



Variance Petition No. V10-037

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2010

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Gaylord O. Coan	Gaylord O. Coan	Greg Dean

PROPERTY INFORMATION

Address, Land	5765 Northside Drive
Lot(s), and District	Land Lot 206, District 17
Council District	3
Frontage	Approximately 887.42 feet of frontage on the north side of Northside Drive
Area	The subject property has a total area of approximately 1.997 acres
Existing Zoning and Use	The lot is zoned R-1 (Single-family Dwelling District). The property is currently undeveloped.
Overlay District	N/A

2027

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

The applicant is proposing to construct a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house on a currently undeveloped property. The applicant is requesting five (5) primary variances from the Stream Buffer Protection Ordinance, the Zoning Ordinance, and from the Development Regulations Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house.
- 2) Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence.
- 3) Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house).
- 4) Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio).

- 5) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

At the February 10, 2011 Board of Appeals meeting the Board deferred the application to the March 10, 2011 Board of Appeal meeting to allow the applicant time to discuss alternative designs with staff for the house, pool, pool deck, pool equipment, retaining wall, a studio and a green house to preserve the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback).

The applicant met with staff February 14, 2011 with an alternative design which would not require a variance. The applicant submitted a withdrawal request on February 22, 2011.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-037 - 1) WITHDRAWAL

V10-037 - 2) WITHDRAWAL

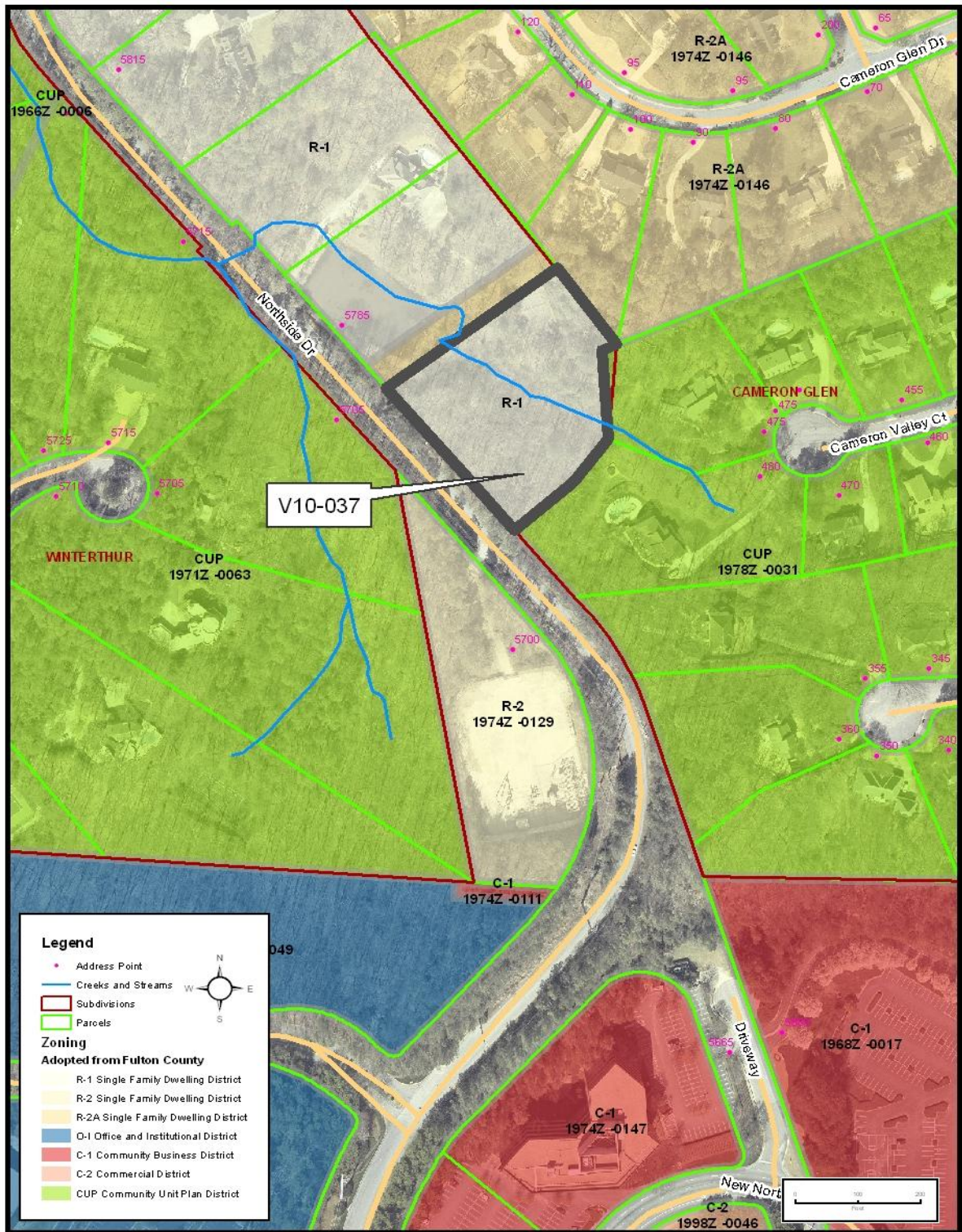
V10-037 - 3) WITHDRAWAL

V10-037 - 4) WITHDRAWAL

V10-037 - 5) WITHDRAWAL

Parcel Map

5765 Northside Drive



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

CASE NUMBER: V10-037

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a.1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool and pool deck, pool equipment, retaining wall, a studio and a green house. The proposed encroachments will only impact the twenty-five (25) foot impervious setback. The applicant is also requesting relief from the following sections of the Zoning Ordinance: Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence; Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow a accessory structure (green house) and Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio); additionally , the applicant is requesting a variance from Section 103-73 of Development Regulations to reduce the required ten (10) foot driveway setback to three (3) feet.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 887.42 feet of frontage on Northside Drive. The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent (exhibit 4) of the lot is unbuildable when the stream buffer and setback requirements are strictly applied. The site plan also shows a twenty (20) foot sanity sewer easement running from the southwest corner of the property for one hundred twenty (120) feet then turning east running parallel to the creek across the site.

Total Site Area	86,989 SF
Existing Impervious Surface	2,070 SF (Tennis Court)
Proposed Encroachment into 25 Foot Impervious Setback	
House and Pool	1,257 SF
Green House	545 SF
Studio	714 SF
Total Impervious Surface	2,516SF

Staff notes the surrounding properties are zoned R-1 (Single Family Dwelling District) and R-2A to the north, CUP (Community Unit Plan District) to the east, CUP (Community Unit Plan District) and R-2 (Single Family Dwelling District) to the South, and CUP (Community Unit Plan District) to the west. The stream also effect portions of adjacent properties.

Standards for Consideration

VARIANCE #1

1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house.

