved site plan, under Z05-004/U05-003/VC05-010, the applicant needed to apply for this variance requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of three (3) specimen trees identified as follows: tree "A" - a forty-two (42) inch sycamore, tree "B" - a thirty-one (31) inch pine, and tree "C" - a thirty-two (32) inch pine. The aforementioned trees are located in the area of construction designated as phase 1 adjacent to the north and west property lines.

The applicant states, during this phase, tree "A" is proposed to be removed in order to provide the required streetscape improvements along Peachtree Dunwoody Road. Additionally, the applicant states he will be saving specimen trees in other areas of the site and conserving stands of trees throughout. The applicant further states, as recompense, he will plant sixty-three (63) four (4) inch caliper trees on the subject property.

The applicant states that the proposed expanded portion of the existing parking lot will comply with the required parking lot landscaping. The existing parking lot to remain, as part of phase 1, currently has significant shade trees growing within it; however, it does not meet current standards for parking lot landscaping. Rather than remove the existing trees and reconfigure the parking lot to meet code requirements, the applicant is proposing to keep the parking lot as it exists, and protect the trees growing within it. Additionally, as all the project phases are completed, the subject parking lot is projected to be developed with structures.

The proposed development will have to comply with Perimeter Community Improvement District regulations at the time of permit approval. The applicant is aware of these requirements.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	At time of Land Disturbance Permit, if the land development activity associated with the redevelopment of the site exceeds 50 percent of the site area, stormwater management for the entire site shall meet the standards presented in the Georgia Stormwater Management Manual and existing conditions for the site shall be modeled as an undeveloped site. If the land development activity associated with the redevelopment of the site is less than 50 percent of the site area, stormwater management for the redeveloped portion of the site shall meet the standards presented in the Georgia Stormwater Management Manual.
	Sandy Springs Building Plan Reviewer	The commercial structures must be designed and constructed per the 2006 IBC with 2007 Ga State Amendments, as the permit application drawings will likely be received after January 1, 2007. There must be a code analysis by a design professional verifying that the buildings will meet the distance-from-property-line separation requirements and building separation requirements for exiting, allowable openings and wall ratings. All code mandated occupancy separation requirements must be met.
	Sandy Springs Landscape Architect/ Arborist	The plans accurately show the three specimen trees. Additional parking islands need to be added to bring the parking lot in compliance with current standards. One island with tree every 6th space.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	Provide a designated fire lane along the front of the 3 story Corporate Campus building. The East wall of the Corporate Campus building shall have exposures based on IBC Table 602. Provide a 45 foot outside turning radius at the corner to the new "M-3" structure. There will have to be a fire hydrant or hydrants within 500 feet of the most remote portion of the building that can supply the required fire flow. The fire flow will be calculated when the site plan is submitted.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	No comments
	Georgia Department of Transportation	No comments

Standards for Consideration

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

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

The applicant states the site plan included in this variance application is in accordance with the approved site plan under Z05-004/U05-003/VC05-010. In order to redevelop the property in accordance with the approved site plan, under Z05-004/U05-003/VC05-010, the applicant needed to apply for this variance requesting relief from the Tree Preservation Ordinance to permit the removal of three (3) specimen trees located in the area of construction designated as phase 1. During this phase, tree "A" is proposed to be removed in order to provide the required streetscape improvements along Peachtree Dunwoody Road. Additionally, the applicant states he will be saving specimen trees in other areas of the site and conserving stands of trees throughout. The applicant further states, as recompense, he will plant sixty-three (63) four (4) inch caliper trees on the subject property.

The applicant states that the proposed expanded portion of the existing parking lot will comply with the required parking lot landscaping. The existing parking lot to remain, as part of phase 1, currently has significant shade trees growing within it; however, it does not meet current standards for parking lot landscaping. Rather than remove the existing trees and reconfigure the parking lot to meet code requirements, the applicant is proposing to keep the parking lot as it exists, and protect the trees growing within it. Additionally, as all the project phases are completed, the subject parking lot is projected to be developed with structures. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received December 21, 2006 by the Department of Community Development showing the removal of three (3) specimen trees identified as follows: tree "A" - a forty-two (42) inch sycamore, tree "B" - a thirty-one (31) inch pine, and tree "C" - a thirty-two (32) inch pine.

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

Variance Petition No. V06-135

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Dewey Green

Petitioner

Dewey Green

Representative

Robert Marshall

PROPERTY INFORMATION

**Address, Land Lot,
and District** 790 Glenairy Drive
Land Lot 36, District 17

Council District 3

Frontage and Area 135 feet of frontage along the west side of Glenairy Drive. The subject property has a total area of approximately 0.64 acres.

**Existing Zoning
and Use** R-2A (Single-Family Dwelling District) under zoning case Z59-061.
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 for relief from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum south side yard setback from fifteen (15) feet to thirteen (13) feet eight (8) inches to finish construction of a single-family house.

Parcel Map



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

CASE NUMBER: V06-135

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum south side yard setback from fifteen (15) feet to thirteen (13) feet eight (8) inches.

The applicant states that a permit to fully renovate the subject house was issued (under Fulton County permit B05-02092). The full renovation included demolishing most of the existing house and rebuilding a new, larger, and more contemporary house using the previous house's structural foundation walls and footings. The applicant further states that before the project could be completed, he inadvertently let his Fulton County permit expire.

A new permit to finish the incomplete work was applied for with Sandy Springs - the scope of the proposed work included new stucco and brick veneer and a small addition to the rear of the house. The proposed new addition complies with setback requirements. However, the proposed veneer to the existing foundation wall caused an encroachment into the south side yard setback and triggered the need for the applicant to file for a minor variance because the one (1) foot four (4) inch encroachment is less than 10% of the required fifteen (15) foot side yard setback. The applicant filed for a minor variance, but was unable to gain approval because he could not get all the required written support from adjoining neighbors. Therefore, the applicant applied for a primary variance under case number V06-135.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states, originally, a permit to fully renovate the subject house was issued (under Fulton County permit B05-02092). The full renovation included demolishing most of the existing house and rebuilding a new, larger, and more contemporary house using the previous house's structural foundation walls and footings. The applicant further states that before the project could be completed, he inadvertently let his Fulton County permit expire. A new permit to finish the incomplete work was applied for with Sandy Springs – the scope of proposed work included new stucco and brick veneer and a small addition to the rear of the house. The proposed new addition complies with setback requirements; however, the proposed veneer to the existing foundation wall caused an encroachment into south side yard setback and triggered the need for the applicant to file for a variance. The applicant filed for a minor variance, but was unable to gain approval because he could not get all the required written support from adjoining neighbors. Subsequent to the failed minor variance request, the applicant applied for a primary variance under V06-135. The applicant has provided a site plan to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received November 7, 2006 by the Department of Community Development, showing the side yard setback reduced to no less than thirteen (13) feet eight (8) inches where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plan, photographs, and letters of support.

