



Variance Petition No. 201500024

HEARING & MEETING DATES

Board of Appeals Hearing

March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner

James & Lori Welch

Petitioner

James & Lori Welch

Representative

James & Lori Welch

PROPERTY INFORMATION

Address, Land Lot(s), and District	6251 Mountain Brook Way Land Lot 167, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 171.28 feet of frontage along Mountain Brook Way
Area	Approximately 0.607208 acres (26,449.98048 square feet)
Existing Zoning	R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z62-0086.
Existing Use	Single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to build a pergola attached to the side of their existing home. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Primary variance from Section 6.3.3 (c) of the Zoning Ordinance to encroach into the minimum side yard to build a pergola.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500024 – 1) APPROVAL

Standards for Consideration

VARIANCE #1

Primary variance from Section 6.3.3 (c) of the Zoning Ordinance to encroach into the minimum side yard to build a pergola.

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:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The request to encroach into the minimum side yard to build a pergola is in harmony with the uniformity of the neighborhood due to the location of the pergola structure to be built on top of the existing concrete pad that encroaches into the side yard setback. Together, the concrete pad and the pergola structure would encroach three (3) feet on the end closest to the street and six (6) feet on the end farthest from the street into the minimum side yard. Based on these considerations, staff is of the opinion that 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,

Not applicable.

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, Arborist, and Transportation.

N/A	
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of the variance requests to build a pergola.

Additional Items

The neighbor residing at 6239 Mountain Brook Way submitted in writing that they are aware of the variance, the proposed structure, and they have no issues with the pergola encroaching into the side yard setback closest to their property.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received January 6, 2015

Site Plan – Dated received January 6, 2015

Aerial View

Photographs

Case # 201500024

Legend

- Address Point
- Creeks and Streams
- Subdivisions
- Zoning**
- Adopted from Fulton County
 - R-1 Single Family Dwelling District
 - R-2A Single Family Dwelling District

Map Labels:

- RIVERSIDE
- R-2A 1962Z -0086
- MOUNTAIN BROOK LN
- R-1
- R-2A 1962Z -0086
- WEATHERLY DR
- OLD CREEK TRL
- MOUNTAIN BROOK WAY
- R-2A 1962Z -0086
- R-2A 1962Z -0086
- R-2A 1962Z -0086

Scale: 0 100 200 Feet



Variance Petition No. 201500013

HEARING & MEETING DATES

Planning Commission Hearing
February 19, 2015

Board of Appeals Hearing
March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
Sherwin Williams

Petitioner
Sherwin William

Representative
Colleen Allen

PROPERTY INFORMATION

Address, Land Lot(s), and District
6430 Roswell Road
Land Lot 88, District 17

Council District
3

Frontage
Approximately 165.02 feet of frontage along the westerly side of Roswell Road (SR 9)) and 125.50 feet of frontage along the northerly side of Chaseland Road.

Area
The subject property has a total area of 0.442 acres (19253.52 square feet).

Existing Zoning and Use
C-2 (Community Business District) conditional under Fulton County zoning case 1986Z-034, currently developed with a building.

Overlay District
Main Street District

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

INTENT

The applicant is seeking primary variances from the Sandy Springs Zoning Ordinance as follows:

- 1) From Section 33.22.C to reduce the sign setback from the right of way from three (3) feet to Zero (0) along the Roswell Road frontage.
- 2) From Section 33.26.H.2. to allow wall sign on a non-street facing wall for the north elevation of the building.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500013- 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL

