



Variance Petition No. V08-003

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
5210 Powers Ferry LLC	5210 Powers Ferry LLC	Brent Conway

PROPERTY INFORMATION

Address, Land Lot(s), and District	765 Crest Valley Drive/5210 Powers Ferry Road (17-0164LL016) Land Lot(s) 164 District 17
Council District	6
Frontage and Area	208 feet of frontage along the north side of Crest Valley Drive and 210 feet along the west side of Powers Ferry Road. The subject property has a total area of approximately 1.00 acre(s).
Existing Zoning and Use	R-1 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A

Interim 2025

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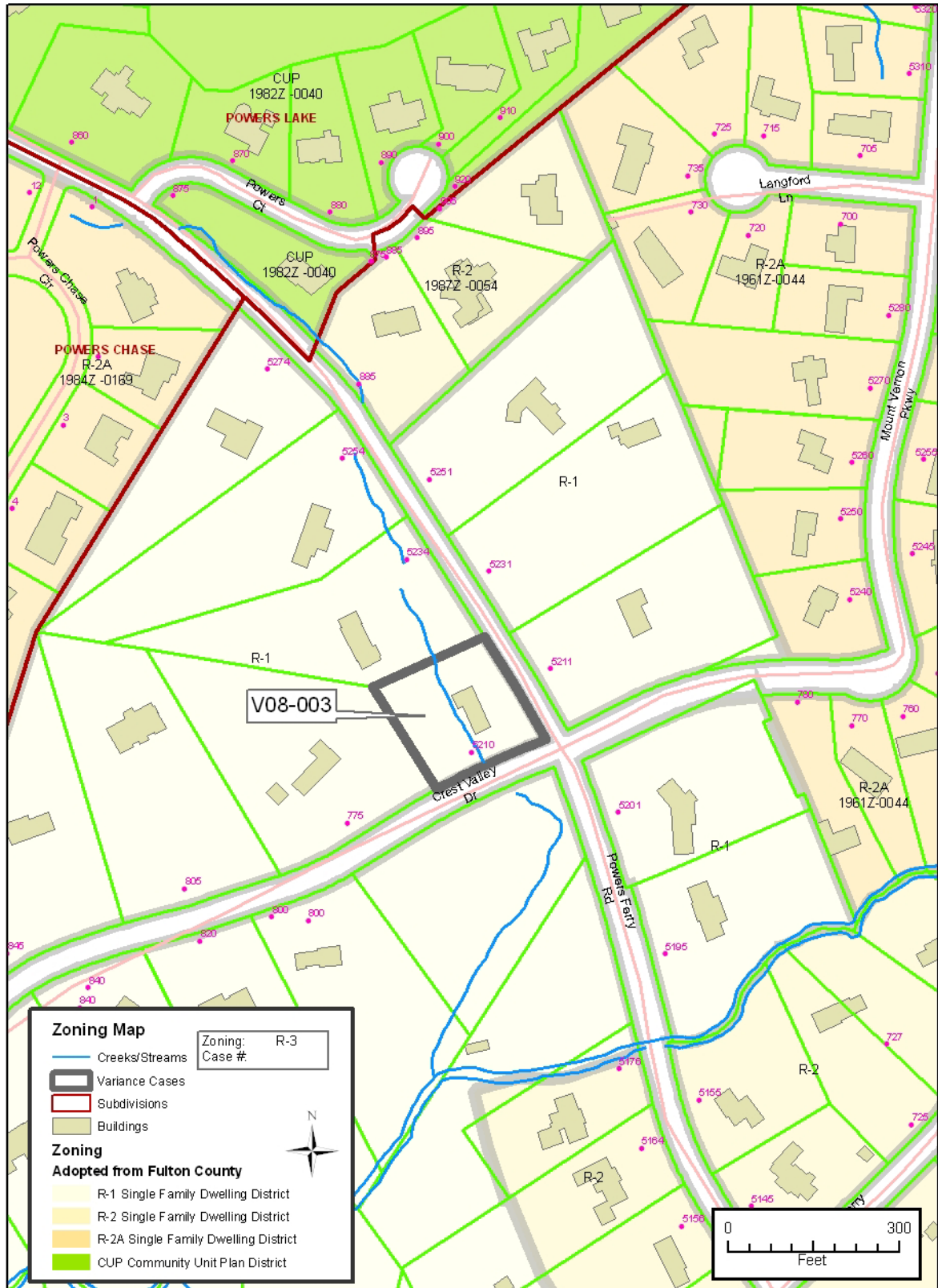
INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 4.11.B of the Zoning Ordinance to reduce the required twenty (20) foot setback of vehicular gates from a public right-of-way to a minimum of ten (10) feet and
- 2) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a twenty-nine (29) foot undisturbed buffer to allow for approximately sixteen (16) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer for construction of fence and vehicular access gates.

Parcel Map

765 Crest Valley Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

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

CASE NUMBER: V08-003

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

REQUEST:

The applicant is requesting relief from:

- 1) Section 4.11.B of the Zoning Ordinance to reduce the required twenty (20) foot setback of vehicular gates from a public right-of-way to a minimum of ten (10) feet and
- 2) Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a minimum of a twenty-nine (29) foot undisturbed buffer to allow for approximately sixteen (16) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer for construction of fence and vehicular access gates.

Please note that it is the City's determination that the portion of the proposed fence that is shown to adjoin the existing semi-circular retaining wall is not part of the variance request because it is required for safety purposes.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have a parallelogram shape and a stream running north to south, through the center of the lot. A topographical map and photos indicate the yard to slope from the western and eastern property lines, towards the stream located at the center of the lot. The existing house encroaches into the required stream buffer.

Staff notes that the current house was permitted under Fulton County, and litigation ensued after it was determined that a stream buffer variance would be required to construct additional items such as a pool and pool house. The litigation has ended with the City recognizing the aforementioned additional items being allowed to be constructed as proposed (without variances), because they were included in approved site plans under Fulton County.

The applicant states that due to extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, and topography. The requirements of the Ordinance would create unnecessary hardship for the owner while causing no detriment to the public. The applicant further states that the topography and physical conditions of the property prevent the completion of the permitted master plan (under current regulations which were adopted after such permitting), unless variances are granted. Additionally, the applicant states that the lot is the smallest lot in the immediate area along Crest Valley Drive and Powers Ferry Road.

The applicant states that the application of the Zoning Ordinance and Stream Buffer Ordinance is creating an extreme hardship for the applicant because newer homes in this area have gates with extensive landscaping for privacy and aesthetics consistent with the value and size of the homes. In addition, the applicant states that if the Ordinance were strictly applied, the subject property remains susceptible to continued thefts and burglary, placing the owners' safety and security at risk; depriving the applicant opportunity to sell the property; and adversely depreciating the value and attractiveness of the property.

The applicant states that the requested variances would be in harmony with other established homes in the area and cause no detriment to the public. Homes in the area have driveway gates and higher levels of security for the health, safety and privacy of the families. The gates will be aesthetically pleasing and in keeping with the architectural features of the residence.

The applicant states that great effort has been put forth to mitigate any adverse effects through the placement of underground detention, at great expense, per Fulton County requirements and enforced by Sandy Springs, to manage the impervious runoff on the site. This includes one-half of the underground detention in place, which serves the runoff from the pool house, pool, pool apron, drive and walks west of the stream; extensive landscaping along Powers Ferry Road to minimize traffic noise and visibility of the road from the property; working with the Sandy Springs Arborist on plant selection for re-vegetation purposes within the stream buffers; and, ongoing communication and working with the City of Sandy Springs staff on site development.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ Should the variance to Section 4.11.B of the Zoning Ordinance to reduce the setback of vehicular gates from a public right-of-way to less than 20ft from the right-of-way, it should be required that the gate(s) do not swing open toward the public right-of-way.
	Arborist/Landscape Architect	▪ This is for the gate only. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ The Sandy Springs Fire Rescue recommends a Knox key switch at the vehicular gate to allow immediate access to the property by the fire and police departments. Please call Cheryl Walls at 770 206-4360 to request and order form. The cost is approximately \$350.00.
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ Granting this variance will create a potential safety hazard for motorists on Crest Valley Drive. A vehicle waiting to gain entrance through the gates will be stopped with the rear of the vehicle in the roadway. This creates a potential hazard for oncoming motorist. Exacerbating the potential hazard at this location is limited sight distance for eastbound traffic due to the vertical curvature of Crest Valley Road.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The existing house encroaches into the required stream buffer. The applicant has provided a site plan to document the above statement(s).

The applicant states that the application of the Zoning Ordinance and Stream Buffer Ordinance is creating an extreme hardship for the applicant because newer homes in this area have gates with extensive landscaping for privacy and aesthetics consistent with the value and size of the homes. In addition, the applicant states that if the Ordinance were strictly applied, the subject property remains susceptible to continued thefts and burglary, placing the owners' safety and security at risk; depriving the applicant opportunity to sell the property; and adversely depreciating the value and attractiveness of the property.

The applicant states that the requested variances would be in harmony with other established homes in the area and cause no detriment to the public. Homes in the area have driveway gates and higher levels of security for the health, safety and privacy of the families. The gates will be aesthetically pleasing and in keeping with the architectural features of the residence.

The applicant states that great effort has been put forth to mitigate any adverse effects through the placement of underground detention, at great expense, per Fulton County requirements and enforced by Sandy Springs, to manage the impervious runoff on the site. This includes one-half of the underground detention in place, which serves the runoff from the pool house, pool, pool apron, drive and walks west of the stream; extensive landscaping along Powers Ferry Road to minimize traffic noise and visibility of the road from the property; working with the Sandy Springs Arborist on plant selection for re-vegetation purposes within the stream buffers; and, ongoing communication and working with the City of Sandy Springs staff on site development. The applicant has provided a site plan to document the above statement(s).

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

The applicant has submitted a site plan indicating the subject property to have a parallelogram shape and a stream running north to south, through the center of the lot. A topographical map and photos indicate the yard to slope from the western and eastern property lines, towards the stream located at the center of the lot.

The applicant states that due to extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, and topography, would create unnecessary hardship for the owner while causing no detriment to the public. The applicant further states that the topography and physical conditions of the property prevent the completion of the permitted master plan (under current regulations which were adopted after such permitting), unless variances are granted. Additionally, the applicant states that the lot is the smallest lot in the immediate area along Crest Valley Drive and Powers Ferry Road.

Recommended Condition(s)

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

1. That the proposed wall(s) and vehicular gates shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required twenty (20) foot setback of vehicular gates from a public right-of-way reduced to a minimum of ten (10) feet and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a minimum of a twenty-nine (29) foot undisturbed buffer to allow for approximately sixteen (16) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer for construction of fence and vehicular access gates.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.

