



## Variance Petition No. V08-067

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 8, 2008 (deferred)

March 12, 2009

### APPLICANT/PETITIONER INFORMATION

| Property Owner | Petitioner    | Representative          |
|----------------|---------------|-------------------------|
| Kathryn Smith  | Kathryn Smith | Nathan V. Hendricks III |

### PROPERTY INFORMATION

|                                    |                                                                                                                                                                                              |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land Lot(s), and District | 4632 Dalmer Road<br>Land Lot(s) 66, District 17                                                                                                                                              |
| Council District                   | 5                                                                                                                                                                                            |
| Frontage and Area                  | 175 feet of frontage along the south side of Windsor Parkway and 240 feet of frontage along the west side of Dalmer Road. The subject property has a total area of approximately 0.69 acres. |
| Existing Zoning and Use            | The lot is zoned R-4 (Single-family Dwelling District). The property is developed with a single-family home.                                                                                 |
| Overlay District                   | N/A                                                                                                                                                                                          |

### 2027

|                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| Comprehensive Future Land Use Map Designation | R2-3 Residential (2 to 3 units per acre) |
|-----------------------------------------------|------------------------------------------|

### INTENT

At the January 8, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-067) until the March 12, 2009 meeting to allow the applicant to explore alternate designs. The applicant has submitted a revised site plan.

Originally, the applicant was seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 37.35 foot undisturbed natural buffer (tract A) and to a 47.27 foot undisturbed natural buffer (tract B). The original intent of the applicant was to subdivide the existing lot into two (2) lots and to construct two (2) single-family houses.

Currently, with the revised site plan, the applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty-five (35) foot undisturbed natural buffer. The revised intent of the applicant is to utilize the existing lot and redevelop it with one (1) single-family

house. Additionally, the applicant states upon closer inspection of the property, it was determined there were 164 sq. ft. of additional existing impervious surface encroaching into the seventy-five (75) foot stream buffer not included on the original proposed site plan.

## Parcel Map

4632 Dalmer Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 12, 2009

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

CASE NUMBER: V08-067

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

**REQUEST:**

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty-five (35) foot undisturbed natural buffer having 1,214 sq. ft. of land disturbance within the fifty (50) foot undisturbed natural buffer to allow for the redevelopment of one existing single-family lot.

**ANALYSIS:**

At the January 8, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-067) until the March 12, 2009 meeting to allow the applicant to explore alternate designs. The applicant has submitted a revised site plan.

Originally, the applicant was seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 37.35 foot undisturbed natural buffer (tract A) and to a 47.27 foot undisturbed natural buffer (tract B) to allow for the subdivision of the existing lot into two (2) lots and the construction of two (2) single-family houses.

Currently, with the revised site plan, the applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty-five (35) foot undisturbed natural buffer having 1,214 sq. ft. of land disturbance within the fifty (50) foot undisturbed natural buffer to allow for the redevelopment of one (1) existing single-family lot. The applicant states upon closer inspection of the property, it was determined there were 164 sq. ft. of additional existing impervious surface encroaching into the seventy-five (75) foot stream buffer not included on the original proposed site plan.

The applicant has provided site plans and photographs indicating the subject property to have a trapezoidal shape. A stream runs north-south, through the property, adjacent to the western property line. An easement is located at the northeast corner of the lot. Primarily, the lot slopes from the Dalmer Road right-of-way toward the stream located adjacent to the western property line.

Staff notes the subject property is currently platted as one parcel, numbered 4632 Dalmer Road.

Staff notes the original/old site plans provided by the applicant indicate the following:

- 119 S.F. of existing impervious surface in the twenty-five (25) foot State Buffer.
- 1,185 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
- 1,895 S.F. of existing impervious surface in the twenty-five (25) foot impervious surface setback.
- Total existing impervious surface within the seventy-five (75) foot stream buffer for the current lot: 3,199 S.F.
- Proposed Lot "A": 564 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer having 975 S.F. of Land Disturbance.
- Proposed Lot "A": 1,219 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- Proposed Lot "B": 22 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer having 180 S.F. of Land Disturbance.
- Proposed Lot "B": 1,151 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- Total proposed impervious surface within the seventy-five (75) foot stream buffer for proposed lots "A" and "B": 2,956 S.F. (None within the State Buffer).

Staff notes the revised/new site plans provided by the applicant indicate the following:

- 142 S.F. of existing impervious surface in the twenty-five (25) foot State Buffer.
- 1,595 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
- 1,768 S.F. of existing impervious surface in the twenty-five (25) foot impervious surface setback.
- Total existing impervious surface within the seventy-five (75) foot stream buffer for the current lot: 3,363 S.F.
- 746 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer having 1,214 S.F. of Land Disturbance.
- 1,726 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- Total proposed impervious surface within the seventy-five (75) foot stream buffer: 2,472 S.F. (None within the State Buffer).
- Total proposed footprint 4,050 S.F.

The applicant states the following:

The property contains approximately 0.69 acres and is located at the southwest corner of the intersection of Windsor Parkway and Dalmer Road and is known as 4632 Dalmer Road (the "Property"). The Property is zoned to the R-4 Classification which provides for a minimum lot size of 9,000 square feet.

The revised/new site plan reflects the total existing impervious surface on the subject property to be 4,350 square feet. The revised/new site plan reflects total proposed impervious surface on the subject property to be 4,050 square feet, or 300 square feet less than the total existing impervious surface on the subject property. Additionally, there is no impervious surface proposed to be within the twenty-five (25) foot State Buffer. Further, the proposed footprint is located appreciably in the area of the existing footprint.

The Property has been improved with a single family residence, and it is to be noted that a stream crosses the westerly portion of the Property. The existing dwelling is 4.79' into the 25' State Stream Buffer and has a total encroachment of 3,363 square feet into the 75' Stream Buffer. The hardship of the stream along the westerly side of the Property is unique to the Property. Requiring the Owner/ Applicant to comply with the Stream Buffer Ordinance would create an unnecessary hardship for the Owner/ Applicant, and the approval of this Variance would not cause any detriment to the public. Accordingly, this variance application is entirely appropriate and the appropriateness of this variance application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

Now, therefore, the Applicant requests that this variance application as modified be approved in order that the Applicant be able to proceed with the lawful use and development the Property.

## Department Comments

The staff held a Focus Meeting on December 3, 2008 at which the following departmental comments were provided:

|                                |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LAND DEVELOPMENT</b>        | Engineering Plan Reviewer                  | <p>No comment; however, applicant should be advised of the following:</p> <p>1. In accordance with Development Regulation 11.11.1 a building permit for a new house on the proposed Tract A (the proposed corner lot) shall include installation of sidewalk and curb &amp; gutter along the Windsor Parkway frontage. The building permit site plan shall fully detail the sidewalk and C&amp;G installation including all grading necessary to install sidewalk.</p> <p>2. FEMA FIRM Panel 13121C0163E shows shaded zone X on property. Prior to plat approval applicant shall provide flood study to determine elevation and limits of 100 year base flood within property and shall delineate limits and elevation on the plat. Flood study shall be prepared by Georgia P.E. Any plat and building permit shall comply with Sandy Springs flood ordinances, including <b>but not limited to</b> requirements that the lowest finished floor of the proposed dwellings shall be at least 3ft above the 100 year base flood elevation, that, if the proposed dwelling(s) is/are placed on a filled building site the nearest wall of the proposed dwelling shall be at least 10ft back from the flood boundary, and that there shall be no net fill placed within the flood boundary.</p> |
|                                | Arborist/Landscape Architect               | <ul style="list-style-type: none"> <li>Standard stream buffer comments. There are also several Landmark and significant trees that would be impacted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>BUILDING AND PERMITTING</b> | Building Plan Reviewer                     | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>FIRE DEPT.</b>              | Fire Protection Engineer                   | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>TRANSPORTATION</b>          | Public Works Dept., Transportation Planner | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                | Georgia Department of Transportation       | <ul style="list-style-type: none"> <li>No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Standards for Consideration

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

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

Staff notes the original/old site plans provided by the applicant indicate the following:

- ) 119 S.F. of existing impervious surface in the twenty-five (25) foot State Buffer.
- ) 1,185 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
- ) 1,895 S.F. of existing impervious surface in the twenty-five (25) foot impervious surface setback.
- ) Total existing impervious surface within the seventy-five (75) foot stream buffer for the current lot: 3,199 S.F.
- ) Proposed Lot "A": 564 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer having 975 S.F. of Land Disturbance.
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- ) Proposed Lot "B": 1,151 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- ) Total proposed impervious surface within the seventy-five (75) foot stream buffer for proposed lots "A" and "B": 2,956 S.F. (None within the State Buffer).

Staff notes the revised/new site plans provided by the applicant indicate the following:

- ) 142 S.F. of existing impervious surface in the twenty-five (25) foot State Buffer.
- ) 1,595 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
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Currently, with the revised site plan, the applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty-five (35) foot undisturbed natural buffer having 1,214 sq. ft. of land disturbance within the fifty (50) foot undisturbed natural buffer to allow for the redevelopment of one (1) existing single-family lot. The applicant states upon closer inspection of the property, it was determined there were 164 sq. ft. of additional existing impervious surface encroaching into the seventy-five (75) foot stream buffer not included on the original proposed site plan.

The revised/new site plan reflects the total existing impervious surface on the subject property to be 4,350 square feet. The revised/new site plan reflects total proposed impervious surface on the subject property to be 4,050 square feet, or 300 square feet less than the total existing impervious surface on the subject property. Additionally, there is no impervious surface proposed to be within the twenty-five (25) foot State Buffer. Further, the proposed footprint is located appreciably in the area of the existing footprint.

The Property has been improved with a single family residence, and it is to be noted that a stream crosses the westerly portion of the Property. The existing dwelling is 4.79' into the 25' State Stream Buffer and has a total encroachment of 3,363 square feet into the 75' Stream Buffer. Accordingly, this variance application is entirely appropriate and the appropriateness of this variance application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

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 and photographs indicating the subject property to have a trapezoidal shape. A stream runs north-south, through the property, adjacent to the western property line. An easement is located at the northeast corner of the lot. Primarily, the lot slopes from the Dalmer Road right-of-way toward the stream located adjacent to the western property line.

