



Variance Petition No. V06-129

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 14, 2006 (Deferred)

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Scott Felton

Petitioner

Scott Felton

Representative

Scott Felton

PROPERTY INFORMATION

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

Council District 6

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

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

Overlay District N/A

Interim 2025

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

Map Designation

INTENT

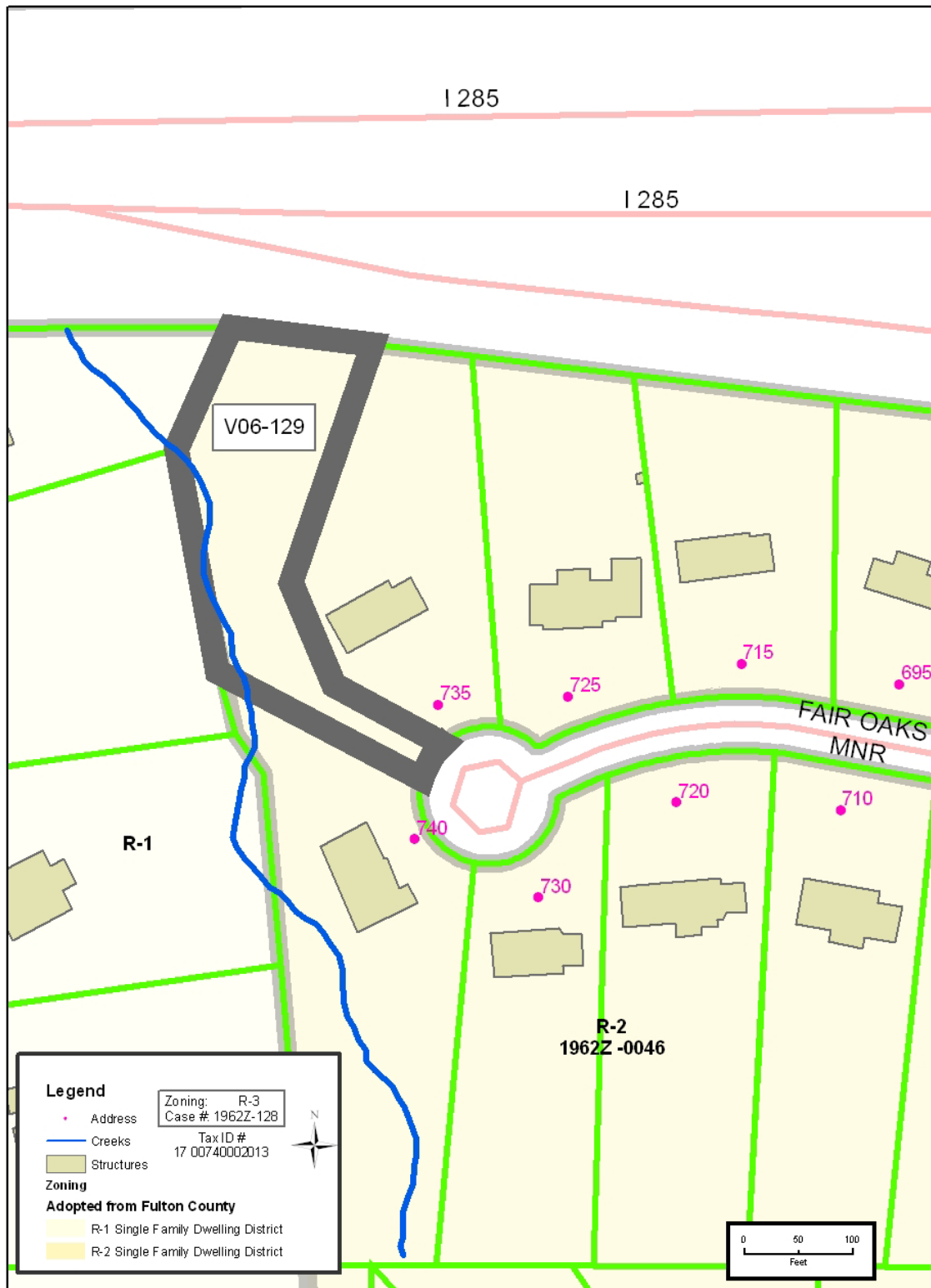
The applicant is seeking two (2) primary variances:

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

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

Parcel Map

745 Glen Oaks Manor



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

CASE NUMBER: V06-129

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

ANALYSIS:

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

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

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

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

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

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

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

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

Department Comments

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

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

Standards for Consideration

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

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

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

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

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

Recommended Condition(s)

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

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

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

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



Variance Petition No. V06-136

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Wayne Sengstock	Wayne Sengstock	Wayne Sengstock

PROPERTY INFORMATION

Address, Land Lot, and District	405 Glenridge Close Court Land Lot 35, District 17
Council District	4
Frontage and Area	46 feet of frontage along the east side of Glenridge Drive, 89 feet of frontage along the south side of Glenridge Close Drive, and 34 feet of frontage along the west side of Glenridge Close. The subject property has a total area of approximately 0.18 acres.
Existing Zoning and Use	TR (Townhouse Residential District) under zoning case Z91-042. The property is developed with a single-family residence.
Overlay District	Urban District and Perimeter Community Improvement District
Interim 2025 Comprehensive Future Land Use Map Designation	LWC (Living-Working Neighborhood)
INTENT	

The applicant is seeking a primary variance for relief variance from Section 7.2.3.H.1 of the Zoning Ordinance to reduce the minimum perimeter front yard setback from forty (40) feet to twenty-three (23) feet six (6) inches to construct an enclosed porch and deck.

Parcel Map



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

CASE NUMBER: V06-136

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 7.2.3.H.1 of the Zoning Ordinance to reduce the minimum perimeter front yard setback from forty (40) feet to twenty-three (23) feet six (6) inches. The subject property is a corner/thru-lot having two frontages. The applicant is proposing to construct an enclosed porch and deck to the rear of the existing house.

The applicant states that his existing deck is encroaching into the perimeter front yard setback, unsightly, unsafe, and rotting. He no longer allows guests to walk on it for fear of injury. Additionally, the applicant states that the area of the existing and proposed deck is the most visible to the entrance of his subdivision (Glenridge Close) because it faces Glenridge Drive and Glenridge Close Drive. The existing unsightly deck is approximately twelve (12) feet by eighteen (18) feet and is proposed to be demolished and replaced by a newer more attractive enclosed porch/deck that is roughly fifteen (15) feet by twenty-six (26) feet. The steps for the proposed porch/deck are what encroach most into the required setback. Further, the applicant states that the proposed addition would be painted to match the current residence and would be in harmony with other enclosed decks in the Glenridge Close subdivision.