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

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



Variance Petition No. V08-004

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Harry R. Foster III	Harry R. Foster III	Harry R. Foster III

PROPERTY INFORMATION

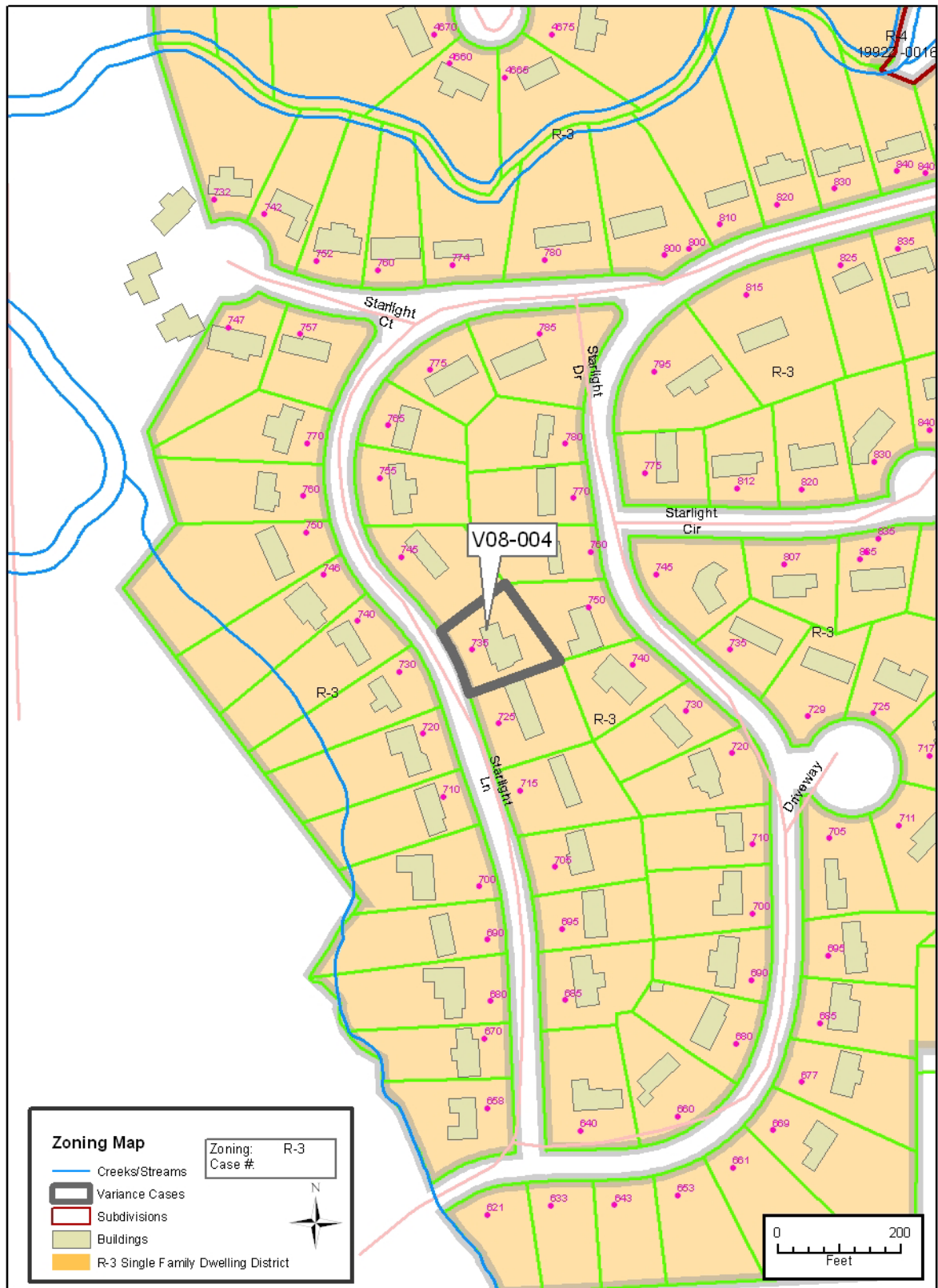
Address, Land Lot(s), and District	735 Starlight Lane Land Lot(s) 41 District 17
Council District	5
Frontage and Area	123 feet of frontage along the east side of Starlight Lane. The subject property has a total area of approximately 0.46 acre(s).
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot minimum rear yard setback to a minimum of twenty-three (23) feet to allow for additions to an existing single-family house.

Parcel Map

735 Starlight Lane



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

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

CASE NUMBER: V08-004

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

REQUEST:

The applicant is requesting relief from Section 6.4.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot minimum rear yard setback to a minimum of twenty-three (23) feet to allow for a multi-purpose addition to an existing single-family house. The footprint of proposed multi-purpose addition is approximately twenty (20) feet by fifty-five (55). When the square footage of the proposed basement is added to the square footage of the proposed first floor, the total square footage of the proposed addition is approximately 2,200 square feet.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape. A topographical map and photos indicate the yard to slope (36 foot difference) from the eastern corner of the property towards the western corner of the property.

The applicant states that the existing structure was originally constructed in 1955. It is a brick single story ranch with three (3) bedrooms and two (2) very small bathrooms. The average lot size in Starlight Hills is approximately .75 acres; however, the subject property is .44 acres. Most homes in the immediate area are ranch or split level homes, and approximately 50% have had renovations. In the past two months, Starlight Hills has experienced its first tear down. The current owner has owned the property since February 2005. To the best of the current owner's knowledge, no variance has previously been sought for the property.

The applicant states that based on the existing layout of the subject property, an addition to the existing structure is only practical on the left side. The proposed addition is approximately twenty (20) feet by fifty-five (55) feet over a daylight basement. The requested variance is to reduce the required thirty-five (35) foot rear yard setback to a minimum of twenty-three (23) feet only at the site of the addition.

The applicant states that the proposed variance should be granted because it is in harmony with the general purpose and intent of the Zoning Ordinance. The general purpose of all zoning ordinances is to establish uniform standards for adjacent properties. Here, the purpose of Article IV, Section 6.4.3 is to establish a minimum seventy (70) foot distance between houses that are situated back to back. In this case, the proposed variance is in harmony with the general purpose and intent of Section 6.4.3. Immediately behind the Property are two single family residences located at 750 Starlight Drive and 760 Starlight Drive. Measurements between these residences and the proposed addition on the property reveal that if granted, the distance between the closest portions of these structures would be ninety-nine (99) feet and one-hundred-five (105) feet respectively. Accordingly, the proposed variance, if granted, would

result in a separation distance between adjacent properties that exceeds Section 6.4.3's minimum separation distance of seventy (70) feet by at least twenty-nine (29) feet.

The applicant states that likewise, the general purpose and intent of Zoning Ordinances is to establish some level of uniformity in adjacent properties. As noted above, the predominant architecture of Starlight Hills is ranch and split level residential. Accordingly, the proposed variance allows for an addition to and renovation of the existing structure that is in keeping with the character of the existing neighborhood. If the variance is denied, the current owner would be forced to demolish the existing structure and rebuild. While the new construction would be in compliance with the requirements of Section 6.4.3, it would most likely be out of character with the neighborhood and result in a significant economic hardship on the current owner.

The applicant states that the proposed variance should be granted because the property is subject to hardships based on the property's size, shape, and topography. The first hardship facing the property is the property's size. The average lot size in Starlight Hills is approximately .75 acres, while the property is only .44 acres. This hardship is compounded by the property's trapezoidal shape. As noted above, the property's right boundary is approximately one-hundred-fifty-nine (159) feet in length, but its left boundary is only one-hundred-twenty-nine (129) feet in length, thirty (30) feet shorter. The shortened left boundary results in an angular rear property line that angles towards the existing structure and brings the minimum rear yard in conflict with the only portion of the property that is suitable for the proposed addition. Finally, due to the property's topography and the orientation of the existing structure on the property, the proposed addition is only possible on the left side of the existing structure. As noted above, the topography of the property rises dramatically from eight-hundred-seventy-six (876) feet above sea level at the left front corner to nine-hundred-twelve (912) feet above sea level at the right rear corner. The result of this dramatically sloping topography is that the left hand side of the Property is the only location on the property that is suitable for the addition.

The applicant states that, as demonstrated above, the property's size, shape or topography by itself would meet the hardship requirements for granting a variance. This justification is only compounded by the fact that the property is equally impacted by all three. Finally, as required by Article XXII, Section 22.3.1B, the proposed variance, if, granted, would cause no detriment to the public. This is demonstrated by the fact that the proposed addition would exceed the minimum separation distances between adjacent properties and by the fact that the adjoining neighbors have indicated their support of the variance and the proposed addition.

Staff notes most houses in the area are set back at least the required thirty-five (35) feet from rear property lines; however, it appears that there are some houses in the area that are closer than the required thirty-five (35) foot rear yard setback.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the proposed variance should be granted because it is in harmony with the general purpose and intent of the Zoning Ordinance. The general purpose of all zoning ordinances is to establish uniform standards for adjacent properties. Here, the purpose of Article IV, Section 6.4.3 is to establish a minimum seventy (70) foot distance between houses that are situated back to back. In this case, the proposed variance is in harmony with the general purpose and intent of Section 6.4.3. Immediately behind the Property are two single family residences located at 750 Starlight Drive and 760 Starlight Drive. Measurements between these residences and the proposed addition on the Property reveal that if granted, the distance between the closest portions of these structures would be ninety-nine (99) feet and one-hundred-five (105) feet respectively. Accordingly, the proposed variance, if granted, would result in a separation distance between adjacent properties that exceeds Section 6.4.3's minimum separation distance of seventy (70) feet by at least twenty-nine (29) feet.

The applicant states that likewise, the general purpose and intent of Zoning Ordinances is to establish some level of uniformity in adjacent properties. As noted above, the predominant architecture of Starlight Hills is ranch and split level residential. Accordingly, the proposed variance allows for an addition to and renovation of the existing structure that is in keeping with the character of the existing neighborhood. If the variance is denied, the current owner would be forced to demolish the existing structure and rebuild. While the new construction would be in compliance with the requirements of Section 6.4.3, it would most likely be out of character with the neighborhood and result in a significant economic hardship on the current owner.

Staff notes most houses in the area are set back at least the required thirty-five (35) feet from rear property lines; however, it appears that there are some houses in the area that are closer than the required thirty-five (35) foot rear yard setback.

Finally, as required by Article XXII, Section 22.3.1B, the proposed variance, if, granted, would cause no detriment to the public. This is demonstrated by the fact that the proposed addition would exceed the minimum separation distances between adjacent properties and by the fact that the adjoining neighbors have orally indicated their support of the variance and the proposed addition.

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

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape. A topographical map and photos indicate the yard to slope (36 foot difference) from the eastern corner of the property towards the western corner of the property.

The applicant states that the proposed variance should be granted because the property is subject to hardships based on the property's size, shape, and topography. The first hardship facing the property is the property's size. The average lot size in Starlight Hills is approximately .75 acres, while the property is only .44 acres. This hardship is compounded by the property's trapezoidal shape. As noted above, the property's right boundary is approximately one-hundred-fifty-nine (159) feet in length, but its left boundary is only one-hundred-twenty-nine (129) feet in length, thirty (30) feet shorter. The shortened left boundary results in an angular rear property line that angles towards the existing structure and brings the minimum rear yard in conflict with the only portion of the property that is suitable for the proposed addition. Finally, due to the property's topography and the orientation of the existing structure on the property, the proposed addition is only possible on the left side of the existing structure. As noted above, the topography of the property rises dramatically from eight-hundred-seventy-six (876) feet above sea level at the left front corner to nine-hundred-twelve (912) feet above sea level at the right rear corner. The result of this dramatically sloping topography is that the left hand side of the Property is the only location on the property that is suitable for the addition.

The applicant states that, as demonstrated above, the property's size, shape or topography by itself would meet the hardship requirements for granting a variance. This justification is only compounded by the fact that the property is equally impacted by all three.

Recommended Condition(s)

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

1. That the proposed addition(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the minimum thirty-five (35) foot rear yard setback reduced to a minimum of twenty-three (23) feet where necessary to accommodate the portion of the encroachment only.
2. The exterior construction material, color, and design of the proposed addition shall be similar to the maximum possible extent to the existing structure.

ATTACHMENTS: Letter of appeal, site plans, topographical map, support signatures, floor & elevation plans, and photographs.



