

Variance Petition No. V06-001

HEARING & MEETING DATES

Board of Zoning Appeals Meeting
May 11, 2006 (deferred from April 12, 2006)

APPLICANT/PETITIONER INFORMATION

Property Owner
Lana Cavassa

Petitioner
MLC Homes, Inc.

Representative
Lana Cavassa

PROPERTY INFORMATION

Address, Land Lot, District, and Council District

4741 Dudley Lane
Land Lot 119, District 17
Council District 6

Frontage and Area

50' of frontage along the east side of Dudley Lane. The subject property has a total area of 0.4711 acres.

Existing Zoning and Use

R-3 (Single Family Dwelling District) being developed for a single family residence.

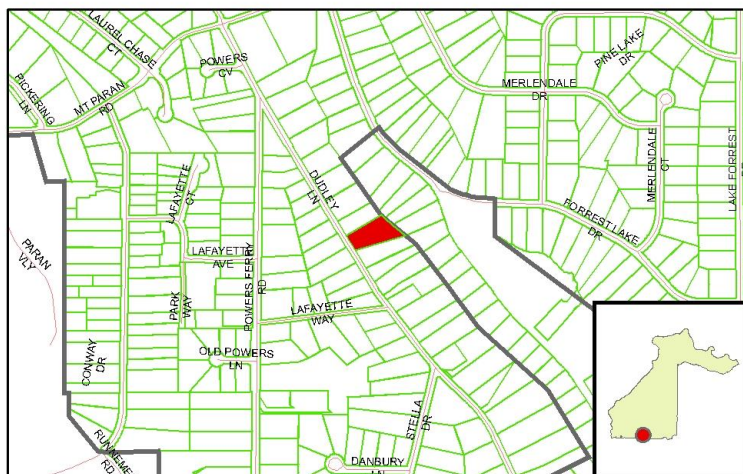
Overlay District

None

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 from Article 8, Section 5 of the Tree Preservation Ordinance. The applicant is requesting permission to cut down one (1) 25" specimen pine tree to make room for the construction of a single family residence.

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

CASE NUMBER: V06-001

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance. The applicant is requesting permission to cut down one (1) specimen pine tree. The property is zoned R-3 (Single Family Dwelling District) and was originally part of a larger property numbered 4743 Dudley Lane. The applicant has subdivided 4743 Dudley lane, creating two lots now numbered 4741 Dudley Lane and 4745 Dudley lane. 4741 Dudley lane is an irregular shaped lot and currently planned to be developed with a single family residence similar in size to others in the neighborhood.

In December of 2005, the City Arborist/Landscape Architect issued a stop work order for the house construction on the subject property. The stop work order was given to resolve issues of adherence to the Tree Preservation Ordinance, regarding specimen tree preservation and removal, which occurred and/or may occur if construction is to continue as planned.

A decision by the Board to allow the removal of a specimen tree 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.

Application V06-001 was deferred at the Board of Zoning Appeals meeting held on April 12, 2006. The Board took no action because they felt the applicant's hardship claim needed to be further expanded and detailed. The applicant has not submitted site plans showing the location of different floor plan options on the land. However, the applicant submitted several floor plans without including their possible location on the land.

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 Tree Preservation 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 claims as a hardship that various tentative house designs and placements were attempted in order to protect the lot trees, but due to the irregular lot configuration, there was no feasible place for the house to exist so as to save all the trees. The applicant has hired a certified arborist as a professional tree consultant

and met with Community Development Staff, including the City Arborist/Landscape Architect. The applicant's tree consultant has provided an itemized prescriptive tree preservation and maintenance plan for the subject property (Appendix "A").

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

- 1) That the site be developed in accordance with the site plan provided by the applicant dated received May 4, 2006 by the Department of Community Development.
- 2) That the owner provides prescriptive tree preservation and maintenance for a 38" loblolly pine, growing on the subject property, as detailed in Appendix "A".

ATTACHMENTS: Letter of Appeal, Site Plan(s), Samples of Alternate Floor Plans Attempted, Letters of Support, Letters of Opposition, and Appendix "A".

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

CASE NUMBER: V06-011

STAFF CONTACT: Doug Trettin, Planner I
770-730-5591
doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 11, Section 11.2.4.I of the Zoning Ordinance requesting a 28' perimeter setback where 40' is required for the construction of a three (3) car garage as a part of a single-family house.

The lot is irregularly shaped - it is being developed with a single family residence having a three car garage. Similar size houses are being built in the area. Staff does not anticipate 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;*

As referenced above, the subject property has an irregular shape. The applicant claims as a hardship that an error was made by forming the house's foundation in its current location. If the house construction continues, an encroachment of the proposed three car garage will occur in the required rear perimeter setback.