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers cover approximately three-fourths of the buildable area of the lot. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the middle of the site from west to east for approximately two hundred seventy-five (275) feet. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent of the lot is unbuildable when the stream buffer and setback requirements are strictly applied. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream buffers cover approximately three-fourths of the buildable area of the lot. The property does exhibit some topographic challenges relation to the requested variances. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). The proposed house and swimming pool will encroach 1,257 square feet into the 75 foot impervious setback. The proposed studio will encroach 714 square feet and the proposed greenhouse will encroach 545 square feet into the 75 foot impervious setback on the rear of the property. Therefore, staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff regarding this property. However, the applicant is requesting setback variances to decrease the amount of encroachment into the stream buffers. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced for building additions and/or other improvements, downspouts shall be directed into a rain garden or a Best Management Practices (BMP) filtration detention device. 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

VARIANCE #2-5

- 2) Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence.
- 3) Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house).
- 4) Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio).
- 5) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - 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; or,

Finding:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. Adjacent properties have encroachments into the 75 foot buffer (25 foot impervious setback and 50 foot undisturbed buffer). The applicant is requesting setback variances to decrease the amount of encroachment into the stream buffers. Also, the applicant's proposed driveway encroachment will be located on top of a retaining wall. The retaining wall would be permitted within ten (10) feet of the property line without obtaining a variance. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.B - 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; or,

Findings:

Staff is of the opinion that the subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent (exhibit 4) of the lot is unbuildable when the stream buffer and setback requirements are strictly applied an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on December 1, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Significant attempts to minimize encroachments into regulatory setbacks and buffers noted
	Sandy Springs Landscape Architect/ Arborist	How does the applicant plan to get from the house to the studio and greenhouse? <i>There will be a foot path connecting the house to the greenhouse and studio.</i>
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **WITHDRAWAL** of the variance requests. Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **WITHDRAWAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received November 2, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to fifty (50) feet (proposed structure encroachment of forty-seven (47) feet and limits of disturbance of three (3) feet for a total encroachment of fifty (50) feet) to allow single family residence, pool and pool deck, pool equipment, retaining wall, a studio and a green house, where necessary to accommodate the portion of the encroachment only.
- 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 4) Variance from Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 5) Variance from Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house) as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 6) Variance from Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio) as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 7) Variance from Section 103-73 of the Development Regulation to reduce the required ten (10) foot driveway setback to three (3) feet as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.

ATTACHMENTS:

Letter of appeal
Letter of Withdrawal
Site plan (exhibit 1)
Existing Conditions (exhibit 2)
Encroachment Areas (exhibit 3)
Buffers and Setback areas (exhibit 4)
Studio floor plans
Access and Indemnity Agreement
Photographs

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011



Variance Petition No. V10-046

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2011

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Gia Partain	Gia Partain	Kevin Cotter

PROPERTY INFORMATION

Address, Land	55 Old Vermont Place
Lot(s), and District	Land Lot 172, District 17
Council District	3
Frontage	Approximately 55.31 feet of frontage on Old Vermont Place.
Area	The subject property has a total area of approximately 28,767 square feet.
Existing Zoning and Use	The lot is zoned R-2A (Single Family Dwelling District) under Fulton County zoning case Z87-014. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is proposing to construct a pool house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio which will encroach into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting two (2) primary variances from the Stream Buffer Protection Ordinance and the Zoning Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a retaining wall, pool, pool deck, pool equipment, fire place and covered patio.
- 2) Section 6.3.3.D to reduce the required rear setback from forty (40) feet to thirty-seven (37) feet to allow an accessory structure (fire place).

At the February 10, 2011 Board of Appeals meeting the Board deferred the application to the March 10, 2011 Board of Appeal meeting to give staff an opportunity to review the revised

site plans.

The applicant met with staff February 14, 2011 with an alternative design, moving the pool house from ten (10) feet from the property line to seventeen (17) feet and reducing the size of the pool. The applicant also proposed installing fourteen (14) evergreen plantings ten (10) feet on center for privacy. The applicant then submitted a letter asking to withdraw the request for the construction of the pool house on February 21, 2011.

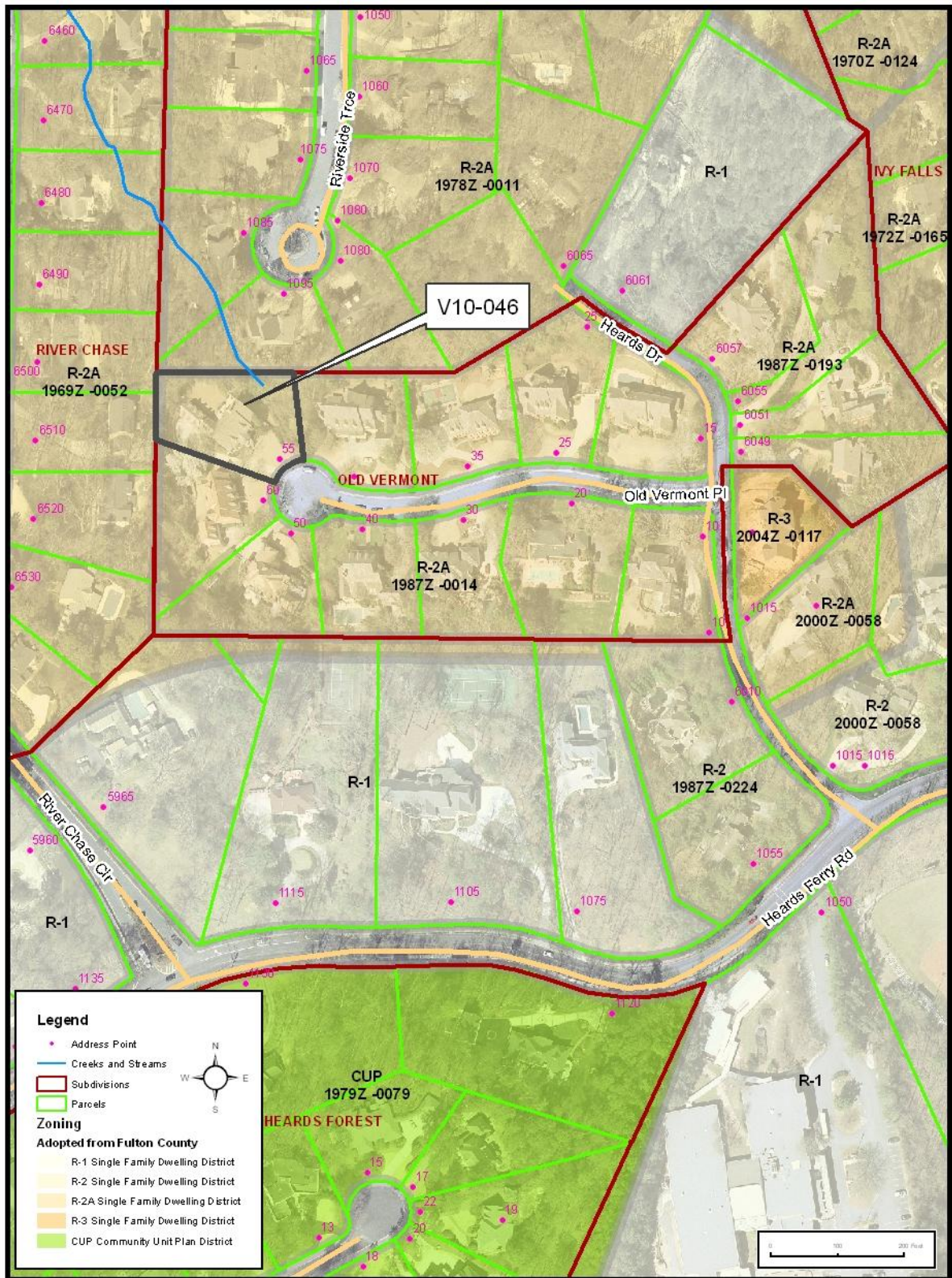
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-046 - 1) APPROVAL CONDITIONAL

V10-046 - 2) APPROVAL CONDITIONAL

Parcel Map

55 Old Vermont Place



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

CASE NUMBER: V10-046

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a retaining wall, pool, pool deck, pool equipment, fire place and covered patio and from Section 6.3.3.D of the Zoning Ordinance to reduce the required rear setback from forty (40) feet to thirty-seven (37) feet to allow an accessory structure (fire place).

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 55.31 feet of frontage on Old Vermont Place. The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream begins at the headwall of an existing detention pond located on the northeast side of the lot. The stream runs approximately fifty (50) feet before exiting on the north property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. There is a twenty (20) foot sanity sewer easement running from the cul-de-sac to the creek. The site plan also shows the existing fire place located on top of an existing retaining wall which encroached into the rear setback three (3) feet and the stream buffer.

The applicant submitted a letter on February 21, 2011 asking that the request for the pool house be withdrawn from the application. The applicant submitted a revised site plan (exhibit 2) reducing the size of the pool from approximately 2,497 square feet to 2,417 square feet and proposed installing fourteen (14) evergreen plantings ten (10) feet on center for privacy.