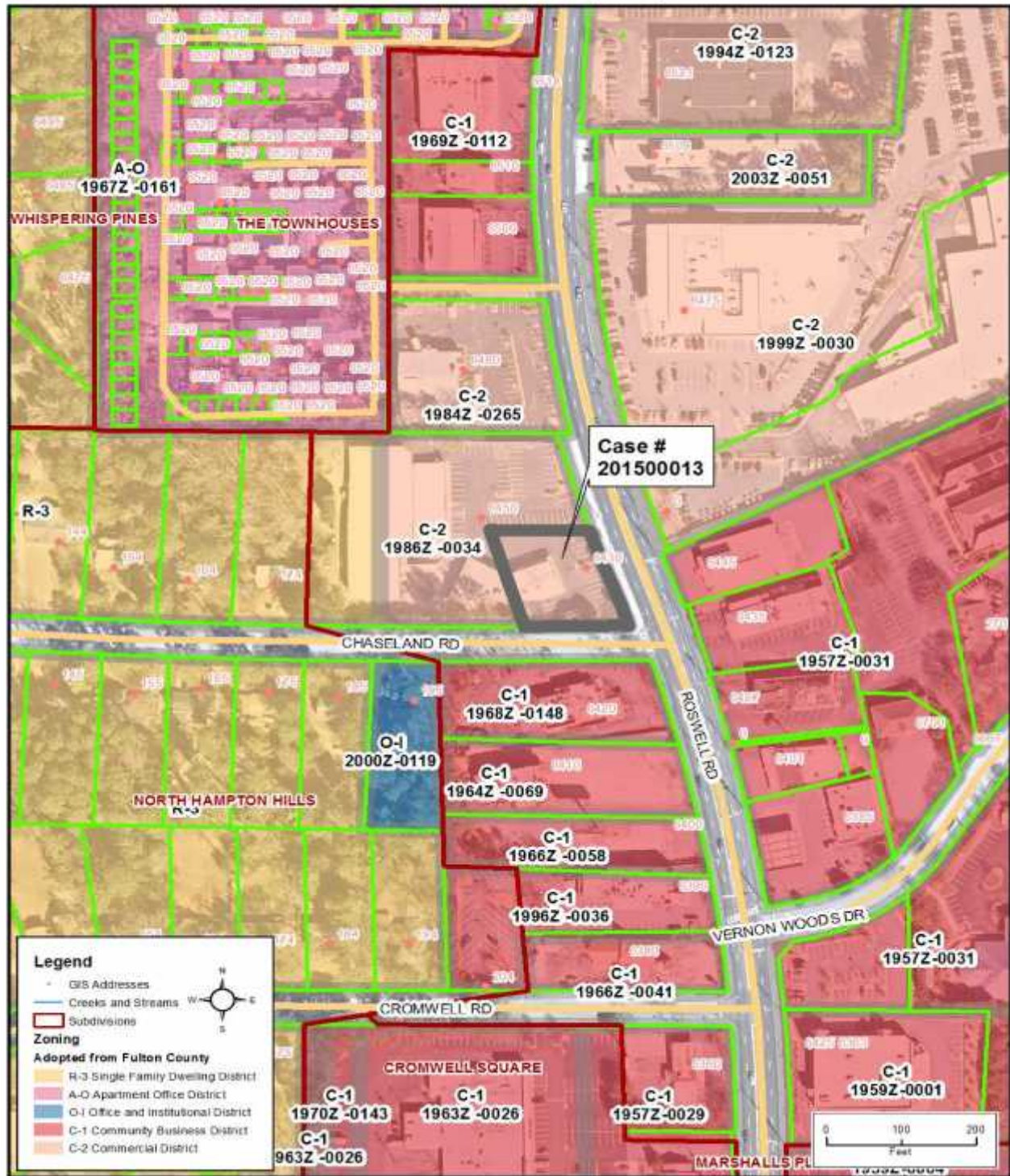
Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 12, 2015

PLANNING COMMISSION RECOMMENDATION

Recommended Approval (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting) subject to coordination with ongoing streetscape program, agreement by applicant that it will restrict ability to place any signs on Chaseland Road frontage or other street frontages and with staff conditions.

Parcel Map

6430 Roswell Road (SR 9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 12, 2015

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

CASE NUMBER: 201500013
STAFF CONTACT: Cristina Nelson, Senior Planner 770-206-1516
E-mail: cnelson@sandyspringsga.gov

Staff Analysis:

The subject site is located at 6430 Roswell Road (SR 9) at the intersection of Roswell Road (SR 9) and Chaseland Road. The property is zoned C-2 (Community Business District) Conditional pursuant to Fulton County zoning case 1986Z-034. Is currently developed with a one story brick building. Additionally, this project is located within the Main Street District of the Sandy Springs Overlay.

