



Variance Petition No. V06-133

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

January 11, 2007 (Deferred)

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Greg Camia

Petitioner

Jim Winer

Representative

Janice Fung

PROPERTY INFORMATION

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

Council District 6

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

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

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

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

INTENT

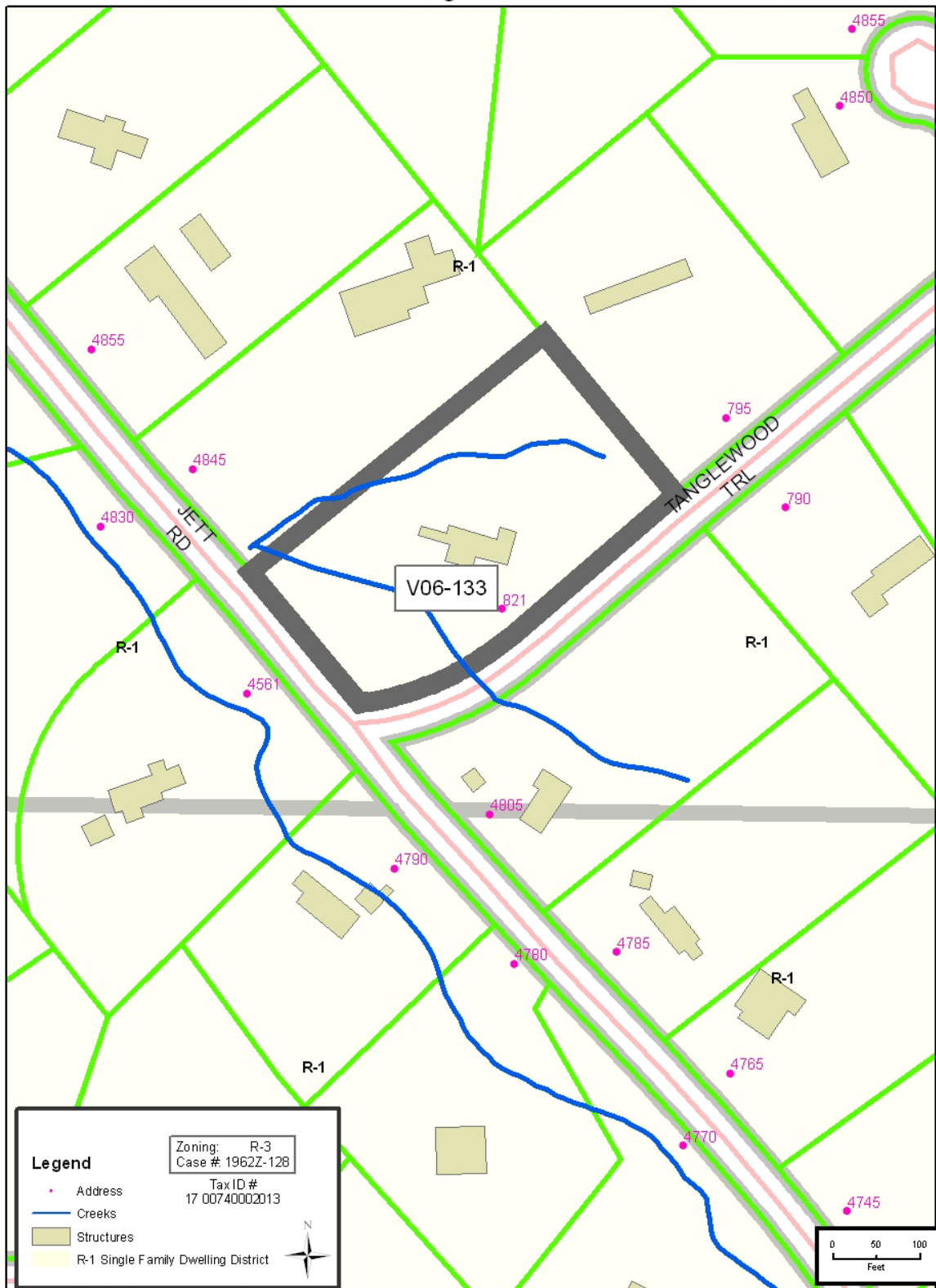
The applicant is seeking a primary variance for relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback of a branching stream to a twenty-five (25) foot undisturbed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

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

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

Parcel Map

821 Tanglewood Trail



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

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

CASE NUMBER: V06-133

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

ANALYSIS:

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

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

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

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

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

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

Department Comments

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

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

Standards for Consideration

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

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

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

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

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

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received February 22, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a twenty-five (25) foot undisturbed buffer for the southern stream branch and to a twenty-five (25) foot undisturbed buffer for the northern stream branch where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

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



Variance Petition No. V06-137

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

February 8, 2007 (Deferred)

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Roberts Kimcliff

Petitioner

Roberts Kimcliff

Representative

Blair Turner

PROPERTY INFORMATION

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

Council District 5

Frontage and Area 110 feet of frontage along the south side of Windsor Parkway. The subject property has a total area of approximately 0.57 acres.

Existing Zoning and Use R-3 (Single-Family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

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

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

INTENT

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

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-137 variance application has been amended to only consider relief from the required stream buffer.

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

Parcel Map

545 Windsor Parkway



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

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

CASE NUMBER: V06-137

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(i) and Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed residence to be set back a minimum of twenty-five (25) feet from the stream bank where seventy-five (75) feet is required.

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

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

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-137 variance application has been amended to only consider relief from the required stream buffer.

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

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The stream is piped across Windsor Parkway and is deeply canalized. Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Conservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V06-137 variance application has been amended to only consider relief from the required stream buffer.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

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

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

The applicant has submitted a site plan/topographical map indicating the subject property as roughly rectangular in shape and having a stream running parallel to the southwestern side property line. When the seventy-five (75) foot stream buffer is applied to the subject property, approximately a ten (10) foot sliver of land that is parallel to the northeastern side property line remains outside the required stream spacing. However, the aforementioned remaining ten (10) foot sliver of land is the required northeastern side yard setback – the lot does not have a buildable area. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received January 24, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a twenty-five (25) foot undisturbed buffer where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

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

ATTACHMENTS: Letter of appeal and site plans



Variance Petition No. V07-003

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Patrick H. Ryan, Jr.	Patrick H. Ryan, Jr.	Patrick H. Ryan, Jr.

