



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



**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;*

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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;*

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Recommended Condition(s)

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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:

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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.

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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	Petitioner	Representative
Tom Elias	Tom Elias	Nathan V. Hendricks III

PROPERTY INFORMATION

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

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.

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. V08-013

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tony Morgan	Tony Morgan	Doug Bork

PROPERTY INFORMATION

Address, Land Lot(s), and District	5640 Claire Rose Lane Land Lot(s) 134 District 17
Council District	6
Frontage and Area	165 feet of frontage along the west side of Claire Rose Lane and 262 feet along the south side of Glen Errol Road. The subject property has a total area of approximately 0.80 acre(s).
Existing Zoning and Use	R-2A (Single-family Dwelling District) under zoning case Z78-0134. The property is developed with a single-family residence.
Overlay District	N/A

Interim 2025

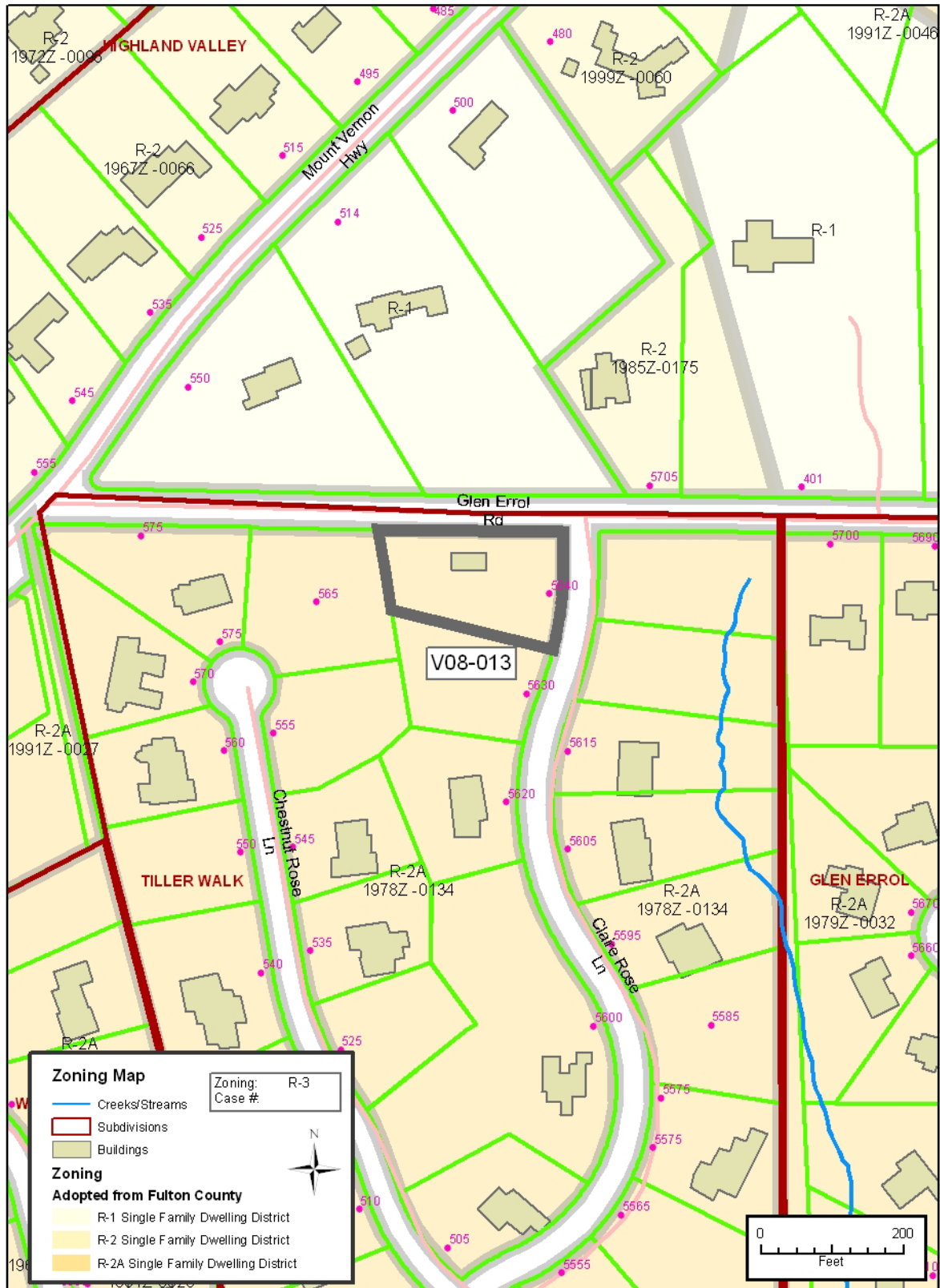
Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to twenty-three (23) feet to allow for a pool house.