The hardship of the stream along the westerly side of the Property is unique to the Property. Requiring the Owner/ Applicant to comply with the Stream Buffer Ordinance would create an unnecessary hardship for the Owner/ Applicant, and the approval of this Variance would not cause any detriment to the public.

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

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

- 1) The new residence shall be constructed in accordance with the revised/new proposed site plan, provided by the applicant dated received February 5, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty-five (35) foot undisturbed natural buffer having 1,214 sq. ft. of land disturbance within the fifty (50) foot undisturbed natural 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, and patios shall be constructed of pervious material.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

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



## Variance Petition No. V08-070

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

January 8, 2009 (deferred)

February 12, 2009

### APPLICANT/PETITIONER INFORMATION

| Property Owner               | Petitioner       | Representative          |
|------------------------------|------------------|-------------------------|
| Vinings Building Group, Inc. | East Conway, LLC | Nathan V. Hendricks III |

### PROPERTY INFORMATION

|                                                             |                                                                                                                                                  |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land<br>Lot(s), and District                       | 435 Conway Point Drive<br>Land Lot(s) 137, District 17                                                                                           |
| Council District                                            | 6                                                                                                                                                |
| Frontage and Area                                           | 35 feet of frontage along the east side of the Conway Point Drive cul-de-sac. The subject property has a total area of approximately 0.50 acres. |
| Existing Zoning<br>and Use                                  | The lot is zoned R-3 (Single-family Dwelling District). The property is undeveloped.                                                             |
| Overlay District                                            | N/A                                                                                                                                              |
| 2027<br>Comprehensive<br>Future Land Use<br>Map Designation | R1-2 Residential (1 to 2 units per acre)                                                                                                         |

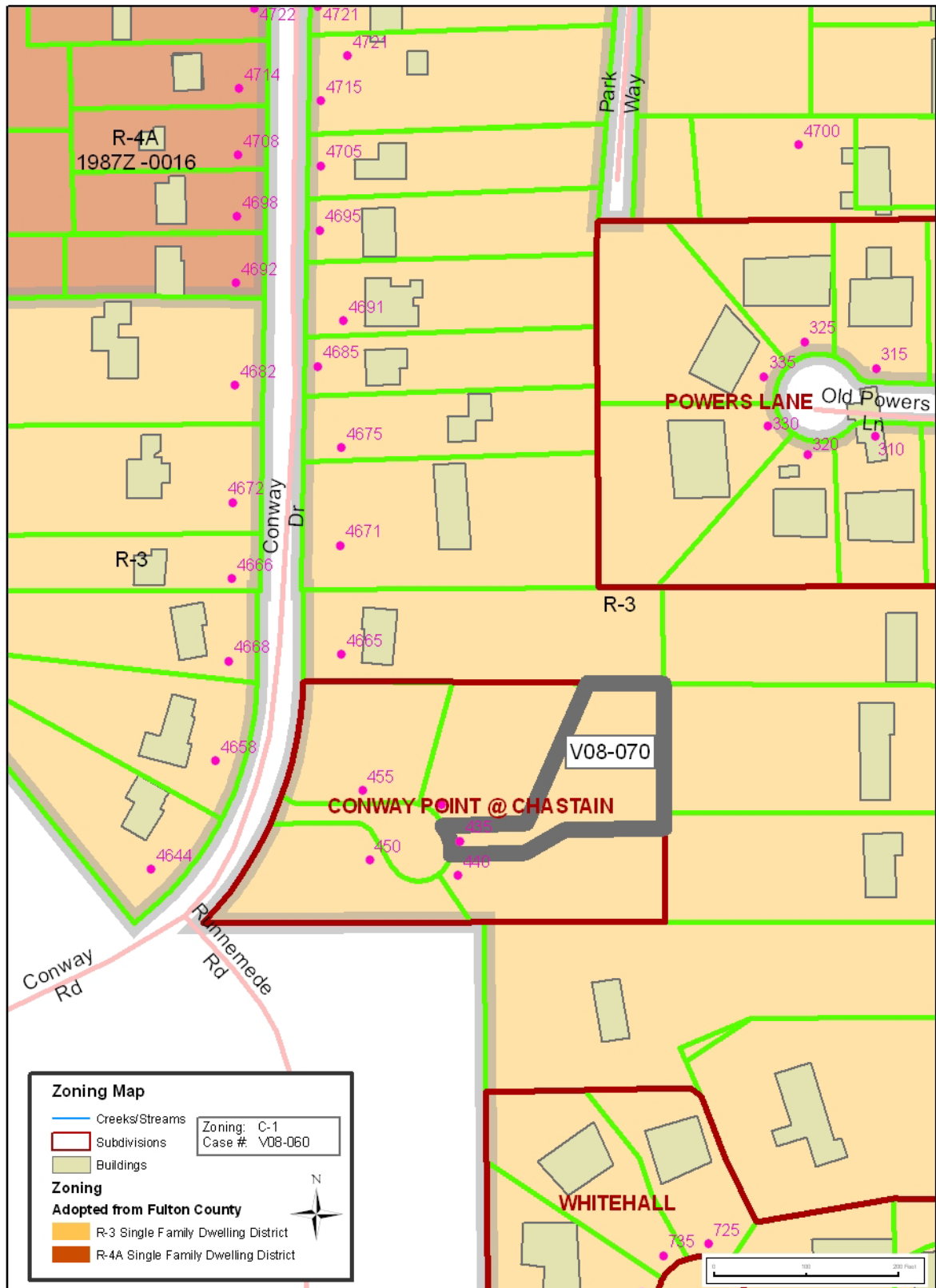
### INTENT

The applicant is seeking a primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot minimum rear yard setback to thirty (30) feet to allow for the construction of a single-family house.

At the January 8, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-070) until the February 12, 2009 meeting to allow the applicant time to address concerns, expressed by the community, over the full impact of the variance if relief was granted. To date, Staff is not aware of the results of the applicant's efforts to address the aforementioned concerns.

## Parcel Map

435 Conway Point Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on January 8, 2009

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

CASE NUMBER: V08-070

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

**REQUEST:**

The applicant is requesting relief from Section 6.4.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot minimum rear yard setback to thirty (30) feet to allow for the construction of a single-family house.

**ANALYSIS:**

At the January 8, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-070) until the February 12, 2009 meeting to allow the applicant time to address concerns, expressed by the community, over the full impact of the variance if relief was granted. To date, Staff is not aware of the results of the applicant's efforts to address the aforementioned concerns.

The applicant has provided a site plan/topographical map indicating the subject property to have an irregular shape. A stream, running north-south is located in the front yard. The aforementioned stream is "Grandfathered" to having a required twenty-five (25) foot State Buffer and a thirty-five (35) foot undisturbed natural buffer. The buildable area of the lot slopes up from the front yard stream towards the back of the lot. The property has easements along the south and east property lines.

Staff notes the surrounding lots in the immediate vicinity have the same R-3 zoning as the subject property. The houses on the surrounding lots appear have at least the required thirty-five (35) foot rear yard setback. Additionally, the requested thirty (30) rear setback of the proposed house would provide for approximately ninety (90) foot spacing from tennis court located on the rear adjoining property and would provide for approximately 220 foot spacing from house located on the rear adjoining property.

The applicant states the following:

The property is known as Lot 3 on the Final Plat for East Conway, LLC in a single family residential development being developed under the name Conway Commons at Chastain (the "property"). The Property is zoned to the R-3 Classification.

The Applicant requests a variance in order to overcome the hardship unique to the Property. The aforementioned hardship is a result of the irregular shape and confining configuration of the Property compounded by the stream running along the westerly side of the lot.

Accordingly, the Applicant requests that the rear yard setback be reduced from the required 35 feet to 30 feet. As stated, the hardship of the shape of the lot, as above described, is unique to the Property; requiring compliance with the referenced development standards would create an unnecessary hardship for the Applicant, and the approval of this variance would not cause any detriment to the public. Furthermore, 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. Accordingly, this variance application is entirely appropriate and the appropriateness of this variance application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

Now, therefore, the Applicant requests that this variance application be approved as submitted in order that the Applicant be able to proceed with the lawful use and development the Property.

### Department Comments

The staff held a Focus Meeting on December 3, 2008 at which the following departmental comments were provided:

|                                |                                            |                                   |
|--------------------------------|--------------------------------------------|-----------------------------------|
| <b>LAND DEVELOPMENT</b>        | Engineering Plan Reviewer                  | ▪ No comments                     |
|                                | Arborist/Landscape Architect               | ▪ Standard stream buffer comments |
| <b>BUILDING AND PERMITTING</b> | Building Plan Reviewer                     | ▪ No comments                     |
| <b>FIRE DEPT.</b>              | Fire Protection Engineer                   | ▪ No comments                     |
| <b>TRANSPORTATION</b>          | Public Works Dept., Transportation Planner | ▪ 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;*

Staff notes the surrounding lots in the immediate vicinity have the same R-3 zoning as the subject property. The houses on the surrounding lots appear have at least the required thirty-five (35) foot rear yard setback. Additionally, the requested thirty (30) rear setback of the proposed house would provide for approximately ninety (90) foot spacing from tennis court located on the rear adjoining property and would provide for approximately 220 foot spacing from house located on the rear adjoining property.

The applicant states 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. Accordingly, this variance application is entirely appropriate.

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 the subject property to have an irregular shape. A stream, running north-south is located in the front yard. The aforementioned stream is "Grandfathered" to having a required twenty-five (25) foot State Buffer and a thirty-five (35) foot undisturbed natural buffer. The buildable area of the lot slopes up from the front yard stream towards the back of the lot. The property has easements along the south and east property lines.

The Applicant states a variance is requested in order to overcome the hardship unique to the Property. The aforementioned hardship is a result of the irregular shape and confining configuration of the Property compounded by the stream running along the westerly side of the lot. Accordingly, the Applicant requests that the rear yard setback be reduced from the required 35 feet to 30 feet. As stated, the hardship of the shape of the lot, as above described, is unique to the Property; requiring compliance with the referenced development standards would create an unnecessary hardship for the Applicant, and the approval of this variance would not cause any detriment to the public.