ATTACHMENTS: Letter of Appeal and Site Plan

Variance Petition No. V06-015

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 11, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Wayne Edy

Petitioner
Wayne Edy

Representative
Wayne Edy

PROPERTY INFORMATION

**Address, Land Lot,
District, and
Council District**
5815 Timberlane Terrace
Land Lot 37, District 17
Council District 5

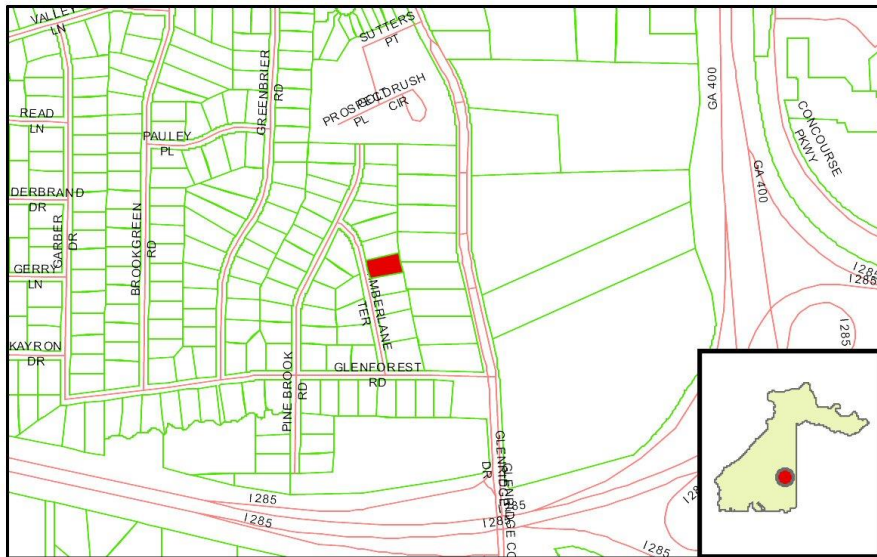
Frontage and Area
400' of frontage along the east side of Timberlane Terrace. The subject property has a total area of 0.41 acres (17,859.60 square feet).

**Existing Zoning
and Use**
R-3 (Single Family Dwelling District) currently developed with a single family residence.

Interim 2025

**Comprehensive
Future Land Use
Map Designation**
R2-3 - Residential, 2 to 3 units per acre

Parcel Map



INTENT

The applicant is seeking relief from Article 6.4.3.C, *Development Standards*, to reduce the required 10' side yard to 4' to construct an addition to the existing residence.

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

CASE NUMBER: V06-015

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 6.4.3.C, *Development Standards*, to reduce the required 10' side yard to 4' to construct an addition to the existing residence. The existing residence is currently 4' from the north property line and the applicant is proposing erect the addition in line with the existing north wall of the house.

The approval of a variance may not serve to set a precedent as the existing site conditions create a situation that would not be found on other properties, thereby allowing for the consideration of a unique circumstances.

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.*

The applicant has indicated that a hardship is created due to the placement of the existing structure on the site, which would hinder an increase in the size of the structure for future use and would impact the desire to remain a permanent resident of the City.

Should the Board of Zoning Appeals decide to approve the variance petition, the staff suggests that the approval be subject to the following condition:

1. To the site plan received by the Department of Community Development dated March 6, 2006.

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

Variance Petition No. V06-002

HEARING & MEETING DATES

Board of Zoning Appeals Meeting
May 11, 2006 (deferred from April 12, 2006)

APPLICANT/PETITIONER INFORMATION

Property Owner
Lana Cavassa

Petitioner
MLC Homes, Inc.

Representative
Lana Cavassa

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	4745 Dudley Lane Land Lot 119, District 17 Council District 6
Frontage and Area	61.17' of frontage along the east side of Dudley Lane. The subject property has a total area of 0.4424 acres.
Existing Zoning and Use	R-3 (Single Family Dwelling District) being developed for a single family residence.
Overlay District	None
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 from Article 8, Section 5 of the Tree Preservation Ordinance. The applicant is requesting permission to cut down one (1) 32" specimen oak tree to make room for the construction of a single family residence.

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

CASE NUMBER: V06-002

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance. The applicant is requesting permission to cut down one (1) specimen birch tree. The property is zoned R-3 (Single Family Dwelling District) and was originally part of a larger property numbered 4743 Dudley Lane. The applicant has subdivided 4743 Dudley lane, creating two lots now numbered 4741 Dudley Lane and 4745 Dudley lane. 4745 Dudley lane is an irregular shaped lot and currently planned to be developed with a single family residence similar in size to others in the neighborhood.

In December of 2005, the City Arborist/Landscape Architect issued a stop work order for the house construction on the subject property. The stop work order was given to resolve issues of adherence to the Tree Preservation Ordinance, regarding specimen tree preservation and removal, which occurred and/or may occur if construction is to continue as planned.