Parcel Map

5640 Claire Rose Lane



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: V08-013

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

REQUEST:

The applicant is requesting relief from Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to twenty-three (23) feet to allow for a pool house approximately seventeen feet by twelve feet.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to be a corner lot having a trapezoidal shape. Photos indicate the back yard to be relatively flat; however, it is at a lower grade than the frontage of the property.

The applicant states that the proposed pool house will flow with the existing landscape and topography with minimal visual impact for both the homeowner and the surrounding neighbors. The proposed pool house has been specifically designed to be located directly at the rear edge of the newly constructed pool and designed with a sunken floor allowing the proposed pool house to have a very low vertical profile that would keep it in harmony with the surrounding landscape by minimizing its visual impact and reducing its scale. The finished height of the proposed pool house would be nine (9) feet above the surrounding grade.

When considering the topography of the lot, the applicant states that in order for the sunken floor design of the structure to drain properly, it needs to be located at the lower portion of the site. Unfortunately the site's topography and irregular shape present a hardship, as the far northwest corner of the lot is the lowest portion of the backyard and forces the proposed location of the pool house to that area. This also happens to be where the rear setback impacts the design as it is closest to the house due to the irregular shape of the lot. The applicant further states that, unfortunately, due to the aforementioned existing site hardships, the pool house along with the pool can't be located to work with the existing grades and topography without the pool house infringing on the rear setback.

The applicant states that the proposed pool house, as designed, follows precedents already set in the neighborhood for pool houses and it is in keeping with the types of amenities found with other homes in the neighborhood. The design of the pool house blends architecturally with the neighborhood as well as with the architectural detailing and materials found on the Morgan home. Additionally, the applicant states that locating the proposed pool house differently would greatly disturb the usability of the backyard and ultimately adversely affect the value of not only the subject property, but neighboring homes.

Staff notes that through GIS aerial photographs, pools are evident in the immediate area; however, existing structures required to adhere to minimum rear yard setbacks appear to be in compliance. Additionally, Staff notes that the proposed pool house would be spaced approximately ninety (90) feet from the residence to the west/rear of the subject property.

Department Comments

The staff held a Focus Meeting on March 5, 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 pool house will flow with the existing landscape and topography with minimal visual impact for both the homeowner and the surrounding neighbors. The proposed pool house has been specifically designed to be located directly at the rear edge of the newly constructed pool and designed with a sunken floor allowing the proposed pool house to have a very low vertical profile that would keep it in harmony with the surrounding landscape by minimizing its visual impact and reducing its scale. The finished height of the proposed pool house would be nine (9) feet above the surrounding grade.

The applicant states that the proposed pool house, as designed, follows precedents already set in the neighborhood for pool houses and it is in keeping with the types of amenities found with other homes in the neighborhood. The design of the pool house blends architecturally with the neighborhood as well as with the architectural detailing and materials found on the Morgan's home. Additionally, the applicant states that locating the proposed pool house differently would greatly disturb the usability of the backyard and ultimately adversely affect the value of not only the subject property, but neighboring homes.

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 a trapezoidal shape. Photos indicate the back yard to be relatively flat; however, it is at a lower grade than the frontage of the property.

When considering the topography of the lot, the applicant states that in order for the sunken floor design of the structure to drain properly, it needs to be located at the lower portion of the site. Unfortunately the site's topography and irregular shape present a hardship, as the far northwest corner of the lot is the lowest portion of the backyard and forces the proposed location of the pool house to that area. This also happens to be where the rear setback impacts the design as it is closest to the house due to the irregular shape of the lot. The applicant further states that, unfortunately, due to the aforementioned existing site hardships, the pool house along with the pool can't be located to work with the existing grades and topography without the pool house infringing on the rear setback.

Recommended Condition(s)

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

1. That the proposed pool house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received February 5, 2008 by the Department of Community Development, showing the minimum forty (40) 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 pool house shall be similar to the maximum possible extent to the existing structure.

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



Variance Petition No. V08-015

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 10, 2008 (Deferred)

May 8, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Charles Sechler

Petitioner

Charles Sechler

Representative

William Woodson
Galloway

PROPERTY INFORMATION

Address, Land Lot(s), and District 260 Trimble Crest Drive
Land Lot(s) 14 District 17

Council District 5

Frontage and Area 108 feet of frontage along the north side of Trimble Crest Drive. The subject property has a total area of approximately 0.73 acre(s).

