

SANDY SPRINGS

G E O R G I A

Variance Petition No. V06-005

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Don Gomez

Petitioner

Don Gomez

Representative

Don Gomez

PROPERTY INFORMATION

**Address, Land Lot,
District, and
Council District**

4616 Dalmer Road

Land Lot 66, District 17

Council District 5

Frontage and Area

87.83' of frontage along the west side of Dalmer Road. The subject property has a total area of .44 acres. (19,166 sq/ft.)

**Existing Zoning
and Use**

R-4 (Single Family Residential) currently developed with one single family home.

Overlay District

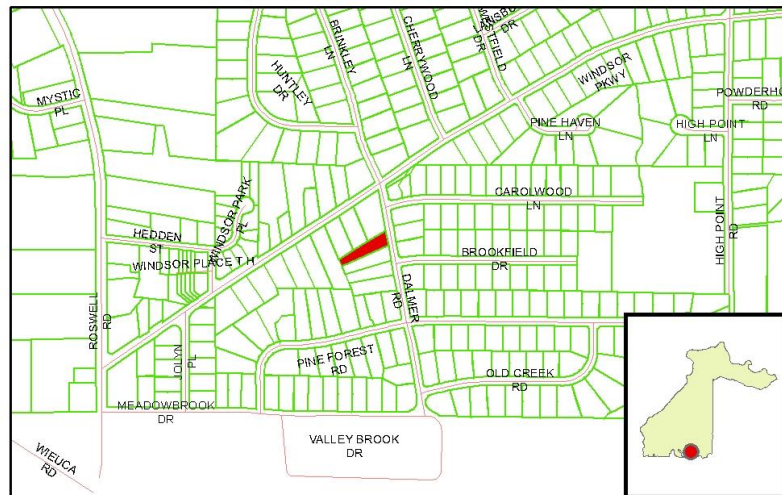
None

Interim 2025

**Comprehensive
Future Land Use
Map Designation**

R2-3 Residential, 2 to 3 units per acre

Parcel Map



INTENT

The applicant is requesting a primary variance to reduce the City of Sandy Springs stream buffer setback (Chapter 14, Article 6, sec 5-a-ii of the Land Development and Environment Protection Ordinance) from 75' to 60' in order to build a deck and bring his house into compliance with the aforementioned buffer requirement.

SANDY SPRINGS

G E O R G I A

CITY OF SANDY SPRINGS PLANNING & DEVELOPMENT DEPARTMENT VARIANCE ANALYSIS

March 31, 2006

CASE NUMBER: V06-005

STAFF CONTACT: Joshua Lontz, City Planner 770-730-5590
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

The applicant is applying for a variance from Article 6, Section 5.A.2 of the Sandy Springs Development Regulations to reduce the 75' stream buffer to 60' in order build a deck in the rear of an existing structure. The lot is bisected by a creek. The structure/house is a legal, non-conforming structure which may not be enlarged or altered in any way which increases its nonconformity in accordance with section 4.3.1.d of the Sandy Springs Zoning Ordinance. Approval of this variance would allow the applicant to make further modifications to the existing structure, as it would then be in compliance.

The application of the stream buffer is unique to this lot and its development potential, and therefore may not create a precedent. As many local residents have renovated and expanded their houses in area, the proposed addition is consistent with nearby homes.

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 rear of the lot is bisected by a stream. The existing house, and the area in which the deck is proposed to be added, is located within the City of Sandy Springs seventy-five (75) foot stream buffer. The applicant indicates that approval of the variances would be in harmony with the intent of the Zoning Ordinance as it would increase the safety of the home in the event of an emergency due to the addition of a second exit.

ATTACHMENTS: Site Plan and letter of appeal.

Variance Petition No. V06-006

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Melinda Z. Cobb	Anthony & Sylvan Pools	Micah Humphries

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	245 Spalding Springs Lane Land Lot 384, District 18 Council District 1
Frontage and Area	57.64' of frontage along the southeast side of Spalding Springs Lane. The subject property has a total area of 0.42 acres.
Existing Zoning and Use	R-4 (Single Family Dwelling District) conditional, currently developed with a single family residence.
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 - Residential, 1 to 2 units per acre

Parcel Map



INTENT

The applicant is requesting a primary variance for relief from Article 19.3.12, *Swimming Pool, Private*, to reduce the required 10 foot swimming pool setback to 5 feet.

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

CASE NUMBER: V06-006

STAFF CONTACT: Patrice S. Ruffin, Planner I
770-730-5591
patrice.ruffin@sandyspringsga.org

ANALYSIS:

The applicant/owner is applying for a primary variance from Article 19.3.12, *Swimming Pool, Private*, to reduce the required 10 foot swimming pool setback to 5 feet.

The lot is irregularly shaped and there is a twenty (20) foot drainage easement splitting the rear of the property. An approval of this application by the Board may not serve to set a precedent due to the unique conditions of the property relating to its irregularity and the location of the drainage easement. The conditions would not necessarily translate to another property having a similar application.