Variance Petition No. V08-005

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mike Nicklaus	Stephen Roberson	Stephen Roberson

PROPERTY INFORMATION

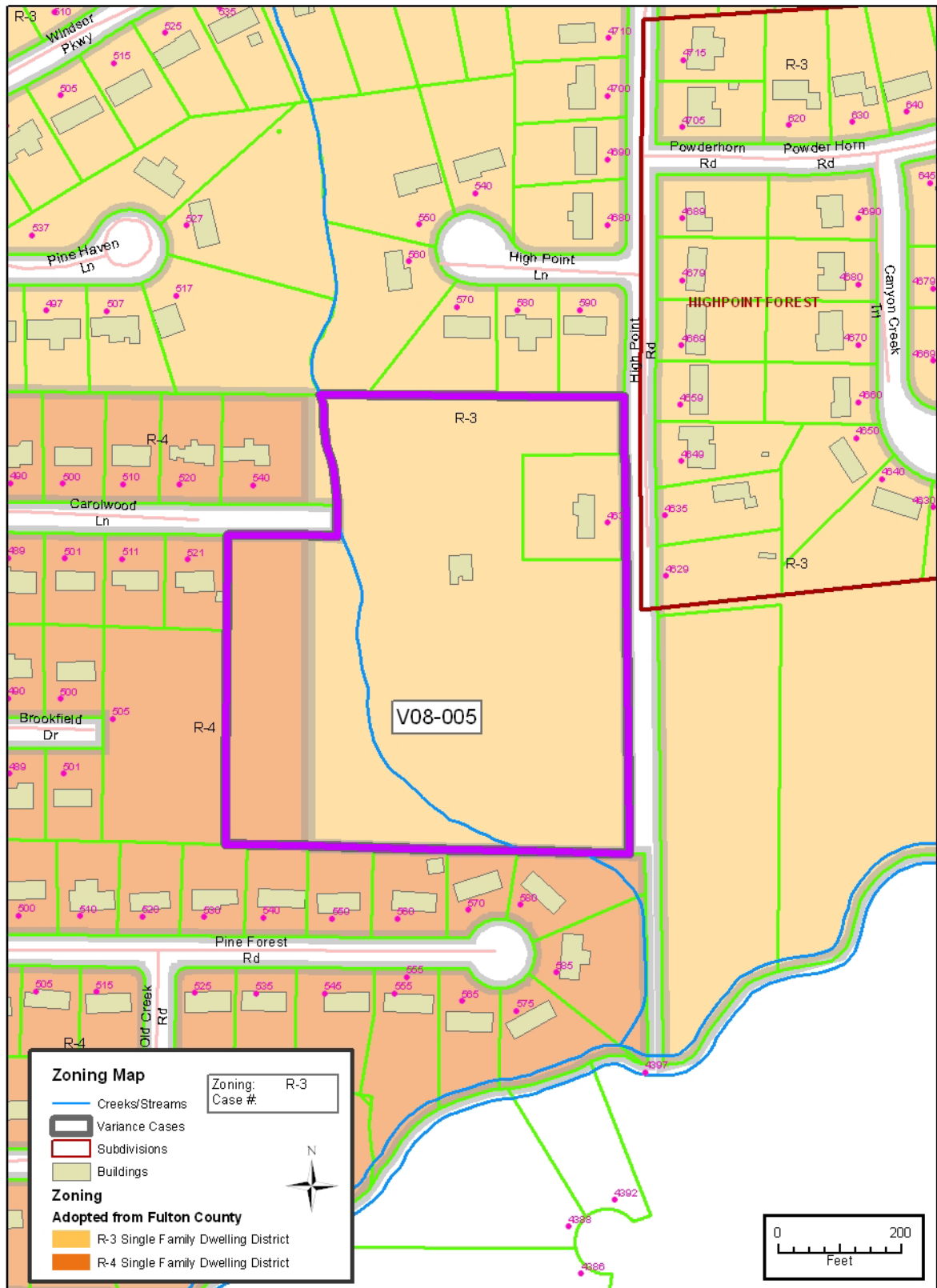
Address, Land Lot(s), and District	4630 High Point Road Land Lot(s) 66 District 17
Council District	5
Frontage and Area	740 feet of frontage along the west side of High Point Road. The subject property has a total area of approximately 10.0 acre(s).
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

The applicant is requesting five (5) primary variances:

- 1) Variance from Section 4.3.5 of the Zoning Ordinance to allow a privately owned structure (fence) to be located within the public right-of-way,
- 2) Variance from Section 4.11.B of the Zoning Ordinance to reduce the required twenty (20) foot setback of vehicular gates from a public right-of-way to a minimum of three (3) feet,
- 3) Variance from Section 4.11.D.4 of the Zoning Ordinance to reduce the required three (3) foot landscape strip between a fence and a right-of-way to zero (0) feet,
- 4) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback of a fence from a public right-of-way to zero (0) feet, and
- 5) Variance from 14.8.III.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip.

Parcel Map

4630 High Point Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

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

CASE NUMBER: V08-005

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

REQUEST:

The applicant is requesting relief from:

- 1) Section 4.3.5 of the Zoning Ordinance to allow a privately owned structure (fence) to be located within the public right-of-way,
- 2) Section 4.11.B of the Zoning Ordinance to reduce the required twenty (20) foot setback of vehicular gates from a public right-of-way to a minimum of three (3) feet,
- 3) Section 4.11.D.4 of the Zoning Ordinance to reduce the required three (3) foot landscape strip between a fence and a right-of-way to zero (0) feet,
- 4) Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback of a fence from a public right-of-way to zero (0) feet, and
- 5) 14.8.III.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running north to south, through the rear portion of the lot. The existing split rail fence is currently located in the High Point Road right-of-way.

The applicant states that the subject property is located at the end of High Point Road, which narrows to one lane and a dead end. The property's U-shaped driveway is often utilized as a turn-around by vehicles, which on occasion, has endangered the health and safety of the owners' children and pets. The applicant further states that due to the configuration of the driveway and position of the home on the property, compliance with the required twenty (20) foot setback would not be possible. The request is for a three (3) foot setback for the columns and a four (4) foot setback for the actual gate; this would give ample room for the gate to swing on the property. Additionally, the applicant states that due to the abnormal road configuration, the proposed setback would allow for more than twenty (20) foot spacing from the asphalt at the exit gate and would allow for twenty-five (25) foot spacing from the asphalt at the entry gate; therefore, it would be in harmony with the general purpose and intent of the Zoning Ordinance.

The applicant states that the owner understands that, in the unlikely event of High Point Road being widened at this location, gate removal may be necessary to allow for an adequate setback. In the event that removal of the gate becomes necessary, the column positioning would meet the three (3) foot setback for the required landscape strip and would remain as an ornamental entry onto the property.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ The Sandy Springs Fire Rescue recommends a Knox key switch at the vehicular gate to allow immediate access to the property by the fire and police departments. Please call Cheryl Walls at 770 206-4360 to request and order form. The cost is approximately \$350.00.
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ Granting of Variance #1 will create a potential safety hazard for motorists on High Point Road. Any structure in the right of way constitutes a potential safety hazard and liability concern for the City. If a variance is given at this location, it should be conditioned to a signed and approved indemnification agreement with the City. ▪ Given the unique configuration of the roadway at this location, Public Works would recommend working with the applicant to develop a design that allows for their gate and an adequate vehicular turnaround, prior to the granting of any specific variance. This is the southern terminus of High Point Road. Given the topography and surrounding land uses, it is very unlikely that the road will ever be extended beyond its current alignment.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The existing split rail fence is currently located in the High Point Road right-of-way. The applicant has provided site plans to document the above statement(s).

The applicant states that the subject property is located at the end of High Point Road, which narrows to one lane and a dead end. The property's U-shaped driveway is often utilized as a turn-around by vehicles, which on occasion, has endangered the health and safety of the owners' children and pets. The applicant further states that due to the configuration of the driveway and position of the home on the property, compliance with the required twenty (20) foot setback would not be possible. The request is for a three (3) foot setback for the columns and a four (4) foot setback for the actual gate; this would give ample room for the gate to swing on the property. Additionally, the applicant states that due to the abnormal road configuration, the proposed setback would allow for more than twenty (20) foot spacing from the asphalt at the exit gate and would allow for twenty-five (25) foot spacing from the asphalt at the entry gate; therefore, it would be in harmony with the general purpose and intent of the Zoning Ordinance. The applicant has provided site plans to document the above statement(s).

The applicant states that the owner understands that, in the unlikely event of High Point Road being widened at this location, gate removal may be necessary to allow for an adequate setback. In the event that removal of the gate becomes necessary, the column positioning would meet the three (3) foot setback for the required landscape strip and would remain as an ornamental entry onto the property. The applicant has provided site plans to document the above statement(s).

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running north to south, through the rear portion of the lot.

Recommended Condition(s)

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

1. That the proposed vehicular gates and fence/wall shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required twenty (20) foot setback of vehicular gates from a public right-of-way reduced to a minimum of three (3) feet, the required three (3) foot landscape strip between a fence and a right-of-way reduced to zero (0) feet, the required three (3) foot setback of a fence from a public right-of-way reduced to zero (0) feet, and showing a permanent structure (fence/wall) within the required landscape strip.

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



Variance Petition No. V08-006

HEARING & MEETING DATES

Design Review Board

February 12, 2008

Board of Zoning Appeals Hearing

March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sandy Springs Plaza Assoc., L.P.	Sandy Springs Plaza Assoc., L.P.	Art Fix

PROPERTY INFORMATION

Address, Land Lot(s), and District	6225 Roswell Road (SR 9) Land Lot(s) 71 & 89 District 17
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Council District	4
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Frontage and Area	800 feet of frontage along the east side of Roswell Road and 410 feet of frontage along the north side of Johnson Ferry Road. The subject property has a total area of 9.71 acre(s).
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Existing Zoning and Use	The property is zoned C-1 (Community Business District) under zoning cases Z57-020 and Z57-034. The property is developed with a shopping center.
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Overlay District	Main Street District
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Interim 2025

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

The applicant is seeking a primary variance from Section 12B.2.A of the Zoning Ordinance to allow a time extension of the Main Street Overlay District landscape improvements (previously granted under V06-061) on Roswell Road. Additionally, the applicant is seeking a primary variance from Section 12B.2.A of the Zoning Ordinance to allow the City of Sandy Springs to install/construct the required Main Street Overlay District streetscape with the owner/developer providing a letter of credit in the amount of the current value of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage that shall be due when the City completes the installation of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage.

