



Variance Petition No. V06-145

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

April 12, 2007 (Deferred)

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Tom Golub

Petitioner

Southern Civil Engineers

Representative

Peter Brady, Jr.

PROPERTY INFORMATION

Address, Land Lot, and District 969 Crest Valley Road
Land Lot 91, District 17

Council District 6

Frontage and Area 35 feet of frontage along the northeast side of Jett Forest Drive. The subject property has a total area of approximately 2.17 acres.

Existing Zoning and Use R-1 (Single-Family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2025

Comprehensive Future Land Use Map Designation

R0-1 Residential (0-1 units per acre)

INTENT

The applicant is seeking four primary variances:

- 1) Variance from Section 19.3.12.B.1 of the Zoning Ordinance to allow for a swimming pool to be located in the front yard of a single-family house,
- 2) Variance from Section 6.1.3.I of the Zoning Ordinance to allow an accessory pool-house to be located in the front yard of a single-family house,
- 3) Variance from Section 14.8.III.D.1.b of the Tree Preservation Ordinance to allow for permanent structures within the required landscape strip of a storm water detention facility, and
- 4) Variance from Sections 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer of a branching stream to a thirty-seven (37) foot undisturbed buffer for one branch and to a fourteen (14) foot impervious surface setback for the other branch.

The application was deferred at the April 12, 2007 Board of Zoning Appeals meeting to allow the applicant to clarify the scope of the requests and to revise the site plan appropriately.



Variance Petition No. V07-022

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Wisniewski	Simone Feldman	Simone Feldman

PROPERTY INFORMATION

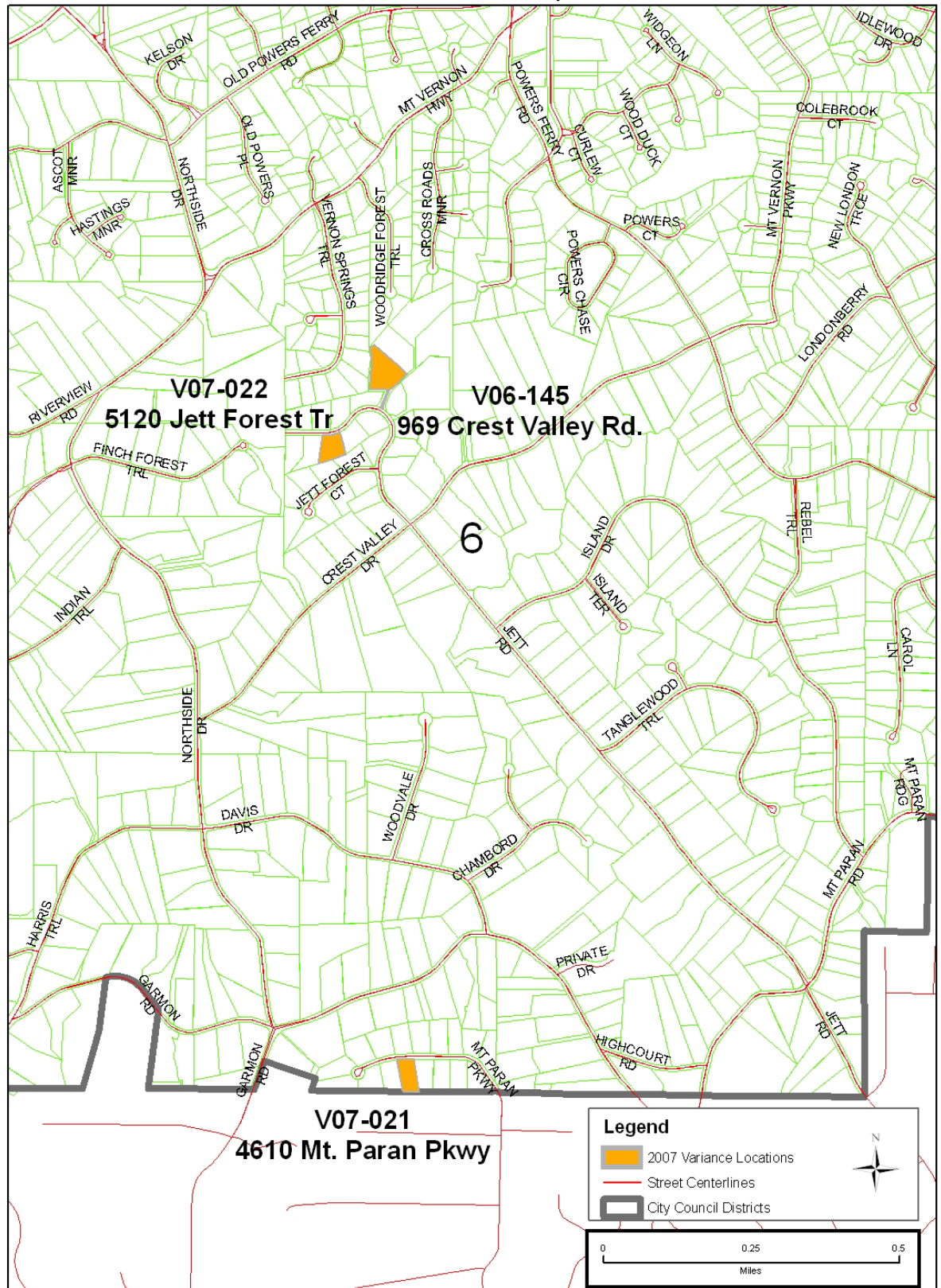
Address, Land Lot, and District	5120 Jett Forest Trail Land Lot 176, District 17
Council District	6
Frontage and Area	155 feet of frontage along the south side of Jett Forest Trail. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) under zoning case Z72-120. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to fifty-four (54) feet to allow for expansion of the existing garage.