Variance Petition No. V06-138

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dale Seefeldt	Elegant Home Additions, LLC	Christopher Bott

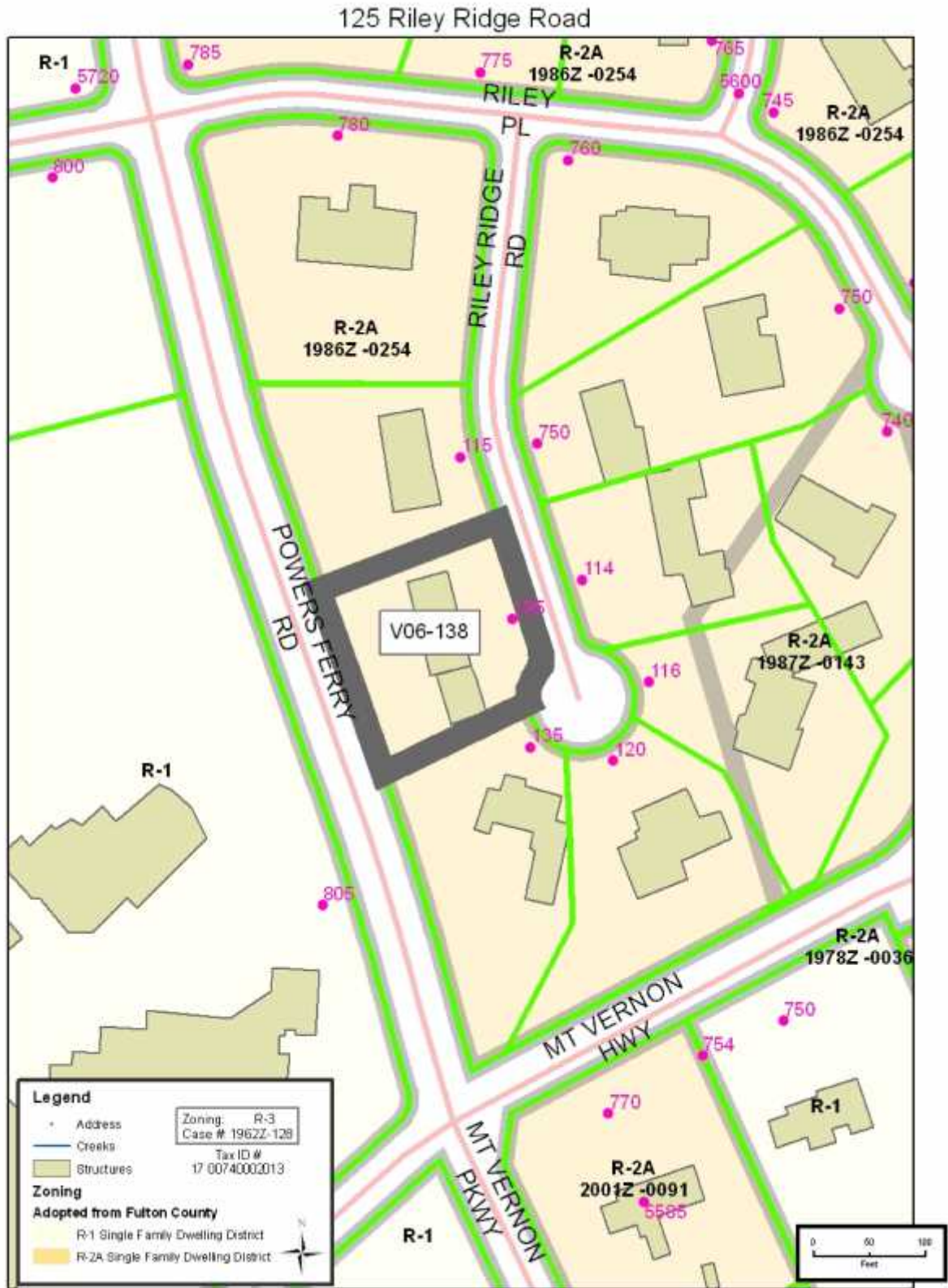
PROPERTY INFORMATION

Address, Land Lot, and District	125 Riley Ridge Road Land Lot 165, District 17
Council District	6
Frontage and Area	119 feet of frontage along the west side of Riley Ridge Road and 179 feet of frontage along the east side of Powers Ferry Road. The subject property has a total area of approximately 0.75 acres.
Existing Zoning and Use	R-2A (Single-Family Dwelling District) under zoning case Z86-0254. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0-1 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to forty-three (43) feet for the construction of a first floor home addition (sunroom).

Parcel Map



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

CASE NUMBER: V06-138

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to forty-three (43) feet. The subject property is a thru-lot having two frontages. The proposed encroachment is along the frontage on Powers Ferry Road. The applicant is proposing to construct a one (1) story, thirteen (13) foot by fourteen (14) foot sunroom addition to the rear of the existing house.

The applicant states that the existing residence encroaches two (2) feet six (6) inches into the required sixty (60) foot front yard setback along Powers Ferry Road. Additionally, the applicant states that if the subject property were not a thru-lot having two frontages, the required rear setback would be forty (40) feet and that the proposed sunroom addition will be setback forty-three (43) feet from the back property line. The applicant further states that due to the proposed one (1) story sunroom's orientation, spacing from the adjoining neighbors' properties, and existing landscape buffering, the impact to properties adjacent to the subject residence would be minimal. The impact to property across Powers Ferry Road (Holy Innocents Church/School) would be minimal because of an existing privacy fence along Powers Ferry Road.

Staff notes that other houses in the neighborhood appear to be closer to Powers Ferry Road than the existing subject residence.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The addition must be designed and constructed per the 2006 IRC with 2007 Ga State Amendments, as the permit application drawings will likely be received after January 1, 2007. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Bldgs and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the existing residence encroaches two (2) feet six (6) inches into the required sixty (60) foot front yard setback. Additionally, the applicant states that if the subject property were not a thru-lot having two frontages, the required rear setback would be forty (40) feet and that the proposed sunroom addition will be setback forty-three (43) feet from the back property line. The applicant further states that due to the proposed one (1) story sunroom's orientation, spacing from the adjoining neighbors' properties, and existing landscape buffering, the impact to properties adjacent to the subject residence would be minimal. The impact to property behind the subject residence (Holy Innocents Church/School across Powers Ferry Road) would be minimal because of an existing privacy fence along Powers Ferry Road. The applicant has provided a site plan and photographs to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received November 7, 2006 by the Department of Community Development, showing the front yard setback along Powers Ferry Road reduced to no less than forty-three (43) feet where necessary to accommodate the portion of the encroachment only.

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

Variance Petition No. V06-139

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Kim Marchner

Petitioner
Kim Marchner

Representative
James Ney

PROPERTY INFORMATION

Address, Land Lot, and District 4770 Lake Forrest Drive
Land Lot 119, District 17

Council District 6

Frontage and Area 100 feet of frontage along the west side of Lake Forrest Drive. The subject property has a total area of approximately 0.52 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 (1-2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees identified as follows:

“A” - a thirty-one (31) inch poplar,
“B” - a twenty-seven (27) inch maple, and
“C” - a thirty-three (33) inch pine.

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the encroachment into the critical root zone of two (2) specimen trees identified as follows:

“D” - a seventeen (17) inch tulip and
“E” - a twenty-nine (29) inch poplar.

All variance(s) are to allow for the construction of a single-family house.

Parcel Map

4770 Lake Forrest Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 11, 2007

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

CASE NUMBER: V06-139

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

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of three (3) specimen trees identified as follows: tree "A" - a thirty-one (31) inch poplar, tree "B" - a twenty-seven (27) inch maple, and tree "C" - a thirty-three (33) inch pine. The applicant is also requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the encroachment into the critical root zone of two (2) specimen trees identified as follows: tree "D" - a seventeen (17) inch tulip and tree "E" - a twenty-nine (29) inch poplar. Tree "A" is located within the minimum side yard, adjacent to the south side property line, and adjacent to the proposed house. Tree "B" is located within the minimum side yard, adjacent to the south side property line, and adjacent to the proposed driveway. Trees "C" and "D" are located within the minimum front yard, north and adjacent to the proposed driveway. Tree "E" is located within the minimum rear yard and adjacent to the west rear property line.