Staff notes that the adjoining lot to the south has a house oriented the same as the subject house and has a similar deck that encroaches into the required perimeter front yard setback.

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	▪ 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):

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

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 his existing deck is encroaching into the perimeter front yard setback, unsightly, unsafe, and rotting. He no longer allows guests to walk on it for fear of injury. Additionally, the applicant states that the area of the existing and proposed deck is the most visible to the entrance of his subdivision (Glenridge Close) because it faces Glenridge Drive and Glenridge Close Drive. The existing unsightly deck is approximately twelve (12) feet by eighteen (18) feet and is proposed to be demolished and replaced by a newer more attractive enclosed porch/deck that is roughly fifteen (15) feet by twenty-six (26) feet. The steps for the proposed porch/deck are what encroach most into the required setback. Further, the applicant states that the proposed addition would be painted to match the current residence and would be in harmony with other enclosed decks in Glenridge Close subdivision. The applicant has provided site plans, photographs, and elevation drawings 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 perimeter front yard setback reduced to no less than twenty-three (23) feet six (6) inches where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, elevation drawings, photographs, letters of support, and site plans.



Variance Petition No. V06-137

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007 (Deferred)

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Roberts Kimcliff

Petitioner

Roberts Kimcliff

Representative

Blair Turner

PROPERTY INFORMATION

Address, Land Lot, and District 545 Windsor Parkway
Land Lot 66, District 17

Council District 5

Frontage and Area 110 feet of frontage along the south side of Windsor Parkway. The subject property has a total area of approximately 0.57 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 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 to a twenty-five (25) foot undisturbed buffer. The variance is for the construction of a single-family house.

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 V06-137 variance application has been amended to only consider relief from the required stream buffer.

At the February 8, 2007 Board of Zoning Appeals meeting, V06-137 was deferred until the March 8, 2007 meeting to allow the applicant to quantitatively detail and minimize the proposed encroachment compared to the existing encroachment and to allow the applicant to work with the Highpoint Civic Association and other concerned neighbors in an effort to minimize the impact on the subject stream.

Parcel Map

545 Windsor Parkway



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: V06-137

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 residence to be set back a minimum of twenty-five (25) feet from the stream bank where seventy-five (75) feet is required.

The applicant has submitted a site plan/topographical map indicating the subject property as trapezoidal in shape and having a stream running adjacent and parallel to the southwestern side property line. When the seventy-five (75) foot stream buffer is applied to the subject property, approximately a ten (10) foot sliver of land that is parallel to the northeastern side property line remains outside the required stream spacing; however, the aforementioned remaining ten (10) foot sliver of land is the required northeastern side yard setback.

The applicant states that the proposed house is in harmony with other new construction on Windsor Parkway. The applicant also states that the current residence, proposed to be demolished, is located within the twenty-five (25) foot impervious setback and fifty (50) foot natural undisturbed buffer. The applicant indicates that he will build the proposed house primarily over the footprint of the existing house to be demolished.

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 V06-137 variance application has been amended to only consider relief from the required stream buffer.

At the February 8, 2007 Board of Zoning Appeals meeting, V06-137 was deferred until the March 8, 2007 meeting to allow the applicant to quantitatively detail and minimize the proposed encroachment compared to the existing encroachment and to allow the applicant to work with the Highpoint Civic Association and other concerned neighbors in an effort to minimize the impact on the subject stream. To date the applicant has yet to provide the aforementioned material.

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 stream is piped across Windsor Parkway and is deeply canalized. 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 V06-137 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 other new construction on Windsor Parkway. The applicant also states that the current residence, proposed to be demolished, is located within the twenty-five (25) foot impervious setback and fifty (50) foot undisturbed buffer. The applicant indicates that he will build the proposed house primarily over the footprint of the existing house to be demolished. The applicant has provided site plans to document the above statements.

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

The applicant has submitted a site plan/topographical map indicating the subject property as roughly rectangular in shape and having a stream running parallel to the southwestern side property line. When the seventy-five (75) foot stream buffer is applied to the subject property, approximately a ten (10) foot sliver of land that is parallel to the northeastern side property line remains outside the required stream spacing. However, the aforementioned remaining ten (10) foot sliver of land is the required northeastern side yard setback – the lot does not have a buildable area. 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 Proposed Site Plan, provided by the applicant dated received January 24, 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 where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

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

ATTACHMENTS: Letter of appeal and site plans



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

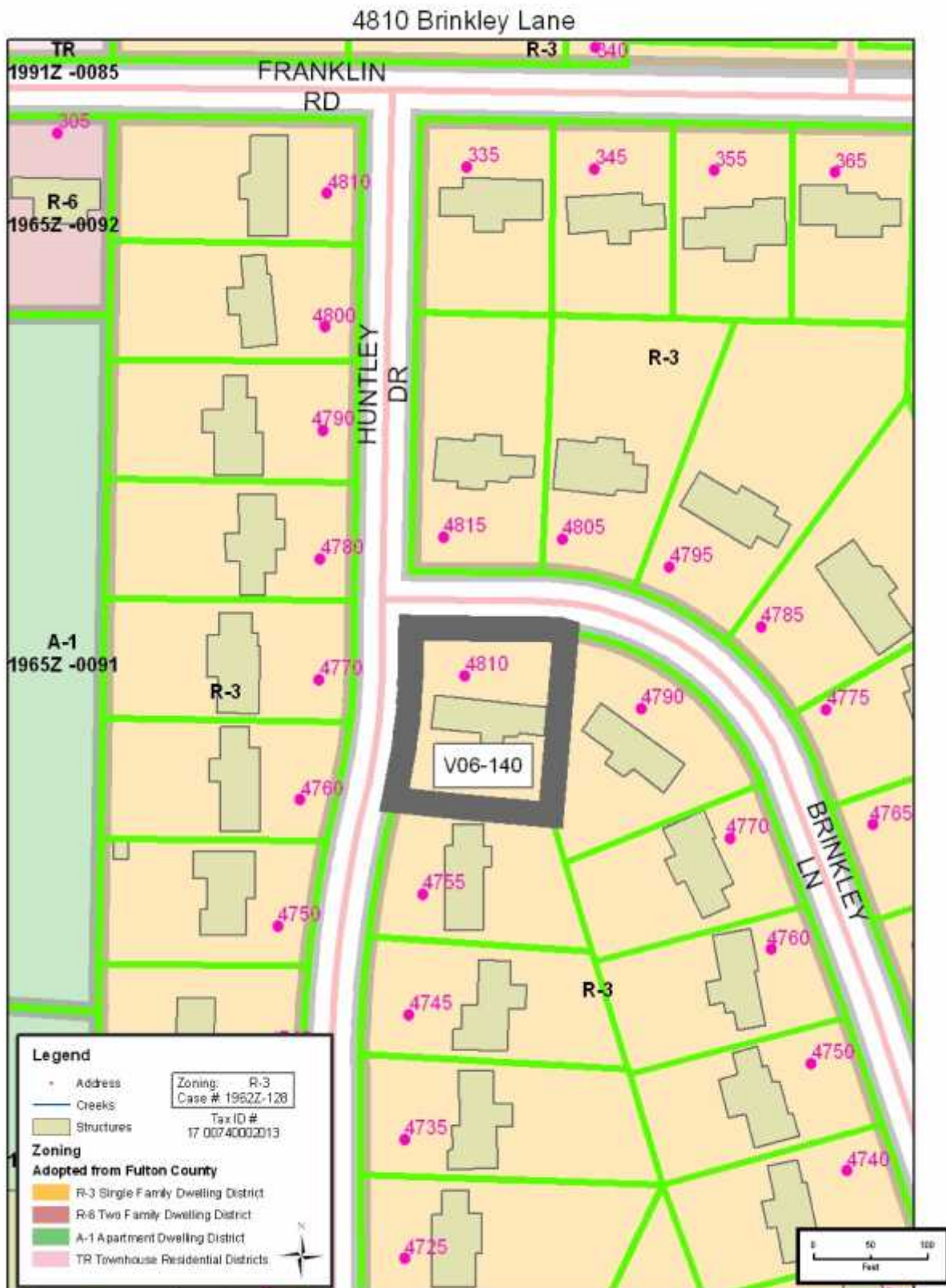
Comprehensive Future Land Use Map Designation