A decision by the Board to allow the removal of a specimen tree 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.

Application V06-002 was deferred at the Board of Zoning Appeals meeting held on April 12, 2006. The Board took no action because they felt the applicant's hardship claim needed to be further expanded and detailed. The applicant has not submitted site plans showing the location of different floor plan options on the land. However, the applicant submitted several floor plans without including their possible location on the land.

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 Tree Preservation 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 claims as a hardship that various tentative house designs and placements were attempted in order to protect the lot trees, but due to the irregular lot configuration, there was no feasible place for the house to exist so as to save all the trees. The applicant has hired a certified arborist as a professional tree consultant and met with Community Development Staff, including the City

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 11, 2006

Arborist/Landscape Architect. The applicant's tree consultant has provided an itemized prescriptive tree preservation and maintenance plan for the subject property (Appendix "A").

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

- a. That the site be developed in accordance with the site plan provided by the applicant dated received May 4, 2006 by the Department of Community Development.
- b. That the owner provides prescriptive tree preservation and maintenance for a 30" red oak and a 42" river birch, growing on the subject property, as detailed in Appendix "A".

ATTACHMENTS: Letter of Appeal, Site Plan(s), Samples of Alternate Floor Plans Attempted, Letters of Support, Letters of Opposition, and Appendix "A".

Variance Petition No. V06-012

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 11, 2006

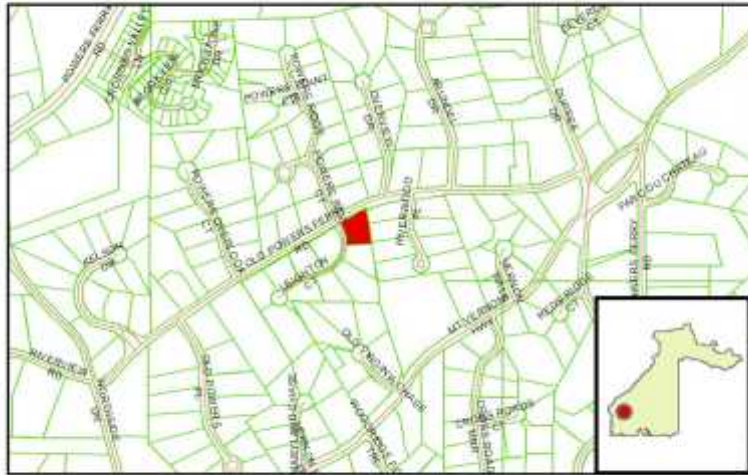
APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Piedmont Builders	John Carpentier	John Carpentier

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	2 Leighton Court, Land Lot 174, District 17, Council District 6
Frontage and Area	144.25' of frontage along the east side of Leighton Court. The subject property has a total area of 0.63 acres.
Existing Zoning and Use	NUP (Neighborhood Unit Plan District) being developed for 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

Parcel Map



INTENT

The applicant is requesting a primary variance from Article 11, Section 11.2.4.I requesting a 35.63' side street perimeter setback where 40' is required and requesting a 29.55' rear perimeter setback where 40' is required to allow the continuation of construction of a single- family house.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 11, 2006

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

CASE NUMBER: V06-012

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 11, Section 11.2.4.I of the Zoning Ordinance requesting a 35.63' side street perimeter setback where 40' is required and requesting a 29.55' rear perimeter setback where 40' is required for the construction of a single-family home.

In February of 2006, a City of Sandy Springs' Land Development Inspector issued a stop work order for house construction on the subject property. The stop work order was given to resolve issues of adherence to setback requirements of the Zoning Ordinance that occurred during construction of the residence. In March of 2006, a variance application was filed with the City - evidence of this application as an attempt to bring the proposed house into conformity prompted the Inspector to lift the stop work order allowing further construction for areas of the home not encroaching into required setbacks.

The house under construction encroaches into the side street and rear perimeter setbacks - a closet encroaches in the side street perimeter setback and a three car garage encroaches in the rear perimeter setback. Similar size houses are being built in the area. Staff does not anticipate that a precedent would be created as it relates to the size of the house.

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 claims as a hardship that an error was made by forming the house's foundation and building the house in its current location - it would be too financially costly to alter the house to bring it into compliance.