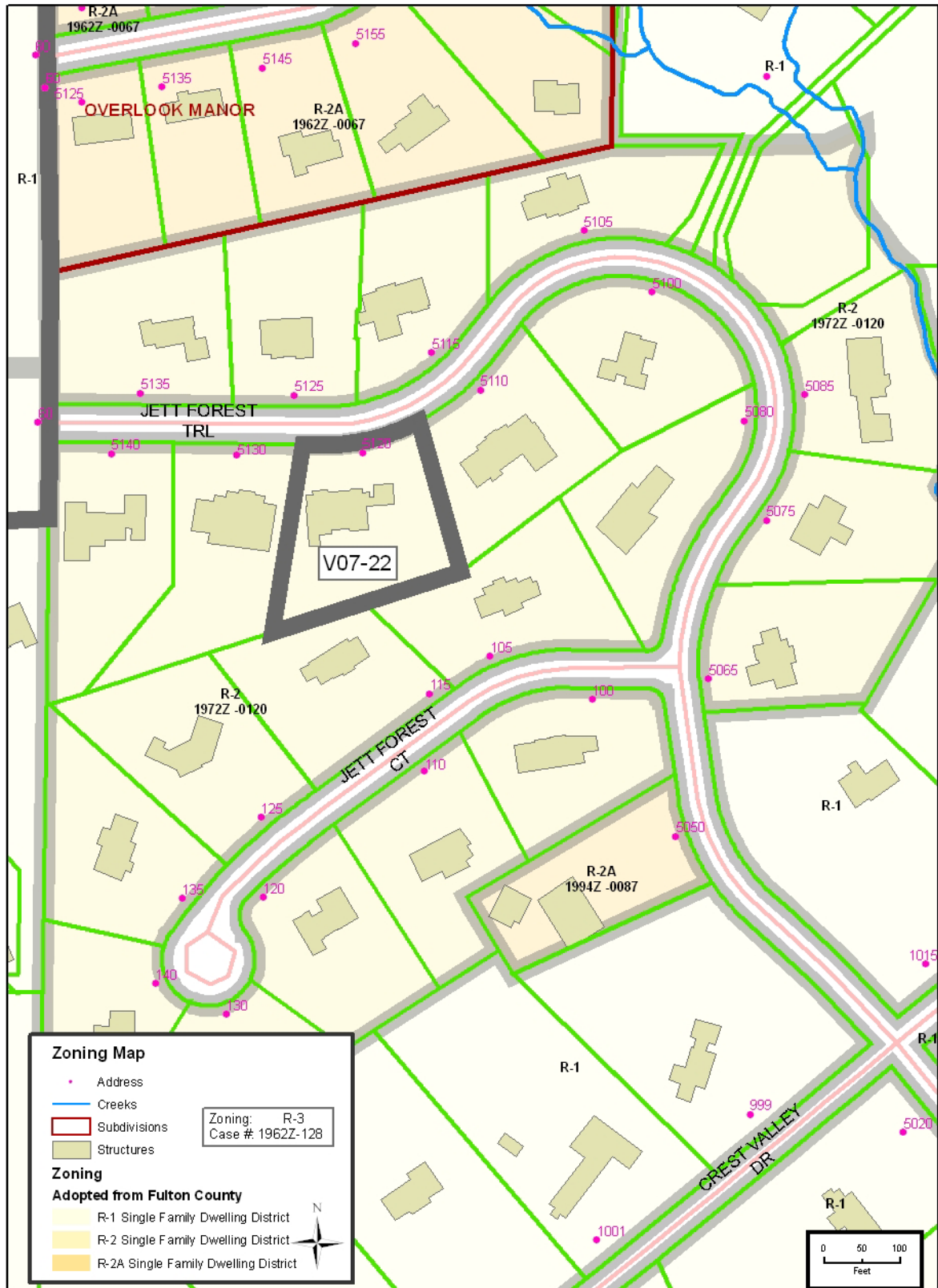
The applicant's request for a six (6) foot reduction in the front yard setback qualifies for a minor variance because the request is 10% of the required sixty (60) foot front yard setback. The applicant is currently working on getting the required written approvals from adjoining neighbors in order to be considered under a minor variance application.

Variance Area Map



Parcel Map

5120 Jett Forest Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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

CASE NUMBER: V07-022

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to fifty-four (54) feet to allow for expansion of the existing garage.

The applicant's request for a six (6) foot reduction in the front yard setback qualifies for a minor variance because the request is 10% of the required sixty (60) foot front yard setback. The applicant is currently working on getting the required written approvals from adjoining neighbors in order to be considered under a minor variance application.

The applicant has provided site plans showing the existing house to be located abutting the sixty (60) foot minimum required front setback line. Additionally, photographs and one of the site plans show the front yard to slope for a distance of approximately thirty (30) feet from Jett Forest Trail toward the existing house. The applicant states that the home is built into the side of a hill having approximately a 45 degree slope from the back of the lot – this slope inhibits the proposed garage expansion to the rear. Additionally, the applicant states that the back of the property is designated as a Wildlife Habitat (registration number 72824)...a garage expansion to the rear may impact this designated area.

The applicant states that the proposed garage addition would be in keeping with the neighborhood because the addition was designed by an architect to ensure it blended with the current home and enhanced the harmony of the home with the surrounding property. The applicant has provided elevation drawings to document the above statement. The applicant states further that the existing vegetation at the front of the property would screen the view from Jett Forest Trail to the proposed addition. Photographs document the existence of the aforementioned landscape screening. Additionally, the applicant states the proposed addition would enhance the subject property's value, as well as the value of the neighboring properties because it would be similar to other improvements ongoing in the community that include the construction of three-car garages.

Staff notes that most homes on Jett Forest Trail respect the required sixty (60) foot front setback; however, some houses are slightly further back or slightly closer than sixty (60) feet – this staggered appearance is enhanced due to the curving nature of Jett Forest Trail.

Department Comments

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. The design professional must submit a sealed letter stating that the existing structure and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing retaining wall and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed construction will not impact any protected trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ The proposed “off street parking” on concept plan will not be allowed.
	Georgia Department of Transportation	▪ No comment

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 garage addition would be in keeping with the neighborhood because the addition was designed by an architect to ensure it blended with the current home and enhanced the harmony of the home with the surrounding property. The applicant has provided elevation drawings to document the above statement. The applicant states further that the existing vegetation at the front of the property would screen the view from Jett Forest Trail to the proposed addition. Photographs document the existence of the aforementioned landscape screening. Additionally, the applicant states that the proposed addition would enhance the subject property's value, as well as the value of the neighboring properties because it would be similar to other improvements ongoing in the community that include the construction of three-car garages.

Staff notes that most homes on Jett Forest Trail respect the required sixty (60) foot front setback; however, some houses are slightly further back or slightly closer than sixty (60) feet – this staggered appearance is enhanced due to the curving nature of Jett Forest Trail.

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 provided site plans showing the existing house to be located abutting the sixty (60) foot minimum required front setback line. Additionally, photographs and one of the site plans show the front yard to slope for a distance of approximately thirty (30) feet from Jett Forest Trail toward the existing house. The applicant states that the home is built into the side of a hill having approximately a 45 degree slope from the back of the lot – this slope inhibits the proposed garage expansion to the rear. Additionally, the applicant states that the back of the property is designated as a Wildlife Habitat (registration number 72824)...a garage expansion to the rear may impact this designated area.

Recommended Condition(s)

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

1. That the garage be constructed in accordance with the Site Plan, provided by the applicant dated received April 4, 2007 by the Department of Community Development, showing the front yard setback reduced to no less than fifty-four (54) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plans, elevation drawings, letters of support, and letter of appeal.



Variance Petition No. V07-024

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
David Brown	David Brown	David Brown