DESIGN REVIEW BOARD RECOMMENDATION

At the February 12, 2008 meeting, the City of Sandy Springs Design Review Board (DRB) approved this Certificate of Endorsement for a variance from Section 12B.2.A of the Zoning Ordinance to allow a time extension of the phased installation of the required Main Street Overlay District streetscape improvements (previously granted under V06-061), per plans provided by the applicant dated received January 2, 2008. The Certificate of Endorsement was approved by the DRB at the February 12, 2008 meeting subject to the following

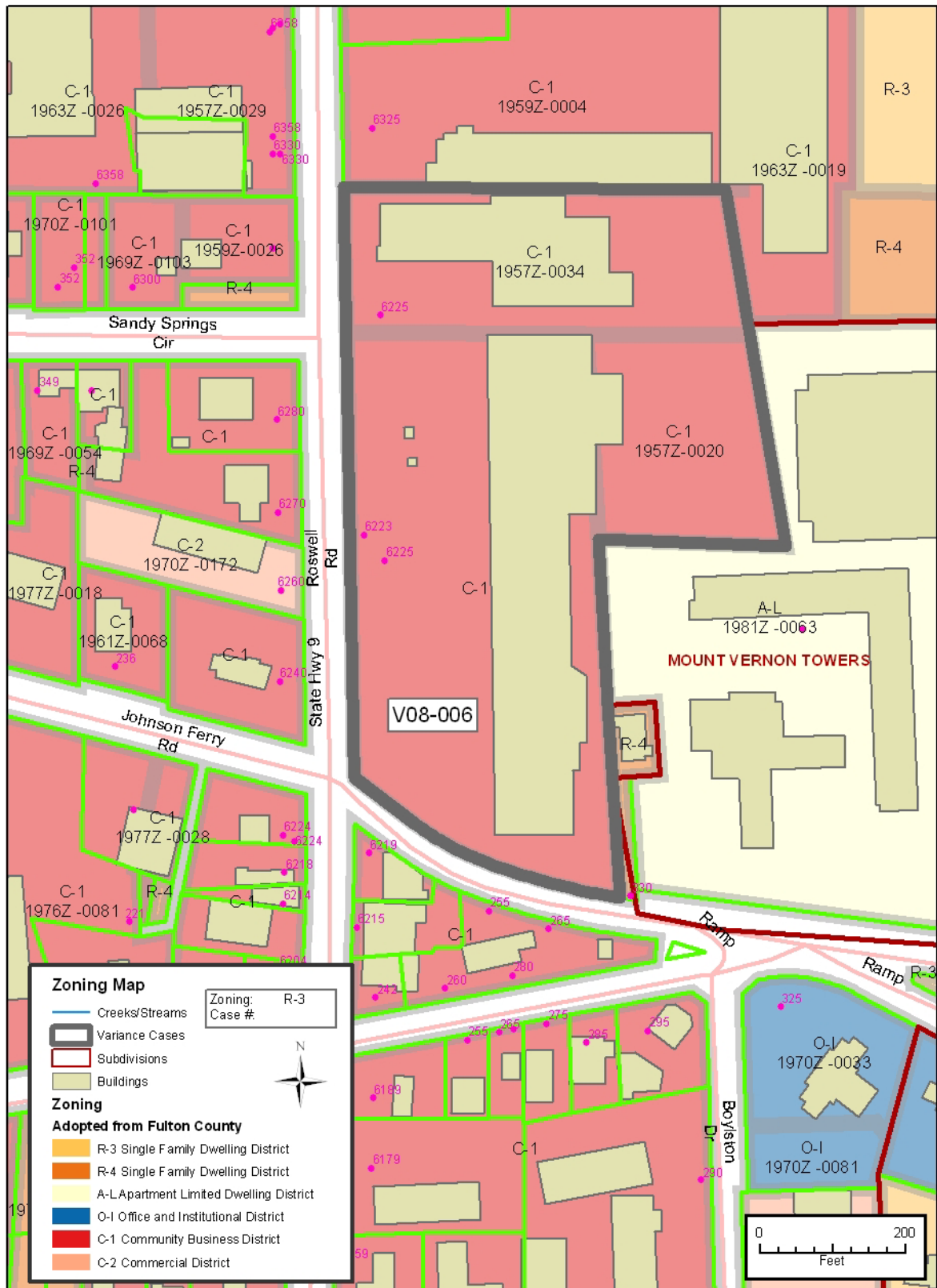
Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

condition(s):

That the time extension of the phased installation of the required Main Street Overlay District streetscape improvements (previously granted under V06-061) be limited to a year for the Roswell Road frontage only.

Parcel Map

6225 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

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

CASE NUMBER: V08-006

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

REQUEST:

The applicant is requesting relief from Section 12B.2.A of the Zoning Ordinance to allow for a time extension of the phased installation of the required Main Street Overlay District streetscape improvements previously granted under V06-061.

ANALYSIS:

A renovation of the existing shopping center triggered the regulation that the construction/installation of the required Main Street Overlay District streetscape shall occur. The owner intends to construct/install the streetscape as detailed in the Zoning Ordinance and is allowed, under variance petition V06-061, to construct/install it in phases.

At the August 10, 2006 the Board of Zoning Appeals meeting, the Board approved variance petition V06-061 for a variance from Section 12B2.2 of the Zoning Ordinance to allow phased construction and installation of Main Street Overlay District streetscape requirements, subject to the following conditions:

1. That the site be developed in accordance with the Hardscape and Landscape Development Plans provided by the applicant dated received June 12, 2006 by the Department of Community Development.
2. That the Main Street Overlay District streetscape requirements be installed in three phases as follows: phase 1 - landscape along Johnson Ferry Road and Roswell Road, work to commence first quarter 2007; phase 2 - sidewalks, decorative paving, and decorative lighting along Johnson Ferry Road, twelve months after completion of phase 1, first quarter 2008; and phase 3 - sidewalks, decorative paving, and decorative lighting along Roswell Road, twelve months after completion of phase 2, first quarter 2009. Total completion of all three phases to be on or before March 31, 2009.

The applicant states that, in terms of the Johnson Ferry Road frontage, phase 1 (landscaping installation only) of the V06-061 approval has been met. In light of possible future road improvements, in the area, on Roswell Road, and without knowing the scope of the improvements, the applicant delayed the conditioned phase 1 installation of required landscaping along the Roswell Road frontage because the aforementioned road improvements may adversely impact any plantings. Due to postponing the conditioned phase 1 installation of required landscaping along the Roswell Road frontage, the applicant is currently seeking a primary variance from Section 12B2.A of the Zoning Ordinance to allow a time extension of the Main Street Overlay District landscape improvements (previously granted under V06-061) on Roswell Road.

On February 28, 2008, during an on-site meeting between the applicant and City Staff, the Public Works Department shed light on the planned road improvements, in the area, on Roswell Road. The planned road improvements would not adversely affect the installation/construction of the required Main Street Overlay District streetscape. In fact, the aforementioned planned improvements are to actually install the required Main Street Overlay District streetscape by the year 2011.

Due to the fact that it became known that the City is planning to actually install the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage, the applicant is not only requesting a primary variance from Section 12B2.A of the Zoning Ordinance to allow a time extension of the Main Street Overlay District landscape improvements (previously granted under V06-061) on Roswell Road, but also to allow the City of Sandy Springs to install/construct the required Main Street Overlay District streetscape with the owner/developer providing a letter of credit in the amount of the current value of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage that shall be due when the City completes the installation of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage.

Staff notes that phase 1 (commence landscape installation) of the V06-061 approval has been satisfied only for the subject property's frontage along Johnson Ferry Road, and streetscape improvements have been ongoing for that portion of the subject property's frontage along Johnson Ferry Road. The applicant intends to satisfy phase 2 (completed streetscape improvements for the subject property's frontage along Johnson Ferry Road) by March 31, 2008, the originally conditioned date under V06-061.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ At this time, there is no capital project that would affect or delay construction of streetscape along the Johnson Ferry frontage. There is currently a capital project, T-0012, that will be installing streetscape along Roswell Road from Johnson Ferry to Abernathy. This project is currently in conceptual development. The applicant should either install the streetscape as required, or pay a pro-rata share of the project cost based on the preliminary cost estimate. The City will escrow the funds in the project account and the amount will be rectified at time of final project close-out. Public Works sees no reason for additional delay for either of the street frontages based on our activities.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that, in terms of the Johnson Ferry Road frontage, phase 1 (landscaping installation only) of the V06-061 approval has been met. In light of possible future road improvements, in the area, on Roswell Road, and without knowing the scope of the improvements, the applicant delayed the conditioned phase 1 installation of required landscaping along the Roswell Road frontage because the aforementioned road improvements may adversely impact any plantings. Due to postponing the conditioned phase 1 installation of required landscaping along the Roswell Road frontage, the applicant is currently seeking a primary variance from Section 12B2.A of the Zoning Ordinance to allow a time extension of the Main Street Overlay District landscape improvements (previously granted under V06-061) on Roswell Road.

On February 28, 2008, during an on-site meeting between the applicant and City Staff, the Public Works Department shed light on the planned road improvements, in the area, on Roswell Road. The planned road improvements would not adversely affect the installation/construction of the required Main Street Overlay District streetscape. In fact, the aforementioned planned improvements are to actually install the required Main Street Overlay District streetscape by the year 2011.

Due to the fact that it became known that the City is planning to actually install the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage, the applicant is not only requesting a primary variance from Section 12B2.A of the Zoning Ordinance to allow a time extension of the Main Street Overlay District landscape improvements (previously granted under V06-061) on Roswell Road, but also to allow the City of Sandy Springs to install/construct the required Main Street Overlay District streetscape with the owner/developer providing a letter of credit in the amount of the current value of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage that shall be due when the City completes the installation of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage.

Staff notes that phase 1 (commence landscape installation) of the V06-061 approval has been satisfied only for the subject property's frontage along Johnson Ferry Road, and streetscape improvements have been ongoing for that portion of the subject property's frontage along Johnson Ferry Road. The applicant intends to satisfy phase 2 (completed streetscape improvements for the subject property's frontage along Johnson Ferry Road) by March 31, 2008, the originally conditioned date under V06-061.

Recommended Condition(s)

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

1. That all the Main Street Overlay District streetscape along the subject property's Johnson Ferry Road frontage shall be installed by the owner/developer by March 31, 2008.
2. The owner/developer shall provide an escrow account in the amount of one-half the current value of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage by March 31, 2009. The owner/developer shall provide a second escrow account in the amount of the remaining balance of the current value of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage by March 31, 2010. The aforementioned escrow accounts shall be paid-out when the City of Sandy Springs completes the installation of the required Main Street Overlay District streetscape along the subject property's Roswell Road frontage.

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



Variance Petition No. V08-007

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008 (Deferred)

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Sean R. Mikula

Petitioner

Sean R. Mikula

Representative

Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land 4608 Dalmer Road
Lot(s), and District Land Lot(s) 66 District 17

Council District 5

Frontage and Area 87 feet of frontage along the west side of Dalmer Road. The subject property has a total area of approximately 0.44 acre(s).

Existing Zoning and Use R-4 (Single-family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 6.3 feet on the north side yard and to 5.3 feet on the south side yard; and
- 2) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer.

Both variances to allow existing structures to remain for the reconfiguration of the residential lot.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision.

Parcel Map

4608 Dalmer Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on April 10, 2008

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

CASE NUMBER: V08-007

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

REQUEST:

The applicant is requesting relief from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 6.3 feet on the north side yard and to 5.3 feet on the south side yard and from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer. Both variances are to allow existing structures to remain for the reconfiguration of the residential lot.

ANALYSIS:

The applicant states that he has been contracted to convey to a developer, who is planning to develop a residential subdivision to the west, a portion of the rear of his lot. The developer intends to incorporate the conveyed portion of the subject property into the planned residential subdivision. Certain structures on the subject property are “grandfathered”, and, per the Zoning Ordinance, changes to any legally nonconforming property must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed for existing nonconforming structures. The requests are as follows: 1) to reduce the twenty-five (25) foot impervious surface setback to 3.2 feet to allow the existing house, deck, steps, and walkway to remain and to reduce the fifty (50) foot natural undisturbed buffer to zero (0) feet to allow the swing and fence to remain, and 2) to reduce the required 7 foot side yard setback on the south property line to 5.3 feet and to 6.3 feet along the north property line to allow an existing house to remain.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision. Staff is aware of continued progress made by the applicant to resolve buffering issues with concerned neighbors. Additionally, the applicant has met with Staff and reviewed the history of the proposed subdivision. The history of the proposed subdivision is detailed as follows:

- 1) The applicant has provided copies of approved Fulton County Concept Plans showing nine (9) buildable lots and a tenth (10th) lot dedicated to a storm water management area. The aforementioned approved Fulton County Concept Plans indicate a twenty-five (25) foot stream buffer. The Concept Plans also indicate the southern boundary property line to be the centerline of the existing stream that runs east to west. The Concept Plans also indicate the eastern boundary property line to be in a relatively straight line from Windsor Parkway towards the southeastern

corner of the subdivision. Staff notes that it appears no encroachment into the shown twenty-five (25) foot stream buffer would occur or would have to occur under the approved Fulton County Concept Plans.