PROPERTY INFORMATION

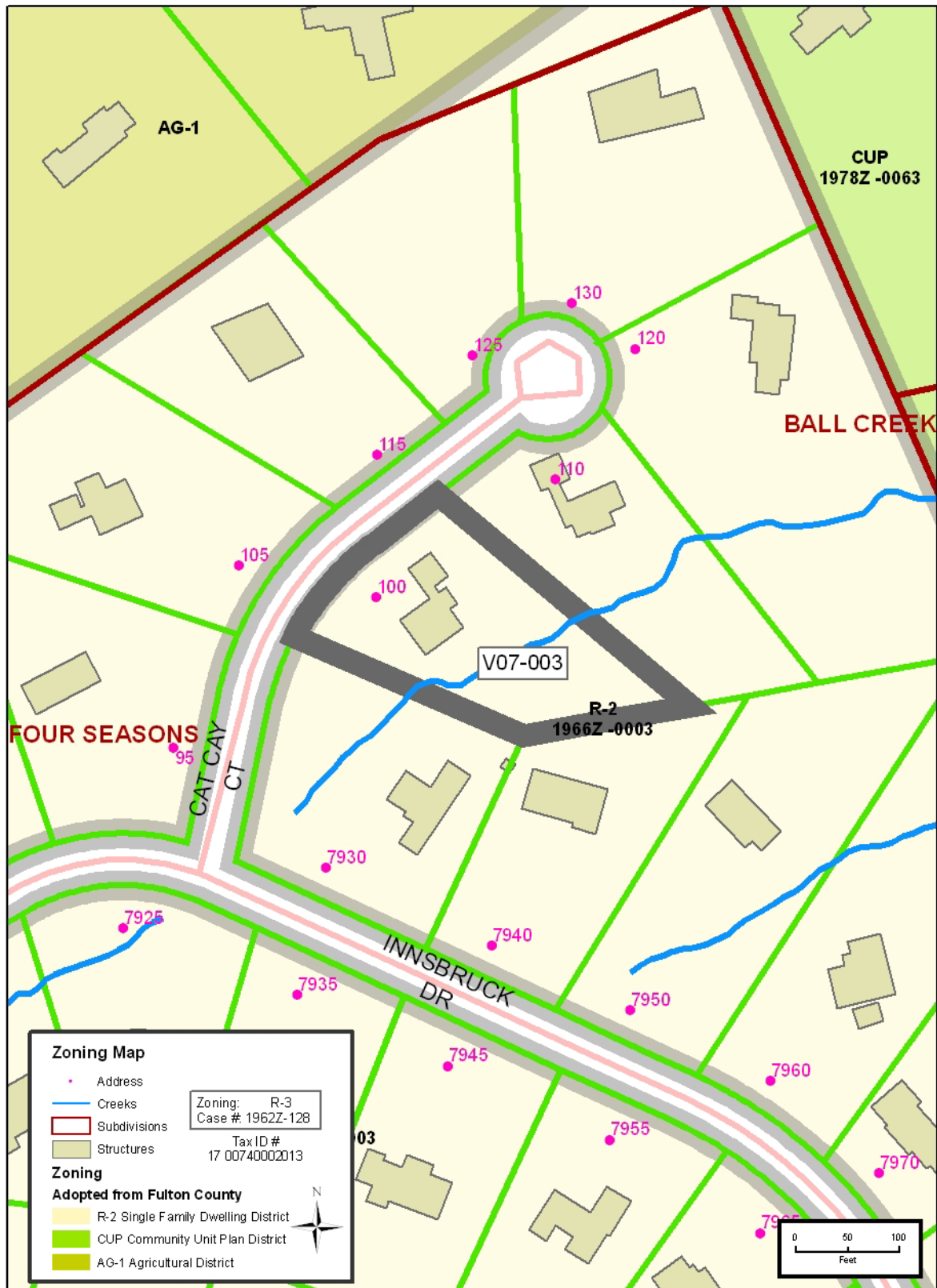
Address, Land Lot, and District	100 Cat Cay Court Land Lot 356, District 6
Council District	1
Frontage and Area	200 feet of frontage along the southeast side of Cat Cay Court. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) under zoning case Z66-003. 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 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to eighteen (18) feet to allow for construction of an underground garage addition to a single-family house.

Parcel Map

100 Cat Cay Court



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

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

CASE NUMBER: V07-003

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to eighteen (18) feet.

The subject property has an irregular shape and a slope from Cat Cay Court to an existing stream. The aforementioned stream runs through the approximate middle of the lot. The current residence is located in front of the stream and within the required seventy-five (75) foot stream buffer. The attached carport of the house shown on the site plan currently encroaches into the required sixty (60) foot front yard setback. The applicant intends to construct a below-grade garage addition to the carport of the existing residence.

The applicant states that in an effort to gain additional parking surface, he obtained a Sandy Springs permit to construct a retaining wall that would provide the opportunity to have an uncovered concrete parking area outside of the stream buffer, between the existing carport and Cat Cay Court. The applicant states further that the permitted retaining wall, including the required safety railing, would be approximately eighteen (18) feet in height. Believing the uncovered parking area, having an eighteen (18) foot retaining wall, to be highly visible and obtrusive to the neighbors, the applicant opted for an alternate parking situation shown as the below-grade garage addition proposed to be located in the same location as the uncovered parking area. The applicant states that the proposed garage addition would have a flat, eight (8) foot concrete roof to be covered with soil generally following the contour of the existing hillside. The proposed underground garage would, for the most part, follow the existing terrain and would be far less visible and obtrusive to the neighbors. Therefore, the proposed garage would be in character with the surrounding area and, compared to the eighteen (18) foot retaining wall option, would provide better aesthetics, safety, and welfare for the neighbors.

Staff notes that the adjacent house to the east, numbered 110 Cat Cay Court, is encroaching approximately forty-five (45) feet into the required sixty (60) foot front yard setback.