**Recommended Condition(s)**

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

- 1) The new residence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received December 2, 2008 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required thirty-five (35) rear setback to no less than thirty (30) feet where necessary to accommodate the portion of the encroachment(s) only.

ATTACHMENTS: Letter of appeal, site plan/topographical map, and photographs.



## Variance Petition No. V08-073

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

February 12, 2009

### APPLICANT/PETITIONER INFORMATION

| Property Owner       | Petitioner | Representative |
|----------------------|------------|----------------|
| Michael & Lisa Banov | Lisa Banov | Lisa Banov     |

### PROPERTY INFORMATION

|                         |                                                                                                                                           |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Address, Land           | 8350 Valley Tarn                                                                                                                          |
| Lot(s), and District    | Land Lot(s) 361, District 6                                                                                                               |
| Council District        | 1                                                                                                                                         |
| Frontage and Area       | 86 feet of frontage along the east side of the Valley Tarn cul-de-sac. The subject property has a total area of approximately 1.78 acres. |
| Existing Zoning and Use | The lot is zoned R-2 (Single-family Dwelling District) under zoning case Z66-001. The property is developed with a single-family home.    |
| Overlay District        | N/A                                                                                                                                       |

### 2027

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

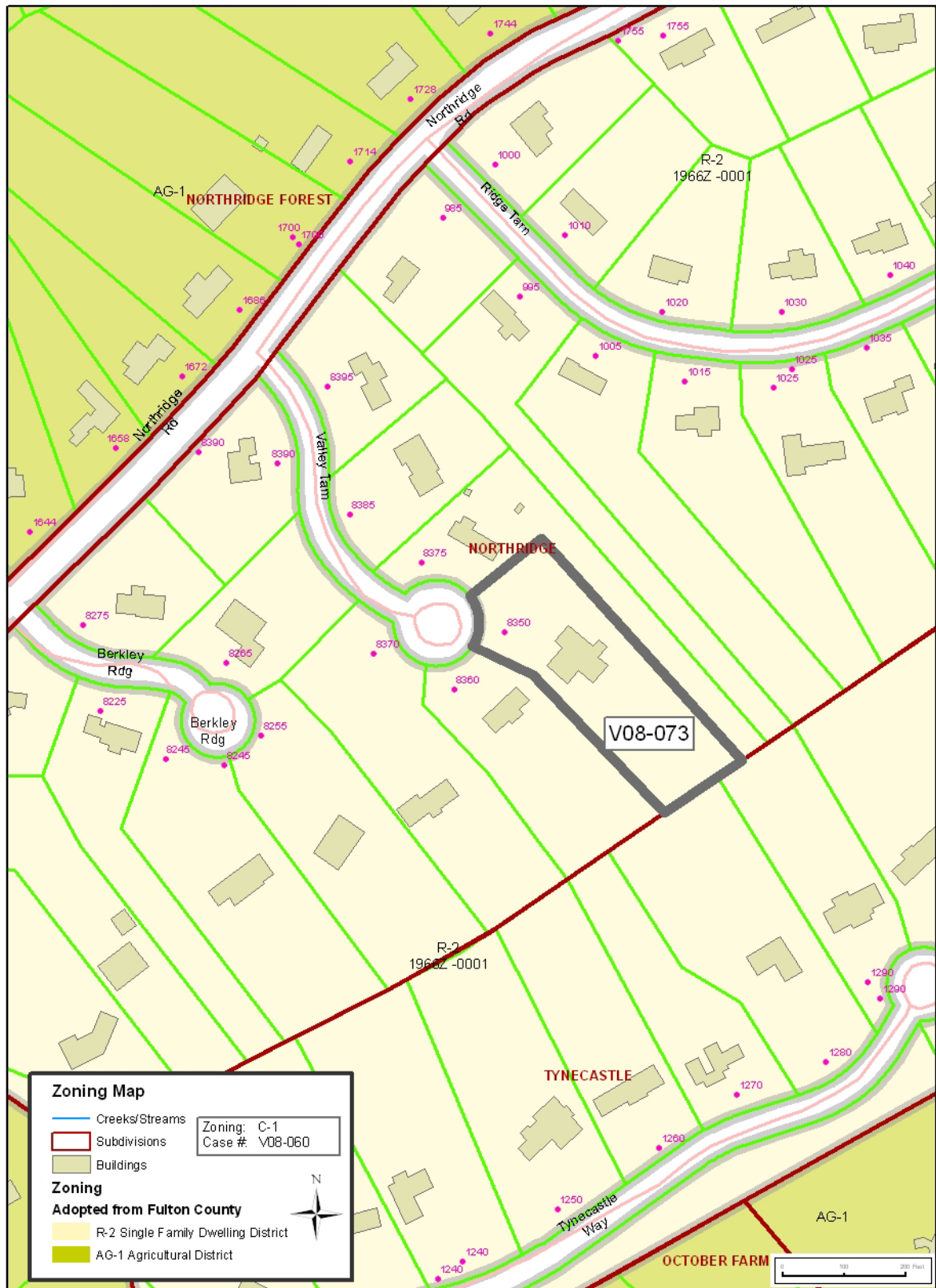
### INTENT

The applicant is seeking a primary variance from Section 109-225.a 2 of the Stream (lake) Buffer Protection Ordinance to reduce the required twenty-five (25) foot impervious surface setback to a six (6) foot impervious surface setback to allow for a deck and spa addition.

An "after the fact" permit was issued, and, upon a field inspection, Staff determined the deck and spa were not constructed in accordance with what was permitted, and it was determined the deck and spa, as constructed, are located within the stream buffer. In order to keep things as they are, the applicant is now required to get a variance to the Stream Buffer Protection Ordinance and get building permit reflecting what has been constructed.

# Parcel Map

8350 Valley Tarn



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

CASE NUMBER: V08-073

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 2 of the Stream (lake) Buffer Protection Ordinance to reduce the required twenty-five (25) foot impervious surface setback to a six (6) foot impervious surface setback to allow for a deck and spa addition.

ANALYSIS:

An “after the fact” permit was issued, and, upon a field inspection, Staff determined the deck and spa were not constructed in accordance with what was permitted, and it was determined the deck and spa, as constructed, are located within the stream buffer. In order to keep things as they are, the applicant is now required to get a variance to the Stream Buffer Protection Ordinance and get building permit reflecting what has been constructed.

The applicant has provided site plans and photographs indicating the subject property to be wooded and to have an irregular shape. A private lake is located at the back of the subject property. Land owners within the Northridge Subdivision, the applicant included, own to the centerline of the aforementioned private lake. Primarily, the lot slopes from the Valley Tarn right-of-way toward the lake located at the back of the lot. Existing structures (concrete sidewalk, walls, and a dock), other than the deck and spa, encroach into the required stream buffer. From the front property line on Valley Tarn the existing house is set back approximately 125 feet where a 60 foot front setback is required.

The applicant states the following as hardship points:

1. A deck has been constructed in our back yard on a large slope with extreme elevation change. The deck has been extended to sit on a flattened out area that makes the construction safer and less of a hazard. The deck has also been constructed on three levels which would require the current length. This allows for fewer steps for deck access to handicapped relatives and is safer should someone fall.
2. If the deck had been constructed to either the right or left of our property and further from the lake, more trees would have had to be cut down making it more visible to neighbors. Additionally, the topography is even steeper making the deck less safe.

3. The applicant hired both a landscape architect and a general contractor who did not inform the applicant of the additional 25 foot impervious setback. The applicant was under the impression that the contractor had done the permitting. He did not complete the work after completing the framing. The applicant had to hire sub-contractors to complete the work since the unfinished framing in the backyard was a hazard to the applicant's small children. At this point the applicant earned of the necessary permits. The building permit has been obtained.

The applicant states the following as harmonious points:

1. There are no current covenants in the neighborhood though there are current plans to develop those. The lake association also has expired covenants that are being revised that require a 50 foot buffer from the lake.
2. The deck is esthetically appealing as evidenced by the accompanying photographs. The applicant has used the finest materials included trex and cedar wood. This has been stained to blend into the natural environment and color of the house. Due to the large number of trees on both sides of the house and on the shoreline, the deck is barely visible and indistinguishable from the house by our neighbors and from the lake.
3. A building permit has been granted. Three trees were removed for the deck. Two were less than 18 inches in diameter and were dead. One was 20 inches and in close proximity to the house presenting a potential danger should it fall. The applicant was able to keep all the trees on both sides of the house and shore line.
4. The applicant's home is on the end of cul-de-sac and is on an extreme slope. Neither the home nor deck is visible from the street. The deck is not visible from the driveway as well. It is only visible from the back or inside of the house.
5. There are a number of large structures built far closer to the lake in our neighborhood that are far less aesthetically pleasing and less camouflaged than our deck.
6. The applicant received over 12 signatures from the neighbors supporting the deck.

The applicant is requesting the variance because the current construction is the safest and least intrusive to our neighbors as possible. Furthermore, the applicant went through considerable expense to construct the safest and highest quality deck possible. There was also the added expense required to complete the deck once the framing had been started but deck was not completed. The additional cost of changing the current design would be enormous.

## Department Comments

The staff held a Focus Meeting on January 7, 2009 at which the following departmental comments were provided:

|                                |                                            |                                     |
|--------------------------------|--------------------------------------------|-------------------------------------|
| <b>LAND DEVELOPMENT</b>        | Engineering Plan Reviewer                  | ▪ No comments                       |
|                                | Arborist/Landscape Architect               | ▪ Standard Stream Buffer Conditions |
| <b>BUILDING AND PERMITTING</b> | Building Plan Reviewer                     | ▪ No comments                       |
| <b>FIRE DEPT.</b>              | Fire Protection Engineer                   | ▪ No comments                       |
| <b>TRANSPORTATION</b>          | Public Works Dept., Transportation Planner | ▪ 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;*

Existing structures (concrete sidewalk, walls, and a dock), other than the deck and spa, encroach into the required stream buffer.