- 2) In May of 2006, after the City decided to impose the seventy-five (75) foot stream buffer (instead of the 25' foot buffer indicated on the approved Fulton County Concept Plans) on the subdivision, the applicant applied for a stream buffer variance with the City, under variance petition V06-030, to primarily allow for a storm water management area to be within the required stream buffer. A copy of the approved Fulton County Concept Plans was provided as the site plan to be considered under V06-030. Again, with the V06-030 variance petition, the approved Fulton County Concept Plans showed a proposed storm water management area outside the twenty-five (25) foot stream buffer; however, the proposed storm water management area was within the seventy-five (75) foot stream buffer now imposed by the City. Petition V06-030 was denied by the BZA.
- 3) In July of 2006, the BZA approved tree removal variance V06-071 to allow the applicant to remove of four (4) Specimen trees.
- 4) In 2007, the applicant applied for a Land Disturbance Permit (LDP) and was turned down because the perimeter subdivision property lines indicated proposed configuration changes to adjoining lots having non-conforming structures. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. Staff believes that the LDP is compliant, other than the aforementioned changes to adjoining lots having non-conforming structures. Staff notes that the applicant has moved the proposed storm water management area to be outside the seventy-five (75) foot stream buffer. Additionally, the LDP plans still show the southern boundary property line to be the centerline of the existing stream that runs east to west; however, the eastern boundary property line is no longer in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,727 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Existing condition. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,727 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Recommended Condition(s)

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

1. That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 6.3 feet on the north side yard and to 5.3 feet on the south side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.

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

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



Variance Petition No. V08-008

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008 (Deferred)

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jonathan & Angela Goldman	Jonathan & Angela Goldman	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land	4600 Dalmer Road
Lot(s), and District	Land Lot(s) 66 District 17
Council District	5
Frontage and Area	87 feet of frontage along the west side of Dalmer Road. The subject property has a total area of approximately 0.43 acre(s).
Existing Zoning and Use	R-4 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required seven (7) foot minimum side yard setback to six (6) feet on the north side yard and
- 2) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer.

Both variances to allow existing structures to remain for the reconfiguration of the residential lot.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision.

Parcel Map

4600 Dalmer Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on April 10, 2008

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

CASE NUMBER: V08-008

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

REQUEST:

The applicant is requesting relief from Section 6.6.3.C of the Zoning Ordinance to reduce the required seven (7) foot minimum side yard setback to six (6) feet on the north side yard and from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer. Both variances are to allow existing structures to remain for the reconfiguration of the residential lot.

ANALYSIS:

The applicant states that he has been contracted to convey to a developer, who is planning to develop a residential subdivision to the west, a portion of the rear of his lot. The developer intends to incorporate the conveyed portion of the subject property into the planned residential subdivision. Certain structures on the subject property are "grandfathered", and, per the Zoning Ordinance, changes to any legally nonconforming property must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed for existing nonconforming structures. The requests are as follows: 1) to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet to allow the existing house, deck, steps, fence, and stone walkway to remain and to reduce the fifty (50) foot natural undisturbed buffer to zero (0) feet to allow the fence to remain, and 2) to reduce the required 7 foot side yard setback on the north property line to 6 feet to allow the existing house to remain.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision. Staff is aware of continued progress made by the applicant to resolve buffering issues with concerned neighbors. Additionally, the applicant has met with Staff and reviewed the history of the proposed subdivision. The history of the proposed subdivision is detailed as follows:

- 1) The applicant has provided copies of approved Fulton County Concept Plans showing nine (9) buildable lots and a tenth (10th) lot dedicated to a storm water management area. The aforementioned approved Fulton County Concept Plans indicate a twenty-five (25) foot stream buffer. The Concept Plans also indicate the southern boundary property line to be the centerline of the existing stream that runs east to west. The Concept Plans also indicate the eastern boundary property line to be in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision. Staff notes that it appears no encroachment into the

shown twenty-five (25) foot stream buffer would occur or would have to occur under the approved Fulton County Concept Plans.

- 2) In May of 2006, after the City decided to impose the seventy-five (75) foot stream buffer (instead of the 25' foot buffer indicated on the approved Fulton County Concept Plans) on the subdivision, the applicant applied for a stream buffer variance with the City, under variance petition V06-030, to primarily allow for a storm water management area to be within the required stream buffer. A copy of the approved Fulton County Concept Plans was provided as the site plan to be considered under V06-030. Again, with the V06-030 variance petition, the approved Fulton County Concept Plans showed a proposed storm water management area outside the twenty-five (25) foot stream buffer; however, the proposed storm water management area was within the seventy-five (75) foot stream buffer now imposed by the City. Petition V06-030 was denied by the BZA.
- 3) In July of 2006, the BZA approved tree removal variance V06-071 to allow the applicant to remove of four (4) Specimen trees.
- 4) In 2007, the applicant applied for a Land Disturbance Permit (LDP) and was turned down because the perimeter subdivision property lines indicated proposed configuration changes to adjoining lots having non-conforming structures. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. Staff believes that the LDP is compliant, other than the aforementioned changes to adjoining lots having non-conforming structures. Staff notes that the applicant has moved the proposed storm water management area to be outside the seventy-five (75) foot stream buffer. Additionally, the LDP plans still show the southern boundary property line to be the centerline of the existing stream that runs east to west; however, the eastern boundary property line is no longer in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,712 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Existing condition. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,712 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Recommended Condition(s)

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

1. That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 6 feet on the north side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.

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

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



Variance Petition No. V08-009

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008 (Deferred)

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Michael Kaeding	Michael Kaeding	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land	4590 Dalmer Road
Lot(s), and District	Land Lot(s) 66 District 17
Council District	5
Frontage and Area	88 feet of frontage along the west side of Dalmer Road. The subject property has a total area of approximately 0.49 acre(s).
Existing Zoning and Use	R-4 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 4.49 feet (house) on the north side yard and to four (4) feet (accessory structure with deck) on the south side yard and
- 2) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer.

Both variances to allow existing structures to remain for the reconfiguration of the residential lot.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision.

Parcel Map

4590 Dalmer Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on April 10, 2008

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

CASE NUMBER: V08-009

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

REQUEST:

The applicant is requesting relief from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 4.49 feet (house) on the north side yard and to four (4) feet (accessory structure with deck) on the south side yard and from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a zero (0) foot undisturbed buffer. Both variances are to allow existing structures to remain for the reconfiguration of the residential lot.

ANALYSIS:

The applicant states that he has been contracted to convey to a developer, who is planning to develop a residential subdivision to the west, a portion of the rear of his lot. The developer intends to incorporate the conveyed portion of the subject property into the planned residential subdivision. Certain structures on the subject property are "grandfathered", and, per the Zoning Ordinance, changes to any legally nonconforming property must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed for existing nonconforming structures. The requests are as follows: 1) to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet to allow the existing house, deck, steps, fence, and walkway to remain and to reduce the fifty (50) foot natural undisturbed buffer to zero (0) feet to allow the fence, shed, and deck to remain, and 2) to reduce the required 7 foot side yard setback on the north property line to 4.49 feet to allow the existing house to remain and to 4 feet on the south property line to allow an existing shed having a deck to remain.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the west and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision. Staff is aware of continued progress made by the applicant to resolve buffering issues with concerned neighbors. Additionally, the applicant has met with Staff and reviewed the history of the proposed subdivision. The history of the proposed subdivision is detailed as follows:

- 1) The applicant has provided copies of approved Fulton County Concept Plans showing nine (9) buildable lots and a tenth (10th) lot dedicated to a storm water management area. The aforementioned approved Fulton County Concept Plans indicate a twenty-five (25) foot stream buffer. The Concept Plans also indicate the southern boundary property line to be the centerline of the existing stream that runs east to west. The Concept Plans also indicate the eastern boundary property line to

be in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision. Staff notes that it appears no encroachment into the shown twenty-five (25) foot stream buffer would occur or would have to occur under the approved Fulton County Concept Plans.

- 2) In May of 2006, after the City decided to impose the seventy-five (75) foot stream buffer (instead of the 25' foot buffer indicated on the approved Fulton County Concept Plans) on the subdivision, the applicant applied for a stream buffer variance with the City, under variance petition V06-030, to primarily allow for a storm water management area to be within the required stream buffer. A copy of the approved Fulton County Concept Plans was provided as the site plan to be considered under V06-030. Again, with the V06-030 variance petition, the approved Fulton County Concept Plans showed a proposed storm water management area outside the twenty-five (25) foot stream buffer; however, the proposed storm water management area was within the seventy-five (75) foot stream buffer now imposed by the City. Petition V06-030 was denied by the BZA.
- 3) In July of 2006, the BZA approved tree removal variance V06-071 to allow the applicant to remove of four (4) Specimen trees.
- 4) In 2007, the applicant applied for a Land Disturbance Permit (LDP) and was turned down because the perimeter subdivision property lines indicated proposed configuration changes to adjoining lots having non-conforming structures. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. Staff believes that the LDP is compliant, other than the aforementioned changes to adjoining lots having non-conforming structures. Staff notes that the applicant has moved the proposed storm water management area to be outside the seventy-five (75) foot stream buffer. Additionally, the LDP plans still show the southern boundary property line to be the centerline of the existing stream that runs east to west; however, the eastern boundary property line is no longer in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 20,331 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Existing condition. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus

bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 20,331 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Recommended Condition(s)

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

1. That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 4.5 feet on the north side yard (for house) and to 4 feet on the south side yard (shed/deck) and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze

might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

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

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



Variance Petition No. V08-010

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008 (Deferred)

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Tom Elias

Petitioner

Tom Elias

Representative

Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land 380 Pine Forest Road
Lot(s), and District Land Lot(s) 66 District 17

Council District 5

Frontage and Area 108 feet of frontage along the north side of Pine Forest Road. The subject property has a total area of approximately 0.67 acre(s).

Existing Zoning and Use R-4 (Single-family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a forty-one (41) foot undisturbed buffer to allow existing structures to remain for the reconfiguration of the residential lot.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the north and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision.

Parcel Map

380 Pine Forest Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on April 10, 2008

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

CASE NUMBER: V08-010

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

REQUEST:

The applicant is requesting relief from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a forty-one (41) foot undisturbed buffer. The variance is to allow existing structures to remain for the reconfiguration of the residential lot.

ANALYSIS:

The applicant states that he has been contracted to convey to a developer, who is planning to develop a residential subdivision to the north, a portion of the rear of his lot. The developer intends to incorporate the conveyed portion of the subject property into the planned residential subdivision. Certain structures on the subject property are “grandfathered”, and, per the Zoning Ordinance, changes to any legally nonconforming property must comply with current provisions of the Zoning Ordinance. In this case, the requested variance is needed for existing nonconforming structures. The request is to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet to allow the existing house, fence, deck, and concrete area to remain and to reduce the fifty (50) foot natural undisturbed buffer to forty-one (41) feet to allow the fence to remain.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the north and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision. Staff is aware of continued progress made by the applicant to resolve buffering issues with concerned neighbors. Additionally, the applicant has met with Staff and reviewed the history of the proposed subdivision. The history of the proposed subdivision is detailed as follows:

- 1) The applicant has provided copies of approved Fulton County Concept Plans showing nine (9) buildable lots and a tenth (10th) lot dedicated to a storm water management area. The aforementioned approved Fulton County Concept Plans indicate a twenty-five (25) foot stream buffer. The Concept Plans also indicate the southern boundary property line to be the centerline of the existing stream that runs east to west. The Concept Plans also indicate the eastern boundary property line to be in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision. Staff notes that it appears no encroachment into the shown twenty-five (25) foot stream buffer would occur or would have to occur under the approved Fulton County Concept Plans.