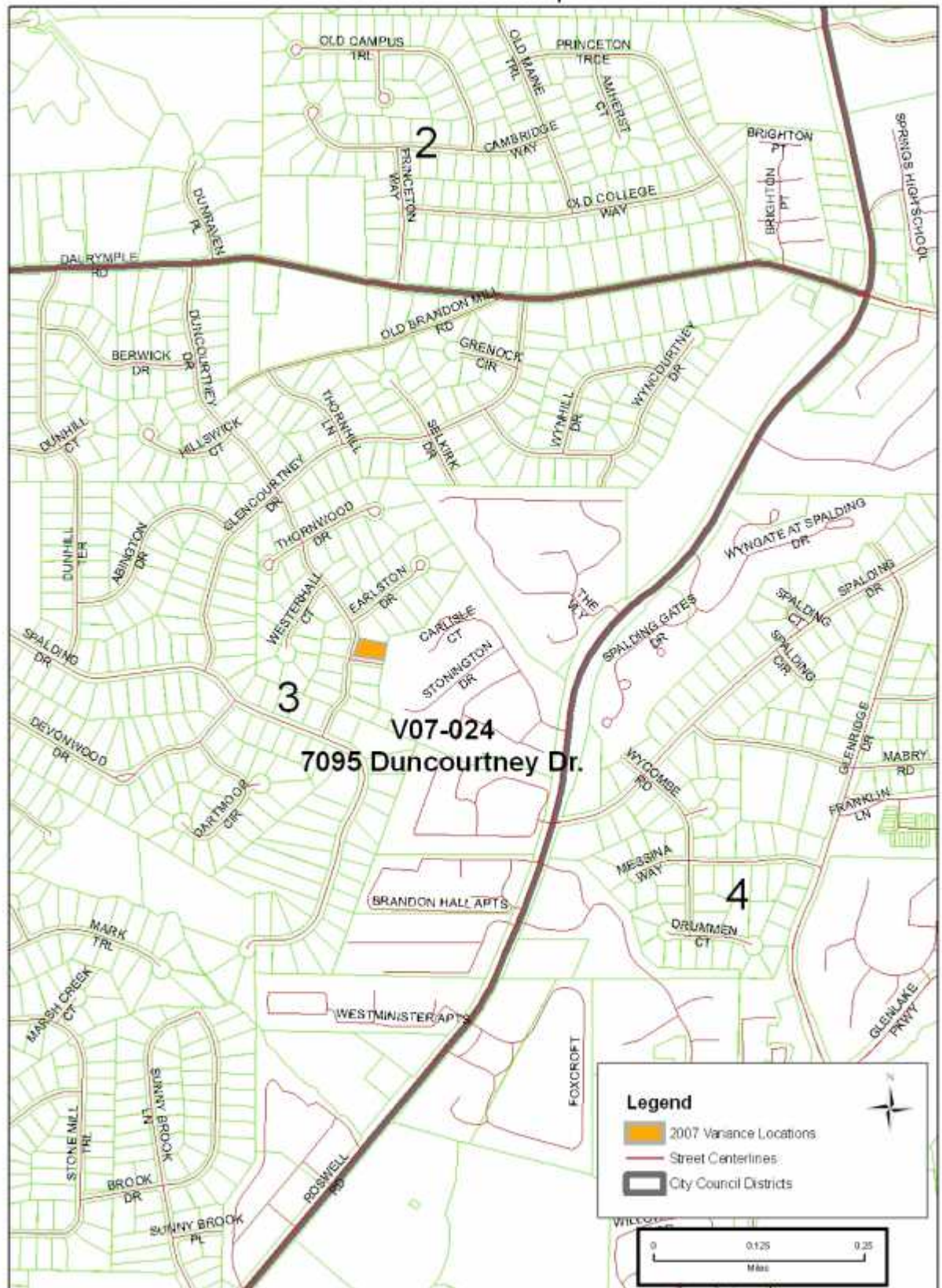
PROPERTY INFORMATION

Address, Land Lot, and District	7095 Duncourtney Drive Land Lot 74, District 17
Council District	3
Frontage and Area	108 feet of frontage along the east side of Duncourtney Drive and 190 feet of frontage along the north side of Valleyfield Drive. The subject property has a total area of approximately 0.45 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) under zoning case Z62-069. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

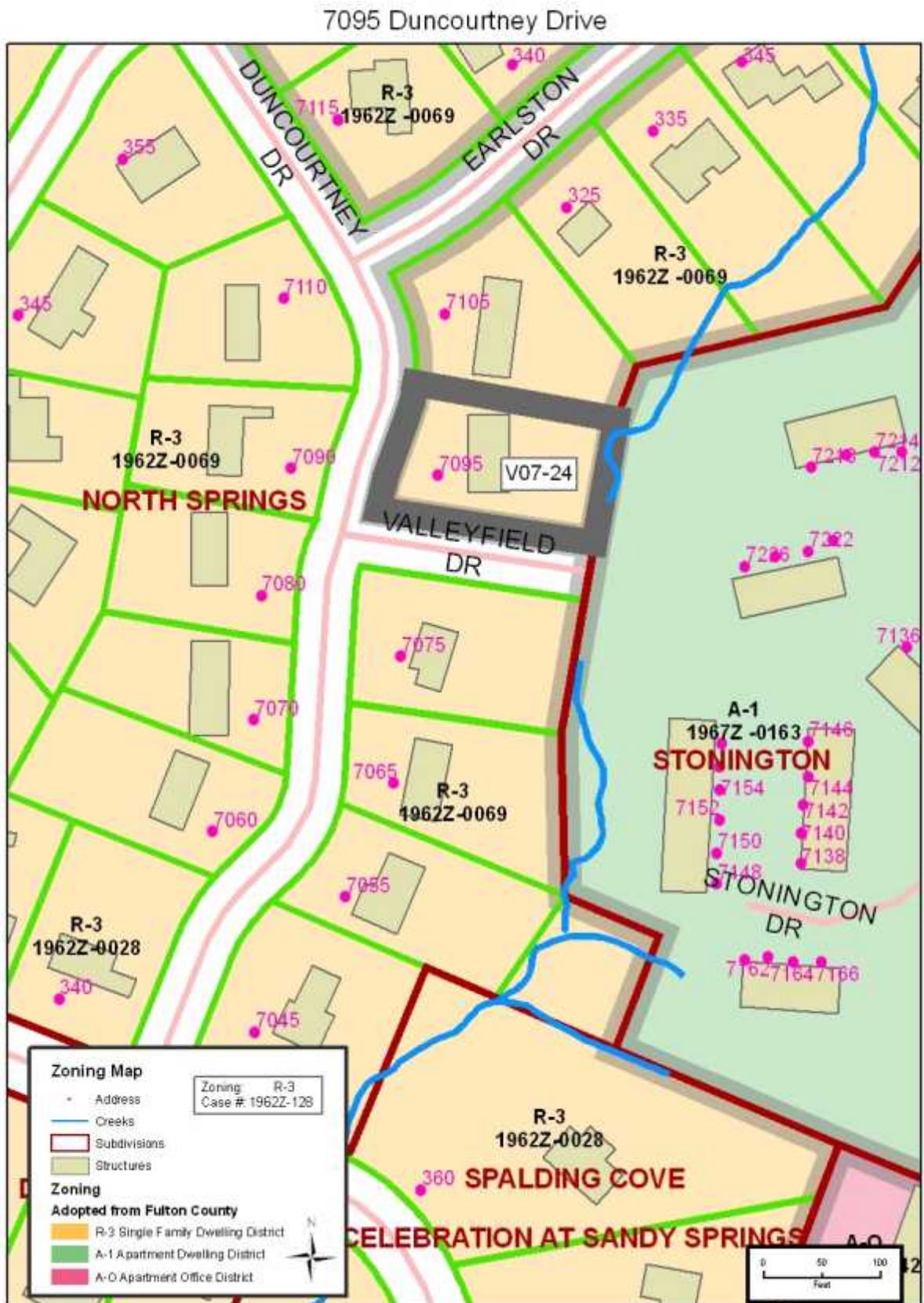
The applicant is seeking a primary variance from Section 4.11.B of the Zoning Ordinance to allow for a gate to be setback three (3) feet from the right-of-way where twenty (20) feet is the minimum setback required.

Variance Area Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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

CASE NUMBER: V07-024

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

ANALYSIS:

The applicant is applying for relief from Section 4.11.B of the Zoning Ordinance to reduce the minimum right-of-way setback required for a driveway gate from twenty (20) feet to three (3) feet.

The applicant has provided a site plan showing the subject property to be roughly rectangular in shape – it is a corner lot having a sanitary sewer easement and drainage easement in the rear portion of the yard. The property fronts Duncourtney Drive and has side street frontage on Valleyfield Drive, a small dead-end street servicing two (2) properties. The site plan shows a ten (10) foot swale/shoulder along both sides of Valleyfield Drive and shows the proposed gate to be approximately located thirteen (13) feet from the pavement of Valleyfield Drive. The applicant has provided photographs showing the subject property to be sloped from the front property line on Duncourtney Drive towards the rear eastern property line.

The applicant states that due to the lot's sloping topography, the driveway was originally constructed off Valleyfield Drive and not off Duncourtney Drive – had the driveway been constructed off Duncourtney Drive, the proposed gate could have met the required twenty (20) foot setback from the right-of-way, not dramatically limiting the use of his property, and not affecting existing structures.