Department Comments

The staff held a Focus Meeting on February 7, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing retaining wall and foundations. <u>It is likely that the existing retaining wall and/or its foundation will not be adequate to support the large additional loadings imposed by the dead and live loads introduced by the new concrete roof and soil topping.</u> Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed construction will not impact any Landmark trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that in an effort to gain additional parking surface, he obtained a Sandy Springs permit to construct a retaining wall that would provide the opportunity to have an uncovered, concrete parking area outside of the stream buffer, between the existing carport and Cat Cay Court. The applicant states further that the permitted retaining wall, including the required safety railing, would be approximately eighteen (18) feet in height. Believing the uncovered parking area, having an eighteen (18) foot retaining wall, to be highly visible and obtrusive to the neighbors, the applicant has opted for an alternate parking situation shown as the below-grade garage addition proposed to be located in the same location as the uncovered parking area. The applicant states that the proposed garage addition would have a flat, eight (8) foot concrete roof to be covered with soil generally following the contour of the existing hillside. The proposed underground garage would, for the most part, follow the existing terrain and would be far less visible and obtrusive to the neighbors. Therefore, the proposed garage would be in character with the surrounding area and, compared to the eighteen (18) foot retaining wall option, would provide better aesthetics, safety, and welfare for the neighbors. The applicant has provided site plans and photographs to document the above statements.

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

The subject property has an irregular shape and a slope from Cat Cay Court to an existing stream. The aforementioned stream runs through the approximate middle of the lot. The current residence is located in front of the stream and within the required seventy-five (75) stream buffer. The stream buffer occupies most of the buildable area of the lot. The attached carport of the house shown on the site plan currently encroaches into the required sixty (60) foot front yard setback. The applicant states that in an effort to gain additional parking surface, he obtained a Sandy Springs permit to construct a retaining wall that would provide the opportunity to have an uncovered, concrete parking area between the existing carport and Cat Cay Court, outside of the seventy-five (75) foot stream buffer. The applicant opted for an alternate parking situation shown as the below-grade garage addition proposed to be located in the same location as the uncovered parking area. The applicant has provided site plans and photographs to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received January 2, 2007 by the Department of Community Development, showing the front yard setback reduced to no less than eighteen (18) feet where necessary to accommodate the portion of the encroachment only.
2. That the soil covered garage roof be fully planted with a native ground cover as approved by the City of Sandy Springs Arborist.
3. That the ground cover planted on the garage roof be maintained for as long as the underground garage exists.
4. That any piles of soil and/or debris resulting from construction be eliminated.

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



Variance Petition No. V07-004

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

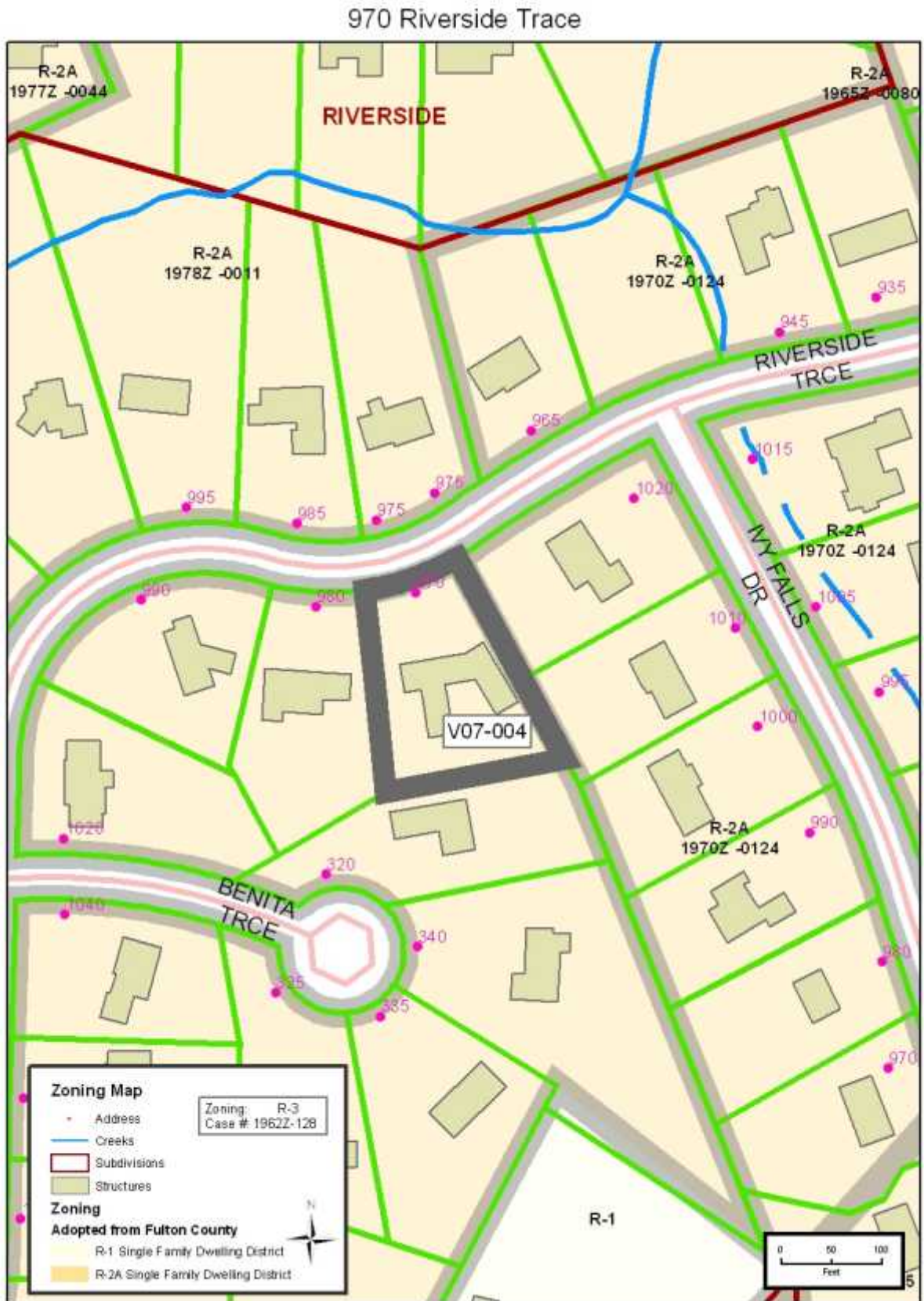
Property Owner	Petitioner	Representative
Stephen and Joan King	Daniel J. Weidmann, CR	Daniel J. Weidmann, CR

