



Variance Petition No. V11-010

HEARING & MEETING DATES

Board of Appeals Hearing

May 12, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Virginia White	Virginia White	David Ogram

PROPERTY INFORMATION

Address, Land Lot(s), and District	5535 Mt. Vernon Parkway Land Lot 165, District 17
Council District	6
Frontage	119.90 feet of frontage along the east side of Mt. Vernon Parkway
Area	The subject property has a total area of approximately 36,883 square feet.
Existing Zoning and Use	The lot is zoned R-2A (Single Family) under Fulton County zoning case Z61-0025. The property is currently developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1-2 units per acre)

INTENT

The applicant is proposing to construct a second-story addition to a single-family residence which encroaches into the fifteen (15) foot side yard setback, reducing the setback on the north side yard to twelve (12) feet and the south side yard to twelve (12) feet. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

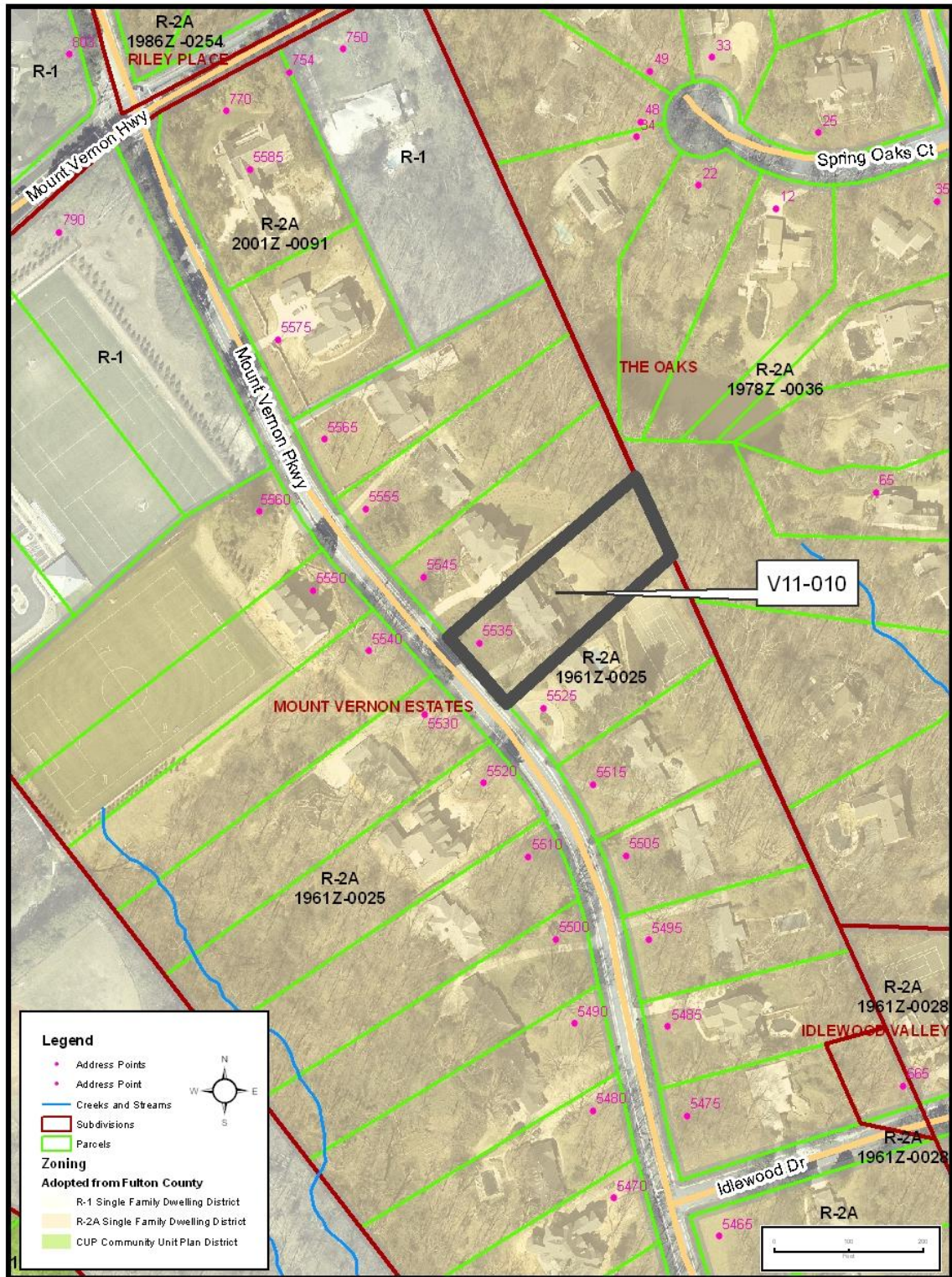
- 1) Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the 15 foot setback requirements (15 foot side yard setback from interior property line) to twelve (12) feet on the north and south sides to allow for the construction of a second story addition to an existing home.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-010 – 1) Approval Conditional

Parcel Map

5535 Mount Vernon Parkway



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 12, 2011

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

CASE NUMBER: V11-010

STAFF CONTACT: Taylor Baxter, Planning and Zoning 770-206-1514
E-mail: taylor.baxter@sandyspringsga.org

Finding of Fact:

The applicant is requesting one primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the property's 15 foot side yard setbacks to 12 feet on the north side yard and 12.2 feet on the south side yard to construct a second-story addition to an existing single-story house.