The applicant states that Valleyfield Drive just stops at a Condominium property beyond it to the east. The applicant further states that only two people, including himself, use Valleyfield Drive, and that the subject property's existing driveway is not visible from Duncourtney Drive. Additionally, the applicant says he would be in harmony with the surroundings because the gate will be tastefully constructed and the area near the gate will be landscaped.

Department Comments

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ Due to the small size of the lot, and the close adjacency of the house to the entrance, the COSS Fire Rescue will waive the 20' wide gate requirement. We recommend a 12' wide gate for apparatus access if possible. Furthermore, we strongly recommend that the owner install a Knox Rapid Entry System, two key switch. It's about \$350 installed. This will allow police and fire to access the gate.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ The proposed gate would have little to no impact due to the nature of Valleyfield Drive.
	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 Valleyfield Drive just stops at a Condominium property beyond it to the east. The applicant further states that only two people, including himself, use Valleyfield Drive, and that the subject property's existing driveway is not visible from Duncourtney Drive. The applicant provided a site plan showing the property to front Duncourtney Drive and to have side street frontage on Valleyfield Drive, a small dead-end street servicing two (2) properties. The site plan shows a ten (10) foot swale/shoulder along both sides of Valleyfield Drive and shows the proposed gate to be approximately located thirteen (13) feet from the pavement of Valleyfield Drive. Additionally, the applicant says he would be in harmony with the surroundings because the gate will be tastefully constructed and the area near the gate will be landscaped.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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 states that due to the lot's sloping topography, the driveway was originally constructed off Valleyfield Drive and not off Duncourtney Drive – had the driveway been constructed off Duncourtney Drive, the proposed gate could have respected the required twenty (20) foot setback from the right-of-way, not dramatically limiting the use of his property, and not affecting existing structures. The applicant has provided a site plan showing the subject property to be roughly rectangular in shape – it is a corner lot having a sanitary sewer easement and drainage easement in the rear portion of the yard. The applicant has provided photographs showing the subject property to be sloped from the front property line on Duncourtney Drive towards the rear eastern property line.

Recommended Condition(s)

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

1. That the gate be installed in accordance with the Site Plan provided by the applicant dated received March 6, 2007 by the Department of Community Development, showing the setback from the right-of-way reduced to no less than three (3) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plan, photographs, and letter of appeal



Variance Petition No. V07-025

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Rich	James Lane	James Lane

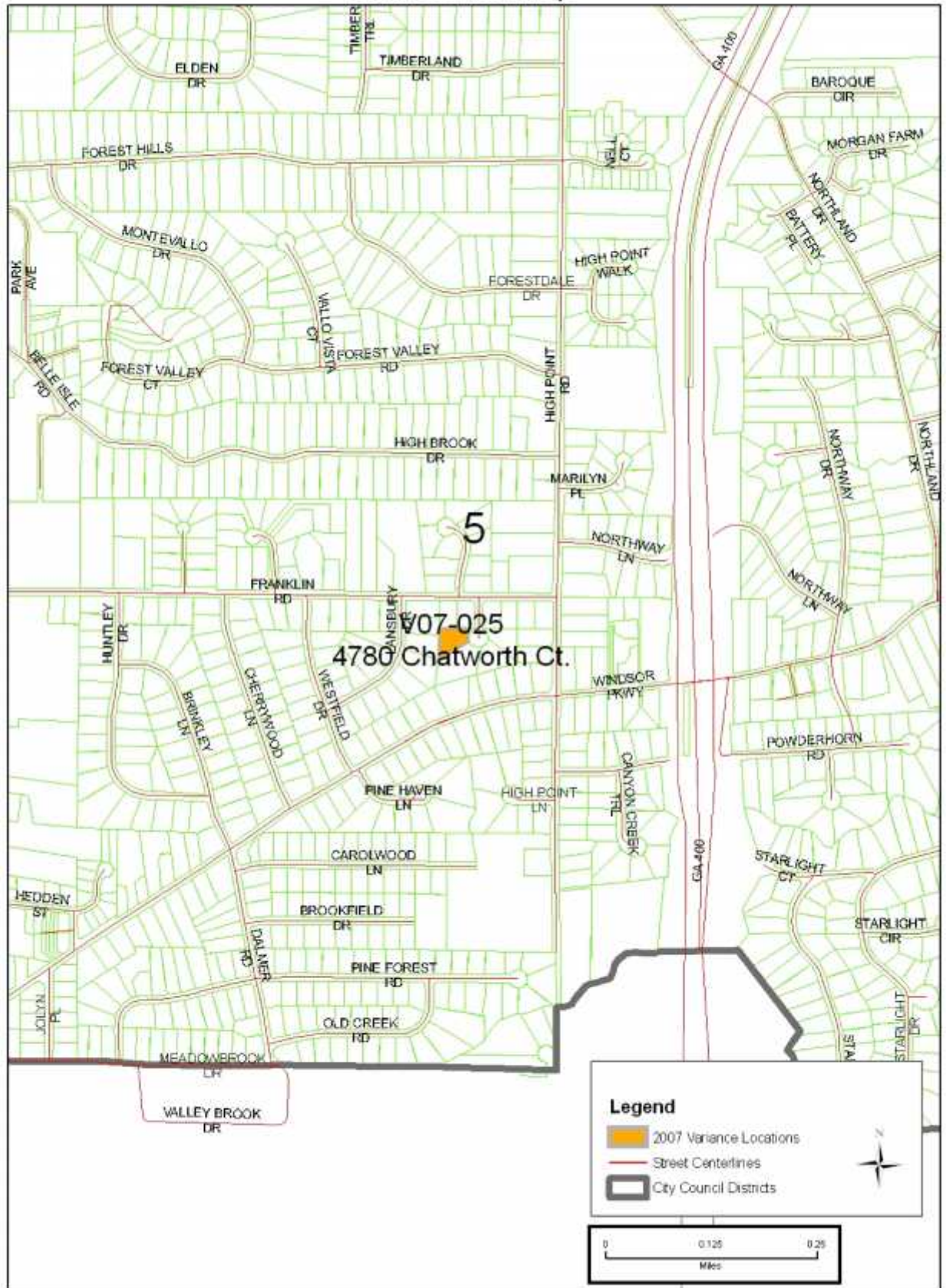
PROPERTY INFORMATION

Address, Land Lot, and District	4780 Chatworth Court Land Lot 66, District 17
Council District	5
Frontage and Area	81 feet of frontage along the west side of the Chatworth Court cul-de-sac. The subject property has a total area of approximately 0.59 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to eight (8) feet for the construction of a bathroom addition to a single-family house.

Variance Area Map



Parcel Map

4780 Chatsworth Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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

CASE NUMBER: V07-025

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to eight (8) feet for the construction of a bathroom and closet addition to a single-family house.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located along the western rear property line. The existing house encroaches into both the twenty-five (25) foot impervious setback and into the fifty (50) foot undisturbed buffer.

The applicant states that the current residence is an older ranch-style house not equipped with a master bath and closet, and, given the layout of the existing house, the proposed location of the planned addition is the most suitable. The applicant states that they thought of locating the proposed addition directly behind the house and adjacent to the basement entrance, but that location would have a greater intrusion into the stream buffer than what is currently proposed. The applicant states further that if the proposed addition were located any further towards the front of the house, it would cover windows to other rooms. Additionally, the applicant states that the proposed addition is designed to be constructed using materials that would match those used for the existing house and that the neighbors are in support of the project.

Additionally, the site may be in a flood plain. During the permitting process, the applicant will have to provide sufficient information to substantiate the claim that the proposed location for the pool and pool house is outside and above the 100-year flood zone.