The subject of this variance is the new location for Sherwin Williams that previously was located in the City Center of Sandy Springs on Johnson Ferry Road. Because the location of this property at the intersection of Roswell Road and Chaseland Road the building is allowed to have wall signs on two (2) frontages, south and east in addition to have two ID Monument signs. The applicant instead wants to place two signs only as follows: one ID monument along Roswell Rd adjacent to the street right of way and one wall sign on the north elevation of the building facing the parking lot. To pursue these requests is necessary to obtain the approval through a variance process.

Request 1) The applicant is seeking a primary variance from Section 33.22.C to reduce the sign setback from the right of way from three (3) feet to Zero (0) along the Roswell Road frontage.

The Sandy Springs Zoning Ordinance provides:

Section 33.22.C. Setback.

Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) feet from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. However, the Director is authorized by this Zoning Ordinance to consider an administrative variance to the sign setback requirements subject to the limitations of Section 12, Variance, subsection d. Standards, of this ordinance. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

The applicant explains: "Relief from the requirement that monument signs be setback 3' from the right-of-way in the Main Street Overlay District. We feel that the existing elevation and plantings along the southern portion of the lot would make it difficult to see a sign and would cause a greater disruption to the transition from the neighboring residential area to the commercial corridor of Roswell Road. It is our intention to leave the existing mature trees in place that shield the roof of the building from view for residents off Chaseland Road and vehicles traveling north along Roswell Road. Based on these considerations, we would like to

install a monument sign along Roswell Road where the grade is more level and where there is greater visibility for northbound travelers along Roswell Road. If we are to abide by the setback of three feet from the right-of-way for this monument sign, you would be unable to see the sign due to the significant grade change from Chaseland Road to the entry drive of our store. As such, we are requesting relief from this setback, reducing it to zero to allow us to be closer to the street. In conjunction with the installation of the monument sign, we plan to install upgraded landscaping that would complement the monument sign and our new store”.

Request 2) the applicant is seeking a primary variance from Section 33.26.H.2 of the Zoning Ordinance to allow for a wall sign on a non-street facing wall.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.H.Sandy Springs Overlay District

2. Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

- a. *Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.*

The applicant explains: “In conjunction with our building permit, we permitted our initial sign package which included one sign for the Roswell Road street facing elevation and one for the parking lot (north) elevation. After further review of the building and the entire site, we have determined that our business would be best served by a monument sign and a wall sign on the non-street facing wall. This would allow us to capture customers traveling north and south on Roswell Road more easily than any other sign configuration. Per the ordinance, we are permitted a monument and wall sign on each street frontage; with this being a corner lot that would allow for four signs total, two at Roswell Road and two at Chaseland Road. This variance request is for only half of what we are allowed per the ordinance”.

“Relief from the requirement that signs are not permitted on non-street facing walls. As mentioned above, the monument sign would be used to more effectively capture customers traveling northbound on Roswell Rd. As such, we would like to forego a wall sign on the Roswell Rd elevation and use the parking lot elevation to capture customers traveling south along Roswell Road and to welcome customers once they have entered the parking lot. We feel that a wall sign on the parking lot elevation would be more beneficial than a wall sign on either, or both, the Chaseland Road and Roswell Road elevations.

We intend to install signs that complement the positive changes Sandy Springs has made to its downtown area and that will further develop the relationship Sandy Springs and Sherwin-Williams have shared over the past 35 years. We hope that you will consider our request and the hardships we face due to the changes in elevation along Roswell Road and across our lot from Chaseland Road towards our neighboring tenant”.

The applicant states “that both proposed sign locations would help advertise the store presence to the patrons and better able the Sherwin-Williams to continue its business in the community at their new location”.

Both signs are to meet the requirements of the zoning districts on size and height.

History

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.22.C to reduce the sign setback from the right of way from three (3) feet to zero along the Roswell Road frontage.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The site layout, does not present topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

Sherwin Williams prefers to have the sign at the right of way line, which is already set back approximately 20 feet behind the roadway curb.