The applicant states that he plans to redevelop the lot with a larger house primarily over the footprint of the existing house proposed to be demolished. The applicant states that the orientation and location of the proposed new home is in keeping with the surrounding area and will be harmonious with the existing neighborhood. Additionally, the applicant states that the removal of the aforementioned specimen trees will not adversely affect the area and that such removal is also in keeping with redevelopment ongoing in the area. The applicant states that after the redevelopment the subject property will remain one of the more densely vegetated and landscaped properties in the neighborhood.

The applicant has provided site plans and indicates that, due to topographical issues, the new house and associated driveway are proposed to be located primarily in the same general location of the existing home.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ Need new site plan to represent the specimen tree survey by Rob Swanson
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ If this residence is constructed closer than 20 feet to another structure, automatic sprinklers shall be required in the kitchen and fuel fired equipment room pursuant the City of Sandy Springs fire ordinance.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that he plans to redevelop the lot with a larger house primarily over the footprint of the existing house proposed to be demolished. The applicant states that the orientation and location of the proposed new home is in keeping with the surrounding area and will be harmonious with the existing neighborhood. Additionally, the applicant states that the removal of the aforementioned specimen trees will not adversely affect the area and that such removal is also in keeping with redevelopment ongoing in the area. Also, the applicant states further that after the redevelopment the subject property will remain one of the more densely vegetated and landscaped properties in the neighborhood. The applicant has provided site plans and photographs to document the above statements.

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

The applicant has provided site plans indicating that, due to topographical issues, the new house and associated driveway are proposed to be located primarily in the same general location of the existing home. The applicant has provided site plans to document the above statement.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received December 28, 2006 by the Department of Community Development showing the removal of three (3) specimen trees identified as follows: tree "A" - a thirty-one (31) inch poplar, tree "B" - a twenty-seven (27) inch maple, and tree "C" - a thirty-three (33) inch pine and showing the encroachment into the critical root zone of two (2) specimen trees identified as follows: tree "D" - a seventeen (17) inch tulip and tree "E" - a twenty-nine (29) inch poplar.

ATTACHMENTS: Letter of appeal, site plans, elevation drawings, specimen tree survey, supplement letter, letters of support, and photographs.



Variance Petition No. V06-140

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007 (Deferred)

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Clay Goines

Petitioner

Clay Goines

Representative

Clay Goines

PROPERTY INFORMATION

Address, Land Lot, and District

4810 Brinkley Lane
Land Lot 66, District 17

Council District

5

Frontage and Area

163 feet of frontage along the east side of Huntley Drive and 135 feet of frontage along the south side of Brinkley Lane. The subject property has a total area of approximately 0.50 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

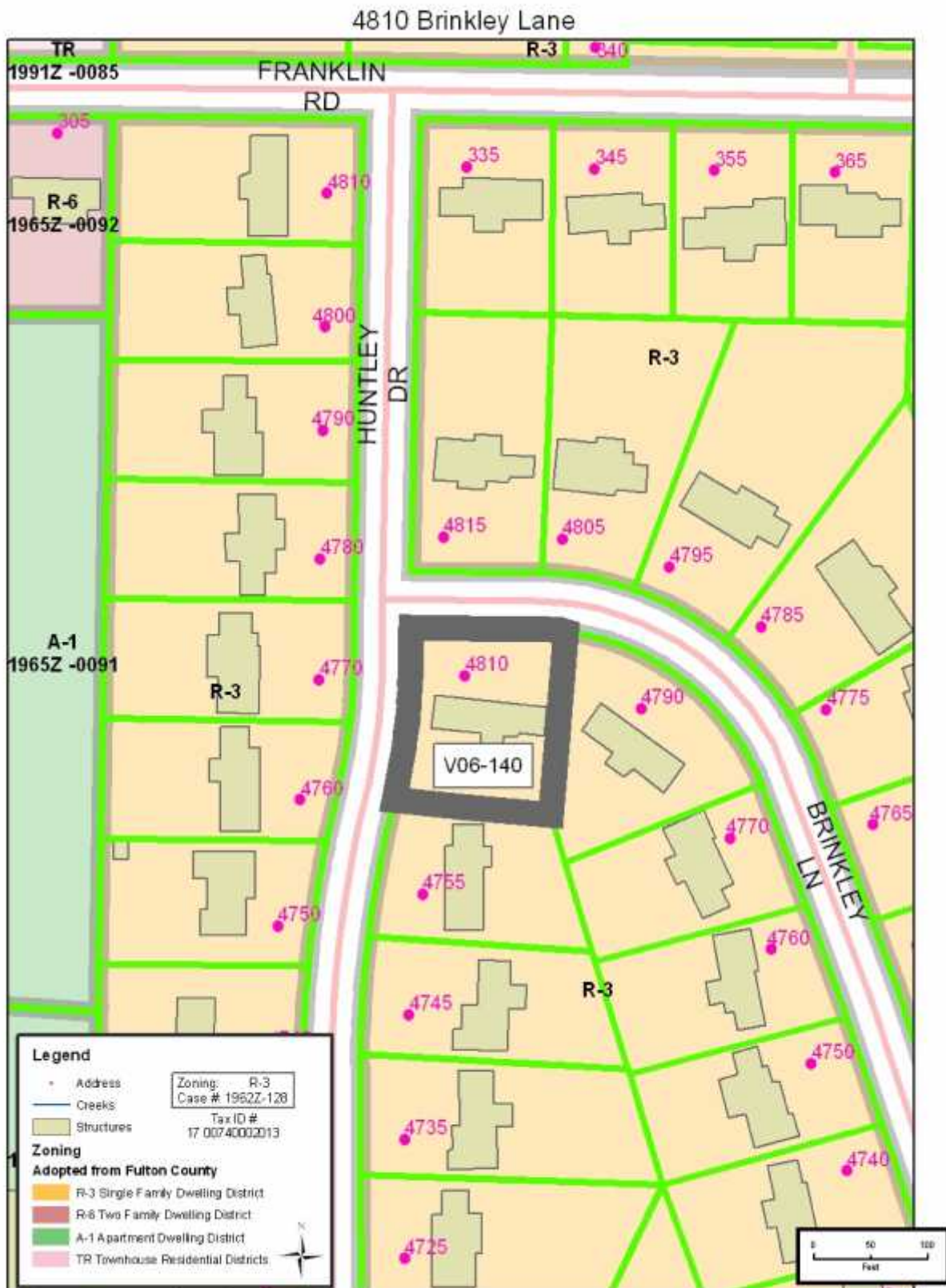
Comprehensive Future Land Use Map Designation

R1-2 Residential (1-2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to thirty-eight (38) feet for the construction of an attached garage.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 8, 2007

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

CASE NUMBER: V06-140

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to thirty-eight (38) feet for the construction of an attached garage.

The subject property is a corner lot, and the applicant states that he intends to construct family room, second story, and attached garage additions. The variance request pertains only to the garage addition. The applicant hopes to eliminate the current driveway configuration having access on Huntley Drive and servicing a rear loaded garage, and to create a new driveway having access on Brinkley Lane that would service the proposed front loaded/side entry garage. The applicant further states that he believes the location of the current house is positioned forward on the lot (closer to the required front yard setback than to the required rear yard setback) to provide better usage of the back yard that has the current driveway located within it – this situation makes any garage addition to the front of the house impossible without an approved variance. Additionally, the applicant states that in light of the existing house's layout and location, the additions are proposed at the most logical places because: 1) due to current topography a garage addition on the northwest corner of the house would require substantial retaining or foundation walls and other possible variances; 2) a garage addition on the southwest corner of the house would dictate, because of the current topography, a lower garage level entrance not in keeping with the neighborhood; 3) a garage addition to the rear of the subject house would be detached, would not be in keeping with the neighborhood, and would have more impact on the adjacent neighbors; and 4) the proposed family room addition is intersecting the current driveway and would make accessing the southeast corner of the house more difficult – it would leave little room to position the cars or a garage. Finally, the applicant believes his proposal is in harmony with the neighborhood's houses because almost all have either front entry carports or garages.