PROPERTY INFORMATION

Address, Land Lot, and District	970 Riverside Trace Land Lot 172, District 17
Council District	3
Frontage and Area	98 feet of frontage along the south side of Riverside Trace. The subject property has a total area of approximately 0.65 acres.
Existing Zoning and Use	R-2A (Single-Family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

The applicant is seeking a primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to nine (9) feet to allow for construction of an addition to a single-family house.

Parcel Map



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

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

CASE NUMBER: V07-004

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to nine (9) feet.

The applicant states that in light of physical ability issues, he hired a Certified Aging in Place Specialist to help design a space to fulfill the objective of expanding the master bathroom of the existing house to make it handicap accessible.

The applicant has submitted a site plan indicating the subject property as irregularly shaped. The applicant states that given the lot shape and the layout and placement of the existing residence, there is no room to expand the master bath as planned without encroaching into the required side yard setback. The applicant also states that any bathroom expansion as a part of interior reconfiguration of the existing floor plan would eliminate the functionality of other rooms needed by the owner.

The applicant states that due to the location, orientation, and spacing from the neighbors, the impact on others would be minimal.

Department Comments

The staff held a Focus Meeting on February 7, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/Arborist	▪ The proposed addition would not impact any Landmark trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that due to the location, orientation, and spacing from the neighbors, the impact on others would be minimal. The applicant has provided a site plan, photographs, and an elevation drawing to document the above statement.

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

The applicant states that he hired a Certified Aging in Place Specialist to help design a space to fulfill the objective of expanding the master bathroom of the existing house to make it handicap accessible. The applicant further states that given the lot's irregular shape and the layout and placement of the existing residence, there is no room to expand the master bath as planned without encroaching into the required side yard setback. The applicant also states that any bathroom expansion as a part of interior reconfiguration of the existing floor plan would eliminate the functionality of other rooms needed by the owner. The applicant has provided a site plan, photographs, and an elevation drawing to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received January 2, 2007 by the Department of Community Development, showing the side yard setback reduced to no less than nine (9) feet where necessary to accommodate the portion of the encroachment only.

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



Variance Petition No. V07-006

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Stan Yeatts

Petitioner
Stan Yeatts

Representative
Stan Yeatts

PROPERTY INFORMATION

Address, Land Lot, and District 4701 Powers Ferry Road
Land Lot 119, District 17

Council District 6

Frontage and Area 188 feet of frontage along the east side of Powers Ferry Road and 218 feet of frontage of along the north side Lafayette way. The subject property has a total area of approximately 0.81 acres.

Existing Zoning and Use R-3 (Single-Family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2025 Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

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

Parcel Map

4701 Powers Ferry Road





Variance Petition No. V07-007

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Neil Johnson

Petitioner
Neil Johnson

Representative
Charles Patterson

PROPERTY INFORMATION

Address, Land Lot, and District 4933 Carol Lane
Land Lot 136, District 17

Council District 6

Frontage and Area 231 feet of frontage along the south side of Carol Lane. The subject property has a total area of approximately 1.19 acres.

Existing Zoning and Use R-2 (Single-Family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

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

INTENT

The applicant is seeking a primary variance from Section 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 zero (0) feet.

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V07-007 variance application has been amended to only consider relief from the required impervious surface setback.

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

4933 Carol Lane



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

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

CASE NUMBER: V07-007

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a) (ii) of the Land Development and Environment Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet. The applicant intends to demolish the existing house and construct a single-family residence.

The applicant has submitted a site plan/topography map indicating the subject property to have an irregular shape, sloping topography, and a stream that runs widthwise through the approximate middle of it. The site plan/topography map also indicates an existing residence encroaching approximately twenty-three (23) feet into the twenty-five (25) foot impervious surface setback and an existing four (4) foot wide stone walkway encroaching approximately ten (10) feet into the fifty (50) foot undisturbed natural buffer. The site plan/topography map also shows the proposed house to be bigger than the existing house and located approximately in the same place as the existing house. Of all the proposed construction, the driveway that would service the new house is shown to be encroaching the most and fully into the twenty-five (25) foot impervious surface setback.

The applicant states that due to the existing sixty (60) foot front yard setback requirement, steep topography, stream location, and stand of trees located along the eastern property line, the buildable area of the site is very restricted; therefore, the proposed house's location would be considered the most suitable place.

Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Preservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V07-007 variance application has been amended to only consider relief from the required impervious surface setback.

Department Comments

The staff held a Focus Meeting on February 7, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The existing house is non-conforming in regards to the stream buffer. Due to the fact that no permit has been filed with the City prior to the enactment of the new Tree Conservation Ordinance that would impact what were considered specimen trees under the old Tree Preservation Ordinance, the scope of the V07-007 variance application has been amended to only consider relief from the required stream buffer.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The site plan/topography map provided by the applicant indicates an existing residence encroaching approximately twenty-three (23) feet into the twenty-five (25) foot impervious surface setback and an existing four (4) foot wide stone walkway encroaching approximately ten (10) feet into the fifty (50) foot undisturbed natural buffer. The site plan/topography map also shows the proposed house to be bigger than the existing house and located approximately in the same place as the existing house. Of all the proposed construction, the driveway that would service the new house is shown to be encroaching the most and fully into the twenty-five (25) foot impervious surface

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

setback. The applicant states that due to an existing stand of trees located along the eastern property line, the buildable area of the site is very restricted; therefore, the proposed house's location would be considered the most suitable place. The applicant has provided a site plan/topography map to document the above statements.