- 2) In May of 2006, after the City decided to impose the seventy-five (75) foot stream buffer (instead of the 25' foot buffer indicated on the approved Fulton County Concept Plans) on the subdivision, the applicant applied for a stream buffer variance with the City, under variance petition V06-030, to primarily allow for a storm water management area to be within the required stream buffer. A copy of the approved Fulton County Concept Plans was provided as the site plan to be considered under V06-030. Again, with the V06-030 variance petition, the approved Fulton County Concept Plans showed a proposed storm water management area outside the twenty-five (25) foot stream buffer; however, the proposed storm water management area was within the seventy-five (75) foot stream buffer now imposed by the City. Petition V06-030 was denied by the BZA.
- 3) In July of 2006, the BZA approved tree removal variance V06-071 to allow the applicant to remove of four (4) Specimen trees.
- 4) In 2007, the applicant applied for a Land Disturbance Permit (LDP) and was turned down because the perimeter subdivision property lines indicated proposed configuration changes to adjoining lots having non-conforming structures. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. Staff believes that the LDP is compliant, other than the aforementioned changes to adjoining lots having non-conforming structures. Staff notes that the applicant has moved the proposed storm water management area to be outside the seventy-five (75) foot stream buffer. Additionally, the LDP plans still show the southern boundary property line to be the centerline of the existing stream that runs east to west; however, the eastern boundary property line is no longer in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,294 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Existing condition. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 16,294 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Recommended Condition(s)

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

1. That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a forty-one (41) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.

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

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



Variance Petition No. V08-011

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008 (Deferred)

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Denny & Amy Brown	Denny & Amy Brown	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot(s), and District	354 Pine Forest Road Land Lot(s) 66 District 17
Council District	5
Frontage and Area	94 feet of frontage along the north side of Pine Forest Road. The subject property has a total area of approximately 0.56 acre(s).
Existing Zoning and Use	R-4 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 5.1 feet on the east side yard and
- 2) variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirteen (13) foot undisturbed buffer.

Both variances to allow existing structures to remain for the reconfiguration of the residential lot.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the north and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision.

Parcel Map

354 Pine Forest Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on April 10, 2008

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

CASE NUMBER: V08-011

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

REQUEST:

The applicant is requesting relief from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 5.1 feet on the east side yard and from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirteen (13) foot undisturbed buffer. Both variances are to allow existing structures to remain for the reconfiguration of the residential lot.

ANALYSIS:

The applicant states that he has been contracted to convey to a developer, who is planning to develop a residential subdivision to the north, a portion of the rear of his lot. The developer intends to incorporate the conveyed portion of the subject property into the planned residential subdivision. Certain structures on the subject property are "grandfathered", and, per the Zoning Ordinance, changes to any legally nonconforming property must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed for existing nonconforming structures. The requests are as follows: 1) to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet to allow the existing house, concrete, and stoop to remain and to reduce the fifty (50) foot natural undisturbed buffer to thirteen (13) feet to allow the existing structure, deck, steps, overhang and wall to remain, and 2) to reduce the required 7 foot side yard setback on the east property line to 5.1 feet to allow the existing house and deck to remain.

The subject application was deferred at the March 13, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to work with concerned neighbors regarding buffering issues for the proposed subdivision to the north and to allow the applicant time to work with Staff to clarify the history of the proposed subdivision. Staff is aware of continued progress made by the applicant to resolve buffering issues with concerned neighbors. Additionally, the applicant has met with Staff and reviewed the history of the proposed subdivision. The history of the proposed subdivision is detailed as follows:

- 1) The applicant has provided copies of approved Fulton County Concept Plans showing nine (9) buildable lots and a tenth (10th) lot dedicated to a storm water management area. The aforementioned approved Fulton County Concept Plans indicate a twenty-five (25) foot stream buffer. The Concept Plans also indicate the southern boundary property line to be the centerline of the existing stream that runs east to west. The Concept Plans also indicate the eastern boundary property line to be in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision. Staff notes that it appears no encroachment into the

shown twenty-five (25) foot stream buffer would occur or would have to occur under the approved Fulton County Concept Plans.

- 2) In May of 2006, after the City decided to impose the seventy-five (75) foot stream buffer (instead of the 25' foot buffer indicated on the approved Fulton County Concept Plans) on the subdivision, the applicant applied for a stream buffer variance with the City, under variance petition V06-030, to primarily allow for a storm water management area to be within the required stream buffer. A copy of the approved Fulton County Concept Plans was provided as the site plan to be considered under V06-030. Again, with the V06-030 variance petition, the approved Fulton County Concept Plans showed a proposed storm water management area outside the twenty-five (25) foot stream buffer; however, the proposed storm water management area was within the seventy-five (75) foot stream buffer now imposed by the City. Petition V06-030 was denied by the BZA.
- 3) In July of 2006, the BZA approved tree removal variance V06-071 to allow the applicant to remove of four (4) Specimen trees.
- 4) In 2007, the applicant applied for a Land Disturbance Permit (LDP) and was turned down because the perimeter subdivision property lines indicated proposed configuration changes to adjoining lots having non-conforming structures. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. Staff believes that the LDP is compliant, other than the aforementioned changes to adjoining lots having non-conforming structures. Staff notes that the applicant has moved the proposed storm water management area to be outside the seventy-five (75) foot stream buffer. Additionally, the LDP plans still show the southern boundary property line to be the centerline of the existing stream that runs east to west; however, the eastern boundary property line is no longer in a relatively straight line from Windsor Parkway towards the southeastern corner of the subdivision.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 14,262 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Existing condition. No comment.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that this request is entirely within the harmony of the general purpose and intent of the Zoning Ordinance in that no changes or modifications to the improvements on the subject property are being made, and the house, as existing, is in keeping and harmony with the other homes in the immediate area. The applicant is simply seeking to accommodate the developer of the proposed residential subdivision on the property to the west to better configure the property to be developed thus bringing to the surrounding community a more pleasing lot configuration better in keeping with the surrounding community.

Staff notes that the minimum lot size for parcels zoned R-4 is 9,000 square feet, and the proposed new lot size is 14,262 square feet. Staff also notes that there are properties in the immediate area that are larger, smaller, and of approximate equal size than the proposed new lot.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running through the rear of the lot.

The applicant states that the resulting hardship to the applicant after the reconfiguration of the original lot is truly unique to the subject property and the approval of these variance requests would cause no detriment to the public while requiring strict compliance of the applicant would create unnecessary hardship.

Recommended Condition(s)

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

1. That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 5 feet on the east side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a thirteen (13) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

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

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



Variance Petition No. V08-001

HEARING & MEETING DATES

Design Review Board
January 22, 2008

Board of Zoning Appeals Hearing
March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Marshall Plaza

Petitioner
KC Pit BBQ

Representative
Eric Burden

PROPERTY INFORMATION

Address, Land Lot,
and District. 6317 Roswell Road (SR 9)
Land Lot 88, District 17

Council District 4

Frontage and Area Approximately 450 feet of frontage along the east side of Roswell Road (SR9).
The subject property has a total area of 7.17 acres (312,377.46 Square Feet).

Existing Zoning
and Use C-1 (Community Business District) conditional under Fulton County 59Z-004,
currently developed with a shopping center.

Overlay District Main Street District

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

INTENT

The applicant is seeking a primary variance from Section 33.18.H of the Zoning Ordinance to allow for a sign to extend vertically above the roof line of a building.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the January 22, 2008 DRB meeting. The Board endorsed (7-0) this application (V08-001) with the following conditions:

1. Approval only of one of the following signs:

Sign #1 : Tenant panel on the free standing sign, or

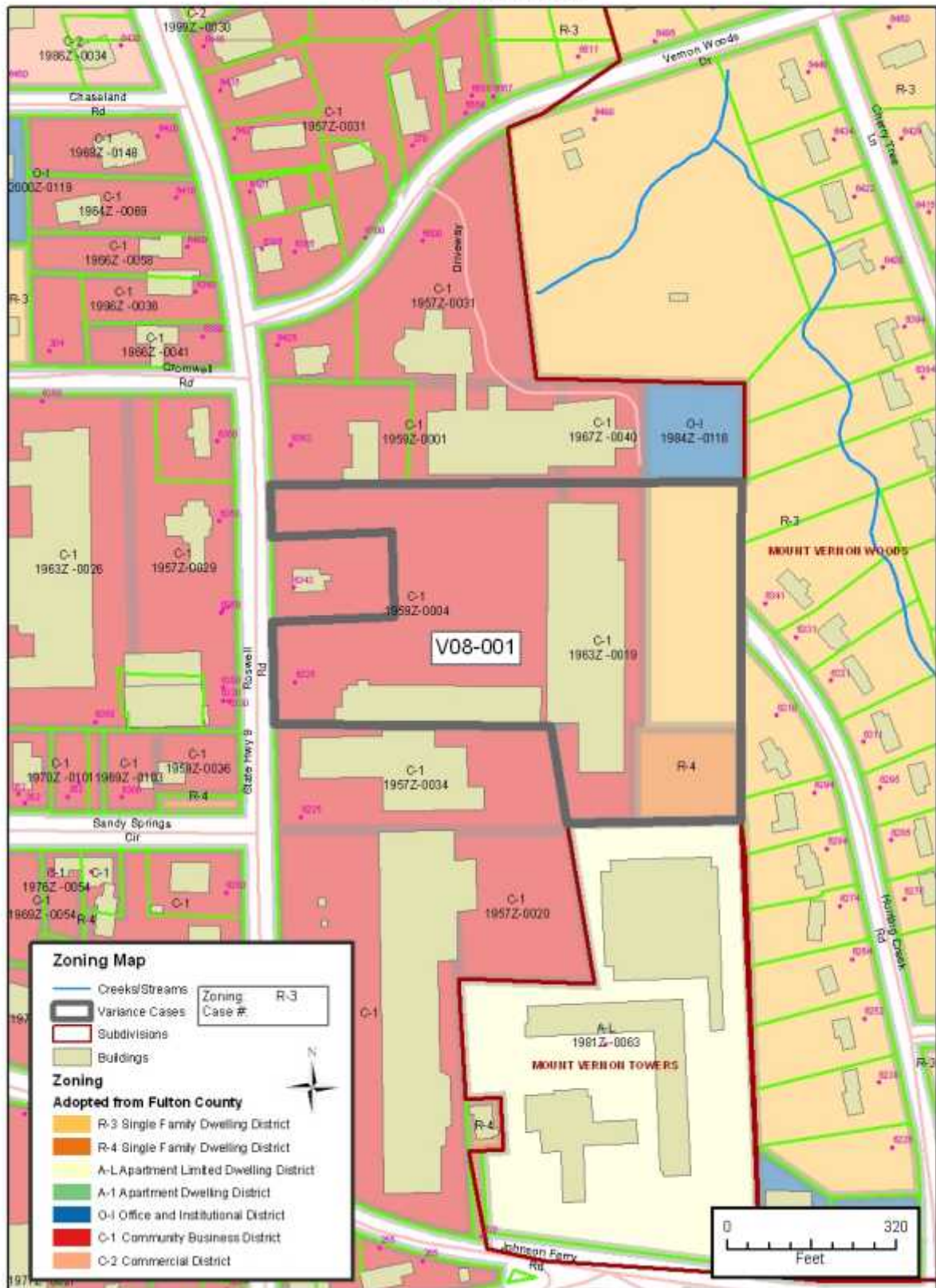
Sign #2: Wall sign on the north elevation facing the parking lot.

