



Variance Petition No. V07-088

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Richard and Donna Aiken	Heart Craft Homes	Christopher Hunt

PROPERTY INFORMATION

Address, Land Lot, and District	4934 Peachtree Dunwoody Road & 17-0014-0002034 Land Lot 14, District 17
Council District	5
Frontage and Area	327 feet of frontage along the northwest side of Peachtree Dunwoody Road. The subject property has a total area of approximately 3.64 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A

Interim 2025

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

INTENT

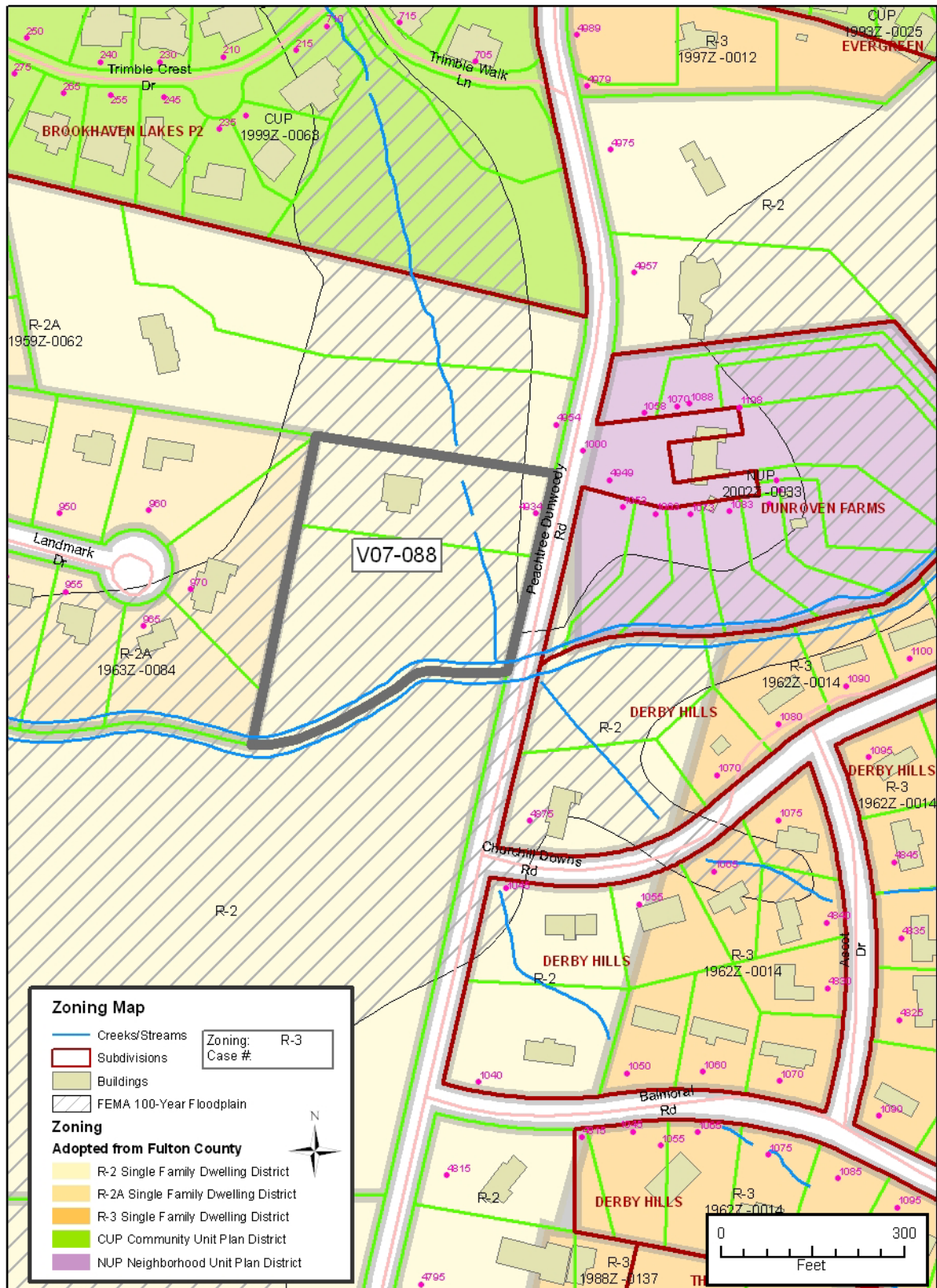
The applicant is seeking three (3) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.C to reduce the minimum side yard setback from fifteen (15) feet to seven (7) feet for lot #34,
- 2) Variance from Section 6.2.3.D to reduce the minimum rear yard setback from forty (40) feet to seven (7) feet for lot #33, and
- 3) Variance from Section 4.24.9.G to allow for residential development on property that less than 70% of the buildable land area lies above the base flood elevation, a minimum of one (1) foot, or less than 50% of the minimum lot area required by the zoning district is above the base flood elevation for lots #33 & #34.