Total Site Area	28,767 SF
Existing Impervious Surface	8,111 SF
Proposed Impervious Surface	2,723 SF
Total Impervious Surface	10,834 SF

Staff notes the surrounding properties are zoned R-2A (Single Family Dwelling District), the same zoning as the subject property. The creek also bisects portions of adjacent properties. Also, some of the adjacent properties have encroachments in to the 75 foot stream buffer.

Standards for Consideration

VARIANCE #1

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a guest house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio.

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each of these variance criteria followed by an analysis by staff:

Section 109-225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. The majority of the buildable area in the rear, level portion of the property is unbuildable without relief from the buffer requirement. Staff notes if the lot did not have the stream buffers the pool, pool deck, pool equipment and covered porch would be allowed without a variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffers cover approximately one third of the buildable area of the lot in the rear yard. The majority of the buildable area in the rear, level portion of the property is unbuildable without relief from the buffer requirement.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011

Therefore, the pool, pool deck, pool equipment and covered porch would encroach in any remaining buildable location in the rear of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. Staff notes if the lot did not have the stream buffers the pool and pool deck would be allowed without a variance. The property does exhibit some topographic challenges. The size, shape and topography do create a hardship in relation to the requested variances. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). The stream begins at the headwall of an existing detention pond located on the northeast side of the lot. The stream runs approximately fifty (50) feet before exiting on the north property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. There is a twenty (20) foot sanity sewer easement running from the cul-de-sac to the creek.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). The site plan shows the proposed pool, pool deck, fire place and stairs encroaching into the 50 foot stream buffer. The proposed pool house would encroach into the 25 foot impervious setback. The applicant proposed the limits of disturbance at 25 feet.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have been discussed with staff regarding this property. The applicant submitted a letter on February 21, 2011 asking that the request for the pool house be withdrawn from the application. The applicant also reduced the size of the pool from approximately 2,497 square feet to 2,417 square feet and proposed installing fourteen

(14) ten evergreen plantings (10) feet on center for privacy. Therefore, staff is of the opinion this condition has not been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.

VARIANCE #2

Section 6.3.3.D to reduce the required rear setback from forty (40) feet to thirty-seven (37) feet to allow an accessory structure (fire place).

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - 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; or,

Finding:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and could be a detriment to the public. Adjacent properties have rear setback encroachments of pools and sports courts. The fire place is located on top of an existing retaining wall. The retaining wall and the fire place encroach three (3) feet into the setback. The fireplace is not encroaching any further into the side setback than the existing retaining wall. The Zoning Ordinance allows retaining walls to encroach into setbacks. Therefore, staff is of the opinion this condition has not been satisfied for the pool house, but has been satisfied for the fireplace.

Section 22.3.1.B - 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; or,

Findings:

Staff is of the opinion that the subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography and shape. Due to the shape of the property it has two (2) rear setbacks, reducing the buildable area of the lot by twenty-five (25) feet. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. However, the topography and shape of the lot do not create an extraordinary and exceptional condition resulting in a hardship for the owner as it relates to the fireplace, as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is not been satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on January 5, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	- House existed prior to establishment of 50ft stream buffer and 75ft impervious setback. - Applicant should state the area of pool and pool deck and retaining wall encroachment into impervious setback and city and state stream buffers, and the area of proposed land disturbance within the city and state stream buffers. Applicant should indicate the proposed access path for construction traffic. Applicant shall clearly delineate the limits of proposed land disturbance that shall encompass all areas of excavation, stockpiling, machinery access, etc, and, the extent of the requested variance into the stream buffer shall be consistent with the extent of land disturbance encroachment into the buffer. Applicant shall show proposed pool equipment location. Plan should be revised to very clearly show the limits of work and scope of work intended to be included in this variance, and to clearly exclude improvements that are depicted that are not included in the variance application.
	Sandy Springs Landscape Architect/ Arborist	If the BOA recommends approval, the site could be conditioned to replanting the area outside of the hardscape to meet the requirements of the riparian vegetation requirements as approved by the City Arborist.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Traffic Planner requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance(s) request to encroach into the stream buffer. The request was also reviewed relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance(s) requesting a reduction in the rear setback for the fire place only.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) The subject pool, pool deck, pool equipment, retaining walls, stairs, covered patio and fire place shown on the site plan, provided by the applicant dated received February 18, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (pool, pool deck, pool equipment, retaining walls, stairs and fire place) where necessary to accommodate the portion of the stream buffer and impervious setback encroachment only.
- 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 4) To reduce the required forty (40) foot rear setback to thirty-seven (37) feet to allow for an accessory structure (fire place only).

ATTACHMENTS:

Letter of appeal

Revised site plan dated received February 18, 2011(exhibit 2)

Site plan dated received December 7, 2010 (exhibit 1)

Photographs

Letters of Opposition

Letter of Support



Variance Petition No. V11-001

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Ardit Curi and Najco, Inc.	Ardit Curi	Ardit Curi

PROPERTY INFORMATION

Address, Land	8610 & 8612 Roswell Road
Lot(s), and District	Land Lot 363, District 6

Council District	2
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Frontage	220 feet of frontage along the west side Roswell Road.
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Area	The subject property has a total area of approximately 0.6369 acres.
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Existing Zoning and Use	The lot is zoned CUP (Community Unit Plan District) under Fulton County zoning case Z65-0020. The property is currently developed with a Shopping Center.
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Overlay District	Suburban District
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2027

Comprehensive Future Land Use Map Designation	C -Commercial
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INTENT

The applicant is proposing to subdivide the existing Shopping Center property into two (2) parcels so that Sandy Springs Diner will be a separate outparcel. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to three (3) feet on the east side of the property line and zero (0) feet on the west side of the property line.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-001 - 1) APPROVAL CONDITIONAL

8612 Roswell Road (SR 9)



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

CASE NUMBER: V11-001

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to subdivide the property into two (2) parcels. The applicant is requesting one (1) primary variance from the Zoning Ordinance: 1) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to three (3) feet on the east side of the property line and zero (0) feet on the west side of the property line.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 955 feet of frontage along the west side Roswell Road. The property is trapezoidal in shape and has 13.1819 acres. The property slopes from west to east getting steeper towards Roswell Road. The proposed property line will surround the existing Sandy Springs Diner site labeled as Tract "B". Tract "B" is proposed to be .06369 acres and have forty-four (44) parking spaces. The site plan also show proposed tract "A" (Shopping Center) as 12.545 acres. Both proposed parcels would meet the parking requirement.

The surrounding lots in the immediate vicinity are zoned CUP (Community Unit Plan District) to the north and west, C-2 (Commercial District) and C-1(Community Business District) to the east, C-1(Community Business District) and A-L (Apartment Limited Dwelling) to the South and R-2 (Single Family Dwelling District) to the west

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. 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; or,

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the proposed property line will surround the existing Sandy Springs Diner site labeled as Tract "B". There is currently not a buffer or landscape strip along the location of the proposed property line. No additional access will be added along Roswell Road. Additionally, both proposed parcels would meet the parking requirement. Therefore, staff is of the opinion this condition has been satisfied.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011

B. 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; or,

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on February 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Prior to subdivision plat approval, applicant shall provide documentation that either 1) the proposed lot has direct access to public easements or public right-of-way containing sewer and water, or 2) that executed easement agreements with adjacent properties granting access to water and sewer in perpetuity exist for the proposed lot; and that executed access agreements exist that preserve access to the proposed lot through adjacent properties in perpetuity.
	Sandy Springs Landscape Architect/ Arborist	Five foot landscape strip contains insignificant shrubs. If the BOA decides to approve, a condition could be added to install additional trees on site as approved by the Arborist.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received December 30, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required five (5) foot landscape strip to three (3) feet on the east side of the property line and zero (0) feet on the west side of the property line, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Photographs



Variance Petition No. V11-006

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
Chris Galaner

Petitioner
Chris Galaner

Representative
Ron Gudger

PROPERTY INFORMATION

Address, Land 530 Tanacrest Drive
Lot(s), and District Land Lot 131, District 17

Council District 6

Frontage 99.20 feet of frontage along the east side of Tanacrest Drive.