Department Comments

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ This site may be located within a zone [A, AE, shaded zone X] as defined by F.I.R.M Community Panel Number(s) 13121C0163E for unincorporated Fulton County, Georgia. (Use June 22, 1998 map). ▪ SHADED ZONE X APPEARS TO INCLUDE THIS SITE ON THE FEMA PANEL. PROVIDE SUFFICIENT INFORMATION TO SUBSTANTIATE CLAIM THAT THE AREA IS OUTSIDE AND ABOVE THE 100-YEAR FLOOD ZONE.
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 Georgia State Amendments. The design professional must submit a sealed letter stating that the existing structures and foundations will meet the pertinent requirements of IRC Appendix J, due to additional loads being imposed on the existing structure and foundations. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Bldgs and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/Arborist	▪ The new addition is in an area of lawn and will not impact any protected trees.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ 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 current residence is encroaching into both the twenty-five (25) foot impervious setback and into the fifty (50) foot undisturbed buffer – it is an older ranch-style house not equipped with a master bath and closet, and, given the layout of the existing house, the proposed location of the planned addition is the most suitable. The applicant states that they thought of locating the proposed addition directly behind the house and adjacent to the basement entrance, but that location would have a greater intrusion into the stream buffer than what is currently proposed. The applicant states further that if the proposed addition were located any further towards the front of the house, it would cover windows to other rooms. Additionally, the applicant states that the proposed addition is designed to be constructed using materials that would match those used for the existing house and that his neighbors are in support of the project. The applicant has provided a site plan, photographs, letters of support, floor plans, elevation drawings, and detail drawings to document the above claims.

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 located along the western rear property line.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received March 6, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than an eight (8) foot impervious surface setback where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have 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 in such a way that sheet flow can occur or directed 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 have 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 through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal, site plan, photographs, letters of support, floor plans, elevation drawings, and detail drawings



Variance Petition No. V07-026

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

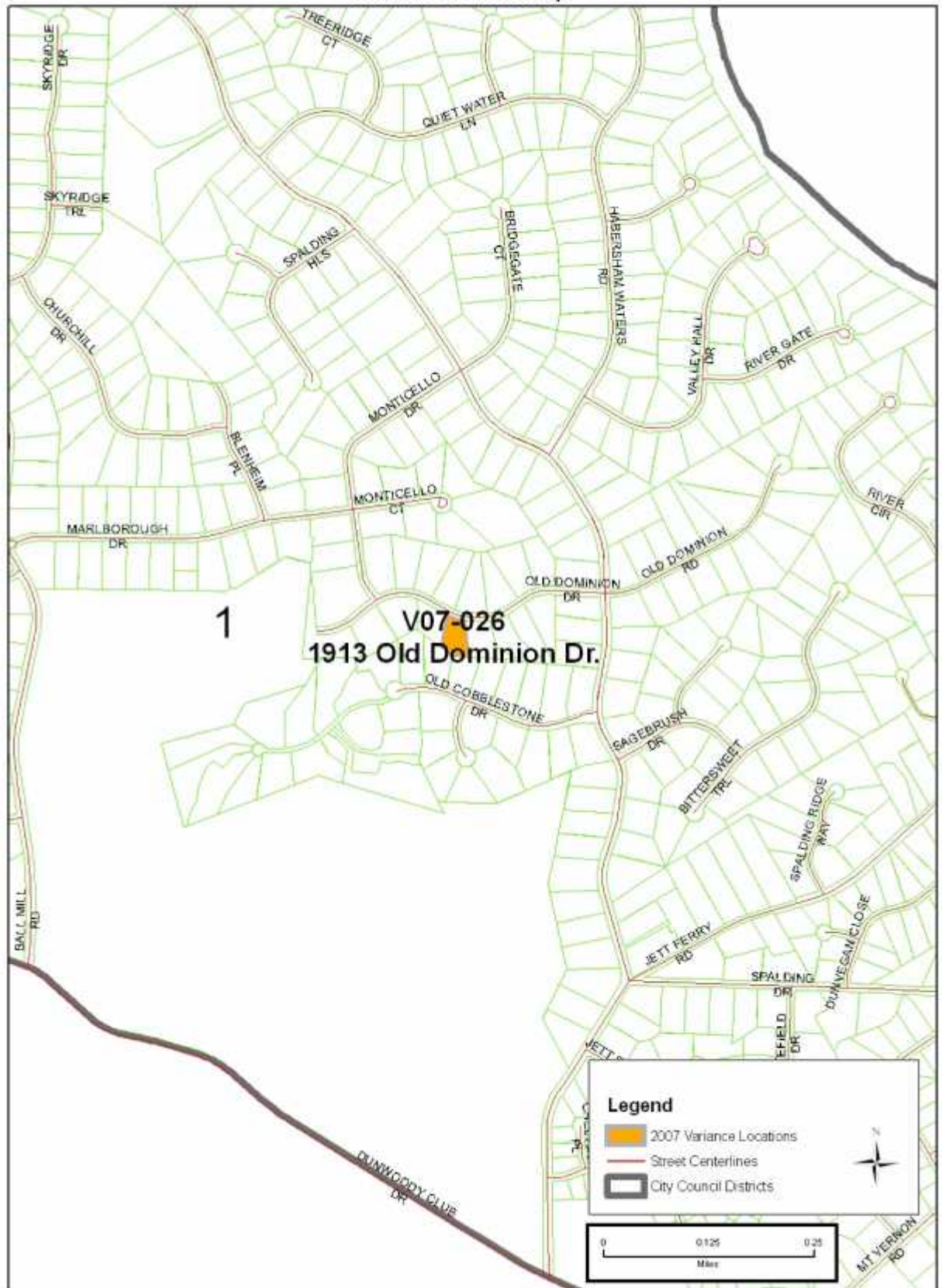
Property Owner	Petitioner	Representative
Susan and Francisco Tizon	Susan and Francisco Tizon	Susan and Francisco Tizon

PROPERTY INFORMATION

Address, Land Lot, and District	1913 Old Dominion Drive Land Lot 342, District 6
Council District	1
Frontage and Area	125 feet of frontage along the south side of Old Dominion Drive. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	AG-1 (Agricultural District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)
INTENT	

The applicant is seeking a primary variance from Section 5.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to 8.4 feet to allow for an accessory structure (cat cage).

Variance Area Map



Parcel Map

1913 Old Dominion Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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

CASE NUMBER: V07-026

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 5.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to 8.4 feet to allow for an accessory structure (cat cage). The cat cage is located at the rear southeastern corner of the subject lot.

In September of 2006 a stop work order was issued to the applicant when it was determined that a building permit was required for the construction of the cat cage and that the cat cage was under construction prior to the issuance of a building permit – the cage had electric and water running to it. Subsequently, the applicant filed for a building permit, but the permit was not approved because it became apparent that the cage was located in the minimum required rear yard setback. In October of 2006, the applicant was issued a citation because the aforementioned stop work order had been removed and construction of the cat cage had recommenced without a permit...a court case is pending. In March of 2007, the applicant filed for variance V07-026 to allow the construction of the cage to be completed in its current location.

The applicant has provided a site plan indicating the lot to be irregularly shaped and indicating the existing house to be located not in the center of the buildable area, but rather located towards the southeast portion of the buildable area, adjacent to the eastern minimum side yard and southern minimum rear yard. The applicant has provided photographs showing the back yard to be wooded and sloped with an elevation that is higher compared to the rest of the property.

The applicant states that the cat cage would be a temporary structure and that its use would benefit the neighborhood and community, because it would allow the few remaining feral cats, of a colony of thirty-five (35) that once roamed in her neighborhood, to live out their lives in a safe and pleasant environment with a better chance of socialization and adoption. The cage would also prevent the cats from roaming the area and using the neighbors' outdoor furniture as shelter.