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

The subject property has an irregular shape, sloping topography, and a stream that runs widthwise through the approximate middle of it. The applicant states that due to the existing sixty (60) foot front setback requirement, steep topography, and stream location, the buildable area of the site is very restricted; therefore, the proposed house's location would be considered the most suitable place. The site plan/topography map also shows the proposed house to be bigger than the existing house and located approximately in the same place as the existing house. Of all the proposed construction, the driveway that would service the new house is shown to be encroaching the most and fully into the twenty-five (25) foot impervious surface setback. The applicant has provided a site plan/topography map to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2007 by the Department of Community Development, having the twenty-five (25) foot impervious surface setback reduced to no less than zero (0) feet where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal and site plan.



Variance Petition No. V07-002

HEARING & MEETING DATES

Design Review Board Meeting

January 23, 2007 (Deferred)
February 13, 2007 (Conditional
Endorsement)

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Fountainbleau 2006, LLC.

Petitioner

Fountainbleau 2006, LLC.

Representative

Ray S. Smith III

PROPERTY INFORMATION

Address, Land Lot, and District.

5095 Roswell Road (SR 9) and 220 Forrest Hills Drive
Land Lot 93, District 17

Council District

5

Frontage and Area

The subject property has 183.4 feet of frontage along the east side of Roswell Road and 296.3 feet of frontage along the north side of Forrest Hills Drive and a total area of approximately 1.69 acres.

Existing Zoning and Use

A-1 (Apartment Dwelling District) conditional under zoning cases Z60-041 and Z67-015 and is currently developed with an apartment building and a single-family house.

Overlay District

Village District

Interim 2025

Comprehensive Future Land Use Map Designation

R8-12 Residential (8 to 12 units per acre)

INTENT

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

- 1) Variance from Section 12B.4.A to eliminate the requirements for street trees,
- 2) Variance from Section 12B.4.B to reduce the minimum sidewalk width from nine (9) feet to three (3) feet, six (6) inches plus a two (2) foot brick paver strip along Roswell Road and three (3) feet, six (6) inches along Forest Hills Drive, and
- 3) Variance from Section 12B.4.C to reduce the requirements for pedestrian lighting.

The applicant has provided a revised site plan that eliminates the request for relief from the required pedestrian lighting. All variances to allow for the renovation of the existing apartment building and single-family home on the subject property.

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

Parcel Map

5095 Roswell Road



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

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

CASE NUMBER: V07-002

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

ANALYSIS:

The applicant is applying for relief from Section 12B.4.A of the Zoning Ordinance to eliminate the requirement for street trees and from Section 12B.4.B to reduce the minimum sidewalk width from nine (9) feet to three (3) feet six (6) inches plus a two (2) foot brick paver strip along Roswell Road and to three (3) feet six (6) inches along Forest Hills Drive. The applicant has provided a revised site plan that eliminates the request for relief from the required pedestrian lighting. The site is developed with a multi-family building and a single-family house. The applicant plans to renovate the thirty-unit apartment building and associated structures as a part of converting the apartments to for-sale condominiums.

The revised site plan supports the applicant's contention that the lot is relatively small for multifamily use, is irregularly shaped, and is a corner lot adjoining two (2) streets. The applicant also provided photographs and section details showing the subject property as very sloped from both adjoining rights-of-way towards the center of the lot.

The site plan, photographs, and section details were provided to also support the applicant's contention that the area to install the required streetscape improvements is restricted in appropriate space due to the existence of various structures (i.e. guardrails, utility poles, and guy wires), landscape treatments, and large topographic changes.

The applicant also states that he has been in contact with Georgia Department of Transportation (GDOT) regarding the required streetscape standards - GDOT concurs with the applicant's assertion that the area designated to accommodate the streetscape improvements is too restricted to receive the required standards in full as shown in attachment.

On January 13, 2007, the Design Review Board (DRB) recommended deferral of case DRB07-003 for this variance petition, V07-002, due to questions regarding the possibility of installing street trees. Staff notes that 12 street trees are required. The case was re-heard at the February 13, 2007 DRB meeting and the City Arborist was in attendance to speak to the possibility of installing street trees. At the February 13, 2007 DRB meeting, the members of the board recommended an endorsement subject to the following condition(s):

- 1) That a revised site plan be submitted indicating the removal of between one (1) and three (3) Leyland Cypress along Roswell Road to be replaced with trees meeting the approval of Georgia Power and the City of Sandy Springs Arborist.

- 2) That the owner/developer shall ensure that the sign located at the corner of Roswell Road and Forrest Hills Drive be brought into compliance with the requirements of the Zoning Ordinance.

Department Comments

The staff held a Focus Meeting on February 7, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Apt renovations must comply with 2000 IBC with Ga State Amendments, and SFR renovation must comply with 2000 IRC with Ga State Amendments.
	Sandy Springs Landscape Architect/Arborist	▪ This site has many issues with existing power poles, guard rails, and the topo of the site making it difficult to install the overlay district standards per the details. I believe that there can be some workable solution.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	) Sidewalk must conform to COSS standard at a minimum - 5' width (per Federal ADA requirements) w/ a 2' grass strip behind curb) Relocate three (3) utility poles and signage as needed to accommodate sidewalk installation) Driveway curb cuts will be required to combine or conform to COSS standard for median divided entrance at time of LDP) Applicant should be advised that they will be required to dedicate 10.5' of Right of Way from back of curb at time of LDP) Please provide Public Works with a copy of any correspondence with GDOT regarding R/W along this project.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that he is attempting to be in harmony with the Zoning Ordinance by intending to construct sidewalks having widths of three (3) feet, six (6) inches plus a two (2) foot brick paver strip along Roswell Road and three (3) feet, six (6) inches along Forest Hills Drive. Additionally, the applicant has provided a revised site plan that eliminates the request for relief from the required pedestrian lighting and shows the aforementioned sidewalks.