Area The subject property has a total area of approximately 1.6529 acres.

Existing Zoning and Use The lot is zoned R-3 (Single-family Dwelling District) under Fulton County zoning case Z63-0045. The property is currently developed with a residence.

Overlay District N/A

2027

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

INTENT

The applicant is proposing to construct a deck and stairs in the flood plain. The applicant is requesting two (2) primary variances from the Floodplain Management Ordinance:

- 1) Primary variance from Section 109-113.1 of the Floodplain Management Ordinance to allow new construction within the limits of the future-conditions floodplain.
- 2) Primary variance from Section 109-114.a.1 of the Floodplain Management Ordinance to allow new construction within the limits of the future-conditions floodplain.

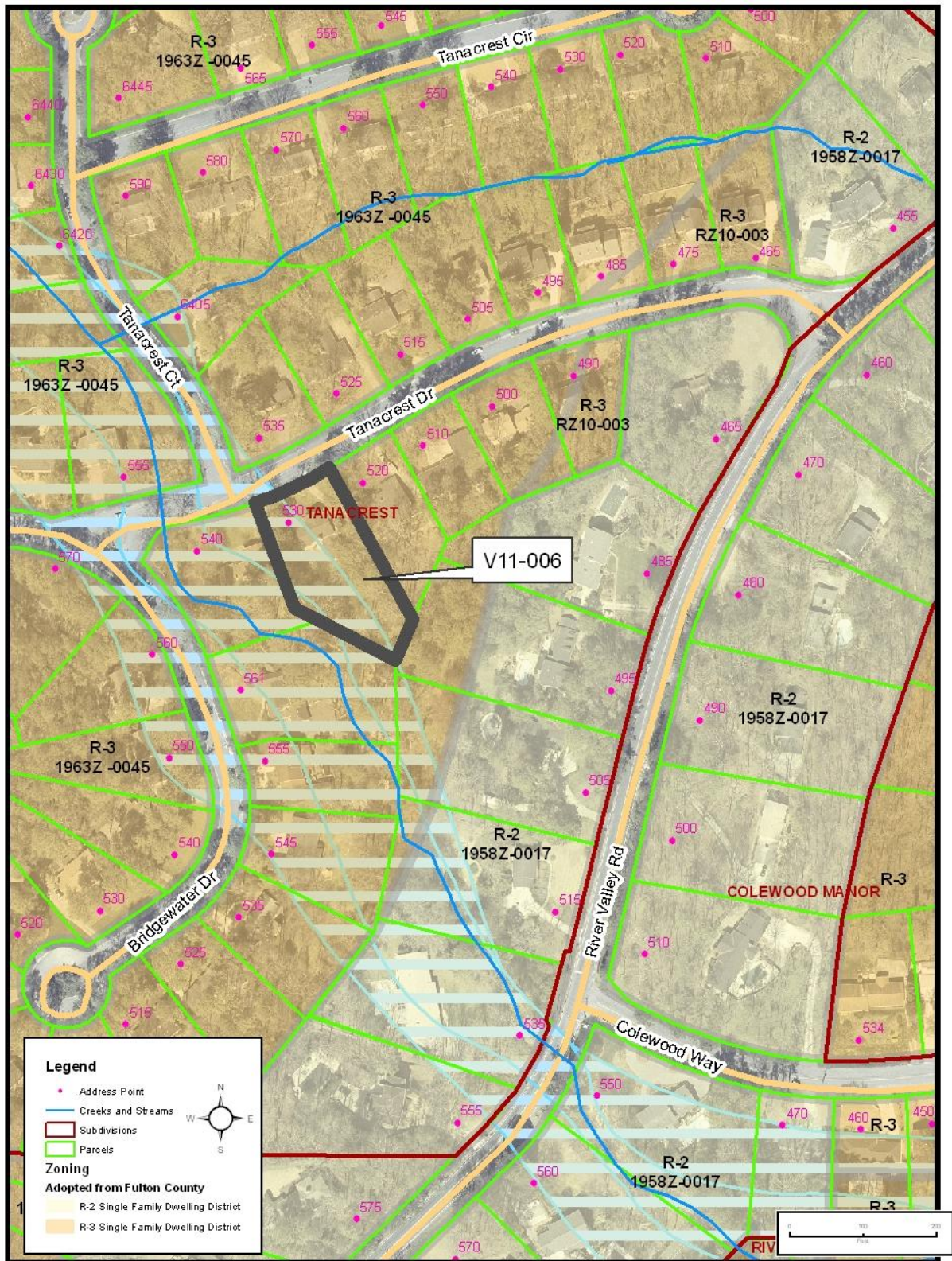
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-006 - 1) APPROVAL CONDITIONAL

V11-006 - 2) APPROVAL CONDITIONAL

Parcel Map

530 Tanacrest Drive



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

CASE NUMBER: V11-006

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from the Floodplain Management Ordinance to construct a deck and stairs in the flood plain. The applicant is requesting two (2) primary variances from the Floodplain Management Ordinance from Section 109-113.1 and Section 109-114.a.1 of the Floodplain Management Ordinance to allow new construction within the limits of the future-conditions floodplain.

The applicant has submitted a site plan (Exhibit 1) indicating the subject property to have 99.20 feet of frontage along the east side of Tanacrest Drive. The proposed 360 square foot deck and stairs encroach eighteen (18) feet into the flood plain, but 8.4 feet above the flood plain. The site plan shows a portion of the existing house and the proposed deck and stairs encroaching into the 100 year flood plain. The stream is located south of the subject property. The site plan also show the property to have a sanitary sewer and drainage easement running across the rear portion of the lot. There is also a sanitary sewer easement along the western property line.

The existing home is at an elevation of 902.6 feet. The City flood maps indicate the existing and future-conditions base flood elevation on the property is at an elevation of 903.6. The proposed deck will be elevation of 911feet. The applicant will be required at the time of building permit to construct the deck and stairs in a manner which does not alter the existing flood plain encroachment and that the land disturbance associated with the proposed addition will not involve placement of fill within the floodplain; otherwise, the applicant will need to demonstrate that the proposed deck and stairs can occur in compliance with the Floodplain Management Ordinance.

The surrounding lots in the immediate vicinity are zoned R-3 (Single Family Dwelling District) to the north, east and west; R-2 (Single Family Dwelling District) to the south. Other properties in the immediate vicinity have structures currently located in the flood plain.

Standards for Consideration

Floodplain Management Ordinance

Section 109.56 of the Sandy Springs Floodplain Management Ordinance provides the following:

Sec. 109-56. Appeals and variances.

(g) Conditions for variances:

(1) A variance is issued only when there is:

a. A finding of good and sufficient cause;

Finding:

The exiting house was constructed prior to the completion of the City Flood Zone Maps (December 2009) the majority of the buildable area is located in the 100 year flood plain (exhibit 1). The City flood maps indicate the existing and future-conditions base flood elevation on the property is at elevation 903.6 feet. The existing house is currently located at an elevation of 902.4 feet. The proposed deck would be located 8.4 feet above the flood elevation. The staff is of the opinion that there is a good and sufficient cause for a variance.

b. A determination that failure to grant the variance would result in exceptional hardship;

Finding:

The flood plain covers half of the buildable area of the lot. Due to the narrow and confining shape of the lot which dictates that a deck not be on the side. Without a variance the applicant could not make any changes to the rear of the existing house and have full enjoyment of the property. The staff is of the opinion that failure to grant the variance would result in exceptional hardship.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud on or victimization of the public.