Staff notes that houses within the subject neighborhood appear to respect the required front setback, but are staggered in relation to front property lines. Staff also notes that there are garages and carports within the subject neighborhood that are positioned towards front property lines.

A resolution meeting between Mr. and Mrs. Goines (V06-140 applicants) and concerned neighbors took place on Wednesday, January 24, 2007. Staff requested Mr. and Mrs. Goines to invite one (1) neighbor in the immediate area to attend in support of the application, and Staff requested that Mrs. Nancy Early invite one (1) neighbor in the immediate area to attend in opposition of the application. Mr. and Mrs. Goines' invitee was Mrs. Elizabeth Riddle (4750 Brinkley Lane), and Mrs. Early's invitee was Mr. Dick Reinhold (4760 Brinkley Lane). Subjects

of discussion at the meeting included the viability of alternate site plans showing proposed additions not encroaching into required setbacks. Subjects discussed also included debate over what type of construction would be most suitable for the neighborhood. The meeting was ended as it appeared that no common ground could be reached.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 IRC with 2007 Ga State Amendments, as the permit application drawings will likely be received after January 1, 2007. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Bldgs and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ If the drive is moved to the edge of the sidewalk it will not impact the Magnolia.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that in light of the existing house's layout and location, the additions are proposed at the most logical places because: 1) due to current topography a garage addition on the northwest corner of the house would require substantial retaining or foundation walls and other possible variances; 2) a garage addition on the southwest corner of the house would dictate, because of the current topography, a lower garage level entrance not in keeping with the neighborhood; and 3) this proposal is in harmony with the neighborhood's houses because almost all have either front entry carports or garages. The applicant has provided a site plan in an attempt to document the above statements.

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

The applicant states that there is a hardship due to the following: 1) due to current topography a garage addition on the northwest corner of the house would require substantial retaining or foundation walls and other possible variances; 2) a garage addition on the southwest corner of the house would dictate, because of the current topography, a lower garage level entrance not in keeping with the neighborhood; 3) a garage addition to the rear of the subject house would be detached, would not be in keeping with the neighborhood, and would have more impact on the adjacent neighbors; and 4) the proposed family room addition is intersecting the current driveway and would make accessing the southeast corner of the house more difficult – it would leave little room to position the cars or a garage. The applicant has provided a site plan in an attempt to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received November 7, 2006 by the Department of Community Development, showing the front yard setback reduced to no less than thirty-eight (38) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, supplement letter, floor plan & elevation drawings, letters of support, letters of opposition, arborist report, photographs and site plans.

Variance Petition No. V06-141

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Erez and Alicia Goren	Erez and Alicia Goren	Jared Bookhardt

PROPERTY INFORMATION

Address, Land Lot, and District	5540 Lake Island Drive Land Lot 122, District 17
Council District	6
Frontage and Area	203 feet of frontage along the west side of Lake Island Drive. The subject property has a total area of approximately 2.16 acres.
Existing Zoning and Use	R-1 (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	R0-1 Residential (0-1 units per acre)
INTENT	

The applicant is seeking three (3) primary variances for relief from:

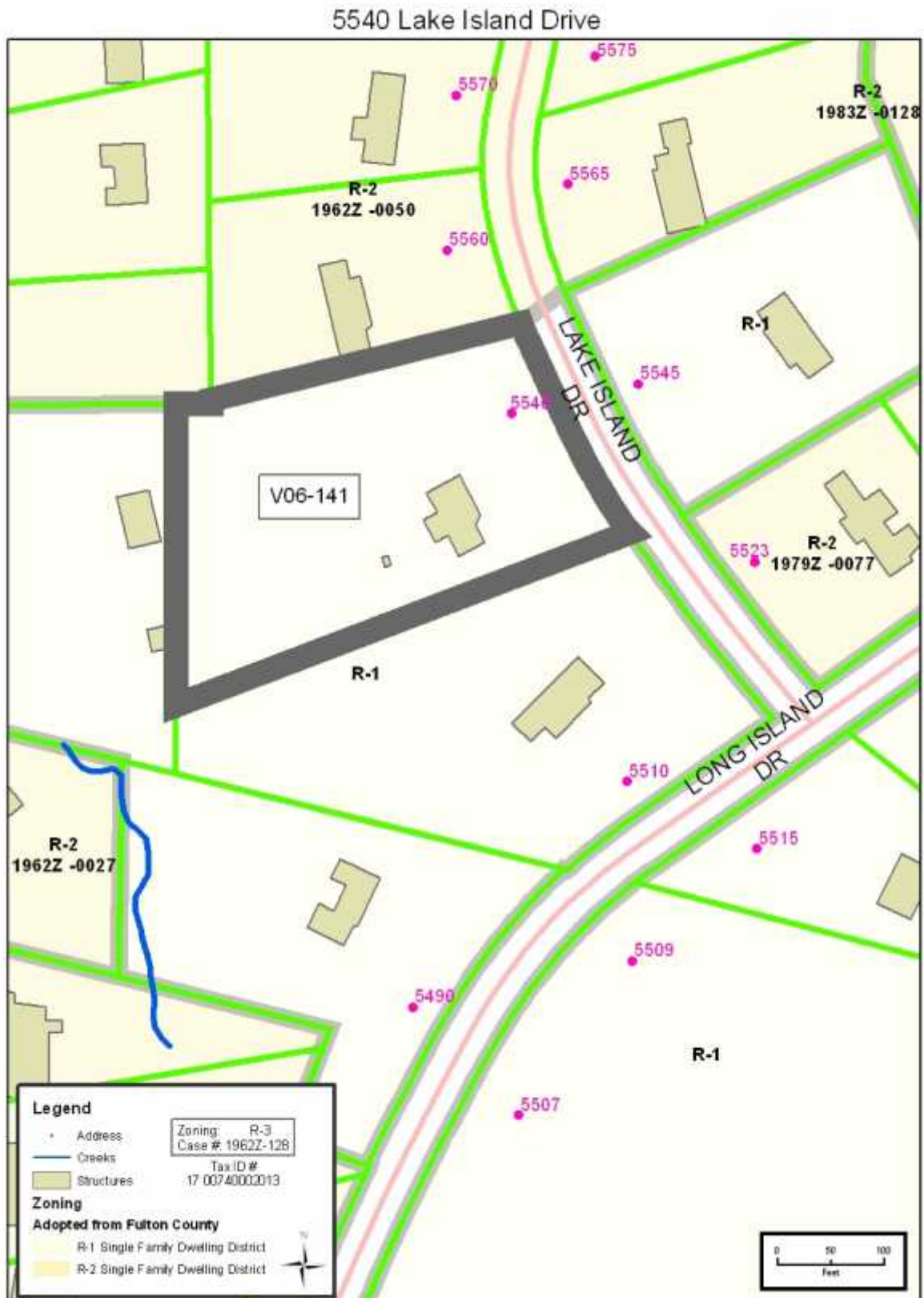
- 1) Section 6.1.3.C of the Zoning Ordinance to reduce the minimum south side yard setback from twenty-five (25) feet to eleven (11) feet and
- 2) Section 6.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to thirty-five (35) feet and
- 3) Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees identified as follows:

“A” - a twenty-four (24) inch loblolly pine and

“B” - a twenty-five (25) inch loblolly pine.

All variances are for the construction of a detached garage and tennis court.