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

- a. The site shall be developed in accordance with the site plan provided by the applicant dated received February 27, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of Appeal and Site Plan

Variance Petition No. V06-016

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 11, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Aaron Baranan

Petitioner
Aaron Baranan

Representative
Aaron Baranan

PROPERTY INFORMATION

Address, Land Lot, and District 5030 Rebel Trail
Land Lot 163, District 17

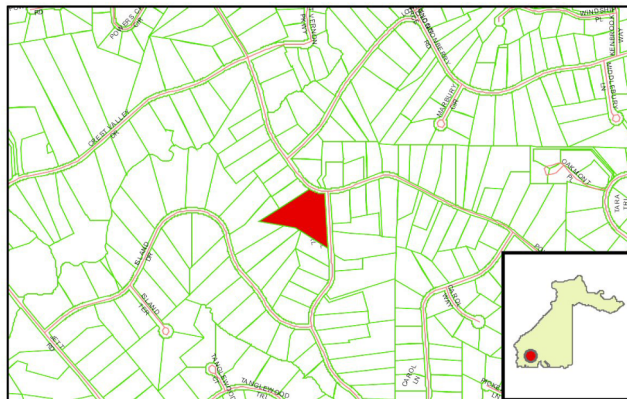
Council District 6

Frontage and Area 400' of frontage along the west side of Rebel Trail. The subject property has a total area of 1.4 acres.

Existing Zoning and Use R-2 (Single Family Dwelling District) currently developed with a single family residence.

Interim 2025 Comprehensive Future Land Use Map Designation R0-1 – Residential, 0 to 1 units per acre

Parcel Map



INTENT

The applicant is seeking relief from Article 19.3.5, *Guest House*, and Chapter 14, Article 6, *Stream Buffer Protection* for the construction of a new home on the site and converting the existing residence into a guest house.

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

CASE NUMBER: V06-016

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 19.3.5, *Guest House*, for the construction of a new home on the site and converting the existing residence into a guest house. The applicant/owner is requesting that the existing home be permitted as a guest house located in the side yard rather than the rear yard as required. The applicant/owner is also requesting that the existing house, which is setback 49' from the front property line, be allowed to remain though the required setback is 60'. The existing residence is shown on the survey submitted as having a heated floor area of 1,600 square feet. However, the applicant has provided a letter certifying the house as having a heated floor area of 1,100 square feet. The staff informed the applicant that an inspection of the home would be completed to verify the heated floor area of the existing house prior to the application for a building permit for the proposed house.

Additionally, the applicant is seeking relief from Chapter 14, Article 6, *Stream Buffer Protection*. The existing home is located 13' from a creek, which runs along the southern property line. The applicant is requesting that the existing residence be permitted to remain as a guest house at its current location with respect to the stream.

There are four (4) specimen trees that would be removed as a part of the new construction and two (2) that would be removed as a result of the construction of a new driveway. The applicant has not applied for a variance to remove the trees at this time.

The approval of a variance may not serve to set a precedent as the existing site conditions create a situation that would not be found on other properties, thereby allowing for the consideration of a unique circumstances.

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.*

The subject property is irregularly shaped and there is a stream that meanders along the property. The applicant indicates that the hardship arises out of the location of the creek and the shape of the lot and the limiting effects that these features have on the placement of a new structure on the property.

Should the Board of Zoning Appeals decide to approve the variance petition, the staff suggests that the approval be subject to the following condition:

1. To the site plan received by the Department of Community Development dated March 6, 2006.
2. Should the owner/developer desire to remove specimen trees from the site to locate the proposed house, a variance will be required for the removal of the trees.
3. The heated floor area of the existing house shall be verified to be 1,500 square feet or less prior to the issuance of a building permit for the proposed house.

ATTACHMENTS: Site plan dated March 6, 2006
 Letter of appeal dated March 6, 2006
 Letter of opposition from Douglas Moffat dated May 2, 2006

Variance Petition No. V06-017

HEARING & MEETING DATES

Design Review Board Meeting

March 28, 2006

Board of Zoning Appeals Hearing

May 11, 2006

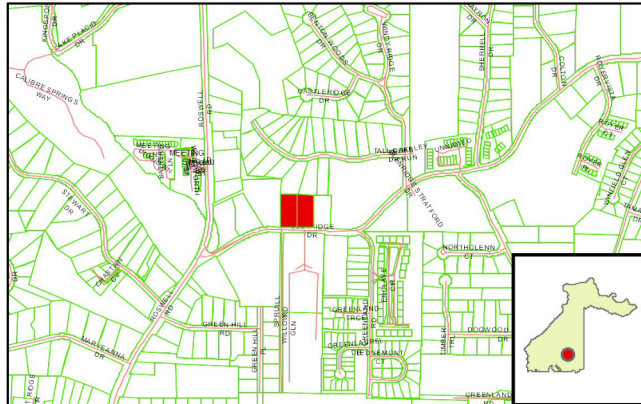
APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Alpha Seven Holdings, LLC	Denyse Signs	Michael Norton

PROPERTY INFORMATION

Address	5424 and 5416 Glenridge Drive
Land Lot, District	Land Lot 69, District 17
Council District	Council District 5
Frontage and Area	100.74' and 150.02' of frontage along the north side of Glenridge Drive. The subject property has a total area of 0.63 acres (27,455.68 square feet) and 0.94 acres (40,886.45 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under Fulton County zoning case Z89-0023, currently developed with a corporate office building.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	O - Office

Parcel Map



INTENT

The applicant is requesting relief from Article 33.5.n, Prohibited Signs, to allow for an off-premise monument sign on an adjacent property. The applicant is also requesting relief from Article 12B.6.A, Freestanding Signs, to allow for a freestanding sign on property which has a total area of less than 40,000 square feet.