The applicant states that the location of the cat cage is the most suitable place on the subject property due to a number of constraints, including the location of the existing house in relation to the required setbacks leaving no room behind the house to locate the structure without encroaching into the required rear yard setback. Further constraints include two (2) other existing accessory structures (a shed and another cage), wooded areas in the south and west portions of the lot, and sloping topography. Additionally, the applicant states that the location of the cage is in an area that required the least amount of impact on trees, land disturbance, and is the most inconspicuous place due to existing vegetation and privacy fencing.

The applicant also states that because she would utilize existing and new landscaping, and because the cage would be painted dark brown, the cage would blend into the woods. Finally, the applicant states that there are many people in her neighborhood that have tall, wooden play sets, dog runs, sheds, green houses, and etc. that are within the setback requirements.

The applicant stated that she intends to have no more than eight (8) cats housed at one time inside the cat cage. Staff notes that Fulton County provides animal control services for the City of Sandy Springs, and that Fulton County regulations state that, except in areas zoned for agriculture, a maximum of ten (10) cats and/or dogs may be kept on any single premises. Additional Fulton County regulations include requirements for a license tag and vaccinations.

Department Comments

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

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 cat cage would be a temporary structure and that its use would benefit the neighborhood and community, because it would allow the few remaining feral cats, of a colony of thirty-five (35) that once roamed in her neighborhood, to live out their lives in a safe and pleasant environment with a better chance of socialization and adoption. The cage would also prevent the cats from roaming the area and using the neighbors' outdoor furniture as shelter.

The applicant states that the location of the cage is in an area that required the least amount of impact on trees, land disturbance, and is the most inconspicuous place due to existing vegetation and privacy fencing. The applicant has provided a site plan and photographs to document the above statement. The applicant also states that because she would utilize existing and new landscaping, and because the cage would be painted dark brown, the cage would blend into the woods.

Finally, the applicant states that there are many people in her neighborhood that have tall, wooden play sets, dog runs, sheds, green houses, and etc. that are within the setback requirements.

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 provided a site plan indicating the lot to be irregularly shaped and indicating the existing house to be located not in the center of the buildable area, but rather located towards the southeast portion of the buildable area, adjacent to the eastern minimum side yard and southern minimum rear yard. The applicant has provided photographs showing the back yard to be wooded and sloped with an elevation that is higher compared to the rest of the property.

The applicant states that the location of the cat cage is the most suitable place on the subject property due to a number of constraints, including the location of the existing house in relation to the required setbacks leaving no room behind the house to locate the structure without encroaching into the required rear yard setback. Further constraints include two (2) other existing accessory structures (a shed and another cage), wooded areas in the south and west portions of the lot, and sloping topography. Additionally, the applicant states that the location of the cage is in an area that required the least amount of tree impact and land disturbance. The applicant has provided a site plan and photographs to document the above statements.

Recommended Condition(s)

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

1. That the cat cage be located in accordance with the Site Plan provided by the applicant, dated received April 9, 2007 by the Department of Community Development, showing the rear yard setback reduced to no less than 8.4 feet where necessary to accommodate the portion of the encroachment only.
2. That a maximum total of ten (10) cats and/or dogs may be kept on the subject property.

ATTACHMENTS: Letter of appeal, letters of support, letters of opposition, photographs, and a site plan.



Variance Petition No. V07-029

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mimms Enterprises	Taste of Sandy Springs/Keith Cooper	Keith Cooper

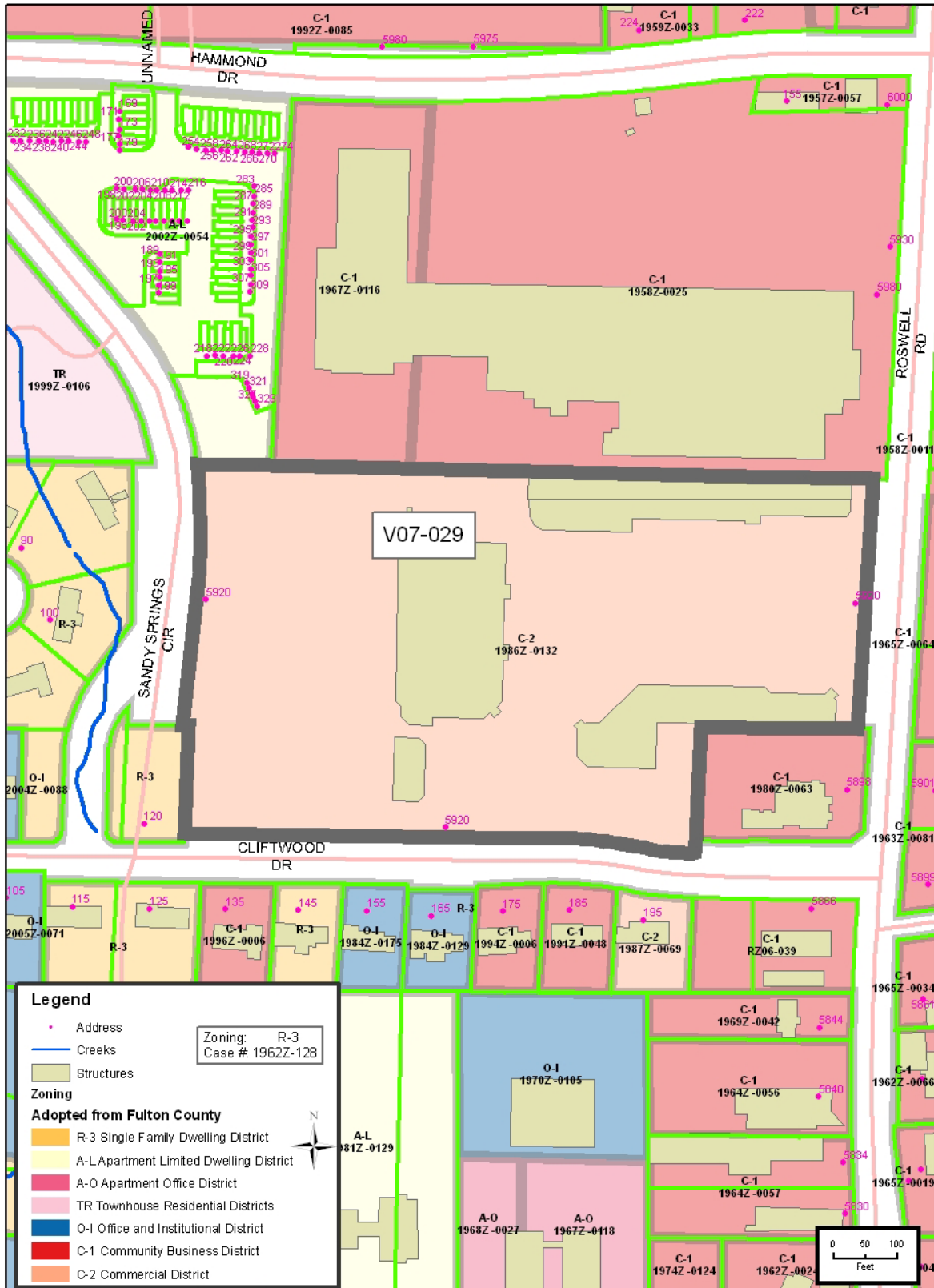
PROPERTY INFORMATION

Address, Land Lot, and District	5920 Roswell Road Land Lot 9, District 17
Council District	3
Frontage and Area	415 feet of frontage along the east side of Sandy Springs Circle, 800 feet of frontage along the north side of Cliftwood Drive, and 390 feet of frontage along the west side of Roswell Road. The subject property has a total area of approximately 12.77 acres.
Existing Zoning and Use	C-2 (Commercial District) under zoning case Z86-132. The property is developed with a shopping center.
Overlay District	Main Street District
Interim 2025 Comprehensive Future Land Use Map Designation	LWC (Living Working Community)
INTENT	

The applicant is seeking a primary variance from Section 19.3.3.B.4 of the Zoning Ordinance to allow for Special Event tents to be located 25 feet of the property line of a residential use.