The applicant states the following as harmonious points:

1. The deck has been extended to sit on a flattened out area that makes the construction safer and less of a hazard. The deck has also been constructed on three levels which would require the current length. This allows for fewer steps for deck access to handicapped relatives and is safer should someone fall.
2. If the deck had been constructed to either the right or left of our property and further from the lake, more trees would have had to be cut down making it more visible to neighbors. Additionally, the topography is even steeper making the deck less safe.

3. The applicant hired both a landscape architect and a general contractor who did not inform the applicant of the additional 25 foot impervious setback. The applicant was under the impression that the contractor had done the permitting. He did not complete the work after completing the framing. The applicant had to hire sub-contractors to complete the work since the unfinished framing in the backyard was a hazard to the applicant's small children. At this point the applicant earned of the necessary permits. The building permit has been obtained.

4. There are no current covenants in the neighborhood though there are current plans to develop those. The lake association also has expired covenants that are being revised that require a 50 foot buffer from the lake.

5. The deck is esthetically appealing as evidenced by the accompanying photographs. The applicant has used the finest materials included trex and cedar wood. This has been stained to blend into the natural environment and color of the house. Due to the large number of trees on both sides of the house and on the shoreline, the deck is barely visible and indistinguishable from the house by our neighbors and from the lake.

6. A building permit has been granted. Three trees were removed for the deck. Two were less than 18 inches in diameter and were dead. One was 20 inches and in close proximity to the house presenting a potential danger should it fall. The applicant was able to keep all the trees on both sides of the house and shore line.

7. The applicant's home is on the end of cul-de-sac and is on an extreme slope. Neither the home nor deck is visible from the street. The deck is not visible from the driveway as well. It is only visible from the back or inside of the house.

8. There are a number of large structures built far closer to the lake in our neighborhood that are far less aesthetically pleasing and less camouflaged than our deck.

9. The applicant received over 12 signatures from the neighbors supporting the deck.

10. The applicant is requesting the variance because the current construction is the safest and least intrusive to our neighbors as possible. Furthermore, the applicant went through considerable expense to construct the safest and highest quality deck possible. There was also the added expense required to complete the deck once the framing had been started but deck was not completed. The additional cost of changing the current design would be enormous.

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 and photographs indicating the subject property to be wooded and to have an irregular shape. A private lake is located at the back of the subject property. Land owners within the Northridge Subdivision, the applicant included, own to the centerline of the aforementioned private lake. Primarily, the lot slopes from the Valley Tarn right-of-way toward the lake located at the back of the lot. From the front property line on Valley Tarn the existing house is set back approximately 125 feet where a 60 foot front setback is required.

The applicant states the following as hardship points:

1. A deck has been constructed in our back yard on a large slope with extreme elevation change. The deck has been extended to sit on a flattened out area that makes the construction safer and less of a hazard. The deck has also been constructed on three levels which would require the current length. This allows for fewer steps for deck access to handicapped relatives and is safer should someone fall.
2. If the deck had been constructed to either the right or left of our property and further from the lake, more trees would have had to be cut down making it more visible to neighbors. Additionally, the topography is even steeper making the deck less safe.
3. The applicant's home is on the end of cul-de-sac and is on an extreme slope.
4. Furthermore, the applicant states considerable expense was incurred to construct the safest and highest quality deck possible. There was also the added expense required to complete the deck once the framing had been started but deck was not completed. The additional cost of changing the current design would be enormous.

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

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

- 1) The subject deck and spa shall remain constructed in accordance with the proposed site plan, provided by the applicant dated received December 2, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer and a six (6) foot impervious surface setback 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, and patios shall be constructed of pervious material.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

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



## Variance Petition No. V08-074

### HEARING & MEETING DATES

#### Design Review Board

January 13, 2009

#### Board of Zoning Appeals Hearing

February 12, 2009 (deferred)

March 12, 2009

### APPLICANT/PETITIONER INFORMATION

| Property Owner        | Petitioner         | Representative |
|-----------------------|--------------------|----------------|
| City of Sandy Springs | Public Works Dept. | Marty Martin   |

### PROPERTY INFORMATION

|                                                    |                                                                                                      |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Address, Land Lot(s), and District                 | Lake Forrest Drive, between Hammond Drive and Interstate 285<br>Land Lot(s) 90 & 123, District 17    |
| Council District                                   | 3                                                                                                    |
| Frontage                                           | Approximately 2,400 feet of frontage along Lake Forrest Drive, from Hammond Drive to Interstate 285. |
| Existing Zoning and Use                            | Public Right-of-Way or Easement(s)                                                                   |
| Overlay District                                   | Urban                                                                                                |
| 2027 Comprehensive Future Land Use Map Designation | N/A                                                                                                  |

### INTENT

For the Lake Forrest Drive Sidewalk Project (T6001), the applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to an eighteen (18) foot undisturbed natural buffer to allow for sidewalk and retaining wall improvements. The actual area of encroachment into the Stream Buffer extends north approximately 400 feet from the intersection of Cameron Hall Place and Lake Forrest Drive, on the west side of Lake Forrest Drive.

Staff notes State EPD approval is required due to a portion of the new sidewalk and retaining wall proposed to be within the twenty-five (25) State Stream Buffer.

At the January 13, 2009 Design Review Board (DRB) meeting, the subject application was considered for endorsement; however, there was a failed motion and no action was taken.

At the February 12, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-074) up to 90 days (May 14, 2009 meeting) to allow the applicant to explore different sidewalk locations.

At the February 17, 2009 City Council Meeting, the Council passed two (2) resolutions relating to this sidewalk project. The first was a verbal resolution for the Board of Zoning Appeals to act on this application within thirty (30) days. The second was a verbal resolution affirming the proposed location of the sidewalk to be appropriate as recommended and presented by Staff.

# Parcel Map

Sidewalk area along West side of Lake Forrest Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 12, 2009

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

CASE NUMBER: V08-074

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

REQUEST:

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to an eighteen (18) foot undisturbed natural buffer to allow for sidewalk and retaining wall improvements.

ANALYSIS:

Staff notes State EPD approval is required due to a portion of the new sidewalk and retaining wall proposed to be within the twenty-five (25) State Stream Buffer.

At the January 13, 2009 Design Review Board (DRB) meeting, the subject application was considered for endorsement; however, there was a failed motion and no action was taken.

At the February 12, 2009 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-074) up to 90 days (May 14, 2009 meeting) to allow the applicant to explore different sidewalk locations.

At the February 17, 2009 City Council Meeting, the Council passed two (2) resolutions relating to this sidewalk project. The first was a verbal resolution for the Board of Zoning Appeals to act on this application within thirty (30) days. The second was a verbal resolution affirming the proposed location of the sidewalk to be appropriate as recommended and presented by Staff.

The applicant has provided photographs indicating the land adjacent to Lake Forrest Drive (for this project) to be sloped and wooded and to have a meandering stream.

The project site is located on Lake Forrest Drive, between Hammond Drive and Interstate 285. The project consists of approximately 2,400 lineal feet of sidewalk improvements. The actual area of encroachment into the Stream Buffer extends north approximately 400 feet from the intersection of Cameron Hall Place and Lake Forrest Drive, on the west side of Lake Forrest Drive. The subject property is public right-of-way or easements located in the Urban Overlay District.

Staff notes the site plan provided by the applicant indicates the following:

- J 3,650 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer; 306 square feet of which is within the twenty-five (25) foot State Buffer.
- J 1,775 of proposed impervious surface within the fifty (50) foot undisturbed natural buffer; 131 square feet of which is within the twenty-five (25) foot State Buffer.
- J 1,110 square feet of proposed impervious surface within the twenty-five (25) foot impervious surface setback.

The applicant states the site (the westerly shoulder of Lake Forrest Drive from Cameron Hall Place to Cameron Manor Way) is determined to be the least disruptive location for construction of a sidewalk to provide safe pedestrian access to Lake Forrest Drive side of the recently constructed Lake Forest Elementary School.

An early analysis of the project site by the City's consultant indicated extensive cut and fill requirements along the length of the project corridor and associated extensive stream buffer encroachments on both sides of Lake Forrest Drive if the City's applicable Overlay District Standard was rigorously applied. Consultant and staff review recommended construction of an overlay district standard sidewalk section on only the west side of the road. That western edge location would avoid significant impacts on the east side of Lake Forrest to include likely complete reconstruction of four private driveways, removal of an extensive stand of specimen trees, and significant demolition/blasting to remove a pronounced bluff at the corner of Lake Forrest and Hammond Drive (adjacent to Forest Place).

The western edge offered advantages in that significant off right-of-way measures were not required for development of sufficient shoulder to provide a safe sidewalk and some sidewalk and curb and gutter already existed at the entrance to established communities. A single mid-street crossing near the intersection with Cliftwood Drive is anticipated.

The plan contains the requirements of the City's Overlay District Standards (pedestrian lighting, walks, pavers, and landscape strips) reflecting the community's shared vision for streetscape development within this Sandy Springs neighborhood. The typical sidewalk section is terminated by retaining wall in stream buffer zones, reducing overall potential buffer encroachment by 15,056 square feet.

The proposed solution reduces the potential for erosion within the stream buffers by unchecked run-off on a non-standard, uncurbed road shoulder by installing new curb and gutter. Outlet structures along the project corridor are assessed to be adequate for the flow from new curb and gutter.

## Department Comments

The staff held a Focus Meeting on January 7, 2009 at which the following departmental comments were provided:

|                                |                                            |                                     |
|--------------------------------|--------------------------------------------|-------------------------------------|
| <b>LAND DEVELOPMENT</b>        | Engineering Plan Reviewer                  | ▪ No comments                       |
|                                | Arborist/Landscape Architect               | ▪ Standard Stream Buffer Conditions |
| <b>BUILDING AND PERMITTING</b> | Building Plan Reviewer                     | ▪ No comments                       |
| <b>FIRE DEPT.</b>              | Fire Protection Engineer                   | ▪ No comments                       |
| <b>TRANSPORTATION</b>          | Public Works Dept., Transportation Planner | ▪ 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 (the westerly shoulder of Lake Forrest Drive from Cameron Hall Place to Cameron Manor Way) is determined to be the least disruptive location for construction of a sidewalk to provide safe pedestrian access to Lake Forrest Drive side of the recently constructed Lake Forest Elementary School.