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

The applicant states as a hardship for relief from Sections 12B.4.A and 12B.4.B of the Zoning Ordinance that due to the lot being relatively small for multifamily use, irregularly shaped, very sloped just beyond the rights-of-way, and due to the lot having existing landscaping and structures, relief from the Zoning Ordinance is needed. The applicant has provided a site plan, section details, and photographs as evidence to support the above claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received January 16, 2007 by the Department of Community Development showing the pedestrian lighting as required by Section 12B.4.C of the Zoning Ordinance.
2. That a revised site plan be submitted indicating the removal of between one (1) and three (3) Leyland Cypress along Roswell Road to be replaced by trees meeting the approval of Georgia Power and the City of Sandy Springs Arborist. The revised site plan shall include the pedestrian lighting as required by Section 12B.4.C of the Zoning Ordinance.

3. That the owner/developer shall bring the sign located at the corner of Roswell Road and Forrest Hills Drive into compliance with the requirements of the Zoning Ordinance.

ATTACHMENTS: Site plans, photographs, section details, GDOT email, and letters of appeal.



Variance Petition No. V07-001

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007 (Deferred)

April 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Northridge Square, LLC	Lamar Advertising Co.	Michael Reese

PROPERTY INFORMATION

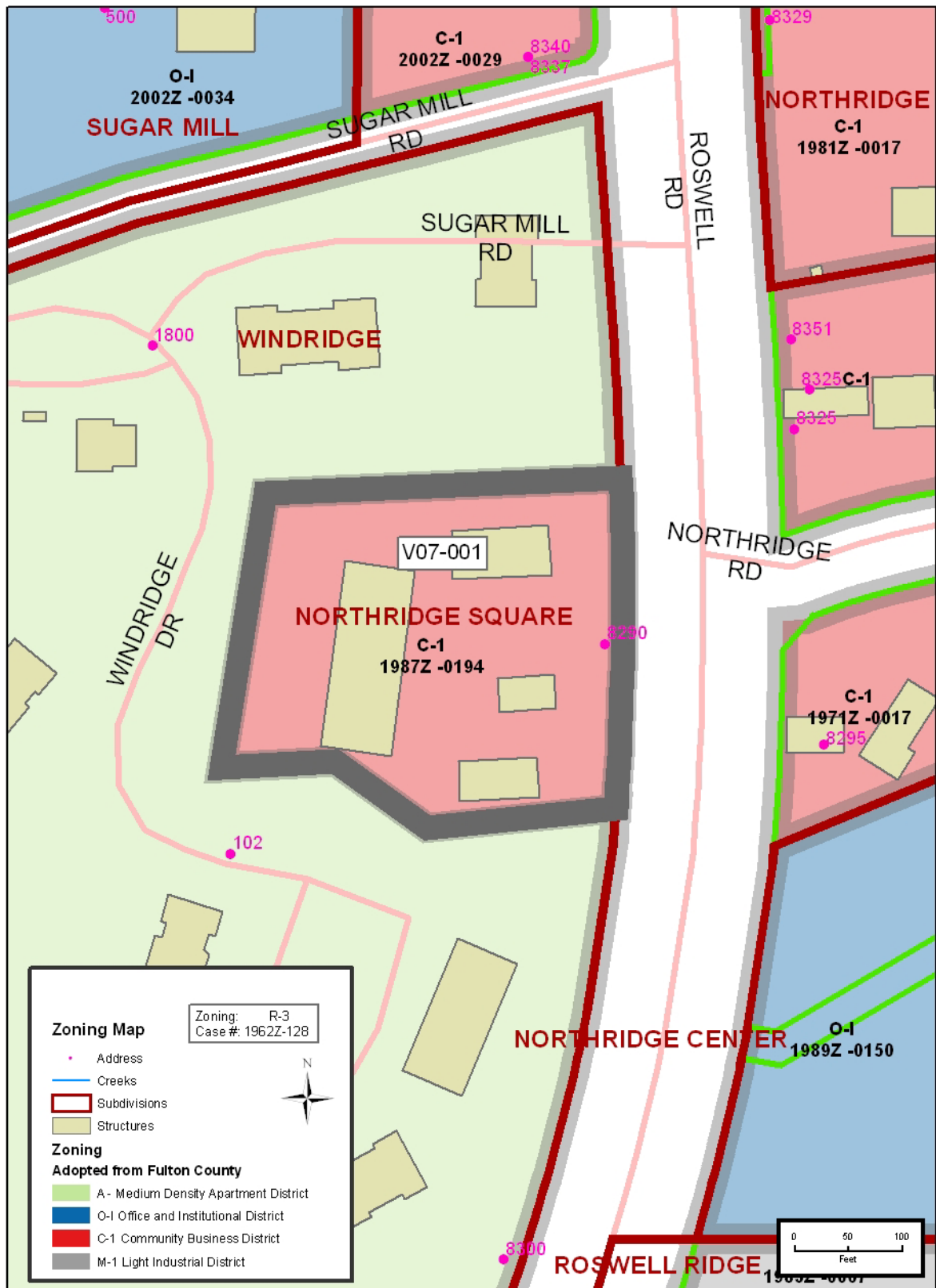
Address, Land Lot, and District	8290 Roswell Road (SR 9) Land Lot 25, District 17
Council District	2
Frontage and Area	317 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of approximately 2.14129 acres
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County Zoning case Z87-0194.
Overlay District	Suburban District
Interim 2025 Comprehensive Future Land Use Map Designation	LWN (Live-Work Neighborhood)
INTENT	

The applicant is seeking a secondary variance: An Appeal to the Department of Community Development Director's interpretation of the Zoning Ordinance regarding structural changes to a nonconforming sign, as made in a letter dated November 29, 2006

At the March 8, 2007 Board of Zoning Appeals (BZA) meeting, application V07-001 was deferred until the April 12, 2007 BZA meeting to allow the applicant and his attorney to have a consultation with the City Attorney. As a result of that meeting the applicant filed for a variance (V07-027), to be heard at the April 12, 2007, hearing.

Parcel Map

8290 Roswell Road



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

CASE NUMBER: V07-001

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

BACKGROUND:

Lamar advertising Co. is the owner of a billboard located at the intersection of Northridge and Roswell Road (SR 9) in Sandy Springs. The sign has been in this location for several years. On October 25, 2006 staff observed that there were men working on the sign using torches to cut existing structural elements. It was observed that the sign, which consisted of a tri-message system, had been removed, and only metal structural elements remained, as shown on the attached pictures. In addition the existing structural braces had been removed and placed on the ground, new elements had been installed, and work was continuing to be performed on the structure, as one worker was cutting pieces of the existing structure with a torch and band saw.