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. V06-146

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
John Misiura

Petitioner
John Misiura

Representative
John Misiura

PROPERTY INFORMATION

Address, Land Lot, and District 137 Angus Trail
Land Lot 124, District 17

Council District 3

Frontage and Area 113 feet of frontage along the northwest side of the Angus Trail cul-de-sac. 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 Urban

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 6.4.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to twenty-four (24) feet to allow for construction of an addition to a single-family house.

Parcel Map

127 Angus Trail



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: V06-146

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.D of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to twenty-four (24) feet. The applicant is constructing an enclosed, 180 square foot addition as part of a kitchen/mudroom remodeling. The addition is located at the rear western corner of the house, to the rear of the existing carport.

The applicant has provided a site plan indicating the lot to be irregularly shaped – the existing house location is skewed in relation to the rear and both side property lines. The applicant states that the rear western corner of the existing carport currently encroaches into the required thirty-five (35) foot rear setback. The applicant states that due to the lot's configuration and existing house location, any kitchen/mudroom addition, be it to the side or rear of the house, would require a variance. Additionally, the applicant states that the rear of the subject property is sloped; thereby making the most suitable place for the addition to be located at the western corner of the house compared to the rear of the house.

The applicant states that the addition would be in harmony with the neighborhood and that the location of the addition, at the western corner of the house, would have less of an encroachment compared to the addition being located to the rear of the house. Additionally, the applicant states that there are other similar additions or enclosures in the neighborhood that have been constructed.

Staff notes that a large tract of land, zoned AG-1, is located to the rear of the subject property. The aforementioned tract of land is a cemetery called Arlington Cemetery.

Department Comments

The staff held a Focus Meeting on January 3, 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 International Residential Code with 2007 Ga State Amendments. 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 addition would be in harmony with the neighborhood and that the location of the addition, at the western corner of the house, would have less of an encroachment compared to the addition being located to the rear of the house. Additionally, the applicant states that there are other similar additions or enclosures in the neighborhood that have been constructed. The applicant has provided a site plan and photographs to document the above statements.

Staff notes that a large tract of land, zoned AG-1, is located to the rear of the subject property. The aforementioned tract of land is a cemetery called Arlington Cemetery.

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 indicating the lot to be irregularly shaped – the existing house's location is skewed in relation to the rear and side property lines. The applicant states that the rear western corner of the existing carport currently encroaches into the required thirty-five (35) foot rear setback. The applicant states that due to the lot's configuration and existing house's location, any kitchen/mudroom addition, be it to the side or rear of the house, would require a variance. Additionally, the applicant states that the rear of the subject property is sloped; thereby making the most suitable place for the addition to be located at the western corner of the house compared to the rear of the house – an addition to the rear of the house would also create more of an encroachment.

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 7, 2006 by the Department of Community Development, showing the rear yard setback reduced to no less than twenty-four (24) feet where necessary to accommodate the portion of the encroachment only.

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



Variance Petition No. V06-147

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
A & G Homes, LLC	A & G Homes, LLC	Glenn E. Messner

PROPERTY INFORMATION

Address, Land Lot, and District	5128 Powers Ferry Road Land Lot 163, District 17
Council District	6
Frontage and Area	188 feet of frontage along the south side of Powers Ferry Road and 285 feet of frontage along the east side of Rebel Trail. The subject property has a total area of approximately 1.08 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	R0-1 Residential (0 to 1 units per acre)