Existing Zoning and Use CUP (Community Unit Plan District) under zoning case Z99-063. 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

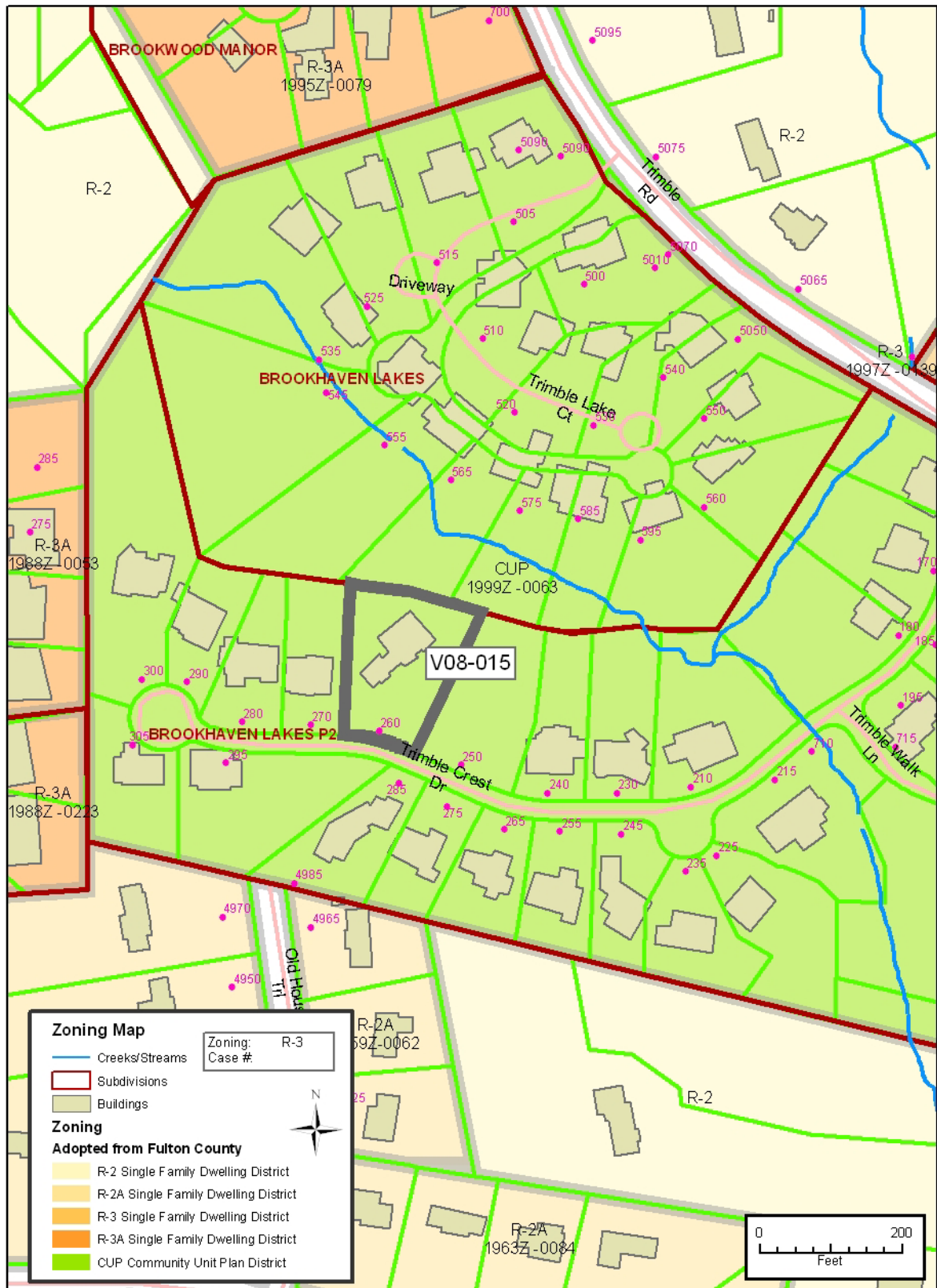
The applicant is seeking a primary variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (fifty feet of an undisturbed natural buffer plus twenty-five feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for the construction of a pool (with associated items) and to allow existing structures to become conforming.

BACKGROUND:

The subject application was deferred for thirty (30) days at the April 10, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to provide an alternate pool design that would impact the stream buffer less than originally planned.

Parcel Map

260 Trimble Crest Drive



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

CASE NUMBER: V08-015

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

REQUEST:

The applicant is requesting relief from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (fifty feet of an undisturbed natural buffer plus twenty-five feet of an impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for the construction of a pool (with associated items) and to allow existing structures to become conforming.