An early analysis of the project site by the City's consultant indicated extensive cut and fill requirements along the length of the project corridor and associated extensive stream buffer encroachments on both sides of Lake Forrest Drive if the City's applicable Overlay District Standard was rigorously applied. Consultant and staff review recommended construction of an overlay district standard sidewalk section on only the west side of the road. That western edge location would avoid significant impacts on the east side of Lake Forrest to include likely complete reconstruction of four private driveways, removal of an extensive stand of specimen trees, and significant demolition/blasting to remove a pronounced bluff at the corner of Lake Forrest and Hammond Drive (adjacent to Forest Place).

The western edge offered advantages in that significant off right-of-way measures were not required for development of sufficient shoulder to provide a safe sidewalk and some sidewalk and curb and gutter already existed at the entrance to established communities. A single mid-street crossing near the intersection with Cliftwood Drive is anticipated.

The plan contains the requirements of the City's Overlay District Standards (pedestrian lighting, walks, pavers, and landscape strips) reflecting the community's shared vision for streetscape development within this Sandy Springs neighborhood. The typical sidewalk section is terminated by retaining wall in stream buffer zones, reducing overall potential buffer encroachment by 15,056 square feet.

The proposed solution reduces the potential for erosion within the stream buffers by unchecked run-off on a non-standard, uncurbed road shoulder by installing new curb and gutter. Outlet structures along the project corridor are assessed to be adequate for the flow from new curb and gutter.

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 photographs indicating the land adjacent to Lake Forrest Drive (for this project) to be sloped and wooded and to have a meandering stream.

An early analysis of the project site by the City's consultant indicated extensive cut and fill requirements along the length of the project corridor and associated extensive stream buffer encroachments on both sides of Lake Forrest Drive if the City's applicable Overlay District Standard was rigorously applied. Consultant and staff review recommended construction of an overlay district standard sidewalk section on only the west side of the road. That western edge location would avoid significant impacts on the east side of Lake Forrest to include likely complete reconstruction of four private driveways, removal of an extensive stand of specimen trees, and significant demolition/blasting to remove a pronounced bluff at the corner of Lake Forrest and Hammond Drive (adjacent to Forest Place).

The plan contains the requirements of the City's Overlay District Standards (pedestrian lighting, walks, pavers, and landscape strips) reflecting the community's shared vision for streetscape development within this Sandy Springs neighborhood. The typical sidewalk section is terminated by retaining wall in stream buffer zones, reducing overall potential buffer encroachment by 15,056 square feet.

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

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

- 1) The subject sidewalks and retaining walls shall be constructed in accordance with the proposed site plan, provided by the applicant dated received December 5, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to an eighteen (18) foot undisturbed natural buffer for the proposed sidewalks and retaining walls and to allow for 3,650 square feet land disturbance within the required fifty (50) foot undisturbed natural 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, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.
- 3) 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.
- 4) Stream crossings shall be as narrow as possible and shall be pervious.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 9) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 10) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, typical section drawings, letters of opposition, and photographs.



## Variance Petition No. V08-076

### HEARING & MEETING DATES

#### Board of Zoning Appeals Hearing

February 12, 2009

### APPLICANT/PETITIONER INFORMATION

| Property Owner                                     | Petitioner    | Representative          |
|----------------------------------------------------|---------------|-------------------------|
| Riley Terrace, LLC and<br>Michael & Jana Kreisberg | Haji Pourreza | Nathan V. Hendricks III |

### PROPERTY INFORMATION

|                                                                       |                                                                                                                                                                                                       |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Address, Land<br/>Lot(s), and District</b>                         | 5201 Powers Ferry Road<br>Land Lot(s) 164, District 17                                                                                                                                                |
| <b>Council District</b>                                               | 6                                                                                                                                                                                                     |
| <b>Frontage and Area</b>                                              | 335 feet of frontage along the south side of Crest valley Drive and 240 feet of frontage along the east side of Powers Ferry Road. The subject property has a total area of approximately 1.84 acres. |
| <b>Existing Zoning<br/>and Use</b>                                    | The lot is zoned R-1(Single-family Dwelling District). The property is currently developed with a residence.                                                                                          |
| <b>Overlay District</b>                                               | N/A                                                                                                                                                                                                   |
| <b>2027<br/>Comprehensive<br/>Future Land Use<br/>Map Designation</b> | R0-1 Residential (0 to 1 units per acre)                                                                                                                                                              |
| <b>INTENT</b>                                                         |                                                                                                                                                                                                       |

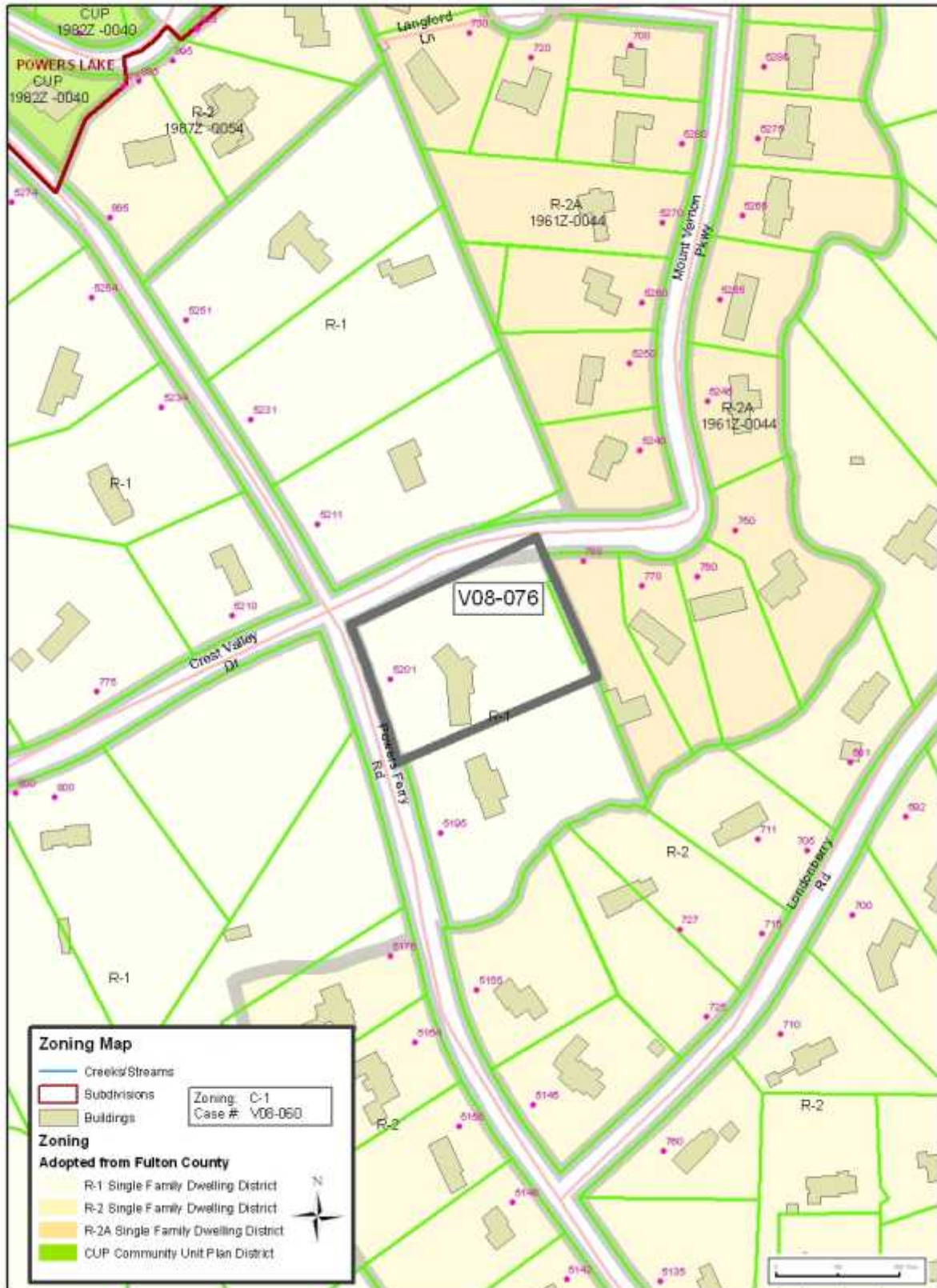
The applicant is seeking two (2) primary variances from the Floodplain Management Ordinance:

- 1) Variance from Section 109-89.a.1 to raise the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot and
- 2) Variance from section 109-89.a.2 to reduce the base flood or future-conditions regulatory flood storage capacity.

The variances are to allow for grading of the subject property in preparation of constructing a home.

## Parcel Map

5201 Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 12, 2009

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

CASE NUMBER: V08-076

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

REQUEST:

The applicant is requesting relief from the Floodplain Management Ordinance:

- 1) Variance from Section 109-89.a.1 to raise the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot and
- 2) Variance from section 109-89.a.2 to reduce the base flood or future-conditions regulatory flood storage capacity.

The variances are to allow for grading of the subject property in preparation of constructing a home.

ANALYSIS:

The applicant has provided a site plan/topographical map and photographs indicating the subject property to roughly be rectangular in shape, sloped from the Powers Ferry Road and Crest Valley Drive rights-of-way towards the center of the lot, and within a 100 year floodplain. The property is currently developed with a single-family residence located within a 100 year floodplain.

The City Chief Engineer states the following information should be included in this variance application:

- 1) An executive summary from a Ga. P.E. that summarizes the results of the flood study at each studied cross-section, clearly and simply showing the location of each cross-section and listing both the existing (current) and proposed 100 year water surface elevation at each cross-section.
- 2) Statement of current ownership of property and how long current owner has owned the property.
- 3) A copy of the flood study, with title, date, Ga. P.E. seal and signature, including modeling data, outputs, narratives, maps, etc.
- 4) A mitigation plan relating to the proposed rise in 100 year flood elevation outside of the property limits.