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

CASE NUMBER: V06-017

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

ANALYSIS:

The applicant is applying for a variance from Article 12B.6, *Freestanding Signs*, to allow for a freestanding sign on property which has a total area of less than 40,000 square feet. The property has a total area of 0.63 acres (27,455.68 square feet).

The applicant is also requesting relief from Article 33.5.n, *Prohibited signs* to allow an off premise sign on an adjacent property. This sign is intended to advertise businesses on two (2) separate properties.

Originally, the two parcels were one single lot and PFVS sold a portion to JAS. When the sites were developed only one drive was provided for both office buildings. The PFVS property located at 5416 Glenridge Drive now shares a common drive with the JAS property. The entrance to the drive is located on the JAS property and the applicant's intent is to locate the proposed sign closer to the common entrance.

The application was heard by the Design Review Board at the April 11, 2006 meeting. The Board unanimously recommended that the Board of Zoning Appeals **APPROVE** the subject variance.

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.*

Per Article 12B.1, *Purpose and Intent*, the Sandy Springs Overlay District ordinance is designed to provide for the aesthetic, economic, and functional value of properties, neighborhoods and structures. The applicant indicates that they are seeking relief so that a single Identification Monument would serve the purpose of identifying both businesses within the development, to keep the two (2) parcels consistent in design, reduce the costs for signage and to reduce the amount of possible signage necessary to identify each business.

Should the Board of Zoning Appeals decide to approve the variance petition, the staff suggests that the approval be subject to the following condition:

1. To the sign elevation drawing (for design purposes) received by the Department of Community Development dated March 6, 2006. The sign shall not exceed the maximum face area allowed by the Zoning Ordinance.

ATTACHMENTS:

Site plan dated March 6, 2006

Sign plan dated March 6, 2006

Letter of appeal dated March 6, 2006

Variance Petition No. V06-018

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006 (deferred from May 11, 2006)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Cathy Gotlieb	Cathy Gotlieb	Greg Harrell

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	5320 Old Hundred Lane Land Lot 121, District 17 Council District 6
Frontage and Area	151.83' of frontage along the west side of the Old Hundred Lane cul-de-sac. The subject property has a total area of 0.995 acres.
Existing Zoning and Use	R-2 (Single Family Dwelling District) is currently 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

Parcel Map



INTENT

The applicant is requesting a primary variance from Article 6 Sections 6.2.3.B and 6.2.3.C of the Zoning Ordinance. The applicant is requesting a 40.3 foot front setback where a 60 foot setback is required, and requesting a 1 foot side setback where a 15 foot setback is required. The intent of the applicant is to bring into compliance an existing residence and to construct a screened porch with fireplace in the minimum required side yard.

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

CASE NUMBER: V06-018

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 6 Sections 6.2.3.B and 6.2.3.C of the Zoning Ordinance. The applicant is requesting a 40.3 foot front setback where a 60 foot setback is required, and requesting a 1 foot side setback where a 15 foot setback is required to construct home additions.

The lot is irregularly shaped as it relates to the location of its frontage on one of its corners. The property is developed with a single family residence that encroaches into the required front and side yard setbacks. Approval of this application, as requested, may not serve to set a precedent due to unique lot shape and location of the existing house within the site.

Application V06-018 was deferred at the Board of Zoning Appeals meeting held on May 11, 2006. The Board approved the applicant's request for deferral to allow her more time to further discuss the application with concerned neighbors.

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 above, the subject lot is irregular in shape having an unusual frontage location. The applicant claims as a hardship that the current owner purchased the property in 2001 having the house, as it currently exists, encroaching into the required front and side setbacks – a deck encroaches into the required side setback. The applicant claims that the most logical and proper place in terms of space utilization for a proposed screened porch would be off the kitchen and family room on top of the existing deck that is encroaching. The applicant claims that the proposed location of the porch would allow for access for the entire family and guests and will provide a natural extension of the house for outdoor dining and relaxation.

ATTACHMENTS: Letter of Appeal and Site Plan

Variance Petition No. V06-019

HEARING & MEETING DATES

Design Review Board

April 11, 2006

Board of Zoning Appeals Hearing

May 11, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Fountainbleau 2006, L.L.C.