Finding:

Provided the area below the proposed deck remains unenclosed, and provided deck supports outside of the existing house footprint shall consist only of posts or columns, staff is of the opinion that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, or cause fraud on or victimization of the public.

Department Comments

The staff held a Focus Meeting on February 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ If approved, include condition that area below new deck shall not be enclosed.
	Sandy Springs Landscape Architect/ Arborist	▪ Refer to City Engineer comments.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire Department requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-113.1 of the Floodplain Management Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) The subject deck and stairs shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the variance herein, showing a subject deck and stairs located in the flood plain, where necessary to accommodate the portion of the encroachment only.
- 2) The area below the new deck shall not be enclosed.

ATTACHMENTS:

Letter of appeal
Site plans (exhibit 1)
Letter of Support
Photographs



Variance Petition No. V11-002

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dunwoody Country Club, Inc.	Old Cobblestone Homeowners Association	Bill Grant

PROPERTY INFORMATION

Address, Land Lot(s), and District	1600 Dunwoody Club Drive Land Lots 339, 341, 342, 351, and 352, District 6
Council District	1
Frontage	Approximately 4,500 feet of frontage on the north side of Dunwoody Club Drive, 1,325 feet of frontage on the east side of Jett Ferry Road, and 1,425 feet of frontage on the west side of Ball Mill Road.
Area	The subject property has a total area of approximately 200.7 acres.
Existing Zoning and Use	The lot is zoned AG-1 (Agricultural District). The property is currently developed with a country club.
2027 Comprehensive Future Land Use Map Designation	PR (Private Recreational)

INTENT

The Old Cobblestone Homeowners Association has filed a Secondary Variance to appeal the Director of Community Development's issuance of an administrative permit for the driving range net at Dunwoody Country Club.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-002 - 1) AFFIRM DIRECTOR'S DECISION

Parcel Map

1600 Dunwoody Club Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011

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

CASE NUMBER: V11-002

STAFF CONTACT: Patrice Ruffin, Assistant Director of Planning and
Zoning, 770-206-1513
E-mail: patrice.ruffin@sandyspringsga.org

Findings of Fact

This petition involves the Dunwoody Country Club property located at 1600 Dunwoody Club Drive. The subject property is zoned AG-1 (Agricultural District).

On November 16, 2010, the Sandy Springs Mayor and City Council adopted an amendment to Article 19, Administrative Permits and Use Permits, of the Zoning Ordinance which included the addition of language to the golf course and other recreational type administrative permits that would allow for departmental review of the need for netting heights that exceed the district maximum. The adopted language is as follows:

19.3.5. GOLF COURSE.

B. Standards:

7. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

Subsequent to the adoption of this amendment, the Dunwoody Country Club filed an administrative permit application to allow for a driving range net at a height of one hundred (100) feet, exceeding the maximum forty (40) foot height permitted in the AG-1 (Agricultural District) zoning classification. The administrative permit was approved by the Director of Community Development on December 3, 2010 (Exhibit 1).

The applicant is requesting a Secondary Variance to appeal the Director of Community Development's issuance of an administrative permit for the driving range net at Dunwoody Country Club.

Basis for Issuance of the Administrative Permit by the Director

The December 3, 2010 letter of approval for the administrative permit from the Director of Community Development indicated the following:

The Netting Height Requirements report submitted as a part of the administrative permit application highlights the fact that the driving range has been placed at an elevation higher than that of the fairway. As shown on the Estimated Average Ball Trajectory charts

that are part of the report, when taking into account all of the possible tee locations, the elevation of the tee line, and the location of the fairway, the safety hazard related to golfers and grounds crew below is apparent. In addition to the report submitted as a part of the administrative permit application, staff of the Department of Community Development has completed a site visit to the golf course (see attached photographs).

Based on the documentation provided as a part of the application package and the confirmation through the site visit to the property, it has been determined that the one hundred (100) foot height of the net is necessary to ensure that balls from the driving range do not have the potential to hit any golfers or grounds crew. Therefore, relief from the forty (40) foot minimum height requirement of the underlying AG-1 (Agricultural District) zoning classification would be in harmony with the general purpose and intent of the Zoning Ordinance which is to protect the public health, safety, and welfare.

Appeal

The Old Cobblestone Homeowners Association indicates the following basis for the appeal to the Director's issuance of the administrative permit in a letter dated received December 29, 2010 (Exhibit 2):

1. The presence of the 100-foot high net (versus the previously hidden 65-foot high one) has dramatically affected the livability of the homes and home sites and has substantially diminished values of those sites.
2. The club has a solution, but they don't want to take it as it will displease their members:
 - Low compression balls would solve the problem. They were tried at the club, but the long ball hitters complained.
 - The elimination of the use of woods on the range, making the driving range "irons only", would solve the problem.
 - With the advent of urbanization and improved technology in golf clubs and balls, other clubs have been forced to use these measures. Some of these clubs are in Atlanta.
 - A driving range is all about swing and consistency. Both can be accomplished with either alternative.

In the December 29, 2010 letter, the Old Cobblestone Homeowners Association indicates that their request is to require the net height to be reduced to sixty-five (65) feet.

Conclusion and Requested Action

Pursuant to Section 22.13.11 of the Sandy Springs Zoning Ordinance, the Board is permitted to take the following actions as it relates to this appeal:

- 22.13.11. BOA DECISION ON SECONDARY VARIANCES/INTERPRETATIONS. The BOA may take the following actions pursuant to a secondary variance and/or an interpretation appeal:
- A. Affirm an order, requirement, or decision, wholly or partly;
 - B. Reverse an order, requirement, or decision, wholly or partly;
 - C. Clarify an order, requirement, or decision, wholly or partly, by presenting an interpretation of the text in the form of a statement of clarification.

Such statement shall not contain substitute language, but shall rely upon language and definitions contained in the Zoning Ordinance, and definitions contained in the most current edition of the Merriam-Webster Collegiate Dictionary.

At this time, staff respectfully requests the Board of Appeals to **AFFIRM** the issuance of the administrative permit by the Director of Community Development for the driving range net at the Dunwoody Country Club.

Attachments

- Copy of Administrative Permit issued December 3, 2010
- Letter of Appeal from Old Cobblestone Homeowners Association dated received December 29, 2010



Variance Petition No. V11-003

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Douglas & Marge Diamond	Douglas & Marge Diamond	Douglas & Marge Diamond

PROPERTY INFORMATION

Address, Land Lot(s), and District	5720 Lake Island Drive Land Lot 133, District 17th
Council District	6
Frontage	Approximately 141.95 feet of frontage on the west side of Lake Island Drive
Area	The subject property has a total area of approximately 1.021 acres
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District). The property is currently developed with a single family resident.
Overlay District	N/A

2027

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

The applicant is proposing to construct a seventy-one (71) square foot second story addition, deck and extend the existing driveway. The applicant is requesting two (2) primary variances from the Stream Buffer Protection Ordinance, the Zoning Ordinance, and from the Development Regulations Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) to allow for the construction of a second story addition and deck.
- 2) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