ANALYSIS:

The subject application was deferred at the April 10, 2008 Board of Zoning Appeals (BZA) meeting to allow the applicant time to provide an alternate pool design that would impact the stream buffer less than originally planned. The applicant has provided revised plans showing the proposed pool and pool deck to be set back 32.5 feet away from the wooded vegetation compared to being set back 26 feet as originally proposed. The originally proposed pool deck was 980.59 square feet compared to 527.73 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the fifty (50) foot undisturbed natural buffer was 611.87 square feet compared to 233.7 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the twenty-five (25) foot impervious surface setback was 242.82 square feet compared to 522.17 square feet shown on the revised proposed site plan. The revised proposed site plan reflects a decrease of 98.82 square feet in total impervious surface originally proposed. Additionally, the amount of anticipated new land disturbance within the fifty (50) foot undisturbed natural buffer has been reduced from 1,350 square feet to approximately 800 square feet.

Staff notes that the subject property, as a part of the Brookhaven Lakes subdivision, was originally platted in 2001 under Fulton County. With Fulton County, a permit for the current house was applied for in August of 2003. The permit was issued in September of 2005 under Fulton County. With its incorporation, Sandy Springs took over the inspection portion of the permit process. It cannot be determined if the existing improvements (house, garage, driveway, and retaining walls) are "grandfathered" in terms of being within the seventy-five (75) foot stream buffer.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape, a lake adjacent to the west side property line, pipeline easements running diagonally across the front eastern portion of the property, and a floodplain in the back eastern portion of the property. A topographical map and photos indicate the yard to slope northward, towards the lake and floodplain located at the back portion of the subject property. Existing structures (house, garage, driveway, and retaining walls) encroach into the seventy-five (75) foot stream buffer.

The applicant states that the final plat for the subject property was recorded in March 2001, when the total required stream buffer was twenty-five (25) feet. Therefore, the layout of the existing residence, retaining walls and/or orientation of the home was based upon maintaining a twenty-five (25) foot buffer adjacent to the detention pond/lake. The retaining walls which were installed and the grading which was done as a part of the original construction clearly anticipated the installation of a pool just outside the then required twenty-five (25) foot buffer area. The area between the existing house and the detention pond was cleared and graded at the time of construction; therefore, no trees will be removed in order to construct the proposed pool.

The applicant states that besides addressing existing structures, the variance request includes the installation of a proposed pool fence, pool deck, pool, and a flo-well storm water leaching system. Additionally, the applicant states that significant effort has been put forth to minimize the amount of impervious surface and impact on the buffer area by changing the original design of the pool and deck area. The applicant further states that due to the orientation of the existing home and the limitations of the subject property (pipeline easements, flood plain, and required stream buffer), there is no other area to place the proposed pool. And considering the condition of the back yard, it is not feasible to maintain an undisturbed buffer between the existing house and lake, as there would be no usable backyard for the home. It is anticipated that approximately 800 square feet of land disturbance would occur within the fifty (50) foot undisturbed natural buffer for the construction of the proposed pool fence, pool deck, pool, pool equipment, and a flo-well storm water leaching system.

The applicant states that the proposed pool and landscaping will introduce best management practices to prevent the additional impervious surface from adversely affecting the water quality in the area. The lake adjacent to the subject property is a man made detention pond constructed as a part of the subdivision. The applicant states that every effort would be made to work with the City to develop a mitigation plan to ensure that there will be no adverse impact on the water quality of the detention pond/lake as a result of these improvements, thereby satisfying the intent of the City of Sandy Springs Stream Buffer Protection Ordinance.

POOL SETBACK STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	N/A	N/A	N/A
Min. Rear Yard Setback:	10 feet	Approx. 33 feet	Meets requirements
Min. Interior Side Yard Setback:	10 feet	Approx. 16 feet	Meets requirements
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A

Department Comments

The staff held a Focus Meeting on March 5, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The site is existing non-conforming building permit issued by Fulton County.
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;*

Existing structures (house, garage, driveway, and retaining walls) encroach into the seventy-five (75) foot stream buffer.

The applicant states that the final plat for the subject property was recorded in March 2001, when the total required stream buffer was twenty-five (25) feet. Therefore, the layout of the existing residence, retaining walls and/or orientation of the home was based upon maintaining a twenty-five (25) foot buffer adjacent to the detention pond/lake. The retaining walls which were installed and the grading which was done as a part of the original construction clearly anticipated the installation of a pool just outside the then required twenty-five (25) foot buffer area. The area between the existing house and the detention pond was cleared and graded at the time of construction; therefore, no trees will be removed in order to construct the proposed pool. The applicant states that considering the condition of the back yard, it is not feasible to maintain an undisturbed buffer between the existing house and lake, as there would be no usable backyard for the home.