All variances are to allow for the reconfiguration of two (2) existing lots and the construction of two (2) single-family homes.

Parcel Map

4934 Peachtree Dunwoody Rd and Parcel # 17 00140002034



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 14, 2008

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

CASE NUMBER: V07-088

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

REQUEST:

The applicant is requesting relief from Section 6.2.3.C to reduce the minimum side yard setback from fifteen (15) feet to seven (7) feet for lot #34, Section 6.2.3.D to reduce the minimum rear yard setback from forty (40) feet to seven (7) feet for lot #33, and from Section 4.24.9.G to allow for residential development on property that less than 70% of the buildable land area lies above the base flood elevation, a minimum of one (1) foot, or less than 50% of the minimum lot area required by the zoning district is above the base flood elevation for lots #33 & #34. The applicant intends to reconfigure two (2) existing lots and construct two (2) single-family homes.

ANALYSIS:

The applicant has provided a site plan showing the current subject properties to be two lots. The current lot shown to have an existing house (4934 Peachtree Dunwoody Drive) is rectangular in shape, and the current house is sited on a mounded area of earth that is approximately at the center of the lot. A portion of the current lot having a house is in a floodplain. The current lot shown to be vacant (17-00140002034) is irregular in shape and wooded in the buildable area. The current vacant lot has minimal slope in the buildable area and has a stream running along the entire southwest side property line; the centerline of the stream actually is the southwest side property line. The current vacant lot is in a floodplain.

The applicant has provided a site plan showing the proposed subject properties to be two lots. The proposed lot shown as # 33 is irregular in shape, and the proposed house is sited on a mounded area of earth that is at the rear of the lot, approximately seven (7) feet from the rear lot line. A portion of the proposed lot shown as # 33 is in a floodplain and wooded. The proposed lot shown as # 34 is irregular in shape and wooded. The proposed house for the lot shown as # 34 is sited on a mounded area of earth that is at the northeastern portion of the lot, approximately seven (7) feet from what is recognized as a side property line. The proposed lot shown as # 34 has a stream running along the entire southwest side property line; the centerline of the stream would actually be the southwest side property line. A portion of the proposed lot shown as # 34 is in a floodplain and wooded.

The applicant states that the proposed lots would exceed the size of many of the existing lots in the immediate area, and other properties in the vicinity either have uses that are not residential (such as the YMCA sports facility to the south), or more dense residential zoning districts.

The applicant states that if the current lot shown to be vacant (17-00140002034) was to be developed, either flood plain variances would be required, or flood plain variances and stream buffer variances would be required. Additionally, the applicant states that the proposed lots and houses have been designed to have a shared driveway, no encroachment into the

floodplain, and no encroachment into the stream buffer. The applicant further states that approval of the requested variances would allow for improvement to the floodplain and green space areas with additional tree plantings, removal of existing impervious surfaces within the floodplain (an existing concrete driveway), and an exclusive roofing product that has potable water run-off.

The applicant states that redevelopment of the subject properties as proposed would enhance the neighborhood, promote desirable living conditions, and protect properties from blight and depreciation.

The applicant states that the proposed cantilevered decks and floor area will be at least six (6) feet above the 100 year floodplain with additional proper planting underneath, and no trees will be removed. Additionally, the applicant states that the proposed development will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, and schools.

The applicant states that even though the Land Use Map indicates the potential to change the current zoning to allow greater density, the applicant believes the variances, if approved, would prevent a future assemblage greater than two (2) units per 3.64 acres total.