The applicant states that the normal 3 foot set-back for the sign would put it about 23 feet from the curb which would severely block visibility due to the vegetation of

the lot. Staff found that the natural features of the lot presents challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

- 1) Variance from Section 33.26.H. 2 Sandy Springs Overlay District to allow a wall sign on a non-street facing wall.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The existing natural features of the lot, create challenges for using signage effectively to promote vehicular and pedestrian awareness. Existing trees along the southern portion of the lot would make it difficult to see a sign on the building and would cause a greater disruption to the transition from the neighboring residential area to the commercial corridor of Roswell Road. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on February 4, 2015 at which time 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	▪ No Comments
	Sandy Springs Landscape Architect/Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Recommendation

Staff explains: the Sandy Springs overlay provides for businesses to have signs on road frontages as well on non-road frontages depending on the specifics of the lot. This business has the opportunity to display four signs: two ID monument monuments and two wall signs, on the east and south elevations of the building. The applicant has selected to display two signs instead. One ID monument and one wall sign on the north elevation, which is not road frontage, but provides more visibility to the business.

The applicant has indicated that the purpose for this variance is mainly to provide signage visibility for the business. Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the store and would be in harmony with the intent of the zoning ordinances. The proposed wall sign at the proposed location will not have a negative impact on the surroundings instead will provide information to the south bound traffic

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety.

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests.

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

- 1) To allow an Identification monument sign along Roswell Road property frontage to be located at zero foot off the right-of-way pursuant to the sign location, submitted by the applicant, and dated received January 6, 2015 by the Department of Community Development.
- 2) To allow for a wall sign on non-street facing wall on the north elevation of the building pursuant to the sign location and design, submitted by the applicant, and dated received January 6, 2015 by the Department of Community Development.
- 3) The wall sign shall be located on the north elevation of the building pursuant to the site plan submitted by the applicant, dated received January 6, 2015 by the Department of Community Development.
- 4) There shall not be more than two wall signs on the building at any given time.
- 5) There shall not be more than one ID monument sign on the property.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.



Variance Petition No. 201500025

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
Ron Zaken

Petitioner
Ron Zaken

Representative
Ron Zaken

PROPERTY INFORMATION

Address, Land Lot(s), and District	5730 Pine Brook Drive Land Lot 37, 17 th District
Council District	5 (Tibby DeJulio)
Frontage	Approximately 113 feet of frontage along the south side of Pine Brook Road
Area	Approximately 0.48 acres
Existing Zoning	R-3 (Single family dwelling district)
Existing Use	Single family dwelling unit
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 2 to 3 units per acre (R2-3)

INTENT

The applicant is proposing to enclose a carport. The applicant is requesting one (1) primary variance(s) as follows:

1. A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 25 undisturbed buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500025 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow an addition to the existing single family residence.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	541 sf	541 sf	0 sf
25' – 50' City Stream Buffer	750 sf	750 sf	0 sf
50' – 75' Impervious Surface Setback	1,040 sf	1,040 sf	0 sf
Total Impervious Surface encroaching in Stream Buffer	2,331 sf	2,331 sf	0 sf

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 that the stream buffers covers over 75% of the property, including a large portion of where the existing dwelling is constructed. The home that exists on the lot is within the 50 foot and 75 foot stream buffers. The proposed carport enclosure would be within the 25 and 50 undisturbed buffers. Based on these reasons, staff is of the opinion that an addition to the home would be prevented unless a variance is granted and that 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:

Due to the location of the stream and the existing dwelling, area for a garage is limited. In order for the applicant to construct an enclosed parking structure encroachment into the stream buffers would be necessary. Enclosing the current carport is likely the least intrusive method of creating an enclosed parking structure as it is already an impervious surface. The proposal would not create additional encroachment into any of the stream buffers either. Based on these reasons, staff is of the opinion that 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 does have some topographic changes across the lot. When the stream buffers are combined with the location of the existing dwelling, opportunities for an addition without encroaching into the stream buffers are severely limited. 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 property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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 attached site plan and are included in the table above. 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. There are limited options to enclose the current carport. 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 Practices (BMPs) during the construction of the house. The City will monitor the sites BMPs. The applicant has indicated water flowing down the driveway will be diverted around and to the rear of the property.

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

Findings:

The proposed addition would not create additional impervious surfaces or encroachment into the twenty-five (25) foot state buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. The proposal does not add additional impervious surface or further encroach into the 25 foot undisturbed buffer. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow enclosure of a carport.

Recommended Condition(s)

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

- 1) Approval from the Georgia Environmental Protection Department for encroachment into the 25 foot undisturbed buffer.
- 2) To enclose a carport as shown within the site plan dated received January 6, 2015 by the Department of Community Development.
- 3) To route runoff from the driveway and reconstructed portions of the roof of the home to the rear of the property away from the creek to a flow well or similar or similar device to disperse stormwater runoff subject to approval from the Georgia Environmental Protection Department.