The applicant states that significant effort has been put forth to minimize the amount of impervious surface and impact on the buffer area by changing the original design of the pool and deck area.

The applicant states that the proposed pool and landscaping will introduce best management practices to prevent the additional impervious surface from adversely affecting the water quality in the area. The lake adjacent to the subject property is a man made detention pond constructed as a part of the subdivision. The applicant states that every effort would be made to work with the City to develop a mitigation plan to ensure that there will be no adverse impact on the water quality of the detention pond/lake as a result of these improvements, thereby satisfying the intent of the City of Sandy Springs Stream Buffer Protection Ordinance.

The applicant has provided revised plans showing the proposed pool and pool deck to be set back 32.5 feet away from the wooded vegetation compared to being set back 26 feet as originally proposed. The originally proposed pool deck was 980.59 square feet compared to 527.73 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the fifty (50) foot undisturbed natural buffer was 611.87 square feet compared to 233.7 square feet shown on the revised proposed site plan. The originally proposed impervious surface within the twenty-five (25) foot impervious surface setback was 242.82 square feet compared to 522.17 square feet shown on the revised proposed site plan. The revised proposed site plan reflects a decrease of 98.82 square feet in total impervious surface originally proposed. Additionally, the amount of anticipated new land disturbance within the fifty (50) foot undisturbed natural buffer has been reduced from 1,350 square feet to approximately 800 square feet.

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 lake adjacent to the west side property line, pipeline easements running diagonally across the front eastern portion of the property, and a floodplain in the back eastern portion of the property. A topographical map and photos indicate the yard to slope northward, towards the lake and floodplain located at the back portion of the subject property.

The applicant states that due to the orientation of the existing home and the limitations of the subject property (pipeline easements, flood plain, and required stream buffer), there is no other area to place the proposed pool.

Recommended Condition(s)

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

1. That the proposed pool and deck shall be constructed in accordance with the Proposed Site Plan and Landscape Plan, provided by the applicant dated received April 25, 2008 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) impervious surface setback reduced to a minimum of a twenty-nine (26) foot undisturbed natural buffer where necessary to accommodate the portion of the encroachment of the proposed pool fence, pool deck, pool, pool equipment, and a flo-well storm water leaching system requiring no more than 800 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer, and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a twenty-five (25) foot undisturbed natural buffer to allow existing structures (house, garage, driveway, and retaining walls) to remain.
2. All patios and pool decks shall be constructed with a pervious pavers system.
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 into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. Turf 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. The proposed pool shall be a saline pool.

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



Variance Petition No. V08-020

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mashburn Construction	Watts & Browning Engineers, Inc.	Daryl Cook

PROPERTY INFORMATION

Address, Land Lot(s), and District	3670 Spalding Drive Land Lot(s) 337 District 17
Council District	1
Frontage and Area	Approximately 30 feet of frontage along the north side of Spalding Drive and approximately 24 feet along the east side of Stables Drive (private drive) and approximately 1,500 feet along the north and south side of Coley Oaks Court (private drive). The subject property has a total area of approximately 5.40 acre(s).
Existing Zoning and Use	NUP (Neighborhood Unit Plan District) under zoning case Z05-052. The property is an undeveloped single-family subdivision.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting three (3) primary variances:

- 1) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive),
- 2) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive), and
- 3) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive).

All variances are to allow the construction of a single-family development having no sidewalk improvements.

Parcel Map

3670 Spalding Drive



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: V08-020

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

REQUEST:

The applicant is requesting relief from:

- 1) Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive),
- 2) Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive), and
- 3) From Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along approximately 1,500 feet of the subject property's north and south private street frontage (Coley Oaks Drive).

All variances are to allow the construction of a single-family development having no sidewalk improvements.

ANALYSIS:

Staff notes that all applications regarding the development of the Spalding Stables Estates Phase I subdivision were approved under Fulton County and did not include sidewalk improvements. The final plat of the Spalding Stables Estates Phase II subdivision (an adjoining subdivision to Spalding Stables Estates Phase I) was approved under Sandy Springs and shows the subdivision being served by Coley Oaks Drive, a privately owned street. After the City approved the final plat of Phase II, it was determined that sidewalk improvements were required. After the aforementioned determination was made, the applicant decided to pursue relief from the sidewalk requirements, via the variance process, for Phase II of the Spalding Stables Estates subdivision.

The applicant states that the Spalding Stables Estates Phase II sidewalk improvements were shown on the approved Phase II site plan under zoning case Z05-052, Phase II concept plan, and the Phase II construction plans; however, they were shown in error because sidewalk improvements were not included when developing Spalding Stables Estates Phase I (an adjoining subdivision to Stables Estates Phase II). To wit, the sidewalk improvements now being required on Coley Oaks Drive would not tie into any existing sidewalks and would have no practical use.