Parcel Map



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

CASE NUMBER: V06-141

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

ANALYSIS:

The applicant is requesting three primary variances for relief from Section 6.1.3.C of the Zoning Ordinance to reduce the minimum south side yard setback from twenty-five (25) feet to eleven (11) feet for the construction of a detached garage, Section 6.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to thirty-five (35) feet for the construction of a tennis court, and from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-four (24) inch loblolly pine and tree "B" - a twenty-five (25) inch loblolly pine. Both specimen trees are located in the footprint of the proposed tennis court.

The applicant has provided a site plan/topographical map indicating that the subject property is irregularly shaped and sloped. The existing house's location shown on the site plan/topographical map is skewed in relation to the rear property line. The applicant states that the proposed locations of the tennis court and detached garage are most suitable due to constraints regarding the existing house's location and the subject property's irregular shape and sloping topography.

Additionally, the applicant states that the proposed additions to the subject property would not be out of character for the area and square footage of the house. He continues by saying that many homes in the area have detached garages and tennis courts and this would be in harmony with the neighborhood. The applicant further states that because of the existing topography of the site and the addition of new screening and landscape treatments, including the planting of hardwood trees to replace the pines proposed to be removed, the adjacent neighbors would not be impacted by the proposed additions.

Staff notes that there appears to be other houses in the area having detached garages, tennis courts, and/or other accessory structures.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ There is a 24" and 25" Pine that will be impacted due to tennis court construction. There is a lake on the property directly behind the proposed about 150 meters from the site.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the proposed additions to the subject property would not be out of character for the area and square footage of the house. He continues by saying that many homes in the area have detached garages and tennis courts and this would be in harmony with the neighborhood. The applicant further states that because of the existing topography of the site and the addition of new screening and landscape treatments, including the planting of hardwood trees to replace the pines proposed to be removed, the adjacent neighbors would not be impacted by the proposed additions. The applicant has provided a site plan/topographical map in an attempt to document the above statements.

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

The applicant has provided a site plan/topographical map indicating that the subject property is irregularly shaped and sloped. The existing house's location shown on the site plan/topographical map is skewed in relation to the rear property line. The applicant states that the proposed locations of the tennis court and detached garage are most suitable due to constraints regarding the existing house's location and the subject property's irregular shape and sloping topography.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received December 21, 2006 by the Department of Community Development, showing the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-four (24) inch loblolly pine and tree "B" - a twenty-five (25) inch loblolly pine, south side yard setback reduced to no less than eleven (11) feet, and showing the rear yard setback reduced to no less than thirty-five (35) feet where necessary to accommodate the portion of the encroachments only.

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

Variance Petition No. V06-104

HEARING & MEETING DATES

Board of Zoning Appeals

September 14, 2006

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Glenlake Apartment
Investments, LLC

Petitioner
Glenlake Apartment
Investments, LLC

Representative
David O. Eldridge

PROPERTY INFORMATION

**Address, Land Lot, and
District**

6901 Glenlake Parkway
Land Lots 33 & 34, District 17

Council District

4

Frontage and Area

1,211.92 feet of frontage along the north side of Glenlake Parkway and approximately 1,425 feet of frontage along the east side of Glenridge Drive. The subject property has a total area of 25.4 acres

Existing Zoning and Use

A (Medium Density Apartment District) conditional, Z80-015

Overlay District

N/A

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

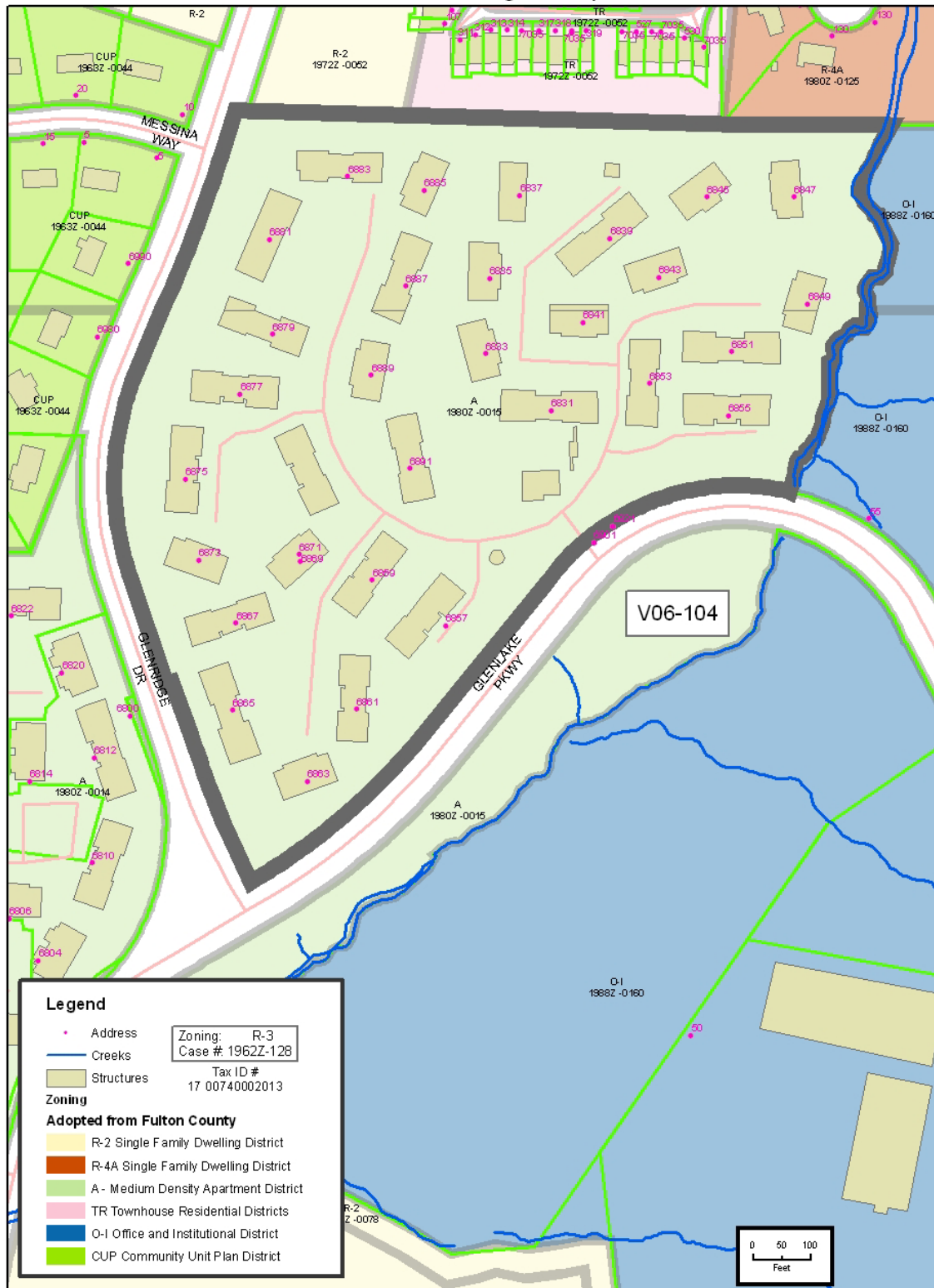
LWC - Living-Working Community

INTENT

The applicant is seeking a secondary variance to appeal the interpretation of the Director of the Department of Community Development, rendered July 3, 2006, with respect to the following determinations:

1. The denial of the Sign Permit Application for Glenlake Apartments was based on the fact that the existing sign is nonconforming based on its noncompliant setback and square footage, and therefore the existing sign face shall not be changed without bringing the sign into conformity.