ATTACHMENTS:

Parcel Map
Proposed Site Plan – Dated received January 6, 2015
Site Photographs

Legend

- Address Point
- Creeks and Streams
- Subdivisions

Zoning

Adopted from Fulton County

- R-3 Single Family Dwelling District
- A-1 Apartment Dwelling District
- TR Townhouse Residential Districts
- O-I Office and Institutional District
- MIX Mixed Use District

Map Labels:

- BROOKGREEN RD
- GREENBRIER RD
- PINE BROOK RD
- TIMBERLAND TER
- GLENRIDGE FOREST
- GLENFOREST RD
- Case # 201500025
- O-I 1970Z -0119
- A-1 1968Z -0048
- I-285
- 1285W GLENRIDGE ON RAMP
- 1285E GLENRIDGE OFF RAMP
- TR 2004Z-0138
- GLENRIDGE HEIGHTS
- MIX 0706.055

Scale: 0 100 200 Feet



Variance Petition No. 201500031

HEARING & MEETING DATES

Board of Appeals Hearing

March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Roswell Road Redevelopment Partners, LLC	Alliance Residential Company	Kenneth J. Wood

PROPERTY INFORMATION

Address, Land Lot(s), and District	6558 Roswell Road Land Lot 88, 17 th District
Council District	3 (Graham McDonald)
Frontage	Approximately 116.76 feet of frontage along Johnson Ferry Road and 125.96 feet along Belmont Trace. *
Area	Approximately 7.730004 acres (9,208.584 square feet)*
Existing Zoning	A-L (Apartment Limited Dwelling District) pursuant to Sandy Springs zoning case 201300662.
Existing Use	Multifamily dwelling units
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Living-Working Community (LWC)

INTENT

The applicant is proposing to rebuild a fence and monument in their existing locations. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback to add pervious paver parking spaces.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500031 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Mayor and City Council approved the fence and monument on the south side of Belmont Trace at the September 16, 2014 hearing per application number 201401628, subject to the following conditions (approval letter attached):

1. To the owner's agreement to provide the following site development standards:
 - a. Variance from section 4.11.G.3.b to allow a fence over four (4) feet in height to not have a picketed design on the south side of the Belmont Trace entrance.
 - b. Variance from 4.11.F to reduce the fence setback from three (3) feet to zero (0).
 - c. Variance from 33.22.c to reduce the sign setback from ten (10) feet setback to zero (0).
 - d. No vehicle access shall be permitted on Johnson Ferry Road.

VARIANCE #1

Variance from Section 4.11.F of the Zoning Ordinance to reduce the fence setback from three (3) feet to zero (0) feet from a public right-of-way.

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:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The request to reduce the setback from three (3) feet to zero (0) is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. A portion of the existing fence is currently located in the right-of-way. The applicant has consulted with the Public Works Department regarding the proposed fence location. Based on these considerations, staff is of the opinion that 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,

Not applicable.

VARIANCE #2

Variance from Section 4.11.G.3.b of the Zoning Ordinance to allow a fence over four (4) feet in height to not have a picketed design.

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:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general. Staff is of the opinion that the request to allow a solid wood fence adjoining the right-of-way to match the existing subdivision fence on the south side of the subdivision entrance is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. The fence currently exists on the north side of the entrance. The applicant is requesting to match the design on the south entrance. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Based on these considerations, staff is of the opinion that 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,

Not applicable.

VARIANCE #3

Variance from Section 33.22.C of the Zoning Ordinance to reduce the setback from ten (10) feet to zero (0) feet for an entrance monument.

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:

The request to reduce the setback from ten (10) feet to zero (0) is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. The existing fence is currently located in the right-of-way. The applicant has consulted with the Public Works Department regarding the proposed fence location. Additionally the sign will be part of the fence column. Based on these considerations, staff is of the opinion that 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,

Not applicable.

Department Comments

Focus Meeting held on Wednesday, November 5, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	) Encroachment and indemnification agreements are required for the fence and sign if located in the public right-of-way.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to rebuild fence and monument in its current location.