Staff notes that houses in the immediate area appear to mostly respect the required rear and side yard setbacks.

Department Comments

The staff held a Focus Meeting on January 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ IF LOTS ARE ZONED R-2 or R-2A: Variance required to Zoning Ordinance 4.24.G to allow either 1) less than 70% of the buildable land area to lie above the base flood elevation less than one foot; or 2) to allow less than 50% of the minimum lot area to be above the base flood elevation. Required for both lots as shown on submitted site plan. Should the requested variances be approved, the following conditions should apply: 1. Prior to issuance of a certificate of occupancy provide certification by professional engineer or surveyor stating that the lowest floor elevation, including basement or garage, is at least three feet above the base flood elevation.
	Arborist/Landscape Architect	▪ Both features on the site would be considered buffered waters of the state.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ Building Dept. is concerned that the requested variances would create a fire hazard. If approved, the structures would be required to have fire rated walls.
FIRE DEPT.	Fire Protection Engineer	▪ If this residence is constructed closer than 20 feet to another residential structure or other outbuilding larger than 300 sf, automatic sprinklers shall be required in the kitchen and fuel fired equipment room pursuant the City of Sandy Springs fire ordinance 2006-11-86: Chapter 15, Health and Public Safety, which became effective on November 8, 2006.
TRANSPORTATION	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 that the proposed lots would exceed the size of many of the existing lots in the immediate area, and other properties in the vicinity either have uses that are not residential (such as the YMCA sports facility to the south), or more dense residential zoning districts.

The applicant states that if the current lot shown to be vacant (17-00140002034) was to be developed, either flood plain variances would be required, or flood plain variances and stream buffer variances would be required. Additionally, the applicant states that the proposed lots and houses have been designed to have a shared driveway, no encroachment into the floodplain, and no encroachment into the stream buffer. The applicant further states that approval of the requested variances would allow for improvement to the floodplain and green space areas with additional tree plantings, removal of existing impervious surfaces within the floodplain (an existing concrete driveway), and an exclusive roofing product that has potable water run-off. The applicant has provided site plans to document the above statement(s).

The applicant states that redevelopment of the subject properties as proposed would enhance the neighborhood, promote desirable living conditions, and protect properties from blight and depreciation.

The applicant states that the proposed cantilevered decks and floor area will be at least six (6) feet above the 100 year floodplain with additional proper planting underneath, and no trees will be removed. Additionally, the applicant states that the proposed development will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, and schools.

The applicant states that even though the Land Use Map indicates the potential to change the current zoning to allow greater density, the applicant believes the variances, if approved, would prevent a future assemblage greater than two (2) units per 3.64 acres total.

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 showing the current subject properties to be two lots. The current lot shown to have an existing house (4934 Peachtree Dunwoody Drive) is rectangular in shape, and the current house is sited on a mounded area of earth that is approximately at the center of the lot. A portion of current lot having a house is in a floodplain. The current lot shown to be vacant (17-00140002034) is irregular in shape

and wooded in the buildable area. The current vacant lot has minimal slope in the buildable area and has a stream running along the entire southwest side property line; the centerline of the stream actually is the southwest side property line. The current vacant lot is in a floodplain.

The applicant has provided a site plan showing the proposed subject properties to be two lots. The proposed lot shown as # 33 is irregular in shape, and the proposed house is sited on a mounded area of earth that is at the rear of the lot, approximately seven (7) feet from the rear lot line. A portion of the proposed lot shown as # 33 is in a floodplain and wooded. The proposed lot shown as # 34 is irregular in shape and wooded. The proposed house for the lot shown as # 34 is sited on a mounded area of earth that is at the northeastern portion of the lot, approximately seven (7) feet from what is recognized as a side property line. The proposed lot shown as # 34 has a stream running along the entire southwest side property line; the centerline of the stream would actually be the southwest side property line. A portion of the proposed lot shown as # 34 is in a floodplain and wooded.