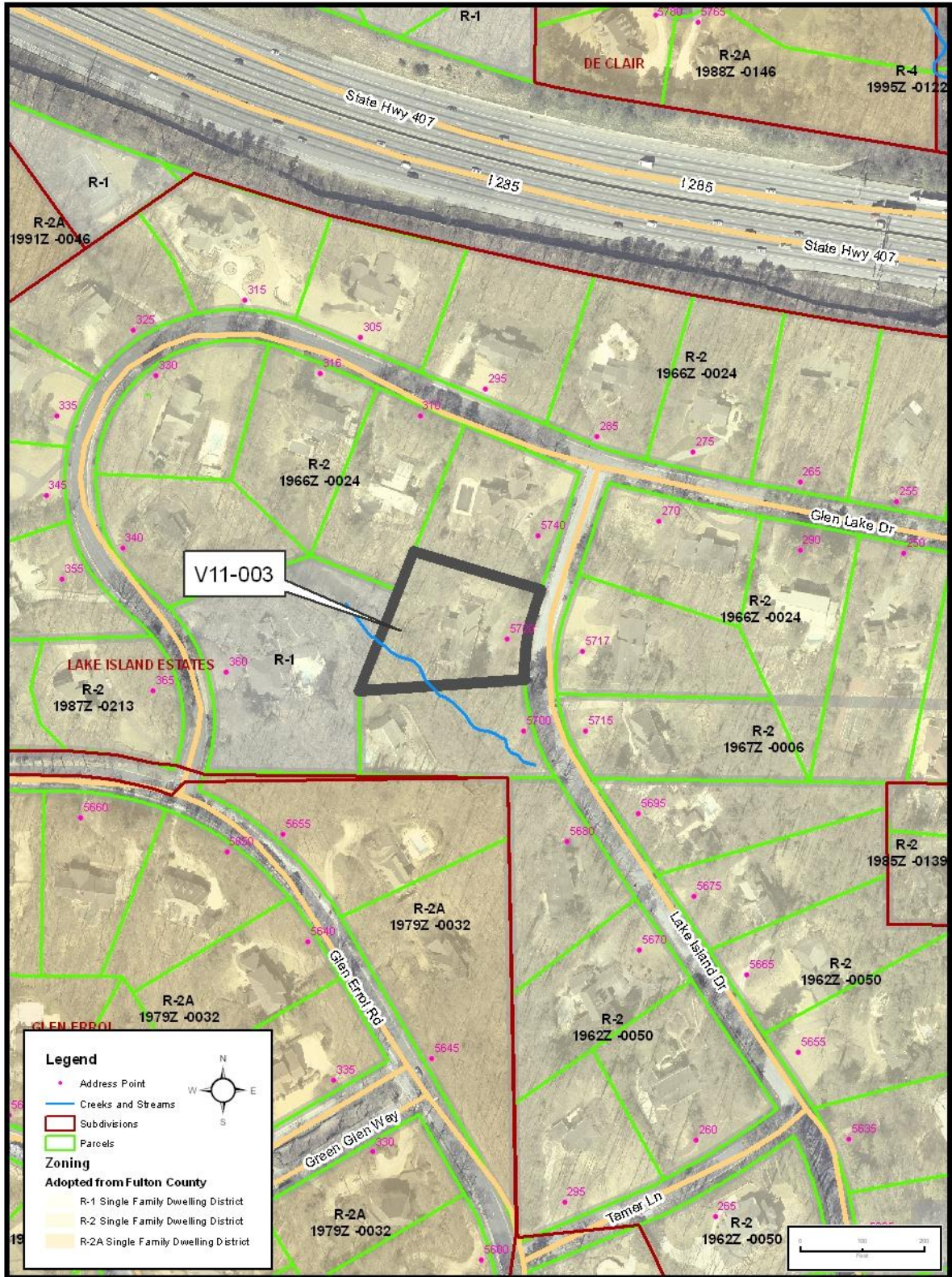
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-003- 1) APPROVAL CONDITIONAL

V11-003- 2) APPROVAL CONDITIONAL

Parcel Map

5720 Lake Island Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011.

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

CASE NUMBER: V11-003

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a.1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) to allow for the construction of a seventy-one (71) square foot second story addition and deck. Additionally, a variance is being requested from Section 103-73 of Development Regulations to reduce the required ten (10) foot driveway setback to three (3) feet.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 141.95 feet of frontage on the west side of Lake Island Drive. The property is trapezoidal in shape. The lot slopes from north to south towards the stream. The stream runs through the southwest corner of the property for approximately one hundred forty-six (146) feet flowing south. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot. The site plan also shows a twenty (20) foot sanity sewer easement running from through the southwest corner of the property for one hundred seventy-five (175) feet.

Staff notes the surrounding properties are zoned R-2 (Single Family Dwelling District) to the north, east, south and west. The property to the west is zoned R-1 (Single Family Dwelling District). The stream also effect portions of adjacent properties.

Standards for Consideration

VARIANCE #1

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) to allow for a seventy-one (71) square foot second story addition and deck.

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011.

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers cover approximately fifty (50) percent of the buildable area of the lot. The lot slopes from the north to the south. The stream runs through the southwest corner of the property for approximately one hundred forty-six (146) feet flowing south. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffers cover approximately fifty (50) percent of the buildable area of the lot. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape. The lot slopes from the north to the south. The stream runs through the southwest corner of the property for approximately one hundred forty-six (146) feet flowing south. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot. The site plan also shows a twenty (20) foot sanitary sewer easement running from through the southwest corner of the property for one hundred seventy-five (175) feet. The property does exhibit some topographic challenges relation to the requested variances. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). The stream runs through the southwest corner of the property for

approximately one hundred forty-six (146) feet flowing south. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). The proposed second story addition would encroach twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) The second story addition and deck would be constructed over an existing concrete patio. Therefore, staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff regarding this property. However, the applicants proposed location to expand the master bedroom is the least intrusive into the stream buffer. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. Half of the existing house is currently encroaching in the stream buffer and the second story addition and deck would be constructed over an existing concrete patio. There would be minor land disturbance.

VARIANCE #2

- 1) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - 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; or,

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011.

Finding:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. The proposed driveway appears to meet the regulations of the Tree Conservation Ordinance. Also, the applicant's proposed driveway encroachment will be located next to a retaining wall. The retaining wall would be permitted within ten (10) feet of the property line without obtaining a variance. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.B - 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; or,

Findings:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on February 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Prior to issuance of permit, where excavation onto adjacent lot is necessary to either install wall or create stable cut slope during installation, applicant shall submit an executed construction easement allowing encroachment onto adjacent lot. Prior to issuance of permit, if any element of the proposed wall encroaches into adjacent lot, applicant shall submit an executed permanent easement agreement allowing wall to extend across the property line.
	Sandy Springs Landscape Architect/ Arborist	If the Board decides to approve the variance a condition could be added to direct the runoff into a ground gutter to dissipate the energy.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests. Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 3, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) to allow for a seventy-one (71) square foot second story addition and deck, where necessary to accommodate the portion of the encroachment only.
- 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 4) Variance from Section 103-73 of the Development Regulation to reduce the required ten (10) foot driveway setback to three (3) feet as shown on the site plan provided by the applicant dated received January 3, 2011 by the Department of Community Development.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Letters of Support
Photographs



Variance Petition No. V11-004

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Raj Pandya

Petitioner

Raj Pandya

Representative

Woody Vaughan

PROPERTY INFORMATION

Address, Land Lot(s), and District 5720 Riley Terrace Road
Land Lot 166, District 17

Council District 6

Frontage Approximately 79.32 feet of frontage on the north side Riley Terrace Road.

Area The subject property has a total area of approximately 0.60 acres.

Existing Zoning and Use The lot is zoned R-2A (Single Family Dwelling District) under Fulton County zoning case Z87-0106. The property is currently developed with a residence.