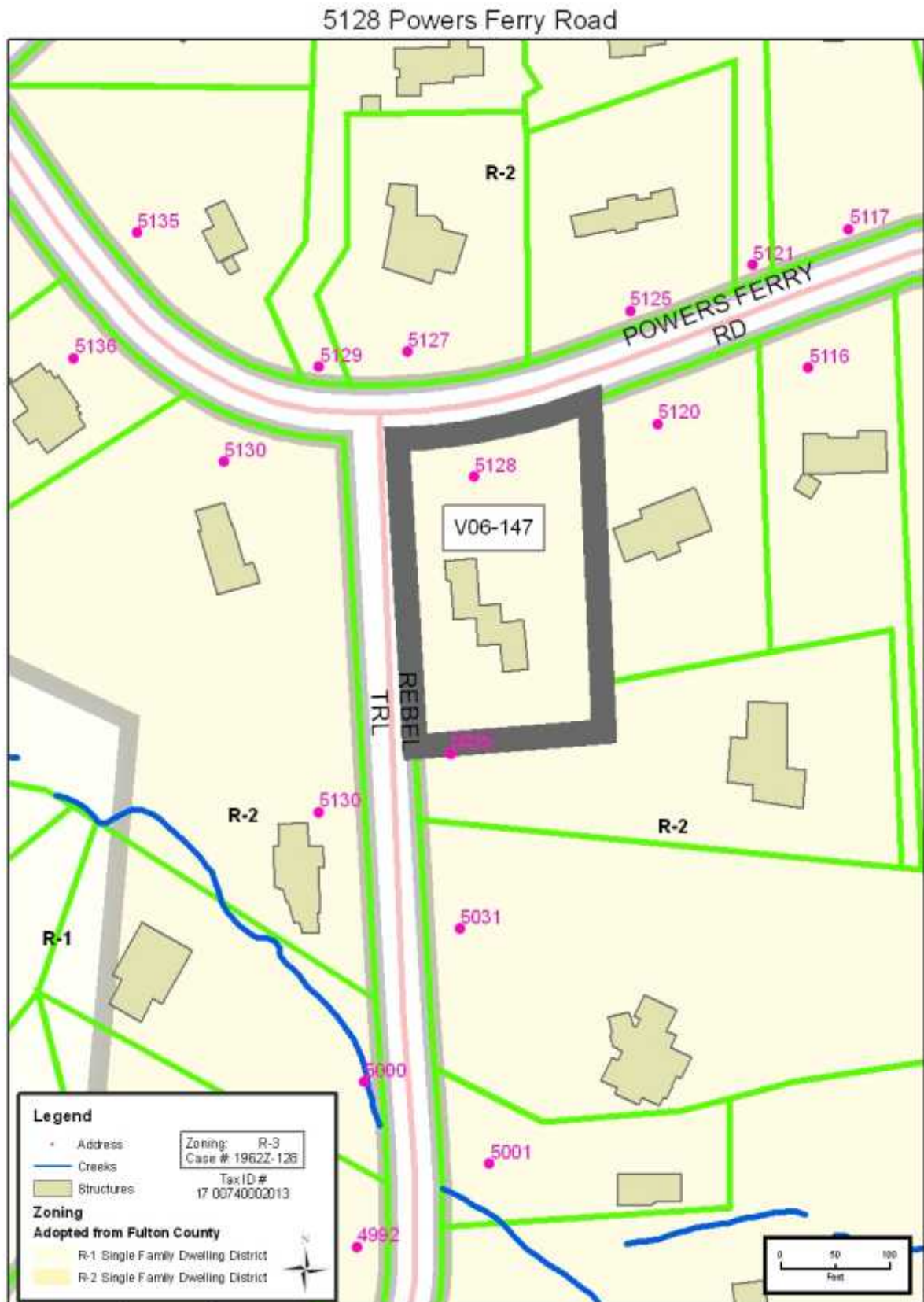
INTENT

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

- "A" - a twenty-five (25) inch pine,
- "B" - a twenty-four (24) inch pine, and
- "C" - a twenty-six (26) inch pine.

The variance is to allow for the installation of a pipe as part of the storm water management plan for a single-family house.

Parcel Map



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

CASE NUMBER: V06-147

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: "A" - a twenty-five (25) inch pine, "B" - a twenty-four (24) inch pine, and "C" - a twenty-six (26) inch pine.

Trees "A", "B", and "C" are located outside the buildable area of the subject property; however, the applicant states that, due to the subject lot's flood plain issues, they are located within an area designated to receive piping for a storm water drainage system as prescribed by a storm water management plan performed by Perimeter Surveying & Development Company.

The applicant states that the proposed drainage system would manage storm water flows affecting not only the subject property, but it would help manage storm water flows for a larger thirteen (13) acre area that includes the subject lot.

Department Comments

The staff held a Focus Meeting on January 3, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	Should the BZA approve this variance, the following conditions are recommended. 1) Before approval of the permit application, applicant shall provide a post-development downstream analysis that includes the assumptions, results, and supporting calculations to show safe passage of post-development flows downstream. 2) Before approval of the permit application, applicant shall provide drainage calculations and design plans demonstrating that the proposed drainage improvements will result in proposed lowest finished floor on the property (including basement and garage) that is at least 3 feet above the proposed 100-year water surface elevation on the property.
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The plan represents what was found on the site visit. The trees will not survive the grading associated with and the installation of the drainage pipe.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Applicant must obtain a Utility Permit prior to any work done in the City right-of-way at this location.
	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 drainage system would manage storm water flows affecting not only the subject property, but it would help manage storm water flows for a larger thirteen (13) acre area that includes the subject lot. The applicant has provided a site plan and a storm water management plan to document the above statement.

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

Trees "A", "B", and "C" are located outside the buildable area of the subject property; however, the applicant states that, due to the subject lot's flood plain issues, they are located within an area designated to receive piping for a storm water drainage system as prescribed by a storm water management plan performed by Perimeter Surveying & Development Company. The applicant has provided a site plan and a storm water management plan 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 January 3, 2007 by the Department of Community Development showing the removal of three (3) specimen trees identified as follows: "A" - a twenty-five (25) inch pine, "B" - a twenty-four (24) inch pine, and "C" - a twenty-six (26) inch pine.

ATTACHMENTS: Letter of appeal, site plan, storm water management plan, and photographs.



Variance Petition No. V06-148

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Hal Niebanck

Petitioner
Jenny Niebanck

Representative
Jenny Niebanck

PROPERTY INFORMATION

Address, Land Lot, and District 277 Colewood Way
Land Lot 125, District 17

Council District 3

Frontage and Area 120 feet of frontage along the north side of Colewood way. 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 to 2 units per acre)

INTENT

The applicant is seeking three (3) primary variances:

1) variance from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to twenty-nine (29) feet,

2) variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback (of the seventy-five (75) foot stream buffer) to eight (8) feet, and

3) variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree identified as a thirty (30) inch pine.

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

Parcel Map



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

CASE NUMBER: V06-148

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow proposed additions to a residence to be set back a minimum of fifty-eight (58) feet from the stream bank. The applicant is also requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree identified as a thirty (30) inch pine. Additionally, the applicant is requesting relief from Section 6.4.3.B of the Zoning Ordinance to reduce the minimum front yard setback from fifty (50) feet to twenty-nine (29) feet.

The applicant has submitted site plans and photographs indicating the subject property as roughly rectangular in shape and sloped. The lot has a stream located at its northwest rear corner, and the existing house encroaches into both the twenty-five (25) foot impervious setback and into the fifty (50) foot undisturbed buffer - the applicant believes that due to topographical issues and the presence of a stream, the existing house was originally located closer to the western side and southern front property lines. The specimen pine tree, proposed to be removed, is located within the minimum front yard and directly adjacent to the proposed garage footprint.