Recommended Condition(s)

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

1. That the proposed lots and houses be constructed in accordance with the Site Plan, provided by the applicant dated received January 11, 2008 by the Department of Community Development, showing the forty (40) foot minimum rear yard setback reduced to seven (7) feet for lot # 33 and showing the fifteen (15) side yard setback reduced to seven (7) feet for lot # 34 where necessary to accommodate the portion of the encroachments only. No portion of any proposed structure shall be within an area designated as a 100 year floodplain.
2. Prior to the issuance of a certificate of occupancy, the owner/developer shall provide a certification by a professional engineer or surveyor stating that the lowest floor elevation, including basements and/or garages, is at least three (3) feet above the base flood elevation.
3. Rooftop run-off shall not be directed towards adjoining properties to the west and north.

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



Variance Petition No. V07-089

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
James LaVallee Jr.	James LaVallee Jr.	James LaVallee Jr.

PROPERTY INFORMATION

Address, Land Lot, and District	300 Mark Trail (17-00870008051) Land Lots 86 & 87, District 17
Council District	3
Frontage and Area	40 feet of frontage along the southeast side of the Mark Trail cul-de-sac. The subject property has a total area of approximately 1.00 acre.
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is undeveloped.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

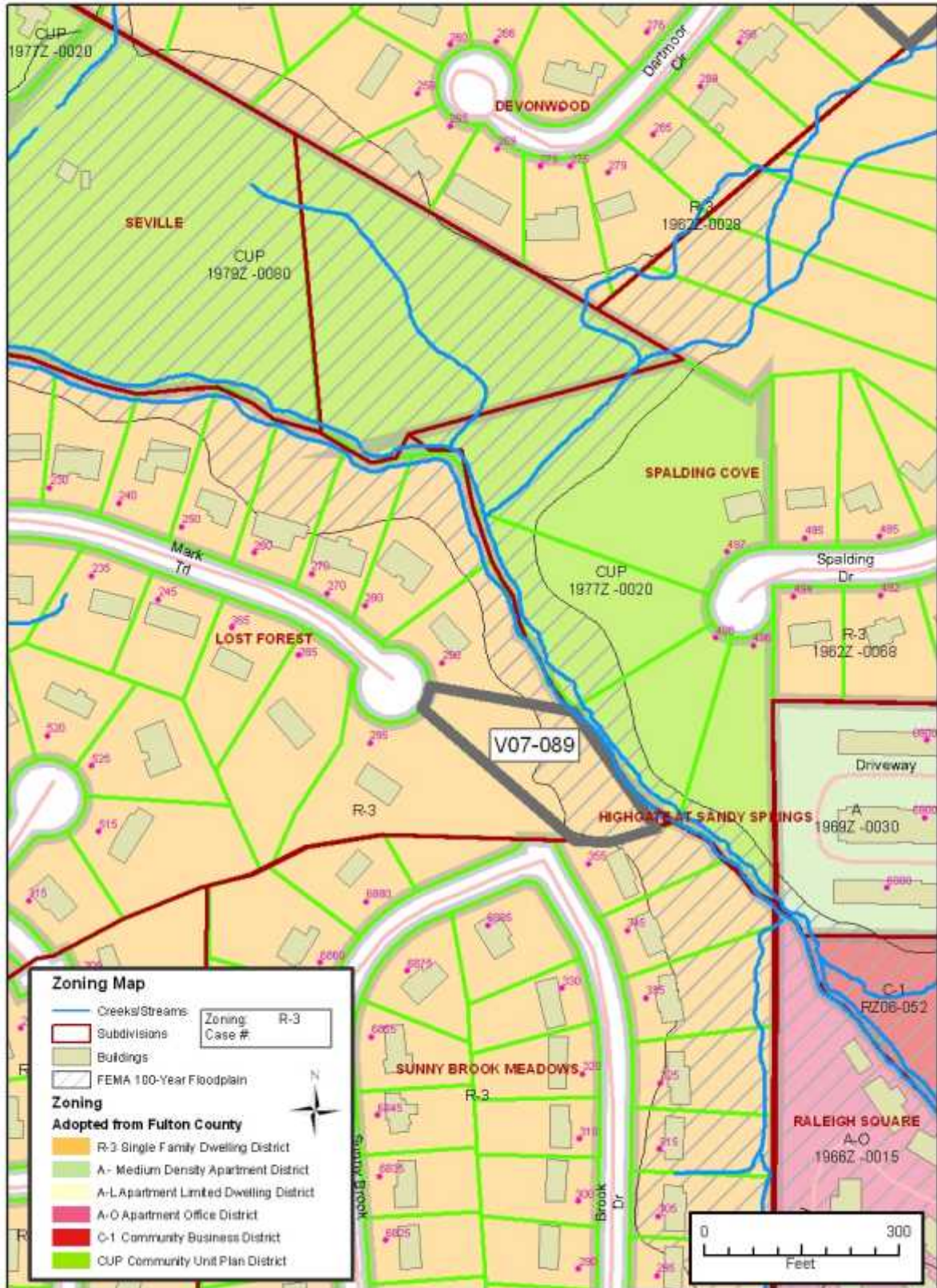
INTENT

The applicant is seeking a primary variance from Section 6.4.3.F of the Zoning Ordinance to allow a house to be located on a section of the lot that does not meet the one-hundred (100) foot minimum lot width required.

The variance is to allow for the construction of a single-family residence.

Parcel Map

300 Mark Trail



CITY OF SANDY SPRINGS

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 14, 2008

**DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V07-089

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

REQUEST:

The applicant is requesting relief from Section 6.4.3.F of the Zoning Ordinance to allow for a house to be located on a section of the lot that does not meet the one-hundred (100) foot minimum lot width required. At the requested fifty (50) foot front building line, the applicant's lot has a seventy-two (72) foot lot width where one-hundred (100) feet is required. The variance is to allow for the construction of a single-family residence.

ANALYSIS:

The applicant has provided a copy of an approved, recorded plat as evidence that the subject property is an official lot of record.