Overlay District N/A

2027

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

INTENT

The applicant is proposing to enclose an existing deck to create an addition, which will encroach into the required forty (40) foot rear yard setback. The existing deck is attached to the back of the house. The applicant is requesting one (1) primary variance:

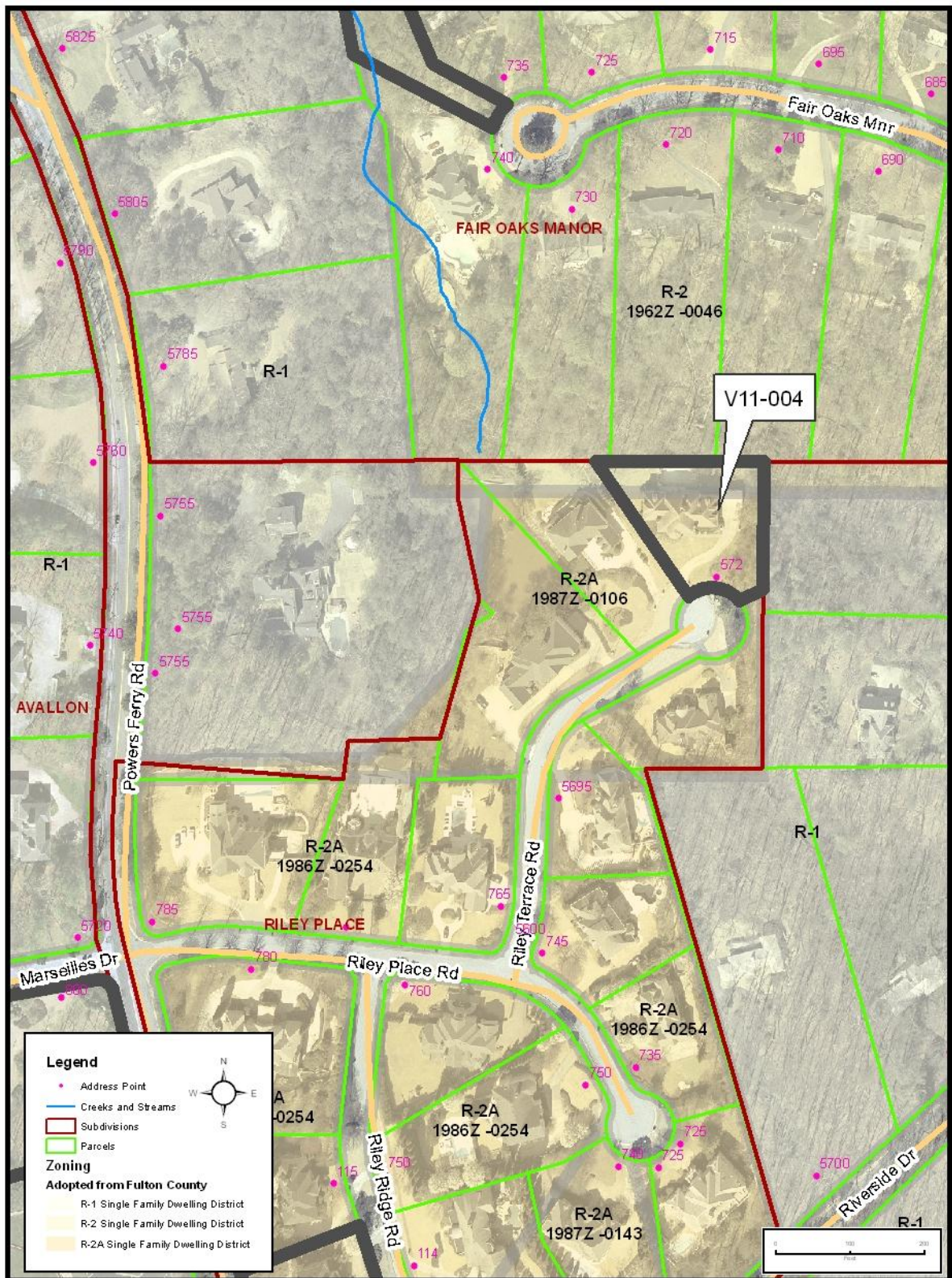
- 1) Variance from Section 6.2.3.D. of the Zoning Ordinance to reduce the required forty (40) foot rear setback to thirty two (32) feet to allow for the enclosure of an existing deck.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-004- 1) APPROVAL CONDITIONAL

Parcel Map

5720 Riley Terrace Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 10, 2011

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

CASE NUMBER: V11-004

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to enclose an existing deck to create an addition. The existing deck is attached to the back of the house. The proposed addition will encroach on the required forty (40) foot rear yard setback. The applicant is requesting one (1) primary variance from Section 6.2.3.D. of the Zoning Ordinance; to reduce required forty (40) foot rear yard setback to a thirty-two (32) feet to allow an addition.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 79.32 feet of frontage on the north side Riley Terrace Road. The property is trapezoidal in shape. The site slopes from north to the south towards the cul-de-sac. The site plan shows the existing deck encroaching into the rear setback.

Staff notes the decks, patios, covered and uncovered porches attached to the main dwelling may extend no more than ten (10) feet into a minimum front or rear yard. The proposed addition would be approximately three hundred thirty (330) feet from the closest structure on the property to the rear.

The surrounding lots in the immediate vicinity are zoned R-2(Single Family Dwelling District) to the north; R-1 (Single Family Dwelling District) to the east; R-2A (Single Family Dwelling District) to the south and west. Other properties in the vicinity appear to have encroachments into side and rear setbacks.

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. 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; or,

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent properties have encroachments into the rear yard setback. The proposed addition will be replacing an existing deck which

currently encroaches into the rear setback. Additionally, the proposed addition would be approximately three hundred thirty (330) feet from the closest structure on the property to the rear. Therefore, staff is of the opinion this condition has been satisfied.

B. 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; or,

Finding:

The subject parcel is similar to other residential properties in the City. The property is trapezoidal in shape. The site slopes from north to the south towards the cal-de-sac. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on February 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Arborist 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 addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance (s) request.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required forty (40) foot minimum rear yard setback to thirty-two (32) feet to allow an addition (enclosed deck), where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Photographs.



Variance Petition No. V11-005

HEARING & MEETING DATES

Board of Appeals Hearing

March 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Julian LeCraw Jr.	Julian LeCraw Jr.	Carl Westmoreland

PROPERTY INFORMATION

Address, Land Lot(s), and District	12 Powers Chase Circle and 5350 Powers Ferry Road Land Lot 164, District 17
Council District	6
Frontage	Approximately 427.41 feet of frontage on Powers Chase Circle and approximately 594.67 feet of frontage on Powers Ferry Road
Area	The subject property has a total area of approximately 3.88 acre.
Existing Zoning and Use	The lot is zoned R-2 (Single Family Dwelling District) under Fulton County zoning case Z01-0134 and R2A (Single Family Dwelling District) under Fulton County zoning case Z84-0169. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