2. Approval of a wall sign (sign # 3) fronting Roswell Road above the roof of the patio without extending above the parapet of the building.

The applicant's original request was to have sign #1 and sign #2 with the approval of sign permits, and sign # 3 with the approval of a variance request. Following the recommendations of the DRB the applicant has selected not to have sign #2.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

6317 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-001

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

REQUEST:

The applicant is seeking relief from Section 33.18.H of the Zoning Ordinance to allow a sign to extend vertically above the roof or parapet of the applicable wall.

ANALYSIS:

The subject of this variance is an existing one story building housing a restaurant ("KC Pit BBQ"). The staff of the Planning and Zoning Division reviewed the application to install a wall sign on the west elevation of the building facing Roswell Road and determined that because of its location, the sign is classified as a roof sign. Therefore, a variance was needed to allow the sign, as Article 33.18.H of the Sandy Springs Zoning Ordinance prohibits signs that extend vertically above any portion of a roof or parapet of the applicable wall. By placing the sign at the proposed location, the applicant intends to capture visibility from north and south bound traffic on Roswell Road.

The applicant proposes to install a 42.5 square foot sign, as set forth in Section 33.26.H.2 of the Sandy Springs Zoning Ordinance, which entitles businesses to one wall sign on the exterior wall of the building up to 5% of the total wall area. The street facing elevation of the building contains a total of 1,400.00 square feet of wall area which qualifies the building elevation for a wall sign up to seventy (70) square feet (Exhibit 1). The sign will be a typical channel letter sign internally illuminated with neon tubing and a day-night acrylic face.

The applicant states that in order to maximize exposure from both directions on Roswell Road this is the only location in which the sign can be located as there are trees blocking its view at a lower elevation.

The applicant has obtained a sign permit to advertise KC Pit BBQ on the free standing sign.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which time the following departmental /divisional comments were provided:

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

Standards for Consideration

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

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

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

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

The applicant has indicated that if KC Pit BBQ has to lower the sign, the visibility of their sign from the northbound traffic on Roswell Road (SR 9) would be severely hampered by the trees located on front of the building (Exhibit 2). The property also has a landscape strip along the south property line with fully developed vegetation, limiting drivers' vision while attending to traffic (Exhibit 3).

Recommended Conditions:

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

1. That the roof sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received January 2, 2008 by the Department of Community Development.
2. That the roof sign shall not exceed 42.5 square feet of sign area, pursuant to the sign design detail (Exhibit 1), submitted by the applicant, and dated received January 2, 2008 by the Department of Community Development.

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



Variance Petition No. V08-002

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
FF Realty LLC

Petitioner
FF Realty LLC

Representative
John Jay

PROPERTY INFORMATION

Address, Land Lot, and District. 415 and 425 Morgan Falls Road
Land Lots 77 and 83, District 17

Council District 2

Frontage and Area 1500 feet of frontage along the north side of Morgan Falls Road. The subject property has a total area of 44.912 acres (1,956,358.0 square feet).

Existing Zoning and Use A (Medium Density Apartment District) conditional under Fulton County 99Z-065, currently developed with apartment homes.

Overlay District N/A

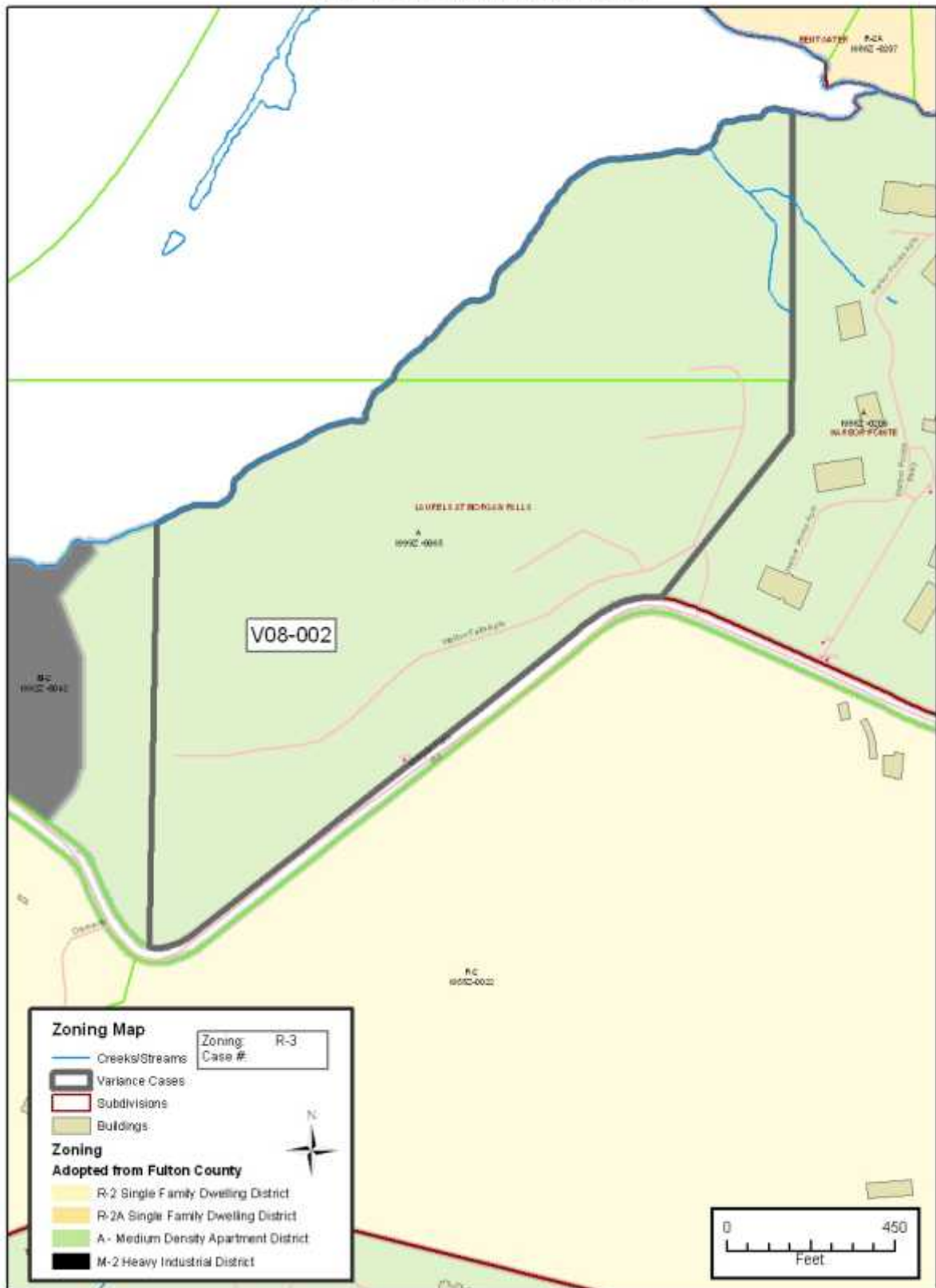
Interim 2025 Comprehensive Future Land Use Map Designation R5 - 8 Residential (5 to 8 units per acre).

INTENT

The applicant is seeking a primary variance from Section 33.26.C.1 of the Zoning Ordinance to allow a free standing sign to exceed the maximum height permitted from six (6) feet to eight (8) feet four (4) inches.

Parcel Map

415, 425 Morgan Falls Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V07-002

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking relief from Section 33.26.C.1 of the Zoning Ordinance to allow a free standing sign to exceed the maximum height permitted from six (6) feet to eight (8) feet four (4) inches.

ANALYSIS:

The subject property is located on the north side of Morgan Falls Road, beginning 3,553.48 feet west from the intersection of the westerly side of Roswell Road, and the northerly side of Morgan Falls Road. The property is developed with apartment homes. The staff reviewed a sign permit application to replace the sign face of an existing freestanding identification sign along the Morgan Falls Road frontage of the property that identifies the Laurels at Morgan Falls apartment complex. It was determined that a variance was needed to allow the sign, as Article 33.26.C.1 allows Apartment and Townhouse Residential Districts to display one free standing sign no more than six (6) feet height on a non-arterial street.

The applicant states that the sign structure was located at the current location in year 2000, when the apartment complex was built. In addition, the applicant states that the property was purchased by Fairfield Residential, Inc. in the year 2006, without knowledge of a non-compliant sign. Fairfield Residential will be replacing the sign face of the existing structure with a sign area of thirty-two (32) square feet to comply with the sign ordinance.

The applicant states that it is important for a driver to distinctively recognize the location of the apartment complex as they are located so far off a major road and it is essential to public safety personnel responding to emergencies.

The sign structure is made of stucco with a brick base, featuring a single sided aluminum panel. Staff was not able to find the documents to establish that the previous sign for the Walton Falls apartment complex had a Fulton County sign permit.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ Provide 4" street address per IFC Section 505.1, 2006 International Fire Code, New and existing buildings shall have approved address numbers, building numbers or approved building identification place in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numeral or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant's purpose is to present an identification of its premises, communicating to the citizens the location of the Laurels at Morgan Falls. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Recommended Conditions:

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

1. That the free standing sign shall not exceed thirty-two (32) square feet of sign area, and eight (8) feet four (4) inches height pursuant to the sign design detail (Exhibit 1), submitted by the applicant, dated received January 2, 2008 by the Department of Community Development.

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



Variance Petition No. V08-014

HEARING & MEETING DATES

Design Review Board
February 12, 2008

Board of Zoning Appeals Hearing
March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
The Prado, LLC

Petitioner
The Prado, LLC

Representative
Ron Slotin

PROPERTY INFORMATION

Address, Land Lot,
and District. 5600 Roswell Road (SR 9)
Land Lot 91, District 17

Council District 6

Frontage and Area 437.74 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 29.62 acres (1,290,247.2 Square Feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County 05Z-050, currently developed with a shopping center.

Overlay District Urban District

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

INTENT

The applicant is seeking three (3) primary variances from the Zoning Ordinance to display temporary signs during construction. The applicant's request is as follows:

- 1) Variance from Section 33.22.B to allow for a banner to be located on government right-of-way and/or to be closer than 20 feet to an intersection as measured from the intersection of the 2 right-of-ways,
- 2) Variance from Section 33.22.C to reduce the required ten (10) foot minimum four (4) banners setback from the right-of-way from 10 feet to ----- feet, and
- 3) Variance from Section 33.22.C to allow for four (4) banners:
 - a) To exceed the maximum time period permitted from three (3) fourteen (14) days periods per calendar year per lot to eight (8) months,

b) To increase the maximum size allowed from 32 square feet to:

Banner number 1- proposed size 768.0 sqft.
Banner number 2- proposed size 1,280.0 sqft.
Banner number 3- proposed size 600.0 sqft.
Banner number 4- proposed size 464.0 sqft.

c) To increase the maximum height allowed above grade when banners are on the ground from 5 feet to:

Banner number 1- proposed height eight (8) feet.
Banner number 2- proposed height eight (8) feet.
Banner number 3- proposed height six (6) feet.
Banner number 4- proposed height eight (8) feet.