Staff notes that, in this area, a sidewalk exists on the north side of Spalding Drive and not on the south side of Spalding Drive. The aforementioned sidewalk terminates just beyond the eastern side of Stable Drive, the privately owned street that Spalding Stables Estates Phase I is served by. No sidewalks exist along either side of Stables Drive, the privately owned street that Spalding Stables Estates Phase I is served by.

Department Comments

The staff held a Focus Meeting on March 5, 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	▪ Spalding Drive, as a collector road, is identified as part of the City's Sidewalk Master Plan Network. This network of streets is where the City will be focusing our capital expenditure for sidewalk construction. Additionally, we are in the process of amending the development regulations and ordinances to require all permitted activities (building, development, etc.) to require construction of sidewalk if the street is on the Sidewalk Master Plan Network. This means that while greater connectivity may not exist today, it is in the City's plans to provide such connectivity in the future. ▪ Please be aware that the applicant's letter of intent is factually incorrect on several points. First, there is in the City, and was previously under Fulton County, a requirement that all subdivisions of property are required to improve their frontage to include sidewalk. Additionally it is a requirement of the City, and was previously under Fulton County, that all private streets be built to public street standard. This standard includes sidewalk.
	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 Spalding Stables Estates Phase II sidewalk improvements were shown on the approved Phase II site plan under zoning case Z05-052, Phase II concept plan, and the Phase II construction plans; however, they were shown in error because sidewalk improvements were not included when developing Spalding Stables Estates Phase I (an adjoining subdivision to Stables Estates Phase II). To wit, the sidewalk improvements now being required on Coley Oaks Drive would not tie into any existing sidewalks and would have no practical use.

Recommended Condition(s)

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

1. That Coley Oaks Drive shall not be improved with the sidewalk requirements and shall be in accordance with the Proposed Site Plan, provided by the applicant dated received February 5, 2008 by the Department of Community Development.

ATTACHMENTS: Letters of appeal, site plans, and support signatures.



Variance Petition No. V08-017

HEARING & MEETING DATES

Design Review Board
February 26, 2008

Board of Zoning Appeals Hearing
April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Harold E. Crye Living Trust

Petitioner
Crye Leike Realtors

Representative
Mike Doll

PROPERTY INFORMATION

Address, Land Lot, and District. 352 Sandy springs Cir.
Land Lot 89, District 17

Council District 3

Frontage and Area 170.88 feet of frontage along the north side Sandy springs Cir. The subject property has a total area of 0.603 acres (26,266 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County 1970Z - 0101, currently developed with an office building.

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 allow an existing freestanding sign to stay at the current location.

- 1) Variance from Section 33.22.B to allow for a sign to be located in the right-of-way.
- 2) Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of -way to 0 feet.
- 3) Variance from Section 33.26.H.1.a to allow for a second freestanding sign where only one is permitted.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the February 26, 2008 DRB meeting. The Board endorsed (6-0) this application (V08-017) with the following recommendations:

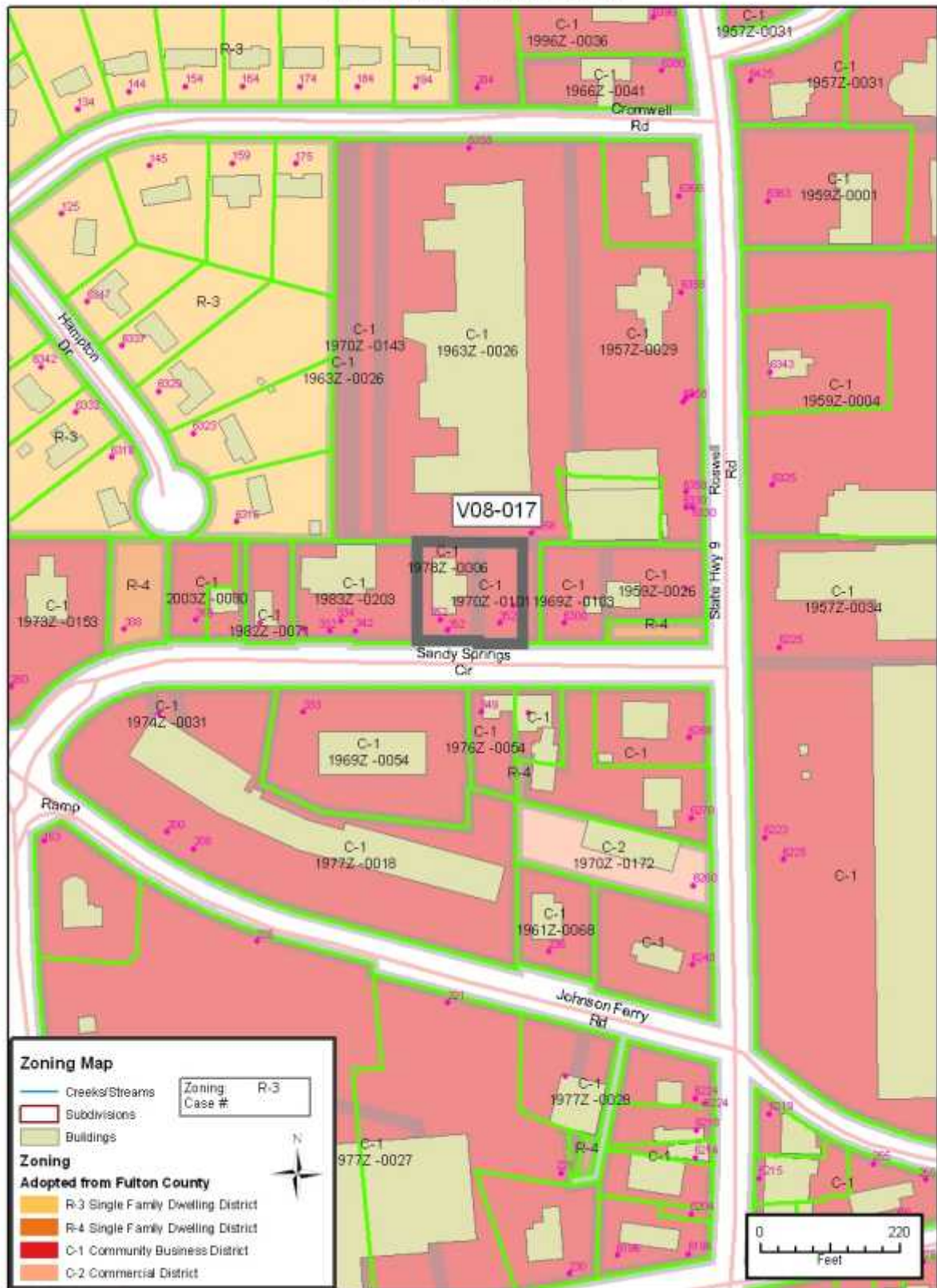
1. Approval of variance request #1 and #2.

2. Denial of request #3. The applicant to remove the existing sign advertising the “Cromwell Square”, located on the Crye Leike property.

Since meeting with the DRB the applicant has forwarded a request to the Cromwell Square property manager asking for the removal of the non-conforming sign.

Parcel Map

352 Sandy Springs Circle



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: V08-017

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

REQUEST:

The applicant is seeking three (3) primary variances from the Zoning Ordinance: 1) variance from Section 33.22.B to allow for a sign to be located on the right-of-way, 2) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet, and 3) variance from Section 33.26.H.1.a to allow for a second freestanding sign where only 1 is allowed on property with less than 500 feet of frontage.

BACKGROUND:

The application was heard at the February 26, 2008 DRB meeting. The Board endorsed (6-0) this application (V08-017) with the following recommendations:

3. Approval of variance request #1 and #2.
4. Denial of request #3. The applicant to remove the existing sign advertising the "Cromwell Square", located on the Crye Leike property.

Since meeting with the DRB the applicant has forwarded a request to the Cromwell Square property manager asking for the removal of the non-conforming sign.

UPDATE:

An inspection of the site was done on April 2, 2008, to verify the status of the request for removal of the sign advertising the Cromwell Square shopping center. The sign has not been removed from the property to this date. Follow up inspections will be performed to advise the board of the sign status.

ANALYSIS:

The subject property is located on the north side of Sandy Springs Circle approximately 265 feet west of the intersection with Roswell Road. The staff reviewed the sign permit application to replace the face of an existing freestanding sign to identify Crye Leike Realtor, formerly Remax. It was determined that a variance was needed to allow the sign, as the sign encroach into the right of way, and an additional freestanding sign is located on the same property frontage. The additional sign is in the east side of the property, advertising the "Cromwell Square" shopping center as shown in the site plan and exhibit 1. Article 33.26.H.1.a allows properties with frontage up to five hundred (500) lineal feet, one (1) maximum thirty two (32) square foot

freestanding sign per street frontage. In addition, the applicant would like to maintain the sign subject of this variance, at the current location approximately ten (10) feet from the front of the curb instead of the required ten (10) feet from the right of way.

The applicant has explored few other options to find something suitable under the current Sign Ordinance. The options considered did not resolve their sign visibility problem.