Parcel Map

5920 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007



Rezoning Petition No. V07-021

HEARING & MEETING DATES

Board of Zoning Appeals

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Marek and Marzanna Omilian	Marek and Marzanna Omilian	Nathan V. Hendricks III

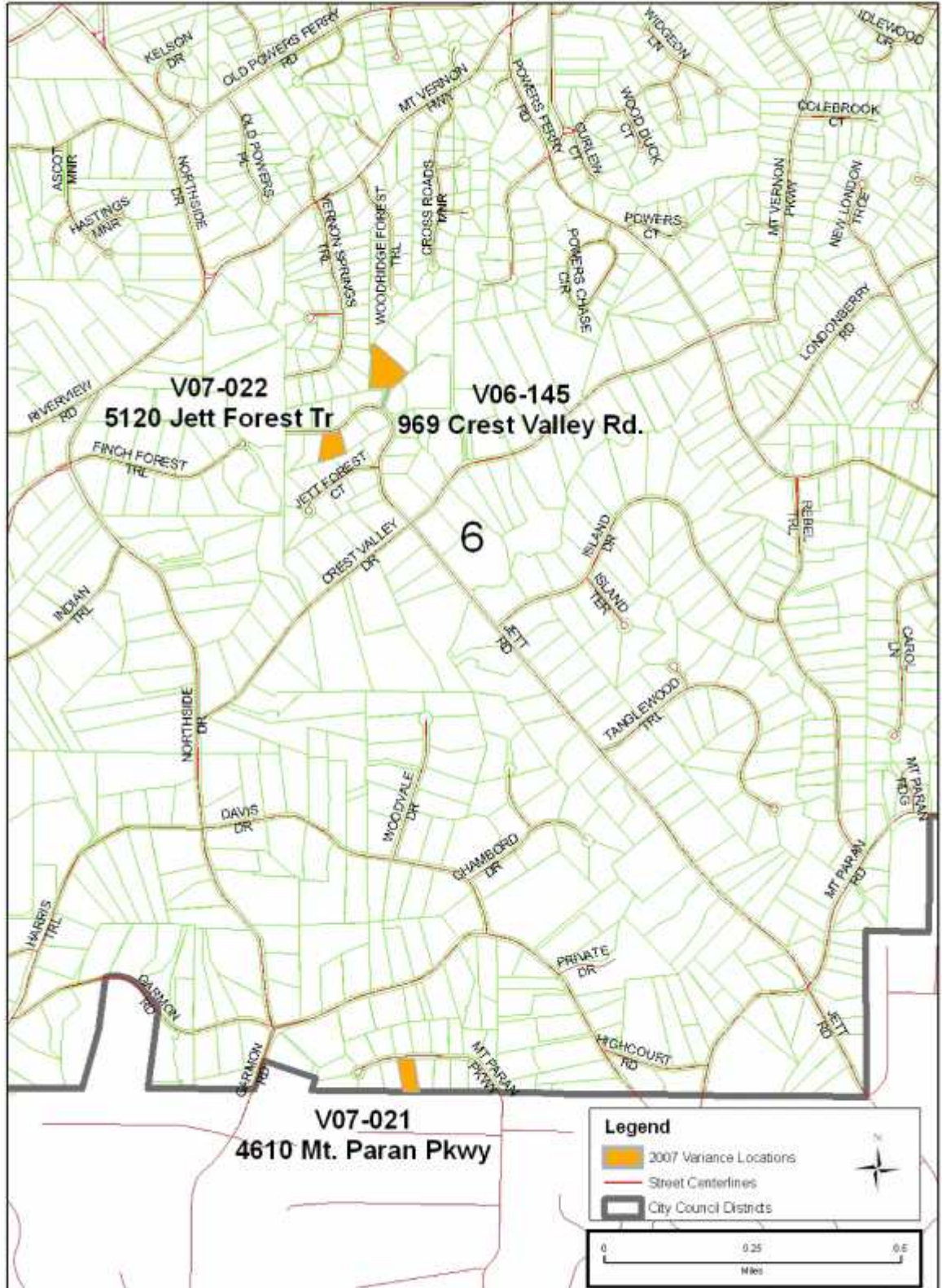
PROPERTY INFORMATION

Address, Land Lot, and District	4610 Mount Paran Parkway Land Lot 177, District 17
Council District	6
Frontage and Area	157 feet of frontage along the south side of Mount Paran Parkway. The subject property has a total area of 1.016 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) under zoning case Z67-0169. The property is developed with a single-family house.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 unit per acre)

INTENT

The applicant seeks a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to twelve (12) feet for the construction of a swimming pool for a single-family house.

Variance Area Map



4610 Mt. Paran Pkwy



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

CASE NUMBER: V07-021

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to twelve (12) feet for the construction of a swimming pool for a single-family house.

The applicant has submitted a site plan indicating the subject property to be roughly rectangular in shape and sloped. It has a stream and sanitary sewer easement located adjacent to the southern rear property line.

At the August 10, 2006 Board of Zoning Appeals (BZA) meeting, the applicant was denied a variance request to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet for the construction of a pool.

The applicant states that due to the lot being narrow and sloped, together with the constraint of the required seventy-five (75) foot stream buffer, there is a hardship unique to the property. The applicant states further that the application of the stream buffer provision would create an unnecessary hardship for the owner while causing no detriment to the public.

Included in this staff report is an attached site plan labeled as Exhibit "B". This site plan was the one considered at the August 10, 2007 BZA meeting where the applicant was denied a variance request to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet. The applicant states that since the denial, he has completed and considered a **first** plan revision, shown in an attachment labeled as Exhibit "C". Exhibit "C" shows the proposed pool to be spaced a minimum of 10.09 feet from the fifty (50) foot undisturbed buffer (encroaching 14.91 feet into the twenty-five (25) foot impervious surface setback). The applicant states he is now considering a **second** plan revision, shown in an attachment labeled as "Proposed". The "Proposed" site plan indicates the proposed pool to be spaced a minimum of 12.28 feet from the fifty (50) foot undisturbed buffer (encroaching 12.72 feet into the twenty-five (25) foot impervious surface setback).

The applicant states that the **first** plan revision, shown in an attachment labeled as Exhibit “C”, has a 561 square foot encroachment into the twenty-five (25) foot impervious surface setback compared to the **second** plan revision, shown in an attachment labeled as “Proposed”, having a 418 square foot encroachment into the twenty-five (25) foot impervious surface setback.

The applicant states that unlike the previous variance request that was denied, this proposed plan does not show a proposed pool deck, pool equipment, and fence to be encroaching into the stream buffer.

Lastly, the applicant states that a contract was entered into to purchase the house contingent upon the viability of a pool being permitted without a variance. The applicant engaged Chattahoochee Pools, Inc., an entity that would be considered a professional at pool consultation and construction. Chattahoochee Pools, Inc. evaluated the site for the viability of a pool being permitted without a variance. Based on the favorable evaluation, the applicant closed on the house and contracted Chattahoochee Pools, Inc. to build a pool on the subject property.