The foreman on site, Mr. Fitzgerald, informed the staff that they had removed existing supports and were installing new supports, to convert the tri-vision panels to an LED display.

The Director's determination indicated that the change to the subject billboard was disallowed based on the provisions of Section 33.7.F and Section 4.3.1.C.3, which prohibit billboards in the C-1 zoning district and prohibit structural alterations to nonconforming uses.

APPEAL:

The applicant indicates the following basis for the appeal of the Director's determination:

1. The applicant indicates that the proposed conversion from tri-vision panels to LED display, will not involve any structural alterations and consequently the mentioned sign will not lose its legal nonconforming status if the conversion is executed.
2. The applicant indicates that to any extent alterations would be necessary, they are expressly allowed under City code.
3. The applicant indicates that the City's action violates state law which, as of July 1, 2006, allows LED signs wherever tri-vision signs are posted.
4. The applicant indicates that to any extent the City code or state law is ambiguous; Georgia law requires that the ambiguity should be resolved in favor of the applicant, as a land user.

BASIS FOR DIRECTOR'S INTERPRETATION/DETERMINATION:

It was determined that the existing sign is nonconforming (grandfathered) based on the fact that its current configuration does not correspond to provisions for signage in Commercial and Industrial Park Districts (Section 33.7.F).

This determination is also supported by Section 4.3.1.C.3, which states that a non conforming use of a structure may be changed to another nonconforming use of the same or more restrictive nature, if not structural alterations are made.

Since the subject sign is a nonconforming sign or structure, both the definition of nonconforming structure and Section 33.6.3.A, *Nonconforming Signs*, of the City of Sandy Springs Zoning Ordinance, apply. The definition of nonconforming structure states that "any change or addition to a ... structure must comply with current provisions of the Zoning Ordinance". Section 33.6.3.A states that "no nonconforming sign shall be enlarged, extended, structurally reconstructed, moved, replaced or altered in any manner including the sign face except for normal maintenance." Based on the definition of nonconforming sign and Section 33.6.3.A, the applicant's proposal to change or alter the sign face is not allowed unless compliance with the provisions of the Zoning Ordinance is achieved.

It is the determination of this office that the conversion of the sign from a tri-vision system to an electronic display would require the structural alteration to the extent that would void its nonconforming, grandfathered status, thereby preventing this office from issuing a permit.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Zoning Appeals to uphold the determinations made by the Director of the Department of Community Development, thereby requiring the applicant to either bring the subject sign into compliance, seek primary variances to maintain the noncompliant sign, or seek a rezoning of the property to possibly make the subject billboard compliant

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



Variance Petition No. V07-008

HEARING & MEETING DATES

Design Review Board

February 27, 2007

Board of Zoning Appeals Hearing

March 8, 2007 (Deferred)

April 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owners

Francis Shillinglaw

Petitioner

Donnie Chapman
Capital Design Group, LLC

Representative

Nathan V. Hendricks, III

PROPERTY INFORMATION

Address, Land Lot,
and District

Ison Road (17 0025 LL042)
Land Lot 25, District 17

Council District

2

Frontage and Area

1,471.98 feet of frontage along the west side of Roswell Road (SR 9) and
1,563.53 feet of frontage along the east side of Ison Road. The subject property
has a total area of 24.028 acres.

Existing Zoning and
Use

CUP (Community Unit Plan District) conditional under RZ06-019, currently
vacant.

Overlay District

Suburban District

Interim 2025

Comprehensive
Future Land Use Map
Designation

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

INTENT

The applicant is seeking three (3) primary variances:

1. Variance from Section 12B.4 of the Zoning Ordinance to allow relief of the Suburban Overlay District streetscape standard requirements along the Ison Road frontage of the subject property.
2. Variance from Section 8.2.4 of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Ison Road frontage of the subject property.
3. Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the Ison Road frontage of the subject property.

All variances for the construction of a single-family development.

At the March 8, 2007 Board of Zoning Appeals (BZA) meeting, application V07-008 was deferred until the April 12, 2007 BZA meeting to allow proper advertising of the variances being requested. Originally, the applicant only requested variance #1 and following staff review it was determined that variances #2 and #3 were required and needed to be advertised.

Parcel Map

Ison Road Tract



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

CASE NUMBER: V07-008

STAFF CONTACT: Patrice S. Ruffin, AICP, Planner II, 770-206-1513
patrice.ruffin@sandyspringsga.org

ANALYSIS:

The site is located on Ison Road, approximately 425 feet north of the intersection with Roswell Road (SR 9). The subject property has 1,471.98 feet of frontage along the west side of Roswell Road (SR 9) and 1,563.53 feet of frontage along the east side of Ison Road. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

The owner/developer received rezoning approval from the Sandy Springs Mayor and City Council on September 5, 2006 for a 48-lot single-family residential subdivision to be developed at a density of 2 units per acre (RZ06-019/CV06-011). The plan includes four estate lots and 44 cluster lots, with a common area at the northeast side of the site. The estate lots will have minimum lot areas of 30,000 square feet, while the cluster lots will have minimum lot areas of 6,900 square feet.

During the rezoning process, neighbors of the Grogan's Bluff subdivision asked the applicant to not provide the required sidewalks along the Ison Road frontage of the development. The applicant will be providing streetscape improvements along the Roswell Road (SR 9) frontage as required. At this time, the owner/developer is requesting a three (3) primary variances as follows:

1. Relief from the Sandy Springs Overlay District streetscape requirements along the Ison Road frontage of the subject property (Section 12B.4, *Streetscape Standards*).
2. Relief from the required sidewalk improvements of the Sandy Springs Subdivision Regulations along the Ison Road frontage of the subject property (Section 8.2.4, *Sidewalks*).
3. Relief from the sidewalk improvements as required by the Sandy Springs Code of Ordinances along the Ison Road frontage of the subject property (Chapter 16, *Streets and Sidewalks*).