The applicant has provided a site plan showing the subject property (300 Mark Trail / 17-00870008051) to be irregular in shape, wooded, and sloped from the Mark Trail cul-de-sac towards the rear of the lot where a stream is located. A portion of the rear of the subject property is in the 100 year floodplain. Additionally, the lot is narrow at the front portion and widens towards the back. If the applicant were to construct the proposed house at the required 102 foot minimum building line (where the minimum 100 foot lot width is achieved), the house would be significantly below the grade of the street (about 10 to 12 feet) compared to other neighboring houses. Variances would most likely be necessary, either from the stream buffer or from the stream buffer and the floodplain.

The required front setback for R-3 lots is fifty (50) feet. The applicant has provided a site plan indicating the proposed house to be a minimum of fifty (50) feet from the front property line and in compliance with the required ten (10) foot side yard setbacks. Additionally, the applicant has stayed completely out of the required stream buffer and floodplain areas. The applicant states that only a relatively small portion of the proposed house (mostly the garage portion) would be in the minimum yard area, the main part of the house would be about seventy-three (73) feet from the front property line.

Staff notes that houses in the immediate area appear to be staggered in relation to the required fifty (50) front setback line – some are closer than fifty (50) feet, some are at fifty (50) feet, and some are further back than fifty (50) feet. In addition, due to the curving nature of the Mark Trail cul-de-sac, the orientation of neighboring houses does not appear to be in a straight line in relation to each other.

The applicant has provided a copy of an approved variance to allow the house numbered 290 Mark Trail (adjacent property to the north) to be set back thirty-five (35) feet from the front property line where fifty (50) feet is required.

Department Comments

The staff held a Focus Meeting on January 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ There is a water feature in the rear of the property and severe topography in the same area.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	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 has provided a copy of an approved, recorded plat as evidence that the subject property is an official lot of record. The required front setback for R-3 lots is fifty (50) feet. The applicant has provided a site plan indicating the proposed house to be a minimum of fifty (50) feet from the front property line and in compliance with the required ten (10) foot side yard setbacks. Additionally, the applicant has stayed completely out of the required stream buffer and floodplain areas.

The applicant states that only a relatively small portion of the proposed house (mostly the garage portion) would be in the minimum yard area, the main part of the house would be about seventy-three (73) feet from the front property line. The applicant has provided site plans to document the above statement(s).