The applicant has submitted a site plan (exhibit A) indicating the subject property to have approximately 119.90 feet of frontage on the north side of Mount Vernon Parkway. The property is trapezoidal in shape, with the existing structure sitting at an angle to the front property line. The site slopes from southwest to northeast from the street toward the structure. Along both the north and south side yards, the site slopes approximately 20 feet downward from the front of the structure to the rear retaining wall. The site plan shows the existing structure encroaching into the side setbacks.

The surrounding lots in the immediate vicinity are zoned R-2A (Single Family Dwelling District) to the north, south, east and west. Other properties in the vicinity appear to have encroachments into side setbacks.

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. 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; or,

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent properties have encroachments into the side yard setback. The proposed addition will be an addition to the existing structure which currently encroaches into the side setbacks at its front left and rear right corners due to angular setting in relation to the street. The proposed additions would not increase the encroachment into these side setbacks. Additionally, the proposed additions are in harmony with nearby residences along Mount Vernon Parkway in terms of size, architecture, and setbacks. Therefore, staff is of the opinion this condition has been satisfied.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 12, 2011

B. 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; or,

Finding:

The subject parcel is similar to other residential properties in the City. The property is trapezoidal in shape. The site slopes from southeast to northwest toward the rear property line. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

C. 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 an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 12, 2011

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance (s) request.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received February 28, 2011 by the Department of Community Development, for the variance herein, showing a reduction of the required 15 foot minimum side yard setbacks to 12.2 feet on the south side yard and 12 feet on the north side yard to allow an addition (second-story addition to existing structure), where necessary, to accommodate the portion of the encroachment(s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit A)
Photographs.



Variance Petition No. V11-011

HEARING & MEETING DATES

Design Review Board
April 12, 2011

Board of Appeals Hearing
May 12, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kammerer Real Estate Holdings LLC	Classic Collision/ Manfred D Kammerer	Timothy R. Taylor

PROPERTY INFORMATION

Address, Land Lot, and District.	7475 Roswell Road Land Lot 32, District 17
Council District	4
Frontage and Area	Approximately 498.18 feet of frontage along the eastern side of Roswell Road (SR 9) and approximately 704.44 feet of frontage along the southern side of Trowbridge Road. The subject property has a total area of 5.66 acres.
Existing Zoning and Use	C-2 (Commercial District) conditional under zoning case Z75-003. The subject parcel is currently developed with a building for an automotive related business.
Overlay District	Suburban
2027 Comprehensive Future Land Use Map Designation	Commercial

INTENT

The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow a wall sign on a non-street facing wall