6901 Glenridge Pkwy



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

CASE NUMBER: V06-104

STAFF CONTACT: Michael Zehner
Assistant Director, Planning and Zoning
E-mail: michael.zehner@sandyspringsga.org

BACKGROUND:

In February of 2006 the petitioner filed a Sign Permit Application to change the sign face on an existing monument sign located on Glenlake Parkway. A review of the application material indicated that the applicant intended to replace the existing thirty-six (36) square foot sign face with one of equal size. It was determined that the existing sign is a nonconforming sign based on square footage and setback, and cannot be changed without bringing the structure into compliance; therefore, the Sign Permit Application was denied on March 2, 2006.

At the September 14, 2006 Board of Zoning Appeals meeting, the applicant requested deferral to allow the opportunity to perform additional research that could allow the matter to be resolved without the Secondary Variance/Appeal. At this time, the applicant has not submitted any additional material.

APPEAL:

The applicant indicates that his appeal of the Director's determination is based on four (4) reasons, as follows:

- 1) The applicant indicates that the Director's reliance on Section 33.6.3 as a basis for denial is incorrect. The applicant indicates that there has been no change to the regulations, specifically the sign regulations of the City, which would bring about any non-compliance. The applicant furthers that the only applicable section is Section 4.3.1, *Nonconforming Lots, Uses and Structures*, of the Zoning Ordinance, as it allows those noncompliant structures that exist on the effective date of the adoption of this Ordinance to remain until such time as they are enlarged or altered in a way which increases its nonconformity, destruction of more than sixty (60) percent of the gross square footage of the structure occurs, or the structure is moved for any distance. The applicant stipulates that since the structure existed on the date of the adoption of the Ordinance and is not being enlarged or altered in a way which increases its nonconformity, that it should therefore be allowed to remain and the permit granted.
- 2) The applicant indicates that the subject sign was lawful before the Ordinance was adopted and that the City has produced no evidence to the contrary. The applicant furthers this argument by stating that a legal nonconforming sign in Fulton County should remain as such in the City of Sandy Springs, and that the creation of the new City cannot require the sign to be brought into compliance.

- 3) The applicant indicates that the denial should be reversed because it is anti-business and discourages business investment in the City of Sandy Springs due to the costs involved to new businesses having to correct nonconforming situations.
- 4) The applicant indicates that the denial of the sign permit should be reversed as it is unconstitutional and constitutes a taking of the owner's property without just and adequate compensation and without due process of law.

BASIS FOR DIRECTOR'S INTERPRETATION/DETERMINATION:

The denial of the subject Sign Permit Application was based on the nonconforming status of the existing sign and the proposed change to that nonconforming sign. The existing sign is setback four (4) feet from the right-of-way and is thirty-six (36) square feet in area. The Zoning Ordinance currently requires a setback of at least ten (10) feet from the right-of-way and allows a maximum square footage of thirty-two (32) square feet; therefore, the existing sign, per Article III, Definitions, 3.3.14, N, of the City of Sandy Springs Zoning Ordinance, is considered a nonconforming structure as it is a "structure that was nonconforming at the time of the adoption of the Fulton County Zoning Ordinance on March 11, 1955, or subsequent amendments thereto...and does not meet the minimum requirements of the district in which it is located." It is important to note that the applicant never contends that the subject sign is not a nonconforming sign or structure.

Since the subject sign is a nonconforming sign or structure, both the definition of nonconforming structure and Section 33.6.3 (A), *Nonconforming Signs*, of the City of Sandy Springs Zoning Ordinance, apply. The definition of nonconforming structure states that "any change or addition to a...structure must comply with current provisions of the Zoning Ordinance. Section 33.6.3 (A) states that "no nonconforming sign shall be enlarged, extended, structurally reconstructed, moved, replaced or altered in any manner including the sign face except for normal maintenance." Based on the definition of nonconforming sign and Section 33.6.3 (A), the applicant's proposal to change or alter the sign face is not allowed unless compliance with current provisions of the Zoning Ordinance is achieved. Since the original application to change or alter the sign face did not indicate that the existing structure was being moved from its current noncompliant four (4) foot setback to a compliant ten (10) foot setback, nor was the sign face being reduced from a noncompliant thirty-six (36) square feet to a compliant thirty-two (32) square feet, the sign permit application was denied. With regard to the applicant's contention that Section 4.3.1 is the applicable section rather than Section 33.6.3, subsection (E) indicates that a nonconforming sign shall comply with any other applicable provisions of Section 4.3.1; thereby indicating that those provisions of Section 4.3.1 are secondary with regard to signs when compared with the regulations of Section 33.6.3.

It is the opinion of the staff that the aforementioned basis satisfactorily dismisses the applicant's first reason for appeal. With regard to the applicant's second reason, staff would agree, the City's incorporation alone cannot require the subject sign to be brought into compliance; however, it is not the City's incorporation that is requiring the sign to be brought into compliance, but rather the fact that the applicant is desiring to change or alter the sign that is requiring the sign to be brought into compliance. The applicant's third and fourth reasons are policy based, and have no bearing on the Director's determination of the provisions of the rules and regulations of the Zoning Ordinance.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Zoning Appeals to uphold the determinations made by the Director of the Department of Community Development, thereby requiring the applicant to either bring the subject sign into compliance in conjunction with the sign permit for the change to the sign face or seek primary variances to maintain the noncompliant setback and sign face area.

Thank you for your attention to this matter.

ATTACHMENTS: Site plan, sign elevation, letter of appeal, letter of determination,
 denial letter.

Rezoning Petition No. V06-142

HEARING & MEETING DATES

Design Review Board

November 28, 2006

Board of Zoning Appeals

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Fulton County

Petitioner

Heritage Sandy Springs

Representative

James Hinkle and Brad Jones

PROPERTY INFORMATION

**Address, Land Lot,
and District**

135 Hilderbrand Road (Sandy Springs Historic Site)
Land Lot 89, District 17

Council District

3

Frontage and Area

560 feet of frontage along the north side of Sandy Springs Place, 280 feet of frontage along the west side of Bluestone Road, and 500 feet of frontage along the east side of Sandy Springs Circle. The subject property has a total area of 4.26 acres.

Existing Zoning and Use

The property is zoned O-I (Office and Institutional District) conditional under zoning case Z03-188. Additionally, a use permit was approved under U03-026, an administrative variance was approved under CV06-001 for Amphitheater usage, and a reduction of the required stream fifty (50) foot undisturbed buffer was approved under V06-047.