If the applicant were to construct the proposed house at the required 102 foot minimum building line (where the minimum 100 foot lot width is achieved) the house would be significantly below the grade of the street (about 10 to 12 feet) compared to other neighboring houses. Variances would most likely be necessary, either from the stream buffer or from the stream buffer and the floodplain. The applicant has provided sample photographs and topographical maps to document the above statement(s).

Staff notes that houses in the immediate area appear to be staggered in relation to the required fifty (50) front setback line – some are closer than fifty (50) feet, some are at fifty (50) feet, and some are further back than fifty (50) feet. In addition, due to the curving nature of the Mark Trail cul-de-sac, the orientation of neighboring houses does not appear to be in a straight line in relation to each other.

The applicant has provided a copy of an approved variance to allow the house numbered 290 Mark Trail (adjacent property to the north) to be set back thirty-five (35) feet from the front property line where fifty (50) feet is required.

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 showing the subject property (300 Mark Trail / 17-00870008051) to be irregular in shape, wooded, and sloped from the Mark Trail cul-de-sac towards the rear of the lot where a stream is located. A portion of the rear of the subject property is in the 100 year floodplain. Additionally, the lot is narrow at the front portion and widens towards the back. Due to the slope of the land, if the applicant were to construct the proposed house at the required 102 foot minimum building line (where the minimum 100 foot lot width is achieved) the house would be significantly below the grade of the street (about 10 to 12 feet).

Recommended Condition(s)

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

1. That the proposed house be constructed in accordance with the proposed Site Plan, provided by the applicant dated received December 4, 2007 by the Department of Community Development, showing a fifty (50) foot front building line where a minimum lot width of seventy-two (72) feet is achieved.

ATTACHMENTS: Site plans/topographical maps, photographs, supporting documents, and letter of appeal.



Variance Petition No. V07-091

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Michael Stacio/Miriam Garrett	Michael Stacio/Miriam Garrett	Alan Killebrew

PROPERTY INFORMATION

Address, Land Lot, and District	8710 The 5 th Green Land Lot 80, District 17
Council District	2
Frontage and Area	200 feet of frontage along the west side of The 5 th Green. The subject property has a total area of approximately 1.70 acre.
Existing Zoning and Use	CUP (Community Unit Plan District) under zoning case Z79-049. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-three (33) foot undisturbed buffer.

The variance is to allow for additions to an existing single-family house.

Parcel Map

8710 The 5th Green



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 14, 2008

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

CASE NUMBER: V07-091

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

REQUEST:

The applicant is requesting relief from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-three (33) foot undisturbed buffer. The applicant intends to construct a bedroom addition to an existing single-family house.

ANALYSIS:

The site plan provided by the applicant indicates the existing impervious area to be 4,328 square feet and the proposed impervious area to be 4,690 square feet; the difference being 362 square feet of additional impervious area for the proposed addition. The aforementioned site plan indicates that 676 square feet of land disturbance would be required to construct the proposed addition.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running east to west, along the southern side property line. A topographical map indicates the yard to slope southward, towards the stream located along the southern side property. The existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer.

The applicant states that the need for the variance is reflected on the site plan that was provided as a part of the variance application. The applicant states that the existing house pales in comparison to other marketable homes in the subdivision, and the owners have a sincere need to add an additional bedroom for the family. The applicant states that the design for the proposed addition has abandoned a traditional "ground up" construction for basement and main floor, allowing for greatly reduced disturbance to the site as a whole. The owner is proposing to only add to the 2nd level, eliminating the need for any permanent extrusion or extensive grading into the buffer.

The City Assistant Director of Land Development has determined that the proposed work is compliant with the Chattahoochee Corridor Plan and approved in that regard.

Department Comments

The staff held a Focus Meeting on January 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The site plan shows existing conditions. The lot is also in the river corridor.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	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 that the design for the proposed addition has abandoned a traditional “ground up” construction for basement and main floor, allowing for greatly reduced disturbance to the site as a whole. The owner is proposing to only add to the 2nd level, eliminating the need for any permanent extrusion or extensive grading into the buffer. The applicant states that the existing house pales in comparison to other marketable homes in the subdivision, and the owners have a sincere need to add an additional bedroom for the family. The applicant has provided a site plan to document the above statement(s).

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running east to west, along the southern side property line. A topographical map indicates the yard to slope southward, towards the stream located along the southern side property.