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

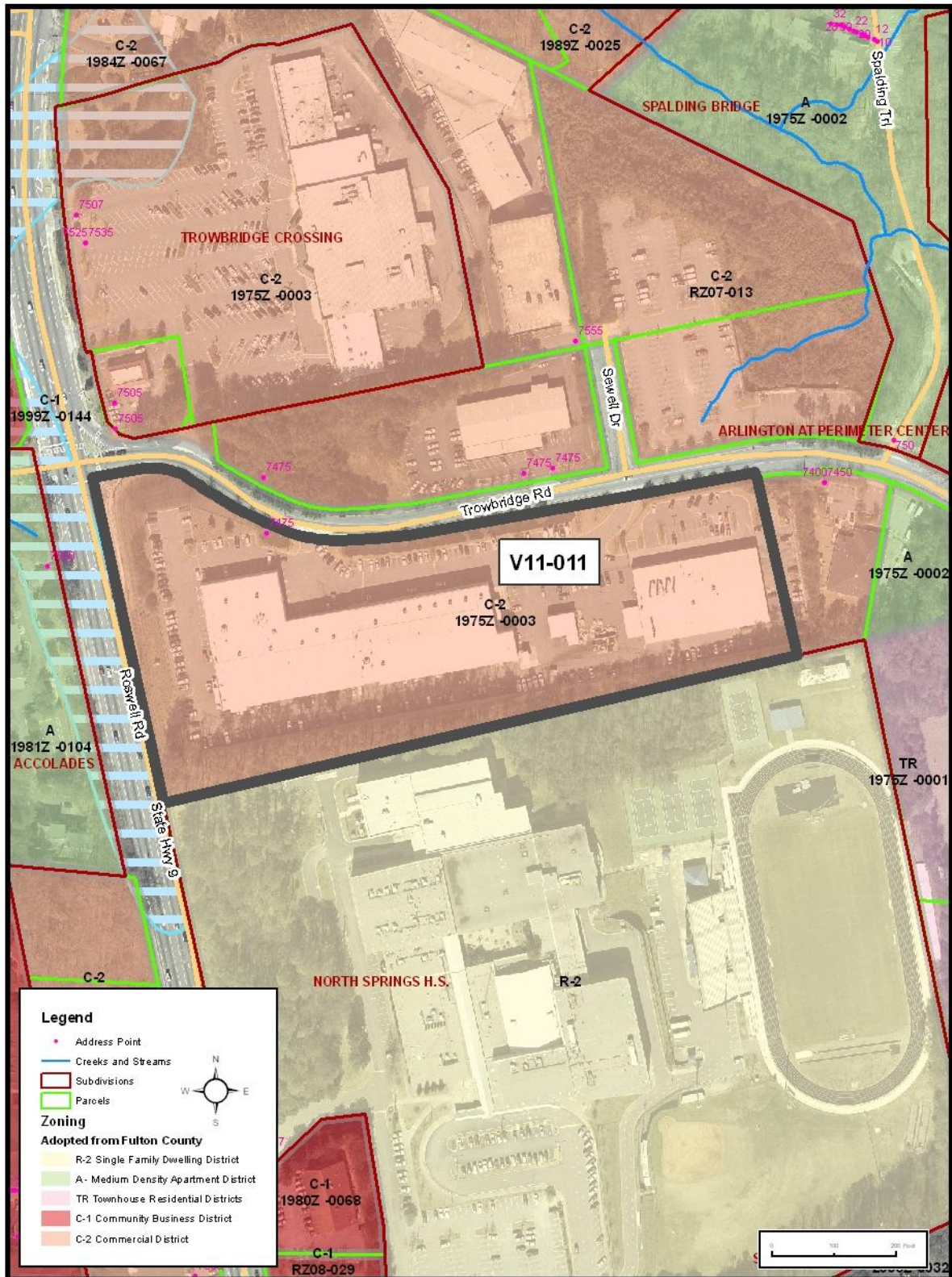
V11-011- 1) – APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

At the April 12, 2011 Design Review Board meeting, the Design Review Board recommended **APPROVAL** (4-0, Landeck, Ealick-Anderson, Mobley and Gregory for; Richard and Porter Absent; Lichtenstein not voting) of variance request.

Parcel Map

7475 Roswell Road (SR9)



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V11-011

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

ANALYSIS:

The site is located at 7475 Roswell Road (SR 9), on the east side of Roswell Road (SR 9) at the intersection with Trowbridge Road in Land Lot 90 of the 17th District. The property is zoned C-2(Community Business District) conditional under Fulton County zoning case Z75-003 and is located within the Suburban District of the Sandy Springs Overlay District.

The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow a wall sign on a non-street facing wall

The Sandy Springs Zoning Ordinance provides:

Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

- a. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smallest of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

The particular design of the building (an L shaped building) and the many doors along the building elevations, make difficult for customers to enter. The applicant states that it is important for Classic Collision to identify the main entry point of the building. Customers have been experiencing difficulty finding the location of customer service when entering the parking lot.

The applicant states: "This sign would enable our customers to locate the Collision Center entrance without having to wander around the lot looking for service. This sign will aid in the wayfinding requirements which helps avoid confusion about where to go once a customer enters the site".

Currently, there are wall signs on the west elevation of the building facing Roswell Road and on the north elevation facing Trowbridge Road in addition to two Identification monuments.

The proposed sign will be located on a wall that has approximately 2,131.63 square feet (5%= 106.6 sqft allowance). The proposed sign is approximately twenty-seven (27) sqft. The sign will be a typical flush mounted channel letter sign, with acrylic faces and black trim caps.

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.26.H.2.a of the Zoning Ordinance to allow a wall sign on a non-street facing wall.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The property topography along the Roswell Road frontage has an elevation of approximately 20' above Roswell Road finished grade and along Trowbridge Road frontage approximately 10' to 15' above Trowbridge Road finished grade. Staff is of the opinion that the topography of the lot controls how the building is placed on the lot (an L shaped building) to have the most appropriate use of the land. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not impact visibility of the sign from the adjoining public roads to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs.