To date, the above requested items 1 through 3 have been provided by the applicant. Item number 4 has not been provided.

The Attorney/ Agent states the following:

Michael and Jana Kreisburg are the owners of a portion of the westerly part of the original property known as 5201 Powers Ferry Road, and Riley Terrace, LLC is owner of the balance of the original property known as 5201 Powers Ferry Road. Riley Terrace, LLC is also the applicant of variance application V08-076. The Kreisburgs and Riley Terrace, LLC are parties to V08-076.

Pursuant to Article 4.C.1 .B.B. of the Flood Plain Management Ordinance, the subject applicant has requested a variance to provide floodplain compensation from fill. It is to be noted that CLOMR approval for this activity has been granted by FEMA and, accordingly, this application is entirely appropriate. The appropriateness of this variance application and the constitutional assertions of the applicant are more particularly stated and set forth on Exhibit "A" attached hereto and made a part hereof by reference thereto. 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. Given the floodplain issues burdening this property, which hardship is unique to this property, the requirement to strictly comply with the referenced development standard would place an unnecessary hardship on the owner(s) while the approval of this application would cause no detriment to the public.

Now, therefore, the applicant requests that this variance application be approved as submitted in order that the applicant be able to proceed with the lawful use and enjoyment of the property.

## Department Comments

The staff held a Focus Meeting on January 7, 2009 at which the following departmental comments were provided:

|                                |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LAND DEVELOPMENT</b>        | Engineering Plan Reviewer                  | <p>The following information should be included in this variance application:</p> <ol style="list-style-type: none"> <li>1) An executive summary from a Ga. P.E. that summarizes the results of the flood study at each studied cross-section, clearly and simply showing the location of each cross-section and listing both the existing (current) and proposed 100year water surface elevation at each cross-section.</li> <li>2) Statement of current ownership of property and how long current owner has owned the property.</li> <li>3) A copy of the flood study, with title, date, Ga. P.E. seal and signature, including modeling data, outputs, narratives, maps, etc.</li> <li>4) A mitigation plan relating to the proposed rise in 100year flood elevation outside of the property limits.</li> <li>5) Also, should the variances be approved, it is suggested that the lowest finished floor of the proposed house be at least 4feet above the base flood elevation.</li> </ol> |
|                                | Arborist/Landscape Architect               | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>BUILDING AND PERMITTING</b> | Building Plan Reviewer                     | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>FIRE DEPT.</b>              | Fire Protection Engineer                   | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>TRANSPORTATION</b>          | Public Works Dept., Transportation Planner | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                | Georgia Department of Transportation       | <ul style="list-style-type: none"> <li>▪ No comments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 12, 2009

## 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 property is currently developed with a single-family residence located within a 100 year floodplain.

Pursuant to Article 4.C.1 .B.B. of the Flood Plain Management Ordinance, the subject applicant has requested a variance to provide floodplain compensation from fill. It is to be noted that CLOMR approval for this activity has been granted by FEMA and, accordingly, this application is entirely appropriate. The appropriateness of this variance application and the constitutional assertions of the applicant are more particularly stated and set forth on Exhibit "A" attached hereto and made a part hereof by reference thereto. 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.

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 and photographs indicating the subject property to roughly be rectangular in shape, sloped from the Powers Ferry Road and Crest Valley Drive rights-of-way towards the center of the lot, and within a 100 year floodplain.

Given the floodplain issues burdening this property, which hardship is unique to this property, the requirement to strictly comply with the referenced development standard would place an unnecessary hardship on the owner(s) while the approval of this application would cause no detriment to the public.

Now, therefore, the applicant requests that this variance application be approved as submitted in order that the applicant be able to proceed with the lawful use and enjoyment of the property.

**Recommended Condition(s)**

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

- 1) The site preparation and grading shall be performed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009 by the Department of Community Development, for the variance herein, showing site preparation and grading where necessary to prepare the site as indicated only.

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



## Variance Petition No. V08-071

### HEARING & MEETING DATES

Design Review Board  
January 13, 2009

Board of Zoning Appeals Hearing  
February 12, 2009

### APPLICANT/PETITIONER INFORMATION

**Property Owner**

6900 Roswell Assoc. , LLC

**Petitioner**

6900 Roswell Assoc. , LLC

**Representative**

Jessica Weston

### PROPERTY INFORMATION

**Address, Land Lot, and District.** 6900 Roswell Road (SR 9)  
Land Lot 73, District 17

**Council District** 3

**Frontage and Area** Approximately 448.70 feet of frontage along the west side of Roswell Road (SR 9).  
The subject property has a total area of 11.10127 acres (483,571+ square feet).

**Existing Zoning and Use** A (Medium Density Apartment District) conditional under Fulton County zoning case 1969Z-003, currently developed with condominiums and townhomes.

**Overlay District** Suburban District.

**2027****Comprehensive  
Future Land Use  
Map Designation**

Living-Working Neighborhood (LWN).

### INTENT

The applicant is seeking two primary variance from the Zoning Ordinance:

- 1) Variance from Section 33.18.A to allow a temporary free standing marketing sign that is not identified as permitted sign.
- 2) Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of-way to six (6) feet.

### DESIGN REVIEW BOARD RECOMMENDATION

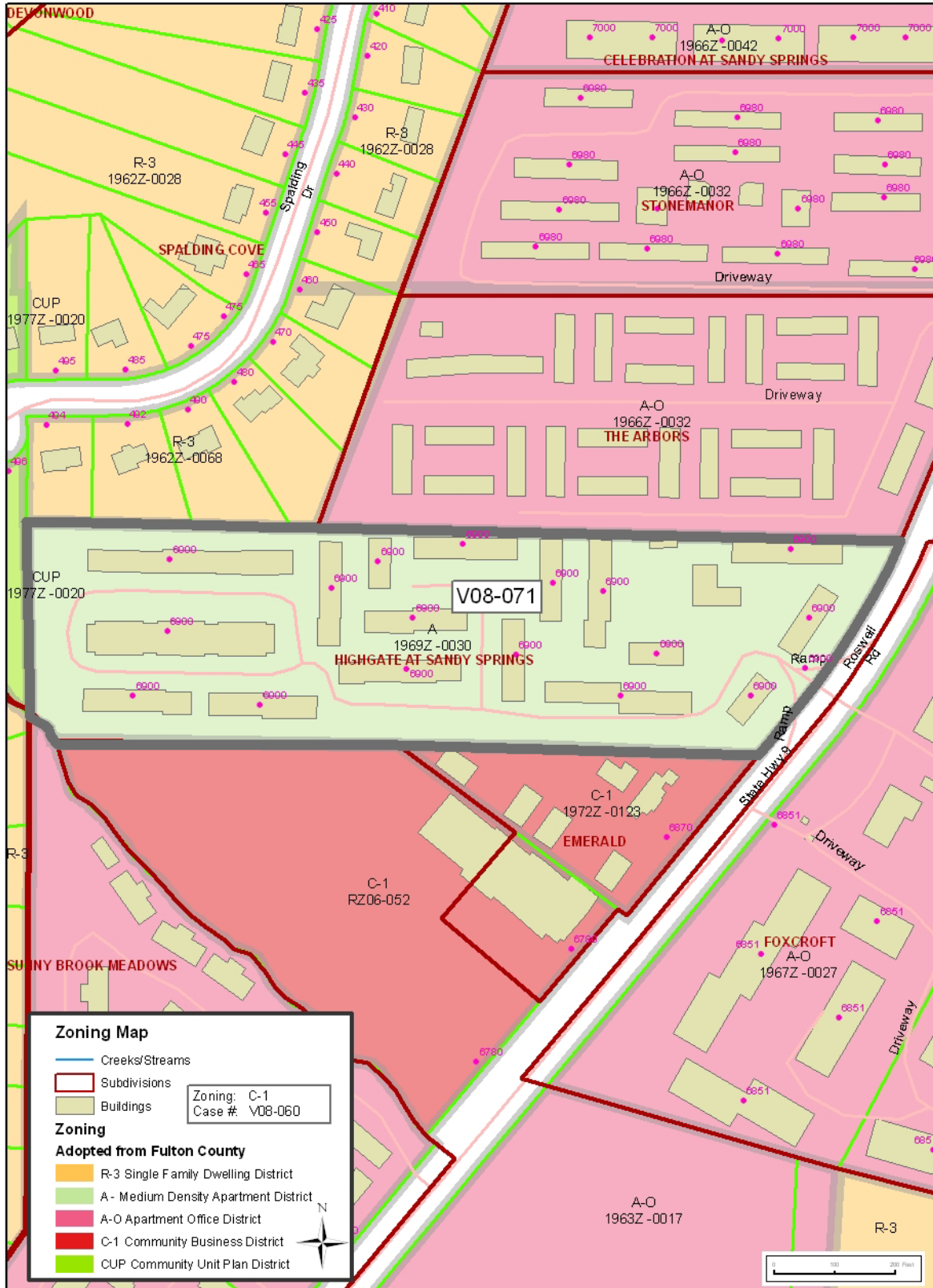
The application was heard at the January 13, 2009 DRB meeting. The request was recommended for APPROVAL (5-0, Gregory, Landeck, Mobley, Westmoreland, Porter for; Lichtenstein not voting, and Richard absent) with the following condition:

1. The sign to be displayed for not more than one (1) year or
2. The sign to be removed when occupancy reach 95% sold, not to include re-sale, whichever comes first.

### Parcel Map

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 12, 2009

# 6900 Roswell Road



CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS

CASE NUMBER:

V08-071

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: [cristina.nelson@sandyspringsga.org](mailto:cristina.nelson@sandyspringsga.org)

**REQUEST:**

The applicant is seeking a primary variance from Section 33.18.A and Section 33.22.C of the Zoning Ordinance to allow a temporary free standing sign that is not identified as permitted sign.

**Staff Analysis:**

The applicant is seeking relief from Sections 33.18.A and 33.22.C of the Zoning Ordinance to maintain one existing marketing sign at the present location, six (6) feet from the right-of-way instead of the required ten (10) feet from the right-of-way, for approximately two (2) to 2.5 years, indicating direction to the Highgate at Sandy Springs condominium community. They are open for sale, and the applicant indicates that this is the only way they can inform the public that they are open for sale. The applicant states "the main marketing tool we have to drive traffic to the site and help locate the site is the marketing sign. Our data indicates that approximately 50% of our walk-in traffic comes from our marketing sign."