Department Comments

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The new pool design would lessen the impact on the stream buffer.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ 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;*

Included in this staff report is an attached site plan labeled as Exhibit "B". This site plan was the one considered at the August 10, 2007 BZA meeting where the applicant was denied a variance request to reduce the twenty-five (25) foot impervious surface setback to zero (0) feet. The applicant states that since the denial, he has completed and considered a **first** plan revision, shown in an attachment labeled as Exhibit "C". Exhibit "C" shows the proposed pool to be spaced a minimum of 10.09 feet from the fifty (50) foot undisturbed buffer (encroaching 14.91 feet into the twenty-five (25) foot impervious surface setback). The applicant states that he is now considering a **second** plan revision, shown in an attachment labeled as "Proposed". The "Proposed" site plan indicates the proposed pool to be located a minimum of 12.28 feet from the fifty (50) foot undisturbed buffer (encroaching 12.72 feet into the twenty-five (25) foot impervious surface setback).

The applicant states that the **first** plan revision, shown in an attachment labeled as Exhibit "C", has a 561 square foot encroachment into the twenty-five (25) foot impervious surface setback compared to the **second** plan revision, shown in an attachment labeled as "Proposed", having a 418 square foot encroachment into the twenty-five (25) foot impervious surface setback.

The applicant states that unlike the previous variance request that was denied, this proposed plan does not show a proposed pool deck, pool equipment, and fence to be encroaching into the stream buffer. The applicant has provided site plans to document the above statements.

The applicant states that a contract was entered into to purchase the house contingent upon the viability of a pool being permitted without a variance. The applicant engaged Chattahoochee Pools, Inc., an entity that would be considered a professional at pool consultation and construction. Chattahoochee Pools, Inc. evaluated the site for the viability of a pool being permitted without a variance. Based on the favorable evaluation, the applicant closed on the house and contracted Chattahoochee Pools, Inc. to build a pool on the subject property. The applicant has not provided any materials to document the above statements.

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 roughly rectangular in shape and sloped. It has a stream and sanitary sewer easement located adjacent to the southern rear property line. The applicant states that due to the lot being narrow and sloped, together with the constraint of the required seventy-five (75) foot stream buffer, there is a hardship unique to the property. The applicant states further that the application of the stream buffer provision would create an unnecessary hardship for the owner while causing no detriment to the public. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the "Proposed" site plan, provided by the applicant dated received March 5, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a twelve (12) foot impervious surface setback where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have 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 in such a way that sheet flow can occur or directed 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 have 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 through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

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



Variance Petition No. V07-020

HEARING & MEETING DATES

Design Review Board

March 27, 2007

Board of Zoning Appeals Hearing

May 10, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Jerry Andes

Petitioner

Michel Panos

Representative

Mike Rogers

PROPERTY INFORMATION

Address, Land Lot, and District 6100 Roswell Road (SR 9)
Land Lot 89, District 17

Council District 3

Frontage and Area 100 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of approximately 0.62 acres.

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case Z67-041. The property is currently developed with a commercial building.

Overlay District Main Street District

Interim 2025

Comprehensive

Future Land Use

Map Designation

LWC (Living-Working Community)

INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance to attach a sign perpendicular to a parapet that is on the front elevation of the building:

1. Variance from Section 33.18.H to allow for a sign to extend vertically above the roof line of a building and
2. Variance from Section 33.18.P to allow for a projecting sign (perpendicular to the wall to which is attached).

DESIGN REVIEW BOARD RECOMMENDATION

At the February 27, 2007 DRB meeting the applicant presented the sign proposal to the Board for a courtesy review prior to the variance application, at which time the Board did not offer any objection to the proposed sign.

The application was heard at the March 27, 2007 DRB meeting. The Board endorsed (7-0) this application (V07-020) as submitted without any conditions and/or requirements.

Variance Area Map



Parcel Map

6100 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 10, 2007

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

CASE NUMBER: V07-020

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

ANALYSIS:

In early December 2006 the applicant submitted building plans to the City of Sandy Springs to complete a building renovation project at 6100 Roswell Road (SR 9) for Mellow Mushroom Pizzeria. Because the site is within the Sandy Springs Overlay, the changes/improvements are required to be approved by the Design Review Board. The plans were approved by the Design Review Board at the December 28, 2006 meeting and a building permit was obtained. Based on these approvals, the applicant moved forward with the project and set about to execute the plans; the awning was ordered and the construction of the stone wall, built for the purpose of placing a wall sign above the awning, was well on the way.

Weeks later the applicant found that a separate permit was required to place signs on the site and filed a sign permit application with the Department of Community Development. A review of the application material indicated that the proposed sign location did not meet the requirements of the Sandy Springs Zoning Ordinance; therefore, the application was denied. The petitioner decided to request relief from the provisions of the Sandy Springs Zoning Ordinance, as they are of the opinion that there is no alternative that ensures easy and safe identification of the business.

The applicant is seeking relief from Section 33.18.P, and Section 33.18.H, *Prohibited Signs and Devices*, of the Sandy Springs Zoning Ordinance, to allow for a projecting sign to be attached to a wall that extends above the roof line. Per Section 33.26.H.2, *Wall Signs*, of the Sandy Springs Zoning Ordinance, businesses are entitled to one wall sign on the exterior wall of the building up to 5% of the total wall area. The front building elevation contains a total of 673 square feet of wall area, which qualifies for a wall sign up to 33.65 square feet. The applicant is proposing to install a 30.83 square foot projecting sign to be attached to a parapet that protrudes above the awning and roof line of the building.

Placing a projecting sign at the proposed location, the applicant is intending to capture visibility from north and south bound traffic on Roswell Road (SR 9). The sign cabinet is internally illuminated featuring a yellow mushroom with a red background.

There are two existing signs on the subject property; a wall sign on the northern elevation of the building and a ground sign. The applicant has indicated that one of the signs will be removed after the approval of the subject variance application, to ensure compliance with the Sandy Springs Zoning Ordinance with regard to the number of signs. The applicant was required by Mellow Mushroom Corporation to have signs on site prior to opening.

Department Comments

The staff held a Focus Meeting on April 4, 2007, at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ 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. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from and adjoining road.*

The applicant stated that there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists. The applicant indicates that due to variables beyond their control that the proposed location is the most appropriate.

The applicant stated in his letter of appeal that the proposed sign location is the only alternative to display a sign that is visible, and gives the business the exposure necessary to attract customers. The petitioner justifies his petition based on the following:

1. A wall sign above the awning, but below the roof line parallel to the wall would not be visible for the moving traffic on Roswell Road, until the vehicle is in front of the property.
2. The building is set back from the street in such way that a sign placed on the south wall would have no visibility until a car is directly in front of the property.

3. The building is located very close to the north property line and below the finished grade of the adjacent property. The visibility of the sign on the north wall would be further impaired by the cars parked on the adjacent lot as shown in exhibit 1.
4. The applicant states that no location for a ground sign was found that creates visibility for his business. Trees along the property frontage and the adjacent structure would obstruct the view for cars coming both north and south on Roswell Road as shown in exhibits 2 & 3.
5. The fabrication of the awning would make it very difficult to place any signage on the awning itself and visibility would be limited to those directly in front of the building.

Recommended Condition(s)

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

1. That the projecting sign shall be installed pursuant to the sign detail and building elevations depicting the sign location (Exhibits 4 & 5), submitted by the applicant, dated received March 6, 2007 by the Department of Community Development.
2. That the projecting sign shall not exceed 30.83 square feet, as shown on the sign design detail (Exhibit 4) submitted by the applicant, dated received March 6, 2007 by the Department of Community Development.

ATTACHMENTS: Site plan, elevation drawing, photographs, and letter of appeal.

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