In addition, the existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer. The applicant has provided a site plan to document the above statement(s). The applicant states that the need for the variance is reflected on the site plan provided.

Recommended Condition(s)

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

1. That the proposed addition(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 4, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a thirty-three (33) foot undisturbed natural buffer to accommodate the portion of the proposed encroachment only and showing 676 square feet of total land disturbance associated with the proposed addition.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

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



Variance Petition No. V07-092

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Gustavo Cueto/Katia Castillo	Blue Haven Pools	Michelle Akin

PROPERTY INFORMATION

Address, Land Lot, and District	4570 Windsor Gate Court Land Lots 13 & 41, District 17
Council District	5
Frontage and Area	230 feet of frontage along the south side of Windsor Gate Court. The subject property has a total area of approximately 1.36 acres.
Existing Zoning and Use	R-4 (Single-family Dwelling District) under zoning case Z92-016. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to four (4) feet.

The variance is to allow for the construction of a swimming pool and pool deck.

Parcel Map

4570 Windsor Gate Court



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

CASE NUMBER: V07-092

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

REQUEST:

The applicant is requesting relief from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to four (4) feet. The applicant intends to construct a swimming pool and pool deck.

ANALYSIS:

The applicant previously applied for a City Pool Permit (Pool 2006-00107) and was denied the permit because the proposed pool/deck was located within the seventy-five (75) foot stream buffer. The site plan that was included with the initial pool permit showed the proposed pool located at the southwestern corner of the current house (see Exhibit A1 and A2). The applicant states that the pool, proposed under Pool 2006-00107, encroached further into the stream buffer than the proposed pool under this application (V07-092). Application V07-092 includes a site plan showing the proposed pool/deck in a different location, at the southeast corner of the current house.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running east to west through the approximate center of the property. Photographs indicate the yard to slope from Windsor Gate Court towards the southern back portion of the subject property. The existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer and is located adjacent to the northwestern minimum side yard setback and adjacent to the northern minimum front yard setback.

The applicant states that due to the topographical contour of the subject lot and placement of the home on the lot, there are no other locations on the property to build the pool. The proposed pool location is well above the elevation of the rest of the yard and the fifty (50) foot undisturbed buffer. The applicant states that the proposed pool/deck is desired for personal recreation, beautification, and increased property values. The applicant states that the basement level of the residence is well below the street elevation and screened by landscaping. The proposed pool would not be visible from the front of the residence.

The applicant states that by enclosing the side yard with pool and minimal decking, any water run-off would be captured in basins and release only clear water. Currently, the run-off water is able to contain soil, landscaping, and sod erosion. The applicant states that the proposed pool/deck would encroach only 641 square feet into the twenty-five (25) foot impervious surface setback, and the buffer consists of over approximately 5,500 square feet on the side yard in question.

The City Assistant Director of Land Development states that, due to current drought conditions, Georgia EPD approval is required to fill the proposed pool if it is constructed.

Department Comments

The staff held a Focus Meeting on January 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The pool will be located behind the existing retaining walls. The stream buffer in that area is mostly pasture.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	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 previously applied for a City Pool Permit (Pool 2006-00107) and was denied the permit because the proposed pool/deck was located within the seventy-five (75) foot stream buffer. The site plan that was included with the initial pool permit showed the proposed pool located at the southwestern corner of the current house (see Exhibit A1 and A2). The applicant states that the pool, proposed under Pool 2006-00107, encroached further into the stream buffer than the proposed pool under this application (V07-092). Application V07-092 includes a site plan showing the proposed pool/deck in a different location, at the southeast corner of the current house.

The applicant states that the proposed pool/deck is desired for personal recreation, beautification, and increased property values. The applicant states that the basement level of the residence is well below the street elevation and screened by landscaping. The proposed pool would not be visible from the front of the residence. The applicant has provided photographs to document the above statement(s). The applicant states that by enclosing the side yard with pool and minimal decking, any water run-off would be captured in basins and release only clear water. Currently, the run-off water is able to contain soil, landscaping, and sod erosion. The applicant states that the proposed pool/deck would encroach only 641 square feet into the twenty-five (25) foot impervious surface setback, and the buffer consists of over approximately 5,500 square feet on the side yard in question. The applicant has provided site plans to document the above statement(s).