Petitioner

Fountainbleau 2006, L.L.C

Representative

Robert Stein

PROPERTY INFORMATION

Address, Land Lot, District, and Council District 5095 Roswell Road, Parcel No. 1
Land Lot 93, District 17
Council District 5

Frontage and Area 379.77' of frontage situated northeast of the intersection of Roswell Road and Forest Hill Drive. The subject property has a total area of 1.063 acres.

Existing Zoning and Use A-1 (Apartment Dwelling District) conditional under Z60-041 and currently developed with an apartment building.

Overlay District Village 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 from Article 13-A Sections 5.1(b), 5.2(b) (2), and 5.2(b) (3) of the Zoning Ordinance to allow a 7' side setback where 10' is required and to allow a 19' side street setback where 25' is required and to allow a 35' front setback where 40' is required. The applicant's intent is to bring into compliance the existing pool and existing decks and patios of a multi-family development.

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V06-019

STAFF CONTACT: Doug Trettin, City Planner 770-730-5579
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is applying for a primary variance from Article 13-A Sections 5.1(b), 5.2(b) (2), and 5.2(b) (3) of the Zoning Ordinance to allow a 7' side setback where 10' is required and to allow a 19' side street setback where 25' is required and to allow a 35' front setback where 40' is required. The property is developed with a multi-family complex having a pool and some decks and patios currently encroaching into the required setbacks.

The application was heard by the Design Review Board at the April 11, 2006 meeting. The Board unanimously recommended that the Board of Zoning Appeals **approve** the requested variances as submitted because they would bring the subject property into compliance with the Zoning Ordinance.

Staff does not anticipate that a precedent would be created. The existing conditions of the subject property as they relate to encroachment into the required setbacks are unique to this lot.

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 claims that the apartment building was constructed some forty years ago in compliance with the Zoning Ordinance at that time. The variance requests merely seek to bring certain elements of the property into compliance with the Zoning Ordinance as it reads today. Therefore, each of the variances would be in harmony with the general purposes and intent of the Zoning Ordinance.

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 claims as a hardship that certain conditions pertaining to the property's size, shape, and topography (a large change from adjacent streets and properties to portions of the

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 11, 2006

lot), the current Zoning Ordinance requirements would create unnecessary hardship for the owner while causing no detriment to the public.

ATTACHMENTS: Letter of Appeal and Site Plan

Variance Petition No. V06-021

HEARING & MEETING DATES

Design Review Board
June 27, 2006

Board of Zoning Appeals
September 14 , 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Sun River XX, LLC

Petitioner
Sun River XX, LLC

Representative
Manny Fialkow

PROPERTY INFORMATION

Address, Land Lot, and District	200 Hannover Park Road Land Lot 368, District 6
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Council District	2
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Frontage and Area	200 feet of frontage along the west side of Roswell Road (SR 9) and 200 feet of frontage along the south side of Hannover Park Road. The subject property has a total area of 0.917 acres.
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Existing Zoning and Use	O-I (Office and Institutional District) conditional under Z75-59.
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Overlay District	Suburban District
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Interim 2025 Comprehensive Future Land Use Map Designation	O - Office
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INTENT