Recommended Condition(s)

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

- 1) Encroachment and indemnification agreements are required for the fence and sign if located in the public right-of-way.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received September 30, 2014

Site Plan – Dated received September 30, 2014

Photographs

Approval Letter – 201401628 (Approved on September 16, 2014)

100 Belmont Trace





Variance Petition No. 201500032

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015 (Deferred)
April 9, 2015 (Meeting Cancelled)
May 14, 2015 (Deferred)
June 11, 2015 (Deferred)
July 9, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Roswell Road Redevelopment Partners, LLC	Woody King	Woody King

PROPERTY INFORMATION

Address, Land Lot(s), and District	4995 and 4985 Rebel Trail Land Lot 163, 17 th District
Council District	6 (Andy Bauman)
Frontage	Approximately 199.79 feet of frontage along Rebel Trail.
Area	Approximately 3.225 acres (140,481 square feet)
Existing Zoning	R-2 (Single Family Dwelling District)
Existing Use	Vacant
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to build a driveway to allow access unto the property. The applicant requested a deferral previously to provide more information. The applicant was not in attendance at the Board of Appeals' meeting on June 11, 2015 when the board granted a deferral until the July 9, 2015 meeting. The applicant was contacted via email on June 15, 2015 (see attached email) with details of the board's decision and two unanswered calls were placed. No response from the applicant was received as of July 1, 2015.

The applicant is requesting one (1) primary variance from the Zoning Ordinance:

1. One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the twenty-five (25) foot impervious surface setback to allow a driveway.

The driveway crosses two parcels. The applicant is the authorized agent for both parcel owners.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201500032 – 1) APPROVAL CONDITIONAL
PER ORIGINAL RECOMMENDATION**

VARIANCE #1

One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the twenty-five (25) foot impervious surface setback to allow a driveway.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sf	1,062 sf	1,062 sf
25' – 50' City Stream Buffer	150 sf	728 sf	578 sf
50' – 75' Impervious Surface Setback	0 sf	2,119 sf	2,119 sf *
Total Impervious Surface encroaching in Stream Buffer	150 sf	3,909 sf	3,759 sf

*net change on the site plan is listed as “2,828”, this is typographical error and it should be “2,119.”

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 that the stream buffers cover approximately three-fourths of the subject property. Additionally, the topography slopes towards the middle of the property. In order to build a home on the property, a driveway has to be built first. The proposed driveway is within all three of the applicable stream buffer however, Section 109-222(c)(1)a. exempts a stream crossing by a driveway, transportation route or utility line. Therefore a perpendicular crossing to access the property onto the 50' Undisturbed Buffer and the 25' State Waters Buffer is permissible. The portion of the driveway that is not a part of the crossing requires a variance. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that 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:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the northeast of the lot. In order for the applicant to access the property an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that 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 rectangular in shape and slopes from northeast to southwest. Three-fourths of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of the home is severely limited. 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 property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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 attached site plan and are included in the table above. 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. There are limited options to access 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 Practices (BMPs) during the construction of the driveway. 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:

The proposed location of the driveway eliminates any encroachment into the twenty-five (25) foot state buffer and the impervious surface in the fifty (50) foot undisturbed buffer. The only portion requiring a variance is within the twenty-five (25) impervious surface setback. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, and Transportation. Arborist made the following comments:

Arborist	) A pervious surface be used.) Replanting of the buffer where sparsely vegetated.
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Additional Information

Three letters of opposition from neighbors and a former board member of the Long Island Watershed Preservation Association was received dated March 13, 2015 and April 27, 2015.