The applicant states that part of the proposed construction was originally sited over the existing carport pad that encroaches into fifty (50) foot undisturbed buffer. Realizing the proposed improvements would impact the stream, the applicant decided to revise their plans and utilize the larger of the two side yards (eastern side), having the most buildable area. However, due to the existing house's location relative to the front property line, the proposed garage encroaches into the required front setback and would cause the need to remove the aforementioned specimen tree. The applicant is proposing to encroach into the required stream buffer; however, the impact would be minimal due to the avoidance of the fifty (50) foot undisturbed buffer and the proposed use of wooden decking having spaces.

The applicant states that the proposed garage addition is similar in style to others in the immediate area and, due to the sloping front yard, it would not be highly visible. In addition the applicant is proposing to eliminate the majority of existing impervious materials (concrete and asphalt) located in both the impervious setback and the undisturbed buffer and replace them with landscape material. The proposed wood deck would have spaces to allow water to seep through and would be outside the fifty (50) foot undisturbed buffer. The applicant has provided a tree risk evaluation from an independent certified arborist - the evaluation indicates the subject specimen pine tree to be a hazard in storm events or high wind conditions.

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.

Department Comments

The staff held a Focus Meeting on January 3, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ Note that the addition appears to encroach within the critical root zone of the 36-inch magnolia in the front yard.
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 Georgia State Amendments. The design professional must submit a sealed letter stating that the existing structures 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	▪ The current house is existing non conforming to the Sandy Springs stream buffer requirements. There is one 30" Pine on site near the proposed construction.
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 part of the proposed construction was originally sited over the existing carport pad that encroaches into fifty (50) foot undisturbed buffer. Realizing the proposed improvements would impact the stream, the applicant decided to revise their plans and utilize the larger of the two side yards (eastern side), having the most buildable area. However, due to the existing house's location relative to the front property line, the proposed garage encroaches into the required front setback and would cause the need to remove the thirty (30) inch pine tree. The applicant is proposing to encroach into the required stream buffer; however, the impact would be minimal due to the avoidance of the fifty (50) foot undisturbed buffer and the proposed use of wooden decking having spaces. The applicant has provided site plans to document the above statements.

The applicant states that the proposed garage addition is similar in style to others in the immediate area and, due to the sloping front yard, it would not be highly visible. In addition the applicant is proposing to eliminate the majority of existing impervious materials (concrete and asphalt) located in both the impervious setback and the undisturbed buffer and replace them with landscape material. The proposed wood deck would have spaces to allow water to seep through and would be outside the fifty (50) foot undisturbed buffer. The applicant has provided a tree risk evaluation from an independent certified arborist – the evaluation indicates the subject specimen pine tree to be a hazard in storm events or high wind conditions. 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 submitted site plans and photographs indicating the subject property as roughly rectangular in shape and sloped. The lot has a stream located at its northwest rear corner, and the existing house encroaches into both the twenty-five (25) foot impervious setback and into the fifty (50) foot undisturbed buffer - the applicant believes that due to topographical issues and the presence of a stream, the existing house was originally located closer to the western side and southern front property lines. The specimen pine tree, proposed to be removed, is located within the minimum front yard and directly adjacent to the proposed garage footprint.

Realizing the proposed improvements would impact the stream, the applicant decided to revise their plans and utilize the larger of the two side yards (eastern side), having the most buildable area. However, due to the existing house's location relative to the front property line, the proposed garage encroaches into the required front setback and would cause the need to remove the aforementioned specimen tree.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received January 17, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than an eight (8) foot impervious surface setback and showing the front yard setback reduced to twenty-nine (29) feet where necessary to accommodate the portion of the encroachment only and showing the removal of one (1) specimen tree identified as a thirty (30) inch pine.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

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

ATTACHMENTS: Letters of appeal, tree risk evaluation, photographs, and site plans



Variance Petition No. V06-149

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tim Flinn and Erin Hand	Hannah Smith	Hannah Smith