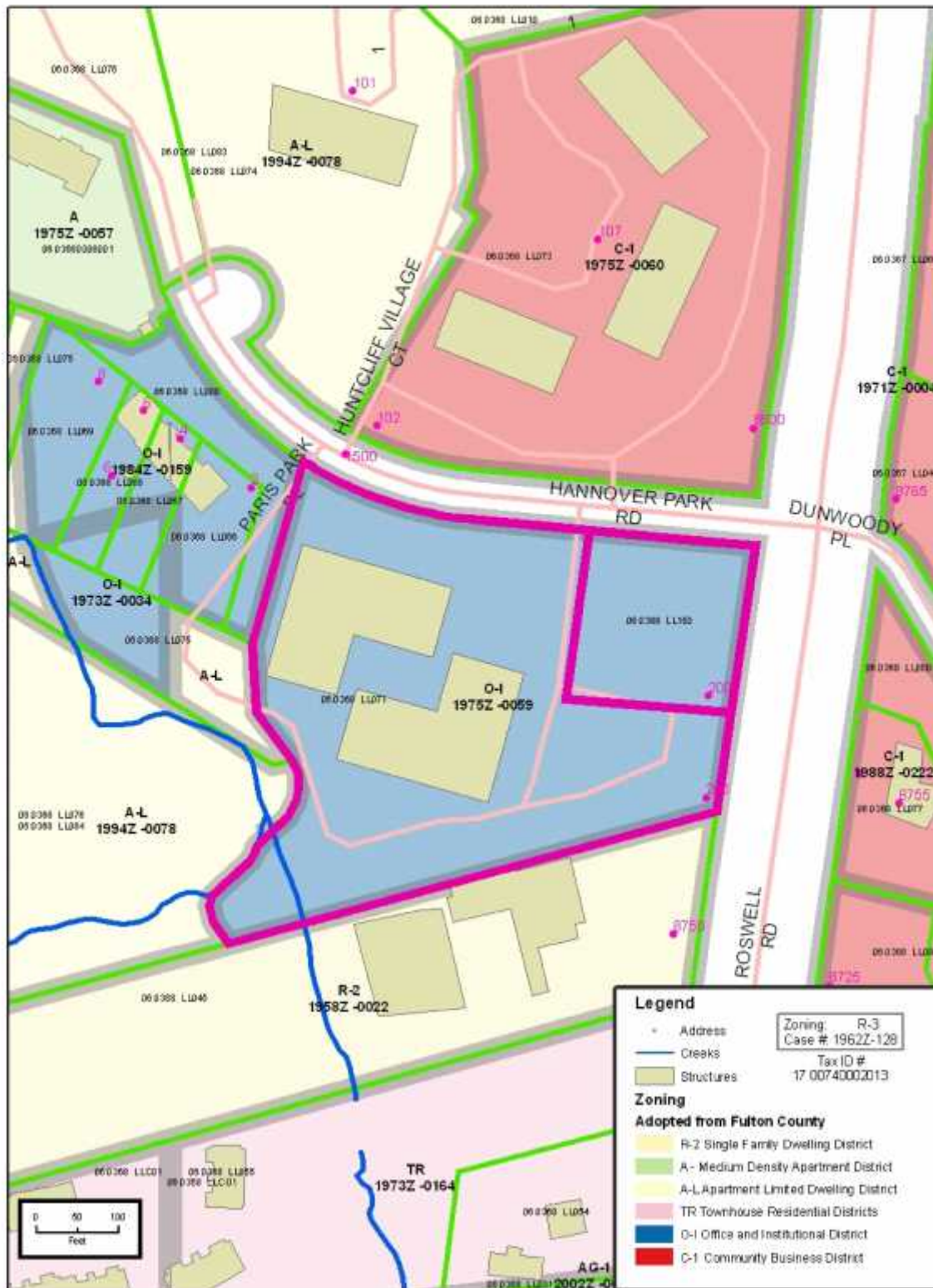
The applicant is requesting two primary variances:

1. Variance from Section 18.3.1(e) of the Zoning Ordinance to allow parking within the forty (40) foot front and side yard (adjacent to street) setbacks where off street parking is not permitted,
2. Variance from Section 12B.5 of the Zoning Ordinance to reduce the required landscape strip from ten (10) feet to zero (0) feet along Roswell Road as shown on the site plan submitted by the applicant dated received April 6, 2006 by the Community Development Department.

The applicant intends to construct a proposed commercial building that includes a bank.

Parcel Map

200 Hanover Park



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

CASE NUMBER: V06-021

STAFF CONTACT: Doug Trettin, City Planner 770-730-5590
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

These primary variances are being sought for relief from Section 18.3.1.E of the Zoning Ordinance to allow parking within the forty (40) foot front and side yard (adjacent to street) setbacks and from Section 12B.5 to allow the elimination of the required ten (10) foot landscape strip along Roswell Road as shown on the site plan submitted by the applicant dated received April 6, 2006 by the Community Development Department.

Previously, under variance case V04-060, the subject property was granted relief from the required landscape strip along the Hannover Park Road frontage and along the corner intersection with Roswell Road.

The City of Sandy Springs Arborist issued a stop work order for the subject property on June 6, 2006. The stop work order was issued to prevent the continuation of specimen tree removal. On June 20, 2006 the stop work order was released after the applicant provided the City with monetary compensation to replace the trees removed and to bring the site into compliance with required tree density.

On June 27, 2006, the Design Review Board (DRB) recommended approval of the variance request subject to the applicant providing, other than the ten (10) foot landscape strip, the required Overlay District streetscape improvements at the time of permit.

Application V06-021 was deferred at the Board of Zoning Appeals meeting held on July 27, 2006. The Board approved the applicant's request for deferral to allow him more time to further discuss the application with the concerned neighbors and the staff.

Attached is correspondence from concerned neighbors indicating such discussions may not have occurred in a timely manner. Also attached is correspondence provided by the applicant that discussions have occurred.