Options considered:

- Locating the sign on the south side of the building would be blocked from view by eastbound traffic by a large tree and other vegetation.
- Locating a sign on what are currently two (2) parking spaces in the southeast portion of the property. While visible from eastbound and westbound, would be very misleading, causing customers to turn into the driveway leading to the adjacent shopping center, and forcing a turn around.
- Signage on the building itself suffers the same lack of visibility from the eastbound traffic.

The petitioner decided to request relief from the provisions of the Sandy Springs Zoning Ordinance to maintain the existing structure. The applicant's opinion is that there is no other alternative that ensures easy and safe identification of the premises.

The applicant states that it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signs is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, the applicant has indicated that the ten (10) foot setback from the right-of-way is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walk; the proposed location of the sign does not represent any hazard to the moving traffic on sandy Springs Circle or to the pedestrians.

The sign structure is made of brick, featuring a double sided sign panel with a Red Oracal background externally illuminated.

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

Department Comments

The staff held a Focus Meeting on March 5, 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	▪ Granting this variance will create a potential safety hazard for motorists on Sandy Springs Circle. Any structure in the right of way constitutes a potential safety hazard and liability concern for the City. The AASHTO clear zone requirement at this location is 14-16 feet. The existing sign structure is approximately 10' from the face of curb. As such, it represents a fixed object in the clear zone and a clear safety hazard. Public Works would recommend that no fixed object be allowed closer than 16' from the face of curb at this location. If a variance is given at this location, it should be conditioned to a signed and approved indemnification agreement with the City.
	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 Crye Leike Realtor's office. The applicant finds that changing the face/copy on the existing sign structure will be in harmony with the intent of the ordinance with the proposed size and height.

Recommended Conditions:

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

1. That the freestanding sign shall be located approximately not more than four (4) feet into the right-of-way, pursuant to the site plan submitted by the applicant, and dated received February 5, 2008 by the Department of Community Development.
2. That the freestanding sign shall not be approved with a changeable copy face.
3. That the freestanding sign should include the property address.
4. That the freestanding sign shall be conditioned to a signed and approved indemnification agreement with the City.

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



Variance Petition No. V08-019

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

WB Holdings, LLC

Petitioner

David Moye-DCCU

Representative

Jeffrey Hall

PROPERTY INFORMATION

**Address, Land Lot,
and District.**

1100 Hammond Dr. Suite 100
Land Lot 18, District 17

Council District

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Frontage and Area

694 feet of frontage along the north side of Hammond Dr., and 522 feet of frontage along the west side of Peachtree Dunwoody Rd. The subject property has a total area of 8.9 acres (388,666.0 square feet).

**Existing Zoning
and Use**

C-1 (Community Business District) conditional under Fulton County zoning case 96Z-0119, currently developed with a shopping center.

Overlay District

N/A

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

Living-Working Regional (LWR)

INTENT

The applicant is seeking a primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow for a wall sign on a wall that does not have street frontage.

Parcel Map

1100 Hammond Drive



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: V08-019

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.F.2 of the Zoning Ordinance to allow for a wall sign on a wall that does not have street frontage.

ANALYSIS:

The subject property is located at the intersection of the westerly side of Peachtree Dunwoody Road, and the northerly side of Hammond Drive. The property is developed with a shopping center. Delta Community Credit Union has been a tenant at this location since mid 2007. In 2007 permits were issued for both south and west elevations. The west elevation sign was permitted under the assumption that the wall was street facing wall.

The applicant has indicated that the Delta Community Credit Union recently has completed a corporate identity change and it is in the process of updating their branded signage at their fourteen (14) locations in Atlanta and throughout the country. The subject of this variance is to be able to place a sign on the west elevation of the building facing an access thoroughfare which services multiple businesses. The applicant states that it is important for a driver to distinctively recognize the location of each business, as their sign facing Hammond Drive is blocked by foliage from trees located in the parking lot during the majority of the year.

The staff reviewed a sign permit application to replace an existing wall sign on the west elevation of the building, facing an access road to the shopping center. It was determined that a variance was needed to allow the sign, as Section 33.26.F.2 allows signs on street facing walls. The building elevation contains a total of 1,488.74 square feet of wall area. Per Section 33.26.F.2, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 74.44 square feet. The requested sign is a 24.22 square foot channel letter sign with a logo.

Department Comments

The staff held a Focus Meeting on March 5, 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 Delta Community Credit Union. 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 wall sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received February 5, 2007 by the Department of Community Development.
2. That the wall sign shall not exceed 24.22 square feet of sign area, pursuant to the sign design detail (Exhibit 1), submitted by the applicant, and dated received February 5, 2007 by the Department of Community Development.

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