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running east to west through the approximate center of the property. Photographs indicate the yard to slope from Windsor Gate Court towards the southern back portion of the subject property. In addition, the existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer. The house is located adjacent to the northwestern minimum side yard setback and adjacent to the northern minimum front yard setback.

The applicant states that due to the topographical contour of the subject lot and placement of the home on the lot, there are no other locations on the property to build the pool. The proposed pool location is well above the elevation of the rest of the yard and the fifty (50) foot undisturbed buffer. The applicant has provided site plans to document the above statement(s).

Recommended Condition(s)

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

1. That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 4, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a four (4) foot impervious surface setback to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.

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



Variance Petition No. V07-093

HEARING & MEETING DATES

Design Review Board
January 8, 2008

Board of Zoning Appeals Hearing
February 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
CK City Walk LLC

Petitioner
Shaheen Haque

Representative
Rick Berg

PROPERTY INFORMATION

Address, Land Lot, and District. 227 Sandy Springs Place Ste 332
Land Lot 89, District 17

Council District 3

Frontage and Area 700 feet of frontage along the north side of Hammond Dr. The subject property has a total area of 5.29 acres (257,004 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County 92Z-085, currently developed with a shopping center.

Overlay District Main Street District

Interim 2025 Comprehensive Future Land Use Map Designation Living-Working Community (LWC)

INTENT

The applicant is seeking a primary variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign (perpendicular to the wall to which is attached).

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the January 8, 2008 DRB meeting. The Board endorsed (4-1) this application (V07-093) as submitted without any conditions and/or requirements.

Parcel Map

227 Sandy Springs Place



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 14, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V07-093

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

ANALYSIS:

In early December 2007 the applicant met with the planning and zoning staff to present a proposal to renovate the existing wall sign for Baskin Robbins Ice Cream Shop. A review of the material indicated that the proposed sign did not meet the requirements of the Sandy Springs Zoning Ordinance; therefore, the proposed sign design was discarded. The applicant looked at many options to find something suitable under the current Sign Ordinance. The options considered did not resolve their sign visibility problem. Searching for a solution, the applicant noted a business within the City limits that have confronted similar visibility issues and have chosen to display a projecting sign. The petitioner decided to propose a projecting sign requesting relief from the provisions of the Sandy Springs Zoning Ordinance. They are of the opinion that there is no other alternative that ensures easy and safe identification of the business.

The applicant is seeking relief from Section 33.18.P. of the Sandy Springs Zoning Ordinance to allow for a projecting sign to be attached to a wall on the front of the building. Baskin Robbins Ice Cream Shop has an existing south facing wall sign on Hammond Drive, which runs east and west. The applicant has indicated that the existing wall sign will be removed after the approval of the subject variance application, to ensure compliance with the Sandy Springs Zoning Ordinance. The applicant believes that replacing the existing wall sign with a projecting sign, the business will achieve visibility from east and west bound traffic on Hammond Drive. The applicant states that there are number of challenges in driving sales at the City Walk shopping center, including customer's unfamiliarity with the new center name and dark shop windows, but their biggest obstacle is the lack of adequate signage at their primary entrance. The applicant states that the installation of the proposed sign will give The Basking Robbins shop an opportunity to succeed and to remain in business.

The front building elevation contains a total of 1,172 square feet of wall area. Per Section 26.H.2. *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 58.6 square feet. The applicant is proposing to install a thirty-nine (39) square foot projecting sign. The sign cabinet is internally illuminated featuring two round faces with their brand image.

Department Comments

The staff held a Focus Meeting on January 2, 2008 at which time the following departmental comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, 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's purpose is to present an identification of its premises, communicating to the citizens the location of the Baskin Robbins Ice cream shop. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Recommended Conditions:

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

1. That the projecting sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibits 1 & 2), submitted by the applicant, dated received December 7, 2007 by the Department of Community Development.
2. That the projecting sign shall not exceed thirty-nine (39) square feet of sign area, pursuant to the sign design detail (Exhibit 3), submitted by the applicant, and dated received December 7, 2007 by the Department of Community Development.

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