DESIGN REVIEW BOARD RECOMMENDATION

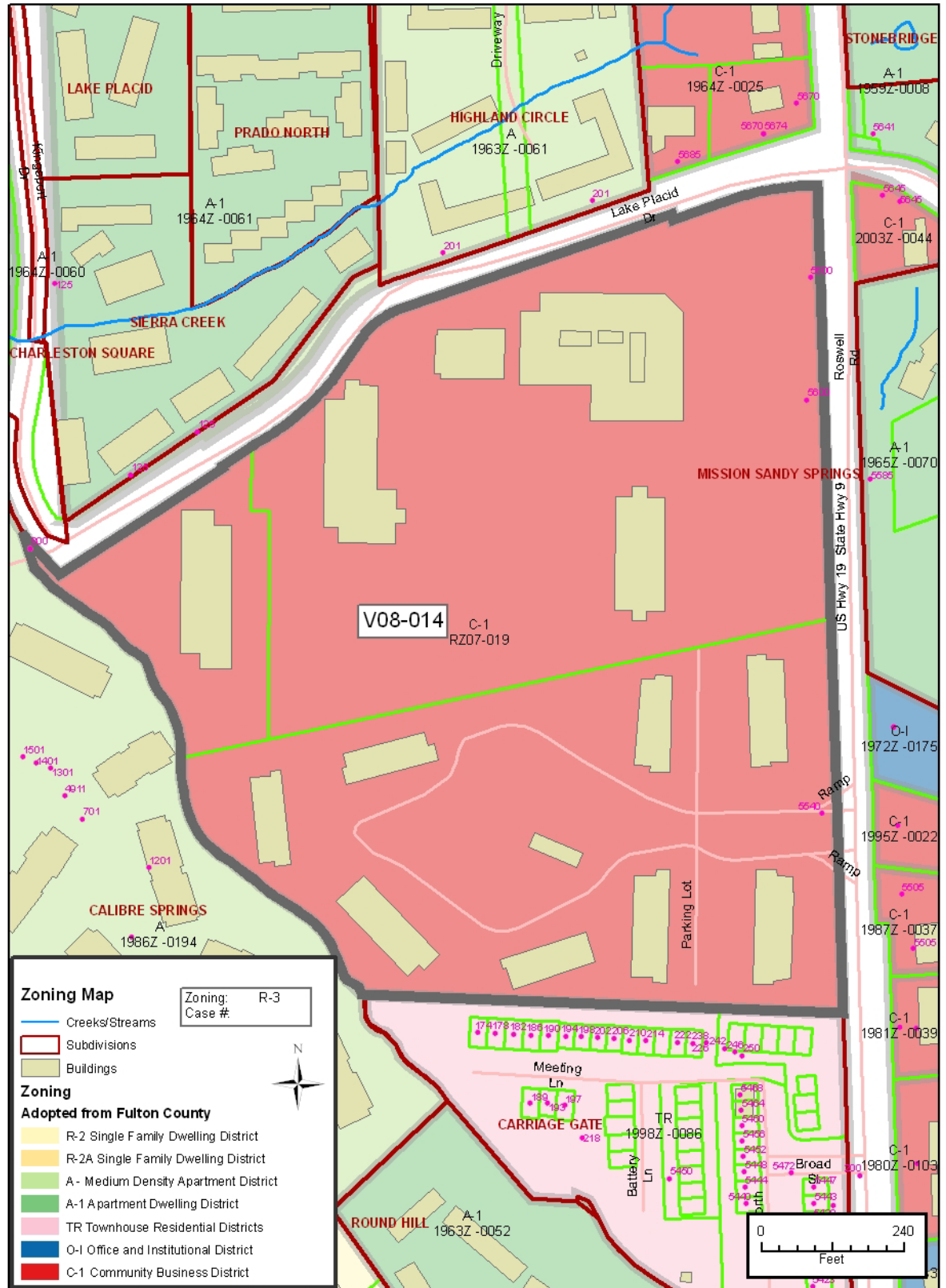
The application was heard at the February 12, 2008 DRB meeting. The Board endorsed (6-0) this application (V08-014) with the following recommendations:

The applicant to revise the banners, to incorporate more information related to the existing tenants and future opening.

Following the Board recommendations the applicant reviewed the banners incorporating more.....

Parcel Map

5600 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V07-014

STAFF CONTACT:

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

REQUEST:

The applicant is requesting relief from Section 33.22.B to allow for four (4) banners to be located on government right-of-way and/or to be closer than 20 feet to an intersection as measured from the intersection of the 2 right-of-ways, Section 33.22.C to reduce the required ten (10) foot minimum sign (banners) setback from the right-of-way from 10 feet to 0 feet, and Section 33.22.C to allow for four (4) banners to increase the maximum size allowed from 32 square feet to 768.0 sqft., 1,280.0 sqft, 600.0 sqft, and 464.0 sqft, and to increase the maximum height allowed above grade when banners are on the ground from 5 feet to six (6) feet and eight (8) feet, to advertise existing business on the site during construction .

ANALYSIS

The Prado Shopping Center is undergoing major construction and renovation. The site has an existing free standing sign that display the names of all the stores in the shopping center. The applicant is taking down the existing free standing sign and replacing it with four (4) ID monuments, two (2) along Lake Placid road frontage and two (2) along Roswell Road (SR 9) road frontage. These signs are to be installed at the final construction face of the project. The applicant states that these stores and restaurants are staying open during construction and are in real need of signage to support their business during construction.

Searching for a solution to advertise these stores and restaurants during construction, the applicant met with the planning and zoning staff to present a proposal to add to the construction fence along Roswell Road, sections of wooden fence with vinyl mesh fencing and vinyl adhesive signage, to promote the current stores and let people know about the new stores opening. A review of the material presented to the staff indicated that the proposed signs did not meet the requirements of the Sandy Springs Zoning Ordinance; therefore, a variance was necessary. The applicant's opinion is that the upgraded construction fencing will also improve the look of the entire site during construction.

These proposed banners are to be display from March, 2008 until October 2008 when the new Prado project opens. These banners are proposed to be in the right of way.

Department Comments

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

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

Standards for Consideration

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

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

The applicant's purpose is to present identification of its premises, communicating to the public that the current stores are open for business during construction. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Recommended Conditions:

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

1. That the projecting sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibits 1 & 2), submitted by the applicant, dated received December 7, 2007 by the Department of Community Development.

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

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



Variance Petition No. V08-012

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

March 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Lucke	Stephanie Lucke	Stephanie Lucke

PROPERTY INFORMATION

Address, Land Lot(s), and District	4700 Dudley Lane Land Lot(s) 119 District 17
Council District	6
Frontage and Area	205 feet of frontage along the south side of Lafayette Way and 102 feet of frontage along the west side of Dudley Lane. The subject property has a total area of approximately 0.50 acre(s).
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is requesting three (3) primary variances:

- 1) Variance from Section 4.11.D.4 of the Zoning Ordinance to reduce the minimum three (3) foot landscape strip between a wall and a public right-of-way to a minimum of seven (7) inches,
- 2) Variance from Section 4.11.F of the Zoning Ordinance to reduce the minimum three (3) foot setback of a wall from a public right-of-way to a minimum of seven (7) inches, and
- 3) Variance from 14.8.III.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip.

Parcel Map

4700 Dudley Lane



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on March 13, 2008

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

CASE NUMBER: V08-012

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

REQUEST:

The applicant is requesting relief from Section 4.11.D.4 of the Zoning Ordinance to reduce the minimum three (3) foot landscape strip between a wall and a public right-of-way to a minimum of seven (7) inches, Section 4.11.F of the Zoning Ordinance to reduce the minimum three (3) foot setback of a wall from a public right-of-way to a minimum of seven (7) inches, and from 14.8.III.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip. The retaining wall is necessary for the expansion of driveway that leads to an attached garage. The expanded driveway allows for a bigger turning radius.

ANALYSIS:

The applicant received a permit from the City of Sandy Springs to construct the subject wall. However, a stop work order was given when it was brought to light that it was located closer to the right-of-way than the Zoning Ordinance allows. Subsequently, the applicant has filed petition V08-012 so that the subject wall could be considered to remain in its present location and allow its construction to be completed.

The applicant has submitted a site plan indicating the subject property to be a corner lot having an irregular shape. Photographs show a steep drop off from the existing driveway parking pad/back-out pad down to Lafayette Way.

The applicant states that the house was purchased in September 2003, and, since that time, there have been numerous accidents as a result of the driveway...everything from skinned knees to scraped cars and many near miss situations that were far more serious.

The applicant states that the elevation of the driveway is too severe and it is difficult to clearly see where you are going. This problem is even more pronounced in icy and wet conditions where the driveway and garage are almost unusable. In the dark, it is even more difficult to judge distance and elevation on the driveway, which has led to several scrapes and other car repairs.

The applicant states that in the month of November alone, over \$2,000 worth of damage was done to a vehicle trying to navigate out of the garage and down the driveway. After completing these recent car repairs, the front of the vehicle was again scraped while trying to get out the garage and around the driveway. The applicant further states that a car driven at significant speed could be driven off the back of the driveway and rolled.

The applicant states that it is not just the cars that have been at risk. The applicant's three small children have had numerous biking, roller blading and other accidents.

The applicant states that the driveway, in its original state, poses a significant hardship to the family. The turning radius on the driveway was built too severe for a full size sedan. In the three plus years the applicant has lived there, smaller SUVs have been purchased in an attempt to mitigate the driveway situation. The applicant states that even with newer, smaller vehicles, it was far too tight to navigate in perfect conditions and downright dangerous in less than perfect conditions. Additionally, the applicant states that due to current conditions, only two of the garage spaces can effectively be used. The original driveway simply rendered the home unmarketable to any potential buyer with midsize or full-sized sedans.

Department Comments

The staff held a Focus Meeting on February 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ Granting this variance will create a potential safety hazard for motorists on Lafayette Way. The clear zone requirement for this location is 10'. As such, any fixed object located closer than 10' from the roadway represents a clear safety hazard.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the house was purchased in September 2003, and, since that time, there have been numerous accidents as a result of the driveway...everything from skinned knees to scraped cars and many near miss situations that were far more serious.

The applicant states that in the month of November alone, over \$2,000 worth of damage was done to a vehicle trying to navigate out of the garage and down the driveway. After completing these recent car repairs, the front of the vehicle was again scraped while trying to get out the garage and around the driveway. The applicant further states that a car driven at significant speed could be driven off the back of the driveway and rolled.

The applicant states that it is not just the cars that have been at risk. The applicant's three small children have had numerous biking, roller blading and other accidents.

In the three plus years the applicant has lived there, smaller SUVs have been purchased in an attempt to mitigate the driveway situation. The applicant states that even with newer, smaller vehicles, it was far too tight to navigate in perfect conditions and downright dangerous in less than perfect conditions. Additionally, the applicant states that due to current conditions, only two of the garage spaces can effectively be used. The original driveway simply rendered the home unmarketable to any potential buyer with midsize or full-sized sedans.

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

The applicant has submitted a site plan indicating the subject property to be a corner lot having an irregular shape. Photographs show a steep drop off from the existing driveway parking pad/back-out pad down to Lafayette Way.

The applicant states that the elevation of the driveway is too severe and it is difficult to clearly see where you are going. This problem is even more pronounced in icy and wet conditions where the driveway and garage are almost unusable. In the dark, it is even more difficult to judge distance and elevation on the driveway, which has led to several scrapes and other car repairs.

The applicant states that the driveway, in its original state, poses a significant hardship to the family. The turning radius on the driveway was built too severe for a full size sedan.

Recommended Condition(s)

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

1. That the wall shall be completed in accordance with the Proposed Site Plan, provided by the applicant dated received February 6, 2008 by the Department of Community Development, showing a permanent structure (fence/wall) within the required landscape strip. The proposed site plan also shows the minimum three (3) foot landscape strip between a wall and a public right-of-way reduced to a minimum of seven (7) inches and shows the minimum three (3) foot setback of a wall from a public right-of-way reduced to a minimum of seven (7) inches where necessary to accommodate the portion of the encroachment only.

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