Conclusion

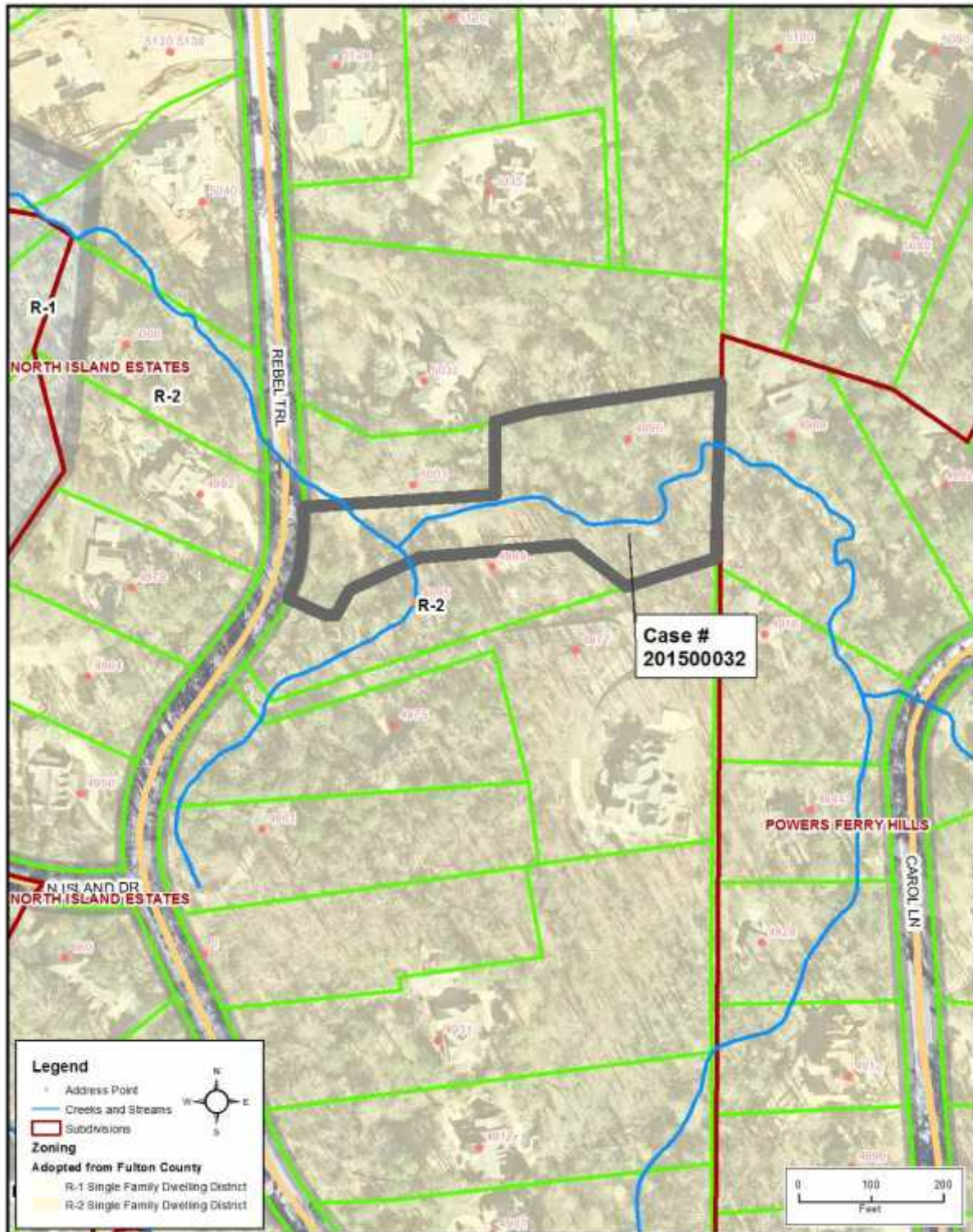
Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Please note creation of a new lot with limited buildable areas does not constitute a hardship for any future variance applications to increase the buildable area of the lot. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to build a driveway to access the property.

Recommended Condition(s)

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

1. To encroach into the required twenty-five (25) foot impervious surface setback to allow construction of a driveway to provide access unto the property for a single family dwelling unit, as shown on the Proposed Site Plan dated received January 6, 2015 by the Department of Community Development.
2. Submit recorded copy of ingress/egress easement across adjacent parcel prior to receiving building permit.
3. A pervious surface be used for the portion within the buffer.
4. Replanting of the buffer where sparsely vegetated. Approval of City Arborist required before certificate of completion is issued.