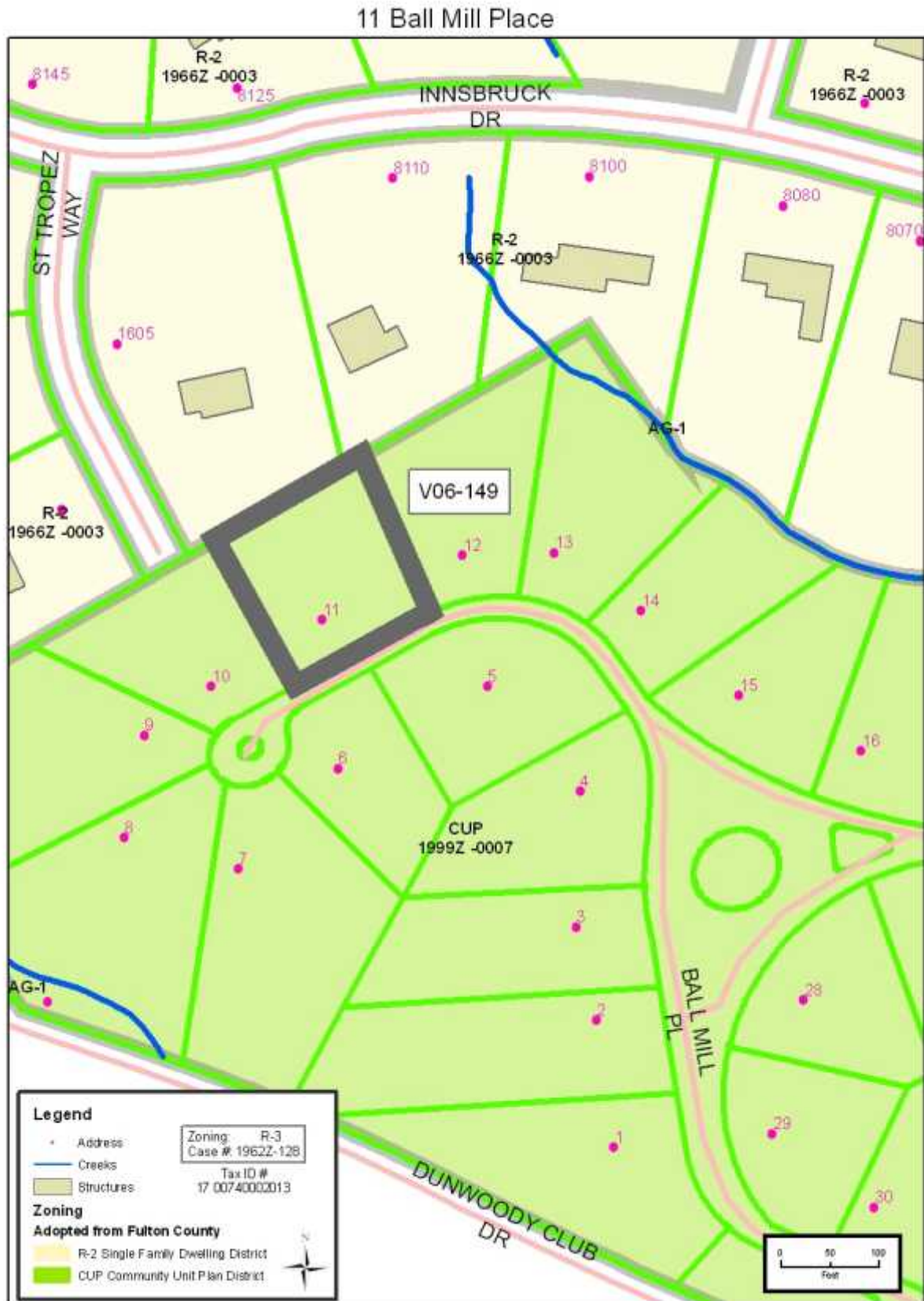
PROPERTY INFORMATION

Address, Land Lot, and District	11 Ball Mill Place Land Lot 353, District 6
Council District	1
Frontage and Area	160 feet of frontage along the north side of Ball Mill Place. The subject property has a total area of approximately 0.72 acres.
Existing Zoning and Use	CUP (Community Unit Plan District) under zoning case Z99-007. 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 to 1 units per acre)

INTENT

The applicant is seeking a primary variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the required ten (10) foot pool equipment rear yard setback to six (6) feet six (6) inches.

Parcel Map



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

CASE NUMBER: V06-149

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 19.3.12.B.1 of the Zoning Ordinance to reduce the required ten (10) foot pool equipment rear yard setback to six (6) feet six (6) inches. The subject pool equipment is located adjacent to and in the center of the rear, northern property line.

The applicant states that on September 5, 2006, Ed Castro Landscape obtained a pool permit under application Pool2006-00086. The approved plans show the pool equipment halfway between the side property lines and roughly three (3) feet from the rear, northern property line. The applicant states further, that the equipment was intended to be placed in a desirable location so as to minimize the impact to the surrounding properties and existing trees; therefore, the location would be considered to be in harmony with the surrounding neighborhood. In fact, the applicant believes that by adhering to the required ten (10) foot setback, the overall impact to surrounding neighbors would be greater, because the equipment would be more visible.

The applicant states that on November 15, 2006, Sandy Springs Code Enforcement issued a violation regarding the encroachment of the subject pool equipment into the required setback. The filing of V06-148 is an attempt by the applicant to address the Code violation.

The applicant has reached out to surrounding neighbors and has agreed to plant an evergreen buffer hedge to completely block the neighbors' view to the pool equipment. The applicant states that the aforementioned buffer would be a harmonious compromise for all.

Department Comments

The staff held a Focus Meeting on January 3, 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 comment
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 on September 5, 2006, Ed Castro Landscape obtained a pool permit under application Pool2006-00086. The approved plans show the pool equipment halfway between the side property lines and roughly three (3) feet from the rear, northern property line. The applicant states further, that the equipment was intended to be placed in a desirable location so as to minimize the impact to the surrounding properties and existing trees; therefore, the location would be considered to be in harmony with the surrounding neighborhood. In fact, the applicant believes that by adhering to the required ten (10) foot setback, the overall impact to surrounding neighbors would be greater, because the equipment would be more visible.

The applicant has reached out to surrounding neighbors and has agreed to plant an evergreen buffer hedge to completely block the neighbors' view to the pool equipment. The applicant states that the aforementioned buffer would be a harmonious compromise for all.

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 7, 2006 by the Department of Community Development, showing the pool equipment rear yard setback reduced to no less than six (6) feet six (6) inches where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, letters of support, agreement letter, photographs, site plans, and approved pool permit plan.



Variance Petition No. V06-143

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Atlanta Vineyards LLC	Ansley Place Apartments	Virgil Hernandez

PROPERTY INFORMATION

Address, Land Lot, and District	8855 North River Parkway Land Lot 367, District 6 th
Council District	1
Frontage and Area	1775.0 feet of frontage along the north side of North River Parkway. The subject property has a total area of 24.383 acres (1,062,123.48 square feet).
Existing Zoning and Use	A (Medium Density Apartment District) conditional under Fulton County zoning case Z71-003, currently developed with apartment buildings.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R8-12 Residential (8-12 units per acre)