Standards for Consideration

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

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

As referenced, the subject property is irregularly shaped and there is a twenty (20) foot drainage easement splitting the rear of the property. Additionally, there is an existing deck located on the house. The applicant indicates that the hardship arises out of the location of the sewer easement and the limiting effects it has on the usability of a portion of the property, coupled with the safety concerns with locating the pool in such close proximity with the existing deck.

ATTACHMENTS: Site plan dated February 6, 2006
Letter of appeal dated February 6, 2006

Variance Petition No. V06-004

HEARING & MEETING DATES

Design Review Board Meeting

March 14, 2006

Board of Zoning Appeals Hearing

April 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Zohouri Development Georgia,
LLC

Petitioner

Stone Manor
Condominiums

Representative

Eric Burden

PROPERTY INFORMATION

**Address, Land Lot,
and District**

6980 Roswell Road
Land Lot 74, District 17

Council District

3

Frontage and Area

399.54' of frontage along the west side of Roswell Road. The subject property has a total area of 8.7320 acres.

**Existing Zoning
and Use**

A-O (Apartment Office District) conditional, currently developed with a 150- unit condominium development.

Overlay District

Suburban District

Interim 2025

**Comprehensive
Future Land Use
Map Designation**

R8-12 – Residential, 8 to 12 units per acre

Parcel Map



INTENT

The applicant is requesting a primary variance for relief from Article 33.7.C.2, *Sign Regulations by Zoning District, Apartment and Townhomes Residential Districts*, in order to replace two existing 56 square foot sign panels on the entry wall to the property, which exceed the 16 square foot maximum requirement set out in the Zoning Ordinance.

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

CASE NUMBER: V06-004

STAFF CONTACT: Patrice S. Ruffin, Planner I
770-730-5591
patrice.ruffin@sandyspringsga.org

ANALYSIS:

The applicant/owner is applying for a primary variance from Article 33.7.C.2, *Sign Regulations by Zoning District, Apartment and Townhomes Residential Districts*, in order to replace two existing 56 square foot sign panels on the entry wall to the property, which exceed the 16 square foot maximum requirement set out in the Zoning Ordinance.

The ownership and the name of the subject property changed in 2005. Subsequently, the applicant/owner updated the existing sign panels with the new name of the condominium development. The applicant/owner did so without obtaining the proper sign permits and received a Notice of Violation from the Code Enforcement Division. The applicant/owner then made application for a sign permit at which time it was determined that the sign panels exceeded the size limits of the sign ordinance.

The application was heard by the Design Review Board at the March 28, 2006 meeting. The Design Review Board unanimously recommended **APPROVAL** of the requested variance. The Board indicated that the maximum permitted sign area is not large enough to be in scale with the existing sign or wall. The Board made the following comments regarding the application: 1) The applicant/owner should still be held accountable for the installation of a sign without a proper permit.

The approval of a variance may not serve to set a precedence as there are not many entrance walls of this size and scale along Roswell Road, thereby allowing for the consideration of a unique situation.

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 has indicated that the proposal is in harmony with the intent of the Zoning Ordinance in that the location of the signage is triggered by the natural flow of traffic in and out of the complex. Further, the applicant has indicated that the existing structure has not changed.

ATTACHMENTS: Site plan dated February 7, 2006
Sign plans dated February 7, 2006
Letter of appeal dated February 7, 2006

SANDY SPRINGS

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Variance Petition No. V06-003

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Florica Ferche

Petitioner

Florica Ferche

Representative

Anthony Jones

PROPERTY INFORMATION

**Address, Land Lot,
District, and
Council District** 4869 Lake Forrest Drive
Land Lot 93, District 17
Council District 6

Frontage and Area 192.80' of frontage along the east side of Lake Forest Drive. The subject property has a total area of .707 acres. (30,800 sq ft.)

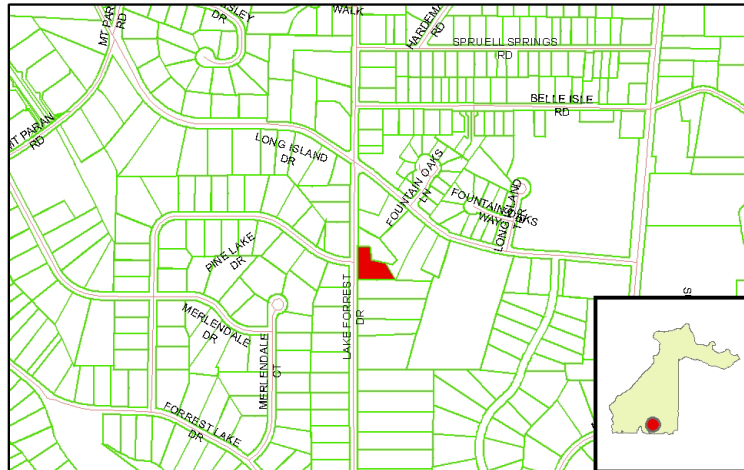
Existing Zoning and Use R-3 (Single Family Residential), currently developed with one single family home.