4995 Rebel Trail





Variance Petition No. 201402406

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
535 Franklin, LLC

Petitioner
Trey Allen

Representative
Trey Allen

PROPERTY INFORMATION

Address, Land Lot(s), and District 535 Franklin Road
Land Lot 66, 17th District

Council District 5

Frontage Approximately 105 feet of frontage along Franklin Road

Area Approximately .434 acres (18,885 square feet)

Existing Zoning R-3 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential, 1 to 2 units per acre (R1-2)

INTENT

The applicant is proposing to construct a single family dwelling unit. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Primary Variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for the construction of a new single family dwelling unit.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402406 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan (A)	Net Change
0' – 25' State Stream Buffer	211 sf	0 sf	-211 sf
25' – 50' City Stream Buffer	981 sf	550 sf	-431 sf
50' – 75' Impervious Surface Setback	852 sf	1,100 sf	+248 sf
Total Impervious Surface encroaching in Stream Buffer	1,833 sf	1,650 sf	-394 sf

	Existing Site	Proposed Plan (B)*	Proposed Driveway	Net Change*	Net Change**
0' – 25' State Stream Buffer	211 sf	0* sf	0 sf	-211 sf	-211 sf
25' – 50' City Stream Buffer	981 sf	276* sf	120 sf	-705 sf	-585 sf
50' – 75' Impervious Surface Setback	852 sf	1,330* sf	720 sf	+478 sf	+1,198 sf
Total Impervious Surface encroaching in Stream Buffer	1,833 sf	1,606* sf	840 sf	-438 sf	+402 sf

*Excludes Proposed Driveway

**Includes Proposed Driveway

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 that the stream buffers cover approximately three-fourths of the subject property. The home that exists on the lot is within all three of the applicable stream buffers, but the proposed house is designed to be outside of the twenty-five (25) foot state buffer. Based on these reasons, staff is of the opinion that land development would be prevented unless a variance is granted and that 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:

Due to the location of the stream, approximately three-fourths of the subject property has been covered by the stream buffers, leaving the only buildable area to the east of the lot. In order for the applicant to construct a house that is keeping with the neighborhood an encroachment into the stream buffers is necessary. Based on these reasons, staff is of the opinion that 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 rectangular in shape and slopes from northeast to southwest. Three-fourths of the subject property is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of a single family dwelling unit is severely limited. 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 property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

Two designs have been provided. Proposal 'A' utilizes the existing driveway while Proposal 'B' relocates the driveway. While Proposal 'B' moves the driveway within the buffers, it allows the impervious surface of the home to encroach less into the stream buffer(s). Relocation of the driveway also allows for the use of pervious pavers within the driveway, eliminating approximately 840 square feet of impervious surface from the setback. Staff is of the opinion Proposal 'B' would create the least amount of impact on the buffer(s). 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 Practices (BMPs) 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:

The proposed location of the new residence eliminates any encroachment into the twenty-five (25) foot state buffer and reduces the impervious surface in the fifty (50) foot undisturbed buffer. Additionally, staff would recommend approval of Proposal 'B' be conditioned on making the entire driveway pervious pavers. This would reduce amount of impervious surfaces within the buffer(s) by over 400 square feet. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday August 6, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Transportation. Arborist and Site Development made the following comments:

Arborist:	J Removal of sidewalk and corner of house would require a variance for the Georgia Environmental Protection Division (GAEPD).
Site Development	J To demolish the existing corner a state variance is required. Also, the proposed footprint is within feet of the state buffer. 25' buffer should be surveyed and staked in the field and also stake the building corners prior to construction.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Staff is of the opinion Proposal 'B' would create the least amount of impact on the buffer(s) with the use of pervious pavers in construction of the driveway. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for construction of a single family dwelling unit.

Recommended Condition(s)

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

- 1) To encroach into the required seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of an addition to a single family dwelling unit, as shown on the Site Plan (Proposal 'B') dated received February 25, 2015 by the Department of Community Development.
- 2) Pervious pavers be used for the construction of the entire proposed driveway shown on Site Plan (Proposal 'B') dated received February 25, 2015.
- 3) Variance from the Georgia Environmental Protection Division (GAEPD) shall be received prior to issuance of any development permits by the City.
- 4) The twenty-five (25) stream buffer shall be surveyed and staked in the field and the building corners shall be staked prior to commencement of construction.
- 5) To route runoff from the driveway and proposed home to the rear of the property away from the creek to a flow well or similar or similar device to disperse stormwater runoff.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received July 3, 2014

Site Plan (Proposal 'A') – Dated received February 19, 2015

Site Plan (Proposal 'B') – Dated received February 25, 2015

535 Franklin Road