Overlay District

Main Street District

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

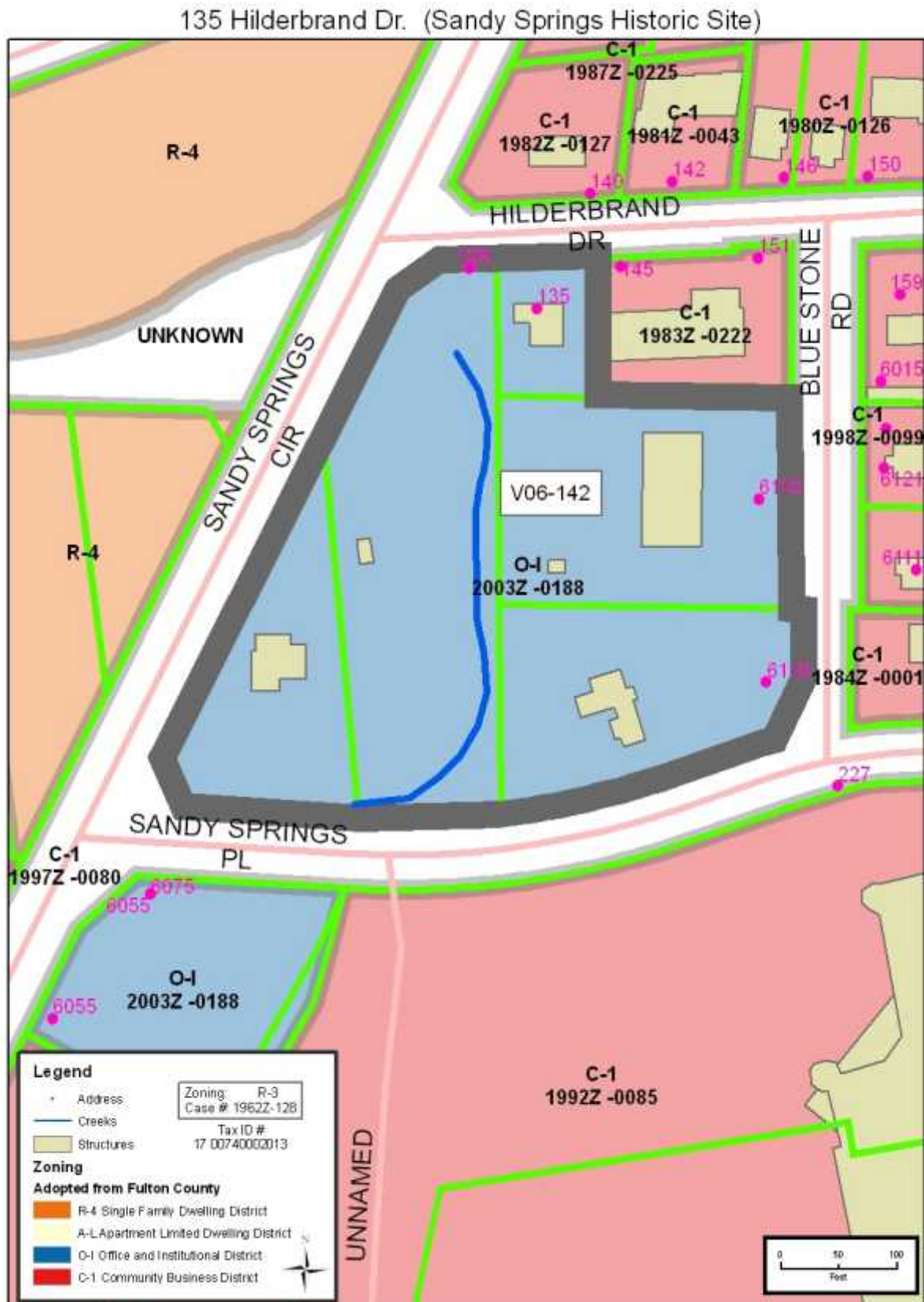
PRC (Public Recreation and Conservation)

INTENT

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

- 1) Section 14.6.5.a i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a forty-seven (47) foot undisturbed buffer to allow for the construction of a side walk and
- 2) Section 12B.4 of the Zoning Ordinance to allow phased construction of the Main Street Overlay District streetscape standards requirement.

Parcel Map



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

CASE NUMBER: V06-142

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

This primary variance is being sought for relief from Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to allow a proposed side walk for an amphitheater to be setback forty-seven (47) feet from the top of stream bank. Additionally, a primary variance is being sought for relief from Section 12B.4 of the Zoning Ordinance to allow phased construction of the Main Street Overlay District streetscape standards requirement.

The applicant is proposing to construct an amphitheater facility and was previously granted a variance, under V06-047, from the required stream buffer subject to being in accordance with an approved site plan. The approved site plan did include a section of sidewalk encroaching into the required stream buffer, but did not include a continued portion of the sidewalk now being considered for relief from the stream buffer.

On November 28, 2006, the Design Review Board (DRB) endorsed the variance request subject to the following conditions: 1) That, where applicable, pervious pavement be installed in the stream buffer and 2) That the streetscape phased installation be completed by December 31, 2008.

Staff has talked with the applicant and given the present and future circumstances, concluded that from the subject property's curb cut on Sandy Springs Place west for a distance of approximately 260 feet, the required streetscape shall be installed under variance petition V06-142 (if approved) and applicable permit. And from the subject property's curb cut on Sandy Springs Place east for a distance of approximately 200 feet to the intersection of Sandy Springs Place and Blue Stone Road, the required streetscape shall be installed under variance petition V06-047 and applicable permit. And from the subject property's curb cut on Blue Stone Road south for a distance of approximately 115 feet to the intersection of Sandy Springs Place and Blue Stone Road, the required streetscape shall be installed under approved variance petition V06-047 and applicable permit. The balance and all of the required streetscape installation for the subject property's frontage shall be completed by December 31, 2011.

Department Comments

The staff held a Focus Meeting on December 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ This is the stream at the Sandy Springs Historic Society. They need the variance to proceed with Phase II of the Project.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that even though the construction of the proposed amphitheater will create impervious features such as sidewalks, stone seat-walls, and a stage area, the completed project would retain existing trees and result in the elimination of existing impervious asphalt surfaces to be replaced with landscaped areas. The applicant further states he believes that due to the neighboring public uses such as the Williams-Payne House, the proposed amphitheater would be beneficial for the welfare of the community, would be in character with surrounding uses, and would be the most appropriate use of the land. The applicant also states that the project, as designed, would not only benefit the community as a whole but would benefit the health of the existing stream. The applicant has provided a site plan to support the above statements.

The applicant is proposing to construct an amphitheater facility and was previously granted a variance, under V06-047, from the required stream buffer subject to being in accordance with an approved site plan. The approved site plan did include a section of sidewalk encroaching into the required stream buffer, but did not include a continued portion of the sidewalk now being considered for relief from the stream buffer. The applicant has provided a site plan to support the above statements.

Considered under V06-047 and V06-142 are portions of the subject property where street frontage is limited primarily to Sandy Springs Place. The applicant intends to install the required streetscape at the time of permit under the scope of work associated with portions of the subject property having frontages indicated in variance applications V06-047 and V06-142. In light of the sum of all phases planned for total improvement to the entire site, the applicant is requesting relief to allow phased construction of the Main Street Overlay District streetscape standards requirement.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received November 7, 2006 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a forty-seven (47) foot undisturbed buffer where necessary to accommodate the portion of the encroachment.
2. That from the subject property's curb cut on Sandy Springs Place west for a distance of approximately 260 feet, the required streetscape shall be installed under variance petition V06-142 (if approved) and applicable permit. And from the subject property's curb cut on Sandy Springs Place east for a distance of approximately 200 feet to the intersection of Sandy Springs Place and Blue Stone Road, the required streetscape shall be installed under variance petition V06-047 and applicable permit. And from the subject property's curb cut on Blue Stone Road south for a distance of approximately 115 feet to the intersection of Sandy Springs Place and Blue Stone Road, the required streetscape shall be installed under approved variance petition V06-047 and applicable permit. The balance and all of the required streetscape installation for the subject property's frontage shall be completed by December 31, 2011.
3. 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.

4. 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.
5. 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.
6. Stream crossings shall be as narrow as possible and shall be pervious.
7. 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.
8. 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.
9. 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.
10. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
11. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Site plans, photograph, and letter of appeal.



Variance Petition No. V06-130

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Tino Venturi

Petitioner

Aurel Curi

Representative

Aurel Curi

PROPERTY INFORMATION

Address, Land Lot, and District 8550 Roswell Road (SR 9)
Land Lot 026, District 17th

Council District 2

Frontage and Area 150 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 0.99187 acres (43,200 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case Z57-043, currently developed with a restaurant building.