Overlay District None

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

R2-3 Residential, 2-3 units per acre

Parcel Map



INTENT

The applicant is applying for a primary variance from Article 6, Section 5.A.i and ii of the Sandy Springs Development Regulations to reduce the Sandy Springs stream buffer from 75' to the state mandated 25' for the purpose of building a single family residence.

SANDY SPRINGS

G E O R G I A

CITY OF SANDY SPRINGS PLANNING & DEVELOPMENT DEPARTMENT VARIANCE ANALYSIS

March 31, 2006

CASE NUMBER: V06-003

STAFF CONTACT: Joshua Lontz, City Planner 770-730-5590
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

Applicant is applying for a variance from Article 6, Section 5.A.i and ii of the Sandy Springs Development Regulations to reduce the Sandy Springs stream setback from 75' to the state mandated 25' for the purpose of building a single family residence. The former home was demolished. A creek bisects the property leaving a very small buildable area in comparison with other properties in the neighborhood.

Staff has observed that most local homeowners have built large houses in this area, and as the applicant is asking to construct a residence similar to other local houses. It is not anticipated that a precedent would be created.

Standards for Consideration

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

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

A stream runs through the middle of the property, accounting for a small portion of the property lying outside of the stream buffers required by the City of Sandy Springs. The applicant indicates that the application of the seventy-five (75) foot buffer would make the lot unbuildable as there is no area outside of the buffer to accommodate a structure, further compounded the demolition of the former structure.

ATTACHMENTS: Site Plan and letter of appeal.

Variance Petition No. V06-020

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
The Schenk School

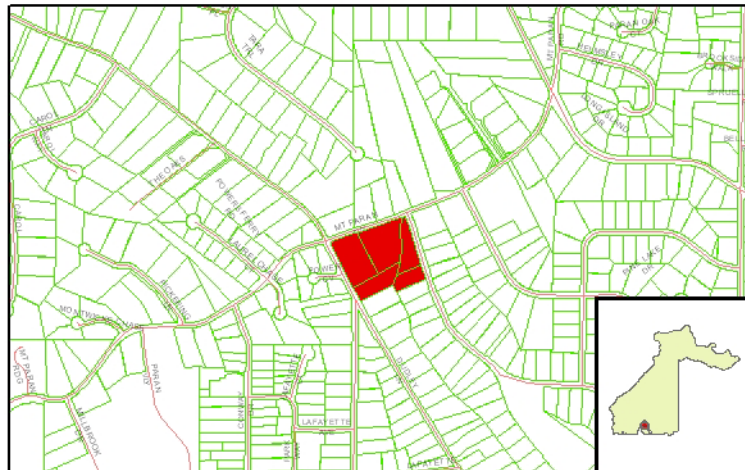
Petitioner
The Schenk School

Representative
The Schenk School

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	282 Mt. Paran Road Land Lot 120, District 17 Council District 6
Frontage and Area	510' of frontage along the east side of Dudley Lane. 614' of frontage along Mt. Paran Rd. 513' frontage along Forest lake Dr. The subject property has a total area of 6.6 acres.
Existing Zoning and Use	R-2 and R-3 (Single Family Residential with a school Administrative Permit).
Overlay District	None
Interim 2025 Comprehensive Future Land Use Map Designation	CF (Community Facility)

Parcel Map



INTENT

The applicant is seeking a primary variance from Chapter 14 Article 8 section 5.c of the Sandy Springs Development Regulations to remove 5 specimen trees from the property to allow for the expansion of the existing school.

**CITY OF SANDY SPRINGS
PLANNING & DEVELOPMENT DEPARTMENT
VARIANCE ANALYSIS
March 31, 2006**

CASE NUMBER: V06-020

STAFF CONTACT: Joshua Lontz, City Planner 770-730-5590
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Chapter 14 Article 8 section 5.c, of the Sandy Springs Development Regulations concerning the removal of specimen trees. The applicant is proposing the removal of 2 specimen pine trees and 3 specimen poplar trees for the expansion of the Schenk School at 282 Mt. Paran Road.

A decision by the Board to allow the removal of specimen trees impacting the buildable area of a lot would not be precedent setting. Instances where lots have a specimen tree(s) that constrain construction are typically unique and situational in nature and should be considered on a case by case basis.

Standards for Consideration

The applicant has indicated a justification for the 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;*

On February 2, 2005 the Schenck School received approval for a Use Permit by the Fulton County Board of Commissioners. The approval of the Use Permit, and a private agreement between the school and neighborhood organizations, allows the expansion of the school, consistent with a specific site plan. The proposed plan is consistent with the plan conditioned under the Use Permit and agreed upon by the neighborhood organizations. The removal of the 5 specimen trees is proposed to be compensated by the replacement plantings that meet or exceed the requirements of the Tree Preservation Ordinance.

ATTACHMENTS: Site Plan and letter of appeal.