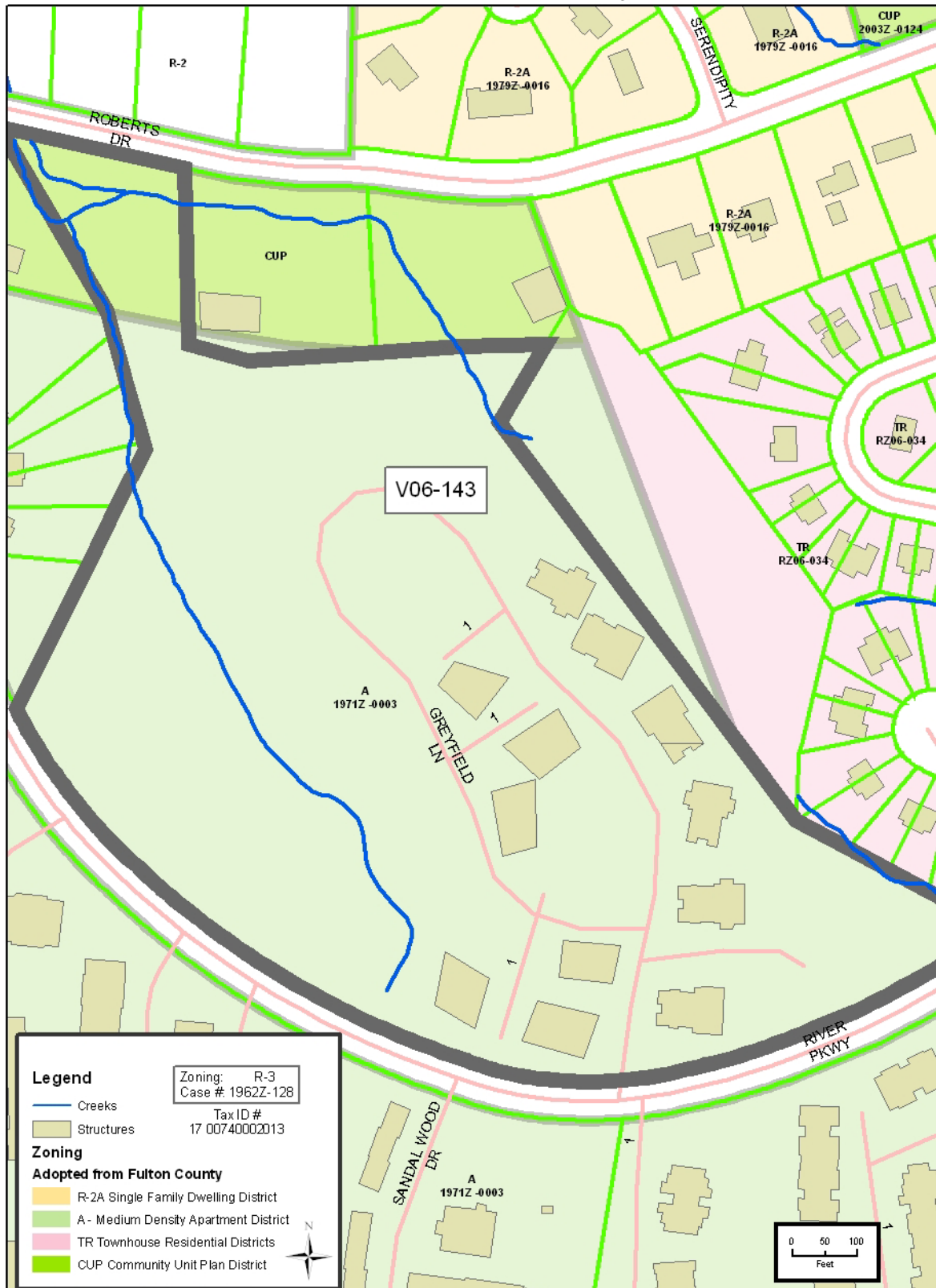
INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance to allow for a face change of two (2) existing monument signs:

- 1) Variance from Section 33.6.11.A.1.b to increase the maximum allowed height for monument signs from six (6) feet to seven (7) feet, and
- 2) Variance from Section 33.6.8 to increase the maximum allowed size of monument sign structures from 3.5 times the sign face area to 12.68 times the sign face area.

Parcel Map

8855 North River Parkway



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: V06-143

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

ANALYSIS:

The applicant is seeking relief from Sections 33.6.11.A.1.b and 33.6.8 of the Zoning Ordinance to replace the sign faces of two existing monument signs located on each side of the entrance to Ansley Place Apartments. The property, formerly Greyfield Apartments Homes, was purchased by the applicant in May 2006. The complex has been extensively renovated. The renovation included a name change intended to restore the image of the apartment community.

The applicant is requesting these variances to maintain the existing sign structures while replacing the sign faces with the new name of the apartment complex. The applicant applied for a sign permit to change the sign faces of the existing monument signs. At that time it was determined that the structures were not compliant with the zoning code. Therefore, variances were necessary to maintain the existing sign structures and to comply with the zoning ordinance.

The zoning ordinance makes distinction in the permitted height of a monument sign based on the adjacent road classification. Monument signs are allowed to be six (6) feet in height along local road, or ten (10) feet in height along arterial road. Because North River Parkway is classified as local road, the sign structure height allowed is six (6) feet. The height of the existing sign structures is seven (7) feet.

The existing sign faces measure 50.6 square feet each, the applicant is proposing to replace the existing sign faces with sixteen (16) square feet each (maximum sign area allowed per sign when there are two signs or 32 square feet when only one sign). The size of monument sign structures is limited to 3.5 times the sign face area allowed (16 square feet) or fifty-six (56) square feet. The applicant is proposing to maintain sign structures 12.68 times the proposed sign face area or 203 square feet each. The sign structures are made of stacked stone, featuring a marble tile sign panel, picture framed by 1.5" trim molding. The name of the property will be in a form of PVC raised lettering.

The applicant stated that at one point these signs did meet the zoning code since the structures were approved when the property was built in 1985. Staff was not able to find documents to establish that the existing signs for the Greyfield Apartments Homes had a Fulton County variance or sign permit.

Department Comments

The staff held a Focus Meeting on January 3, 2007 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	▪ Refer to the International Fire Code, 505. Approved numbers or addresses shall be provided for all new and existing buildings so that the number or address is plainly visible and legible from the street or roadway (4" min).
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 reducing the sign structures height and size would create an unnecessary hardship for the owner because it would require the demolition of two (2) structures that have been in existence for over twenty (20) years. The applicant wants to keep the existing structures as they are, stating that reducing the size of the structures would involve a complete new design, purchasing of materials for the new structures, additional personal to do the work, re-designing of landscaping to accommodate new structures, disruption to residents of the community among other unforeseen obstacles that the applicant has to take in hand to bring the property to good living standards. The applicant stated that at one point these signs did meet the zoning code since the structures were approved when the property was built in 1985. The applicant states that without these signs it will be extremely difficult to identify the property. The applicant has provided pictures supporting this application.

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

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following conditions:

1. That the sign structures shall not exceed seven (7) feet in height from finished grade in accordance to the sign design detail for Ansley Place Apartments submitted by the applicant, dated received December 5, 2006 by the Department of Community Development.
2. That each sign structure shall not exceed 203 square feet in area in accordance to the sign design detail for Ansley Place Apartments submitted by the applicant, dated received December 5, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, Photos of existing sign, Letter of appeal dated December 5, 2006.



Variance Petition No. V06-144

HEARING & MEETING DATES

Design Review Board Meeting

December 28, 2006

Board of Zoning Appeals Hearing

February 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
US RIF VIII- D, LP

Petitioner
Abo Khonimov

Representative
Vince Capobianco

PROPERTY INFORMATION

Address, Land Lot, and District 4920 Roswell Road (SR 9)
Land Lot 93, District 17th

Council District 5

Frontage and Area 733.89 feet of frontage along the west side of Roswell Road (SR 9).
The subject property has a total area of 13.43 acres (585,010.8 square feet).

Existing Zoning and Use C-1(Community Business District) conditional under Fulton County zoning case Z88-084, currently developed with a shopping center.