The applicant is proposing to continue the streetscape improvements along the Roswell Road (SR 9) frontage of the property immediately to the south of the subject property in lieu of providing the streetscape along the Ison Road frontage of the property.

The variance request was heard by the Design Review Board at the February 27, 2007 meeting. The Board recommended approval of the request as submitted.

DEPARTMENT COMMENTS:

The staff held a Focus Meeting on February 7, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	There are no building requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/Arborist	There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no fire requirements that need to be met
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	Public Works opposes the waiver to sidewalk requirements along the frontage of this development. Accommodating pedestrian traffic is in the best interest of the health, safety, and welfare of the community. The lack of any sidewalks poses a significant safety risk to pedestrians, especially those with disabilities or limited mobility. This development is also within less than a quarter mile of public transportation, via the MARTA stop at the intersection of Ison Road and Roswell Road. A waiver of sidewalk would force pedestrian traffic wishing to use transit, thereby lowering the City's overall roadway congestion, to walk in unsafe conditions. Public Works has no objection to the installation of sidewalks that do not meet the overlay district standards (6 foot sidewalk). However, if the overlay standard is waived, the development would be expected to construct sidewalk to the City's standard detail, which meets the requirements of the American's with Disabilities Act (ADA) (5 foot sidewalk).

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 indicates that continuing the streetscape along the Ison Road frontage of the project would not be in keeping with the general flavor, look and feel of those neighborhoods immediately surrounding the property. Additionally, the applicant contends that the neighbors of the Grogan's Bluff subdivision have specifically requested that these improvements not be continued along Ison Road so that the character of the neighborhood is maintained. The applicant has indicated that the request is in harmony with the general purpose and intent of the Zoning Ordinance and would cause no detriment to the public.

Recommended Condition(s)

Should the Board decide to approve the variance petition, Staff recommends the following condition(s):

1. That the site be developed in accordance with the proposed site plan provided by the applicant dated received February 28, 2007 by the Department of Community Development.
2. The owner/developer shall install streetscape along the Roswell Road (SR 9) frontage of the property immediately to the south of the subject site as shown on the site plan received by the Department of Community Development dated February 28, 2007.

ATTACHMENTS: Revised Letter of appeal dated received February 20, 2007
 Letter of appeal dated received February 28, 2007
 Overall site plan dated received February 28, 2007
 Detailed streetscape plan dated received February 28, 2007



Variance Petition No. V07-010

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Glenlake Apartment Investments, LLC	Glenlake Apartment Investments, LLC	David O. Eldridge

PROPERTY INFORMATION

Address, Land Lot, and District	6901 Glenlake Parkway Land Lots 33 & 34, District 17
Council District	4
Frontage and Area	1,211.92 feet of frontage along the north side of Glenlake Parkway and approximately 1,425 feet of frontage along the east side of Glenridge Drive. The subject property has a total area of 25.4 acres
Existing Zoning and Use	A (Medium Density Apartment District) conditional under Fulton County zoning case Z80-015. The property is currently developed with apartment buildings.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	LWC (Live-Work Community)

INTENT

The applicant is seeking a primary variance from the Zoning Ordinance to allow for a face change of an existing monument sign:

- 1) Variance from Section 33.22.C to reduce an identification monument sign minimum setback from the right-of-way from 10 feet to 0 feet.

Parcel Map

6901 Glenlake Parkway



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

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

CASE NUMBER: V07-010

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

ANALYSIS:

The applicant is seeking relief from Article 33, Section 22 C of the Zoning Ordinance to reduce the required identification monument sign minimum setback from the right-of-way, from ten (10) feet to zero (0) feet to replace the sign faces of an existing monument sign. The applicant indicate in his application a zero (0) feet setback, but the site plans submitted indicate that the existing sign is located at least two (2) feet from the right of way.

The applicant is requesting this variance to maintain an existing sign structure while replacing the sign faces with the new name of the apartment complex. The petitioner filed a sign permit application to change the sign faces of the existing monument sign. A review of the application material indicated that the applicant intended to replace the existing thirty-two (32) square foot sign faces, with faces of equal size as shown on exhibit 1. It was determined that the structure was not compliant based on setback; therefore, a variance is necessary to maintain the existing sign structure and to comply with the zoning ordinance.

The subject sign is an existing monument located at the entrance to Glen Lake Apartments property located at 6901 Glen Lake Parkway. The property is developed with apartment homes on 25.4 acres of land. As per the applicant, the sign has been in existence for over ten (10) years and has posed no problem, nor occasioned any complaints, during such decade of existence. While the sign structure sits approximately on the exact legal right-of-way boundary, is more than 23 feet from the edge of pavement as shown on exhibits 2 & 3. The petitioner also stated in his letter of appeals that the ten (10) foot setback requirement is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walked.

The sign structure is made of concrete and stones, featuring a double sided sign panel with a black background and gold graphics (See exhibit 4).

Staff was not able to find the documents to establish that the previous sign for the Glen Lake Apartments had a Fulton County sign permit.

Department Comments

The staff held a Focus Meeting on February 7, 2007, at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ The sign at its present location of 23' from the face of the curb, complies with the clear zone requirements.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant stated that the existing monument sign is directly located in front of a wrought iron fence and a brick wall as shown on exhibits 4, 5, 6 and 7, all of which have been in existence for several years. Requiring the sign to be further back would create an unnecessary hardship for the owner, in that it would require the demolition of several structures which are already in existence and have been for several years.

The safety and well being of the community are not improved in any way by the removal of this sign. The only effect is to cause a business owner to incur great costs in removing an aesthetically pleasing sign all with no benefit to the community. The existence of the sign in any way harms the public health, safety, and general welfare.

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

Recommended Condition(s)

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

1. That the sign structure shall remain at its current location within the required 10 foot setback from the right-of-way, in accordance with the site plan provided by the applicant, dated received January 30, 2007 by the Department of Community Development.

ATTACHMENTS: Site plan, Photos of existing sign, Letter of appeal dated January 30, 2007.