Overlay District Suburban District

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

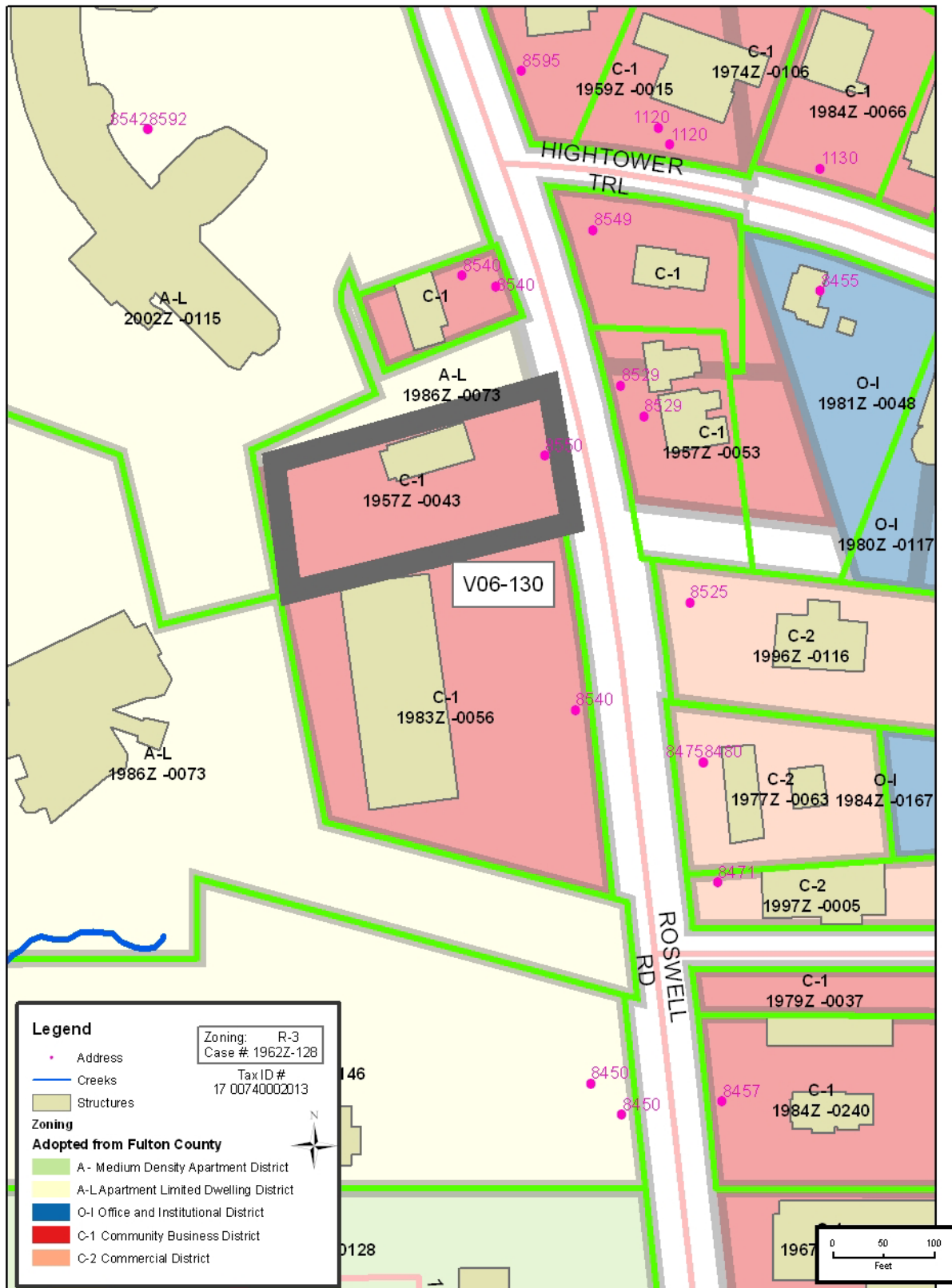
C- Commercial

INTENT

The applicant is seeking three (3) primary variances: 1) variance from Section 12B.6.A.2.a of the Sandy Springs Overlay to increase the maximum allowed height for a free standing sign from six (6) feet to feet, 2) variance from Section 12B.6.A.2.b of the Sandy Springs Overlay to allow for a free standing sign to exceed the square feet maximum sign area allowed from thirty-two (32) square feet to sixty six (66) square feet, and 3) variance from Section 33.6.3.D to allow for a sign where a non-conforming sign referring to the same business on the same lot exists.

Parcel Map

8550 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 11, 2007

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

CASE NUMBER: V06-130

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

ANALYSIS:

The applicant changed the sign face of an existing nonconforming free standing sign without a permit. The applicant was issued a Notice of Violation and subsequently filed for variances as the alterations are not allowed by the ordinance.

Article 12B.6.A of the Sandy Springs Overlay, allows properties 40,000 square feet or more with street frontages of up to and including 500 linear feet one free-standing sign per street frontage. The property has a total area of 43,200 square feet, with a frontage of approximately 150 linear feet. Therefore this property is allowed to have a free standing sign thirty two (32) square feet of sign area, six (6) feet height.

The applicant states in his letter of appeals, that the restaurant La Strada has been owned and operated by the same family for the last fifteen years; during this time the exterior signage of the restaurant has not changed. No request was ever made to alter the physical appearance of the sign. The cosmetic changes made to the existing sign panel on September 12, 2006, did not alter the height, location, size or shape of the sign; the changes were made to the logo and lettering. The applicant added that the replacement of the sign face was in the best interest of the public due to its deteriorated condition. There were concerns that the existing plastic face fall and cause and accident, presenting an insurance risk.

The applicant has revised his application and submitted a new drawing showing a monument type sign with sixty-six (66) square feet of sign face, 13.5 feet in height. The applicant is requesting to raise the base of the sign to four (4) feet, to maintain the landscaping around the sign, and to provide a better visibility of the sign. The applicant has reduced his original request of five variances to three, as follows:

1. Variance from Section 12B.6.A.2.a to increase the maximum allowed height for a free standing sign from 6 feet to 13.5 feet.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 11, 2007

2. Variance from Section 12B.6.A.2.b to increase the maximum allowed face size for a free standing sign from 32 square feet to 66 square feet.
3. Variance from Section to allow for a free standing sign to be permitted where a non-conforming sign referring to the same business on the same lot exists.

Department Comments

The staff held a Focus Meeting on September 5, 2006 at which the following departmental comments were provided:

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

Standards for Consideration

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

1. *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 stated in the letter of intent that the existing monument sign is located at the corner of a triangularly-shaped existing development of apartment homes located at the corner of Mount Vernon Highway and a private driveway easement area. The structure is directly in front of a wrought iron fence and a brick wall as shown on exhibits 1 and 2, all of which have been in existence since the original development of the site in 1997. Requiring the sign to be further back would create an unnecessary hardship for the owner, in that it would require the demolition of several structures which are already in existence and have been for several years. In addition, the applicant states that since the top of the sign area is shape as an arc, depending upon how one measure the allowable sign area, the existing sign may meet the allowable sign area of thirty two (32) square feet.

The applicant has provided pictures supporting these applications beside the minimum variance submittal.

The applicant states that without this sign it will be extremely difficult to identify the property.

Recommended Condition(s)

Should the Board of Zoning Appeals decide to approve the variance petition, the staff suggests that the approval be subject to the following conditions:

1. That the sign shall be located not less than 0 feet from the right of way, pursuant to the Site Plan provided by the applicant dated received August 1, 2006 by the Department of Community Development. (Exhibit 3).
2. That the sign area shall not exceed thirty eight (38) square feet, pursuant to the sign design detail, for Windsor at Mount Vernon, LLC, submitted by the applicant, dated received August 1, 2006 by the Department of Community Development. (Exhibit 4)

ATTACHMENTS: Site plan dated August 1, 2006, Photos of existing sign dated August 1, 2006, Letter of appeal dated August 1, 2006.