The site is approximately 11.10 acres (483,571 square feet), developed as condominiums and townhome community of 155 homes. The applicant is proposing to maintain one sixteen (16) square foot, 5.5 foot tall temporary free standing sign to be removed once the remaining 27 homes are sold.

Per Section 33.7C, Apartment and Townhouse Residential Districts, of the Sandy Springs Zoning Ordinance, the property is permitted one (1) maximum thirty-two (32) square foot freestanding sign or two (2) single-faced freestanding signs not to exceed sixteen (16) square feet for each side of the entrance for each street on which the multi-family property or property occupied with an institutional use has up to and including five hundred (500) linear feet of frontage and ten (10) feet tall. The site has one thirty-two (32) square foot, six (6) feet tall free standing sign identifying the property.

Prior to the 2007 amendment the Zoning Ordinance provided for apartment directional signs. Such signs were allowed, sixteen (16) square feet or four (4) square feet depending on the adjacent road classification and permitted for six (6) months contingent to the submittal of an affidavit from the apartment owner affirming that the occupancy rate of the advertised apartment development was less than 90 percent. As a result of the 2007 Zoning Ordinance amendments these types of signs are not allowed. Currently, Staff is preparing a text amendment to incorporate this type of sign in the Zoning Ordinance.

## Department Comments

The staff held a Focus Meeting on January 7, 2009 at which time the following departmental /divisional comments were provided:

|                                                 |                                                           |                                                                                                                      |
|-------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>LAND DEVELOPMENT<br/>DIVISION</b>            | Engineering Plan<br>Reviewer                              | ▪ No comments                                                                                                        |
|                                                 | Arborist/ Landscape<br>Architect                          | ▪ No comments                                                                                                        |
| <b>BUILDING AND<br/>PERMITTING<br/>DIVISION</b> | Building Plan<br>Reviewer                                 | ▪ No comments                                                                                                        |
| <b>FIRE DEPT.</b>                               | Fire Protection<br>Engineer                               | ▪ No comments                                                                                                        |
| <b>TRANSPORTATION</b>                           | Public Works<br>Department,<br>Transportation,<br>Planner | ▪ As long as this variance is limited<br>to the current installation and<br>materials on site, PW has no<br>comment. |
|                                                 | Georgia Department of<br>Transportation                   | ▪ No comments                                                                                                        |

## Standards for Consideration

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

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

The applicant states that it is important for a driver to distinctively recognize the location of each business. "Without this sign no one will know that we are open for sale."

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance.

## Recommended Conditions:

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

1. The temporary freestanding sign shall not exceed sixteen (16) square feet of sign area; 5.5 feet tall pursuant to the sign design detail, submitted by the applicant, and dated received November 25, 2008 by the Department of Community Development.

2. Allow the temporary freestanding sign to be located at the proposed location, six (6) feet from the right of way for not more than one (1) year from the date of this approval or to be removed when occupancy reach 95% sold, not to include re-sale, whichever comes first.

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

#### VARIANCE TABLE

| Variance Request                                                                                                                                                                                                                                                                                                                                                                                      | DRB Action                                                                                                                                                                                                                                                                                     | Proposed Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Comments                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <p>The applicant is seeking two primary variances from the Zoning Ordinance:</p> <ol style="list-style-type: none"> <li>1. Variance from Section 33.18.A to allow a temporary free standing marketing sign that are not identified as permitted sign</li> <li>2. Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of -way to six (6) feet.</li> </ol> | <p>The Design Review Board recommended for APPROVAL with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The sign to be display for not more than one (1) year or</li> <li>2. The sign to be removed when occupancy reach 95% sold, not to include re-sale.</li> </ol> | <ol style="list-style-type: none"> <li>1.The temporary freestanding sign shall not exceed sixteen (16) square feet, 5.5 feet tall pursuant to the sign design detail, submitted by the applicant, and dated received November 25, 2008 by the Department of Community Development.</li> <li>2. Allow the temporary freestanding sign to be located at the proposed location six (6) feet from the right of way for not more than one (1) year from the date of this approval or to be removed when occupancy reach 95% sold, not to include re-sale, whichever comes first..</li> </ol> | <p>Currently Staff is preparing a text amendment to incorporate this type of sign in the Zoning Ordinance.</p> |



## Variance Petition No. V08-072

### HEARING & MEETING DATES

Design Review Board  
December 23, 2008

Board of Zoning Appeals Hearing  
February 12, 2009

### APPLICANT/PETITIONER INFORMATION

Property Owner  
Sandy Springs Toyota

Petitioner  
Sandy Springs Toyota

Representative  
C. R. Wiley

### PROPERTY INFORMATION

Address, Land Lot,  
and District. 6475 Roswell Road (SR 9)  
Land Lot 88, District 17

Council District 4

Frontage and Area Approximately 402.0 feet of frontage along the east side of Roswell Road (SR 9).  
The subject property has a total area of 4.51 acres (196,455.6 square feet).

Existing Zoning  
and Use C-2 (Commercial District) conditional under Fulton County zoning case 1999Z-  
030 and is currently operated as an automobile dealership.

Overlay District Suburban District.

2027  
Comprehensive  
Future Land Use  
Map Designation Living-Working Community (LWC)

### INTENT

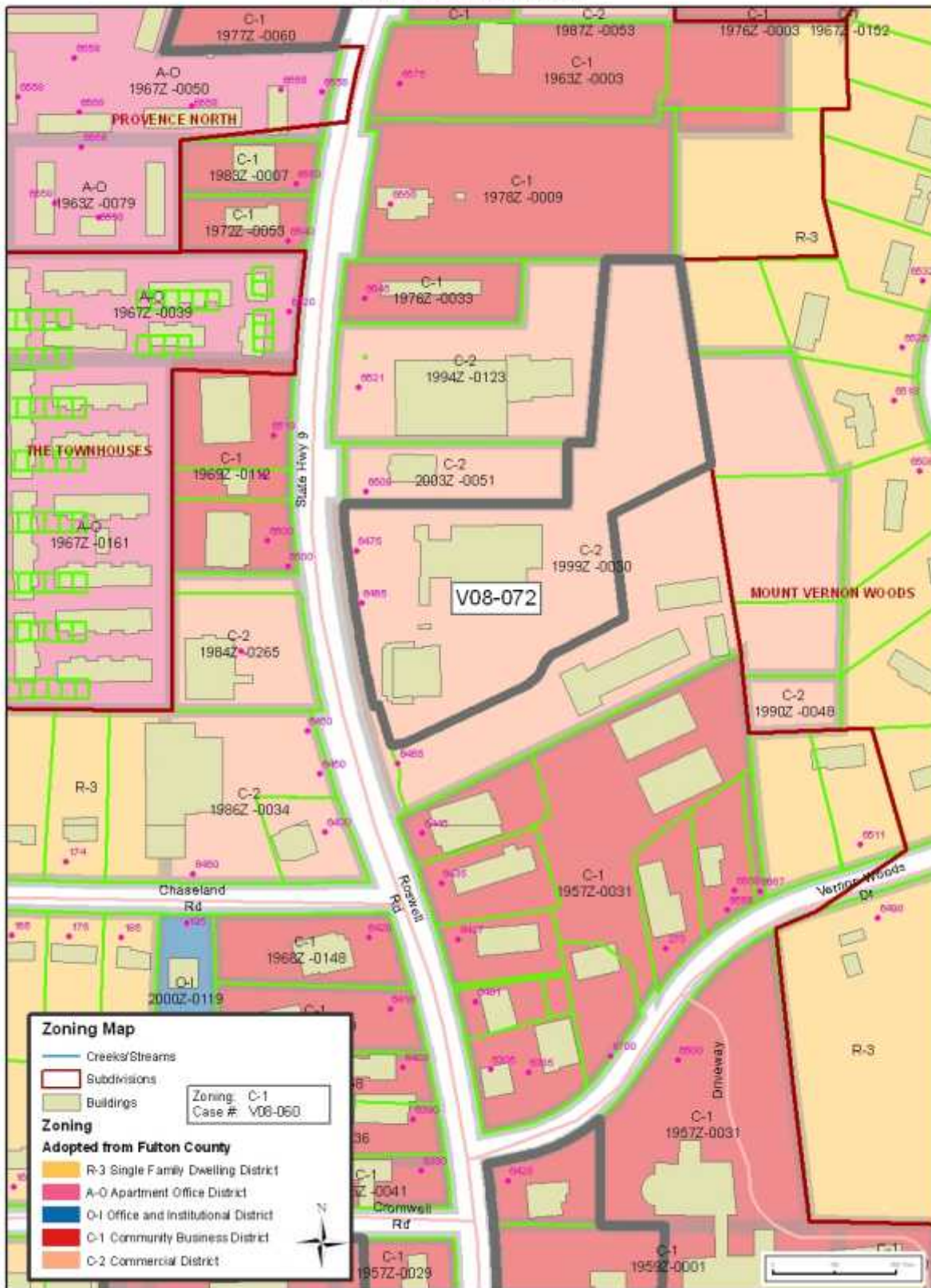
The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to add a wall sign on the south elevation of the building which does not have street frontage.

### DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the December 23, 2008 DRB meeting. The request was recommended for APPROVAL (4-0, Gregory, Landeck, Mobley, Westmoreland for; Lichtenstein not voting, Porter and Richard absent) as presented without conditions.

# Parcel Map

6475 Roswell Road



CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS

CASE NUMBER:

V08-072

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: [cristina.nelson@sandyspringsga.org](mailto:cristina.nelson@sandyspringsga.org)

**REQUEST:**

The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to add a wall sign on the south elevation of the building. The wall does not have street frontage.

**Staff Analysis:**

The site is located at 6475 Roswell Road, 2,000 feet south of the intersection of Abernathy Road and Roswell Road. The site is located within the Urban Overlay District. The property is now zoned C-2 (Commercial District) conditional under Fulton County zoning case 1999Z-030 and is currently operated as an automobile dealership.