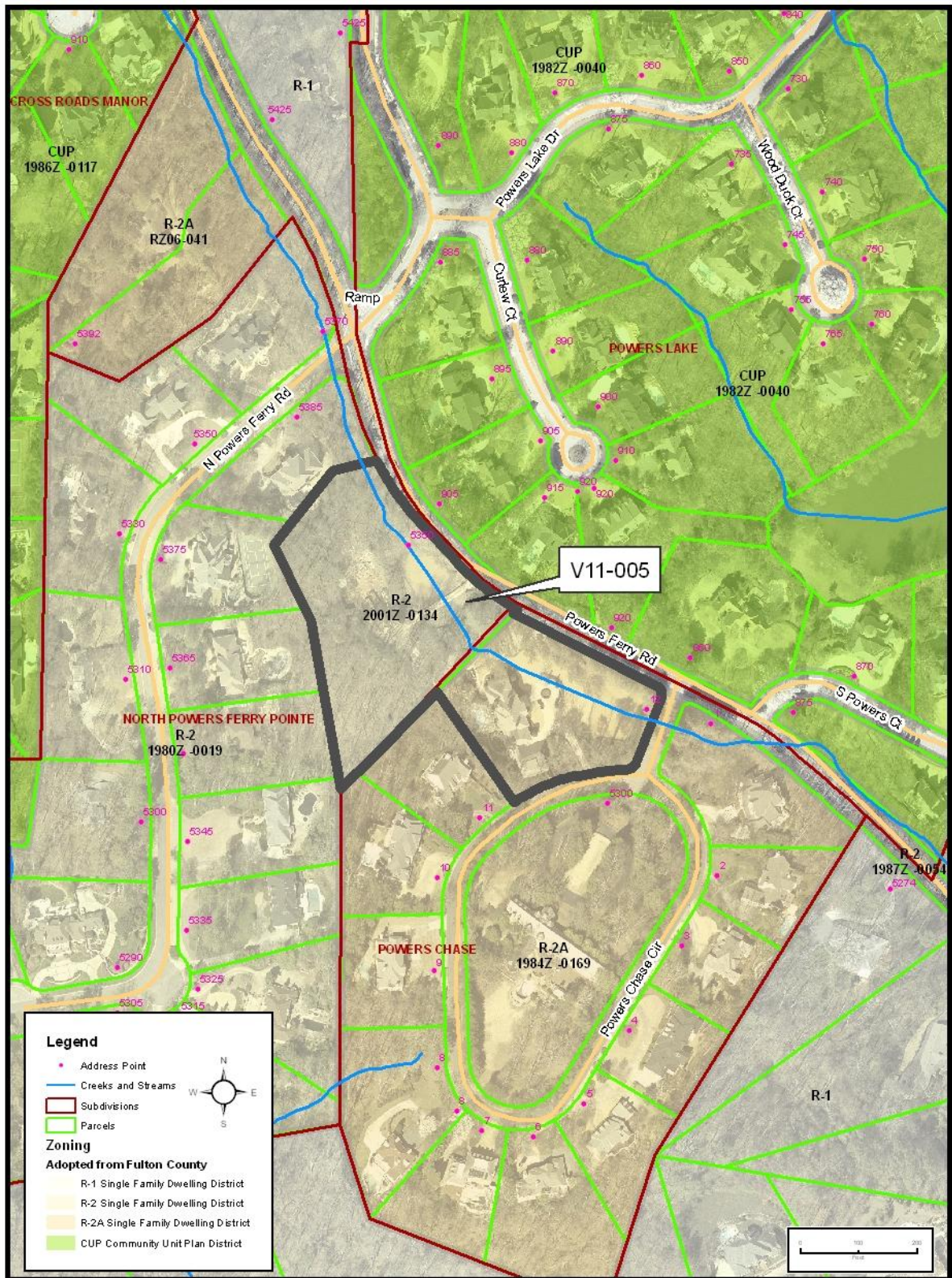
The applicant is proposing to allow an existing fire pit with patio and a 290 square foot accessory structure (shed) to remain within the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty-one (41) feet as shown on the site plan (exhibit 1) to allow for fire pit with patio and 290 square foot accessory structure (shed).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V11-005- 1) APPROVAL CONDITIONAL

Parcel Map

5350 Powers Ferry Road & 12 Powers Chase Circle



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

CASE NUMBER: V11-005

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty-one (41) feet (existing fire pit with patio and 290 square foot accessory structure (shed)).

The applicant has submitted a site plan (exhibit 1) indicating the subject property to approximately 427.41 feet of frontage on Powers Chase Circle and approximately 594.67 feet of frontage on Powers Ferry Road. The site plan (exhibit 1) shows a portion of a 290 foot shed with a deck encroaching into the twenty-five (25) foot impervious setback and a 1,200 square foot fire pit with a patio encroaching into the fifty (50) undisturbed buffer. The applicant recently combined a 2.30 acre tract (5350 Powers Ferry Road) with a 1.58 acres tract (12 Powers Chase Circle) to create one 3.88 acre lot. The site plan (exhibit 2) shows the original condition of 5350 Powers Ferry Road. The applicant removed the existing house, pool, pool deck, asphalt drive and walks and concrete slab totaling 12,405 square feet of impervious surface. The stream buffer covers approximately half of the buildable area on the 2.30 acre tract (5350 Powers Ferry Road) and one third of the buildable area on the 1.58 acre tract (12 Powers Chase Circle). The property is trapezoidal in shape with sloping from 996 feet on the west to 950 to the lake on the East (2.30 acre lot (5350 Powers Ferry Road)). The west side of the property has a thirty-six (36) foot change in topography in seventy-three (73) feet. The property levels off at location where the house was demolished.

Proposal Comparison		
	Original Site	New Proposal
Total Site Area	2.30 Acres	3.88 Acres
Impervious Surface	12,405 SF	1,836 SF
Impervious Surface Removed	12,405 SF	N/A
Total Impervious Surface	12,405 SF	1,836 SF

The proposed fire pit currently does not meet the City Ordinances, in regards to the size limits. The code limits the pit to be no larger than three (3) feet in diameter. The existing pit is ten (10) feet in diameter. There is not a variance request for the size of the fire pit.

Staff notes the subject property has split zoning R-2 (Single Family Dwelling District) on the 2.30 acre tract (5350 Powers Ferry Road) and R-2A (Single Family Dwelling District) on the 1.58 tract (12 Chase Circle). The surrounding properties are zoned R-2 (Single Family Dwelling District) to the north and west; CUP (Community Unit Plan District) to the east; and R-2A

(Single Family Dwelling District) to the south. The creek also bisects portions of adjacent properties. However, the three (3) ponds only effect the subject property.

Standards for Consideration

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately half of the buildable area on the 2.30 acre tract (5350 Powers Ferry Road) and one third of the buildable area on the 1.58 acre tract (12 Powers Chase Circle). The property is trapezoidal in shape with sloping from 996 feet on the west to 950 to the lake on the East (2.30 acre lot (5350 Powers Ferry Road)). The west side of the property has a thirty-six (36) foot change in topography in seventy-three (73) feet. There are three (3) ponds on the property both along the eastern property line adjacent to Powers Ferry Road. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffer covers approximately half of the buildable area of the 2.30 acre tract (5350 Powers Ferry Road). The west side of the property has a thirty-six (36) foot change in topography in seventy-three (73) feet. The property levels off at location where the house was demolished. The topography and stream buffers limit the buildable area which had been disturbed from the previous conditions of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape with sloping from 996 feet on the west to 950 to the lake on the East (2.30 acre lot (5350 Powers Ferry Road)). The west side of the property has a thirty-six (36) foot change in topography in seventy-three (73) feet. The property levels off at location where the house was demolished. The stream buffers cover approximately half of the buildable area of the lot. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

All stream buffers on the property have been identified (exhibit 1). There are three (3) ponds on the property along the eastern property line adjacent to Powers Ferry Road. The buffer occupies approximately half of the subject property buildable area.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The proposed accessory structure (shed) encroaches ten (10) feet into the impervious setback. The location of the shed is the least intrusive place to access the structure. The fire pit with a patio encroaches thirty-four (34) feet into the impervious setback and undisturbed buffer. There are three (3) ponds on the property both along the eastern property line adjacent to Powers Ferry Road. The lake and buffer occupies approximately half of the subject property's buildable area. The location and extent of the proposed buffer and setback intrusions have been identified on the site plan (exhibit 2).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs not been discussed with staff regarding this property. The shed and the fire pit with a patio currently exist on the site. The location of the shed is the least intrusive place to access the structure. However, the proposal is less intrusive than the original 12,405 square feet of impervious surface on the property. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. The applicant has removed 12,405 square foot of impervious surface and replaced it with 1,836 square feet of impervious surface, grass and shrubs.

Department Comments

The staff held a Focus Meeting on February 2, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Community Development has not issued permits for fire pit, patio, and shed.
	Sandy Springs Landscape Architect/ Arborist	If the Board decides to approve the variance a condition could be added to required installation of riparian vegetation on slope of the lake.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	Fire Pit does not meet the City Ordinances, Chapter 22 Article II Sec 22.26 and the International Fire Code, 2006 edition, chapter 3 section 307 and 308. See Fire Department attachment on open burning (exhibit 3).
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance(s) request for the shed only.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

The subject shed shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty-one (41) feet to allow a patio and 290 square foot accessory structure (shed), where necessary to accommodate the portion of the encroachment only.

- 1) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 2) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 3) Riparian vegetation shall be installed on slope of the lake.

ATTACHMENTS:

Letter of appeal

Proposed Site plan (exhibit 1)

Original Site Plans (exhibit 2)

Fire Department regulations on open burning (exhibit 3)

Letters of oppositions

Photographs