In a second-amended letter of appeal having various attachments, the applicant furthers his claim of hardship by stating that a hardship exists due to an increase of right-of-way width at the intersection of the subject property. The applicant has provided supporting documents, but Staff is unable to determine how they relate to this hardship claim and is awaiting documentation from the Georgia Department of Transportation to compare the actual intersection improvements scheduled compared to what the applicant is contending to be the planned intersection improvements.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Design and construction shall be in accordance with the current versions of the Bldg Codes identified in the Sandy Springs Code of Ordinances, Chapter 9. Fire dept access must also be met....send to Brian Eskew for his comments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ Awaiting 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 variance would allow him to enhance this particular development and improve the aesthetics and functionality of this parcel in its developed state. Further, he states the variances are necessary to allow the best positioning of the building and, in particular, to allow for adequate parking while having the bank drive-through located in the rear of the building rather than on the front or side of the building. The applicant has not provided evidence to substantiate that 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

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;*

In the original and first-amended letters of appeal, the owner states that variances are necessary due to the size and shape of the buildable space in combination with the area being surrounded on four sides by either public streets or private parking areas. Additionally, the owner states that the provisions of the Sandy Springs' Zoning Ordinance, as they exist as applied to this proposed development, would result in creating an unnecessary hardship for him while, if modified, would cause no detriment to the public. The applicant has not provided evidence to substantiate his hardship claims as stated above.

In a second-amended letter of appeal having various attachments, the applicant further states that a hardship exists due to an increase of right-of-way width at the intersection of the subject property. The applicant has provided supporting documents, but Staff is unable to determine how they relate to his hardship claim.

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 Site Plan provided by the applicant dated received September 5, 2006 by the Department of Community Development subject to the streetscape improvements, other than the required ten (10) foot landscape strip, as required in the Sandy Springs Overlay District.
2. That four (4) four-inch caliper trees be planted within the right-of-way along Hannover Park Drive per the approval of the City of Sandy Springs Arborist and the City of Sandy Springs Public Works Department .
3. That if a sidewalk is required along the frontage, brick pavers should be provided.

ATTACHMENTS: Site plans, letter of appeal, first-amended letter of appeal, letters of opposition, letters of support, and second-amended letter of appeal and supporting documentation provided by the applicant.

Variance Petition No. V06-033

HEARING & MEETING DATES

Design Review Board Meeting

May 23, 2006 (deferred from May 9, 2006)

Board of Zoning Appeals Hearing

June 8, 2006 (deferred from May 11, 2006)

APPLICANT/PETITIONER INFORMATION

Property Owner

WB Citytower, LLC

Petitioner

City of Sandy Springs

Representative

City of Sandy Springs

PROPERTY INFORMATION

Address, Land Lot, and District. 6030 Roswell Rd
Land Lot 89, District 17

Council District Council District 3

Frontage and Area 281.5' of frontage along the west side of Roswell Road. The subject property has a total area of 1.95 acres. (84,942 sq/ft.)

Existing Zoning and Use C-1 (Community Business District) currently developed with a lumber supply building and storage building.

Overlay District Main Street District

Interim 2025

Comprehensive

Future Land Use

Map Designation

Live Work Community

Parcel Map



INTENT

The applicant is applying for a primary variance from Article 12B, Section 8.C.2.a, Section 8.C.4 of the Sandy Springs Zoning Regulations to reduce the Sandy Springs Main Street Overlay minimum yard requirements along the street from 20' to 16' thru 13' along Roswell Rd and to reduce the minimum interior side yard from 5' to 2'. In addition, variances for a reduction to the Main Street landscape strip width (Section 12.B.5.B.1) and a reduction in the square footage for the Mini-plaza Paver Plan (Section 12B2.5) at Hammond Dr. and Roswell Road. These variances are requested for the construction of a mixed use multi-story building containing retail and residential uses.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals June 8, 2006



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

CASE NUMBER: V06-033

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 Article 12B, Section 8.C.2.a, Section 8.C.4 of the Sandy Springs Zoning Regulations to reduce the Sandy Springs Main Street Overlay minimum yard requirements along the street from 20' to 16' thru 13' along Roswell Rd and to reduce the minimum interior side yard from 5' to 2'. In addition, variances for a reduction to the Main Street landscape strip width (Section 12.B.5.B.1) and a reduction in the square footage for the Mini-plaza Paver Plan (Section 12B2.5) at Hammond Dr. and Roswell Road. These variances are requested for the construction of a mixed use multi-story building containing retail and residential uses.

This variance application was presented to the Design Review Board (DRB) on the 23rd of May. The application was recommended for approval 4-1-1.

Staff is of the opinion that granting of this variance will not set a precedent for the adjoining Main Street district properties, as there are specific transportation issues that subject this specific property to special restrictions.

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 claims that, with the requirements by the Department of Transportation and the City to add a left turn lane to Sandy Springs Drive and a deceleration lane on Roswell Road, the available width of the proposed building would be greatly reduced. The quality and quantity of the streetscape improvements would be met, just in a reduced width setting. This development would promote desirable living conditions available along Roswell Road, and this new construction would be instrumental in protecting against blight and depreciation in the immediate area.

ATTACHMENTS: Site Plan and letter of appeal, and description of variance requests.

Should the Board of Zoning Appeals decide to approve the variance petition, the staff suggests that the approval be subject to the following condition:

1. To the site plan received by the Department of Community Development dated May 2, 2006.