Overlay District Village District

Interim 2025

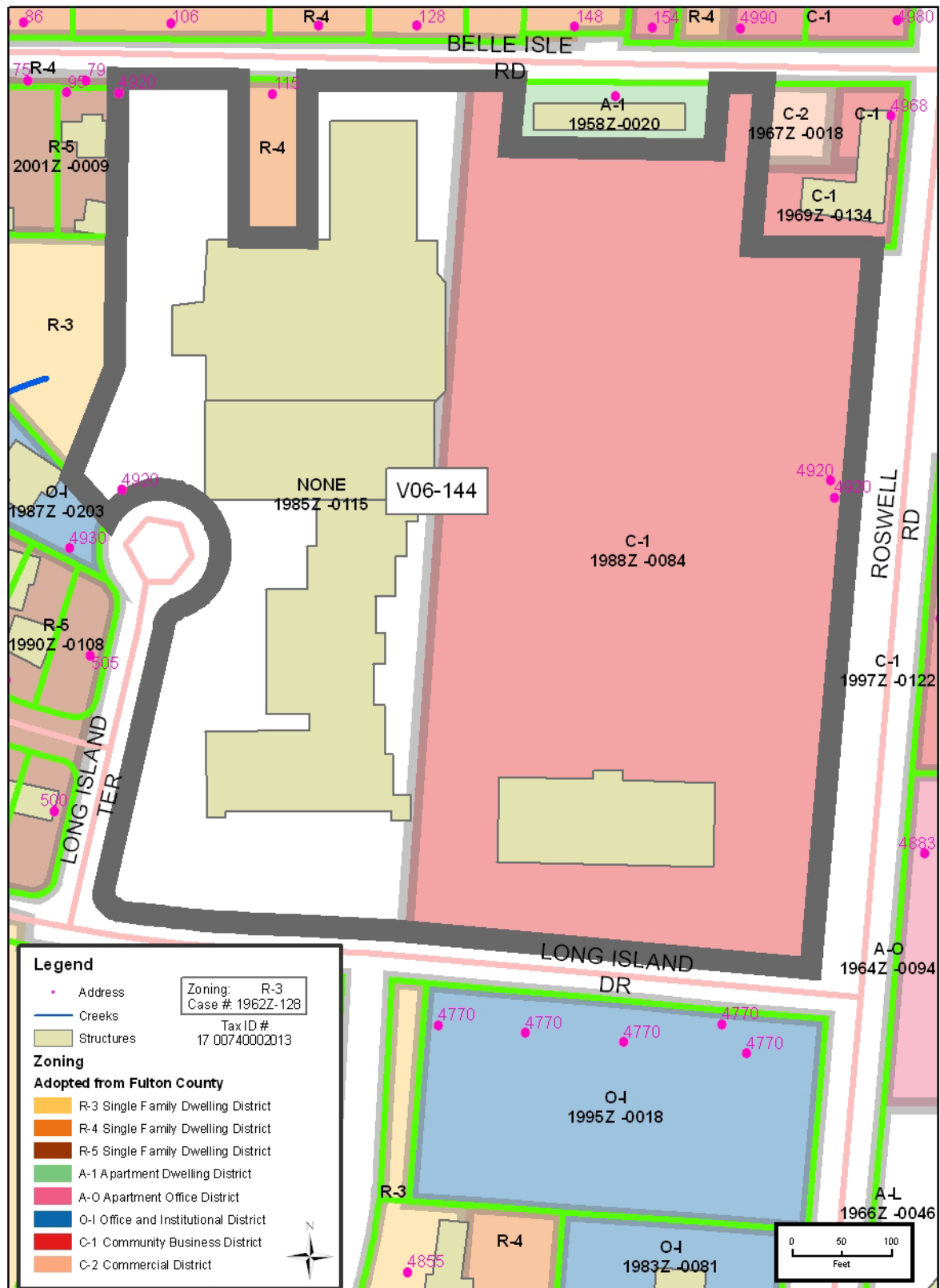
Comprehensive Future Land Use Map Designation Living Working Neighborhood - LWN

INTENT

The applicant is seeking a primary variance from Section 33.7.F.5 of the Zoning Ordinance to allow a sign on a wall that is not an exterior wall of the tenant space.

Parcel Map

4920 Roswell Road Ste 15



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: V06-144

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

ANALYSIS:

This primary variance is being sought for relief from Section 33.7.F.5 of the Zoning Ordinance to allow for a sign on a wall that is not an exterior wall of the tenant space. The applicant is proposing to install a wall sign on a wall that is at a distance of approximately thirty (30) feet from the tenant space. The applicant's store is located on the shopping center main building east elevation, facing Roswell Road (SR 9), approximately five-hundred (500) feet from the right of way of Roswell Road (SR 9).

The applicant applied for a wall sign permit, at that time it was determined that the proposed wall to attach the sign was not an exterior wall to the tenant space; therefore, it was not compliant with the zoning code that requires wall signs to be installed on the exterior wall of the business. A variance was necessary to permit the wall sign at the proposed location. The applicant stated in his letter of appeal that the landlord guaranteed him that the sign was allowed to be installed at the proposed location, as other businesses have done.

The applicant stated that locating the sign on his store frontage will diminish his ability to generate revenue, because no one can see his store and the sign would have to be smaller than allowed by code. The applicant is proposing to install a 15.79 square foot wall sign; the applicant's building elevation contains a total of 328 square feet of wall area. Per Section 33.7.F.5, Sign Regulations by Zoning District, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 16.4 square feet. The sign is composed of individual channel letters and is internally illuminated.

This variance application was heard and endorsed by the Design Review Board at its December 28, 2006 meeting.

Department Comments

The staff held a Focus Meeting on January 3, 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	▪ Refer to the International Fire Code, 505. Approved numbers or addresses shall be provided for all new and existing buildings so that the number or address is plainly visible and legible from the street or roadway (4" min).
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 store location on the shopping center does not allow for the maximum permitted sign size to be installed because there is only a very small partial wall in front of the store to install the sign. Moreover, this location does not offer a major exposure for the business. The applicant states that there are other businesses in the shopping center with a similar situation and they have used the same location that he is proposing to install their signs. He also states that aesthetically the sign would look better at the proposed location and without the sign at the proposed location, it will be extremely difficult to attract any business to his store.

The applicant has provided pictures supporting the application.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following conditions:

1. That the sign shall be located in accordance with the Site Plan provided by the applicant, dated received December 27, 2006 by the Department of Community Development.
2. That the sign area shall not exceed five percent (5%) of the store front area or 15.79 square feet in accordance to the sign design detail submitted by the applicant, dated received December 5, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, drawing of the proposed sign, Letter of appeal dated December 5, 2006.