The applicant is seeking relief from the Zoning Ordinance to add a wall sign on the south elevation of the building that does not have street frontage. Currently, Sandy Springs Toyota has signs on the west elevation of the building facing Roswell Road and a freestanding sign. Section 33.26.H.2.a of the Zoning Ordinance states: Wall signs are permitted on street-facing walls (including windows and doors).

The subject of this variance is to have a sign identifying the service area as soon customers enter the parking lot. The applicant states that it is important for Sandy Springs Toyota to identify the location of the Collision Center. "Customers have been experiencing difficulty finding the location of the Collision Center through our parking lot. This sign would enable our customers to locate the Collision Center entrance without having to wander around the main lot and main entrance looking for service. This sign will aid in the wayfinding requirements which helps avoid confusion about where to go once a customer enters the site".

The proposed sign will be located on a wall that has approximately eight-thousand (8000) square feet. The proposed sign is approximately twenty-nine (29) sqft and it is to be located above the Collision Center entrance. The sign will be a typical flush mounted channel letter sign, non-illuminated aluminum cabinets with acrylic faces and black trim caps. The total of the existing wall signs on the Roswell Road elevation and the proposed wall sign on the south elevation is 207.42 square feet.

## Department Comments

The staff held a Focus Meeting on January 7, 2009 at which time the following departmental /divisional comments were provided:

|                                                 |                                                           |               |
|-------------------------------------------------|-----------------------------------------------------------|---------------|
| <b>LAND DEVELOPMENT<br/>DIVISION</b>            | Engineering Plan<br>Reviewer                              | ▪ No comments |
|                                                 | Arborist/ Landscape<br>Architect                          | ▪ No comments |
| <b>BUILDING AND<br/>PERMITTING<br/>DIVISION</b> | Building Plan<br>Reviewer                                 | ▪ No comments |
| <b>FIRE DEPT.</b>                               | Fire Protection<br>Engineer                               | ▪ No comments |
| <b>TRANSPORTATION</b>                           | Public Works<br>Department,<br>Transportation,<br>Planner | ▪ No comments |
|                                                 | Georgia Department of<br>Transportation                   | ▪ No comments |

## Standards for Consideration

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

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

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance. The applicant stated that there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists.

## Recommended Conditions:

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

1. The proposed wall sign on the south elevation shall not exceed twenty-nine (29) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 2, 2008 by the Department of Community Development.

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

## VARIANCE TABLE

| Variance Request                                                                                                                                        | DRB Action                                                              | Proposed Condition                                                                                                                                                                                                                              | Comments                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to add a wall sign on the south elevation of the building. | The Design Review Board approved this application V08-072 as presented. | 2. The proposed wall sign on the south elevation shall not exceed twenty-nine (29) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 2, 2008 by the Department of Community Development. | Currently, Sandy Springs Toyota has signs on the west elevation of the building facing Roswell Road and a freestanding sign. |



## Variance Petition No. V08-075

### HEARING & MEETING DATES

Design Review Board  
December 23, 2008

Board of Zoning Appeals Hearing  
February 12, 2009

### APPLICANT/PETITIONER INFORMATION

Property Owner  
REES 219, LLC

Petitioner  
AEC Inc.

Representative  
Brad Riffel

### PROPERTY INFORMATION

Address, Land Lot,  
and District. 8995 Roswell Road (SR 9)  
Land Lot 367, District 17

Council District 1

Frontage and Area 213.62 feet of frontage along the east side of Roswell Road (SR 9) and 478.59 feet of frontage along the south side of Roberts Drive. The subject property has a total area of 2.4414 acres (106,347.38 square feet).

Existing Zoning and Use O-I (Office and Institutional District) conditional under Fulton County zoning case 1978Z-128, currently developed with offices.

Overlay District Suburban District.

2027  
Comprehensive  
Future Land Use  
Map Designation Commercial.

### INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance for the construction of a free standing sign. The applicant's request is as follows:

1. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to three (3) feet.
2. Variance from Section 33.26.H.1.a :
  - a) To increase the maximum permitted 32 square feet sign area of a freestanding sign to 40 square feet and
  - b) To allow for a free standing sign to exceed the maximum height permitted of 6 feet.

### DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the December 23, 2008 DRB meeting. The request was recommended for APPROVAL (4-0, Gregory, Landeck, Mobley, Westmoreland for; Lichtenstein not voting, Porter and Richard absent) as presented without conditions.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 12, 2009

8995 Roswell Road



CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS

CASE NUMBER:

V08-075

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: [cristina.nelson@sandyspringsga.org](mailto:cristina.nelson@sandyspringsga.org)

**REQUEST:**

The applicant is seeking two (2) primary variances from the Zoning Ordinance for the construction of a free standing sign.

**Staff Analysis:**

The site is located on the east side of Roswell Road (SR 9) 0.067 mile south of the Chattahoochee River with frontages along Roswell Road and Roberts Drive. The property is zoned O-I (Office and institutional District) under Fulton County zoning case 1978Z-0128 and is located within the Suburban District of the Sandy Springs Overlay District.

The subject of this variance is to replace an exiting sign burned as consequence on an electric fire. The existing sign is approximately nineteen (19) years old, constructed to the existing standard of nineteen (19) years ago. The existing sign is fourteen (14) feet in height with forty (40) square feet of sign area. The applicant has the option to repair the existing sign, instead, the applicant has chosen to replace the entire structure and have a more modern sign consistent with today's standards. The zoning ordinance provides:

**Section 33.20.B. NON CONFORMING SIGNS.**

**B. Repairs; Material Change**

**Minor repairs and maintenance of nonconforming signs shall be permitted; provided however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph.**

The property has 475 linear feet of frontage along Roberts Drive and 213 lineal feet of frontage along Roswell Road. The zoning ordinance provides for properties with frontage up to 500 linear feet of frontage to have one (1) maximum thirty-two (32) square foot, freestanding sign with a maximum height of six (6) feet. The applicant proposes a freestanding sign forty (40) square feet of sign area, ten (10) feet in height. Also, the applicant would like to locate the new sign at the same location where the existing sign is, approximately three (3) feet from the right of way instead of the required ten (10) feet from the right of way. The following are comments from traffic:

“While the applicant is asking for their sign to be located 3’ from the right of way line, it will end up being approximately 30’ from the closest travel lane. At the location of this property, the right of way line is approximately 60’ from the centerline of Roswell Road. The City’s standard dedication requirement is 55’ from centerline for Roswell Road. The sign is located well outside of the clear zone. Given considerable existing right-of-way, the fronting deceleration lane, and the fact that the sign is outside the clear zone; Public Works has no comment on this variance application”.

The sign features an aluminum cabinet internally illuminated. Cabinet, Retainers & Dividers Bars to have a smooth finish silver color.

The applicant has indicated that the purpose for these variances is mainly to provide signage visibility for the businesses at this location. It is necessary to provide proper visibility for businesses from all points and entries of the development.

### Department Comments

The staff held a Focus Meeting on January 7, 2009 at which time the following departmental /divisional comments were provided:

|                                                 |                                                           |                                                                                                                                                                                                                                                 |
|-------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LAND DEVELOPMENT<br/>DIVISION</b>            | Engineering Plan<br>Reviewer                              | ▪ No comments                                                                                                                                                                                                                                   |
|                                                 | Arborist/ Landscape<br>Architect                          | ▪ No comments                                                                                                                                                                                                                                   |
| <b>BUILDING AND<br/>PERMITTING<br/>DIVISION</b> | Building Plan<br>Reviewer                                 | ▪ No comments                                                                                                                                                                                                                                   |
| <b>FIRE DEPT.</b>                               | Fire Protection<br>Engineer                               | ▪ No comments                                                                                                                                                                                                                                   |
| <b>TRANSPORTATION</b>                           | Public Works<br>Department,<br>Transportation,<br>Planner | ▪ The sign is located well outside of the clear zone. Given considerable existing right of way, the fronting deceleration lane, and the fact that the sign is outside the clear zone; Public Works has no comment on this variance application. |
|                                                 | Georgia Department of<br>Transportation                   | ▪ No comments                                                                                                                                                                                                                                   |

### Standards for Consideration

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

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

The applicant states that it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies.

The applicant's purpose is to present an identification of its premises, communicating to the public the location of their businesses. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance.

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

The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic. The applicant has indicated that if AEC sign has to meet the required ten (10) foot setback from the right-of-way, the visibility of their sign from Roswell Road (SR 9) would be severely hampered by the distance from the street. At the location of this property, the right-of-way line is approximately 60' from the centerline of Roswell Road.

#### **Recommended Conditions:**

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

1. The freestanding sign shall be located not less than three (3) feet from the right-of-way, pursuant to site plan, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.
2. The freestanding sign shall not exceed forty (40) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.
3. The freestanding sign shall not exceed ten (10) feet height, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.

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

## VARIANCE TABLE

| Variance Request                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DRB Action                                                                     | Proposed Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to three (3) feet.</p> <p>2. Variance from Section 33.26.H.1.a :</p> <p style="padding-left: 40px;">a) To increase the maximum permitted 32 square feet sign area of a freestanding sign to 40 square feet and</p> <p style="padding-left: 40px;">b) To allow for a free standing sign to exceed the maximum height permitted of 6 feet.</p> | <p>The Design Review Board approved this application V08-075 as presented.</p> | <p>1. The freestanding sign shall be located not less than three (3) feet from the right of way, pursuant to site plan, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</p> <p>2. The freestanding sign shall not exceed forty (40) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</p> <p>3. The freestanding sign shall not exceed ten (10) feet height, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</p> | <p>The zoning ordinance provides:<br/> <u>Section 33.20.B NON CONFORMING SIGNS.</u></p> <p>B. Repairs; Material Change.</p> <p>Minor repairs and maintenance of nonconforming signs shall be permitted; provided however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph.</p> <p>Based on the above information the applicant has the option to repair the existing sign, instead, the applicant has chosen to replace the entire structure and have a sign much modern according to today standards.</p> |