Due to the building design (an L shaped building) there are some limitations for the location of a sign, to distinctly mark the entrance to customer service. Staff is of opinion that the proposed sign location is the most advantageous sign location, to indicate where to enter to the building. Staff recommends approval due to the unique physical conditions of the building and the topography of the site. The proposed location allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

Recommended Conditions:

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

1. To allow a wall sign on a non street facing wall pursuant to the sign location, submitted by the applicant, dated received March 7, 2011 by the Department of Community Development.
2. That the sign area shall not exceed 5% of the applicable wall.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, Letter of appeals and Building elevation.



Variance Petition No. V11-012

HEARING & MEETING DATES

Board of Appeals Hearing
May 12, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
WB Holdings LLC

Petitioner
Floyd Anderson

Representative
Floyd Anderson

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 1100 Hammond Drive Ste 200
Land Lot 18, District 17

Council District 5

Frontage and Area Approximately 637.85 feet of frontage along the northern side of Hammond Drive and approximately 483.0 feet of frontage along the western side of Peachtree Dunwoody Road. The subject property has a total area of 9.91 acres.

**Existing Zoning
and Use** C-1 (Commercial District) conditional under zoning case Z96 -119. The subject parcel is currently developed with a shopping center.

Overlay District PCID

**2027
Comprehensive
Future Land Use
Map Designation** Commercial

INTENT

The applicant is seeking a primary variance from Section 33.18.Q of the Zoning Ordinance to allow LED components for internal illumination of a wall sign.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-011- 1) DENIAL

1100 Hammond Drive



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V11-012

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

ANALYSIS:

The site is located at 1100 Hammond Drive, on the north side of Hammond Drive at the intersection with Peachtree Dunwoody Road in Land Lot 18 of the 17th District. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z96-119 and is located within the PCID District of the Sandy Springs Overlay District. This property is developed with a shopping center which house the Domino's Pizza, subject of this variance.

In September 2010 a wall sign permit application was received and a permit issued. As a normal procedure all new signs in Sandy Springs are to be inspected and a sticker is attached to the sign to indicate the sign is built to standards. During the inspection time the inspector rejected the sign inspection because the sign has been installed with LED components.

The Sandy Springs Zoning Ordinance provides:

ARTICLE 33.

SECTION 2: PURPOSE AND FINDINGS

B. Findings (Amended 04/21/09, TA 09-02, Ord. 2009-04-19)

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

SECTION 18: PROHIBITED SIGNS AND DEVICES.

The following type of sign is prohibited in the City (amended 04/21/09, TA09-002, Ord. 2009-04-19):

- Q. Any sign utilizing LED technology and/or components.

The Mayor and City Council found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. The use of these types of signs was not expressly prohibited in the sign ordinance. Therefore, in August 2010 the Mayor and City Council adopted this section of the Ordinance to clarify the Council intent.

Despite the fact that the sign permit application supporting documents and specifications of the sign were showing a request with LED components, the sign permit approval was not for the LED. Staff's standard operating procedure is to inform the applicants of the above restriction by attaching to the sign certificate a notice that reads as follows: "LED LIGHTING IS NOT ALLOWED IN THE City". See attachment 1 and 2.

The applicant states that there is not visible difference between an illuminated channel letters sign with internal LED light source and an internal Neon light source. The light source is enclosed inside the sign and emits light through a translucent Lexan sign face.

In addition, the applicant states:

"Our sign is not brighter in appearance than signs using non-LED illumination". To support this statement the applicant provided exhibit A. "Our channel letter sign is neither a Variable Message Sign nor a Digital Billboard. See exhibit B".

Also, the applicant provides: "the sign is located approximately 260 feet from the road and visibility is very limited from any thoroughfares due to the elevation of the shopping center in relation to the road (Hammond Drive) See exhibit C".

The applicant explains:

"LED'S are up to 80% more energy efficient than Neon in signage lighting and have a much longer life than Neon. LED'S are more environmentally friendly because they are free of mercury, lead, and glass. LED'S are already being used by cities to save money and help protect the environment".

The applicant's channel letter wall sign is 20.57 square feet sign.

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.18.Q of the Zoning Ordinance to allow LED components for internal illumination of a wall sign.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not impact visibility of the sign from the adjoining public roads to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance(s) request.

Recommended Conditions:

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

1. To allow LED components for internal illumination of a wall sign pursuant to the sign detail, submitted by the applicant, dated received March 7, 2010 by the Department of Community Development.

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



Variance Petition No. V11-009

HEARING & MEETING DATES

Board of Appeals Hearing

May 12, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
SCI Management	Arlington Memorial Cemetery	Alex Brock

PROPERTY INFORMATION

Address, Land Lot(s), and District	201 Mount Vernon Highway Land Lot 124, District 17
Council District	3
Frontage	1,104.96 feet of frontage along the north side Mount Vernon Highway.
Area	The subject property has a total area of approximately 122.26 acres.
Existing Zoning and Use	The lot is zoned AG-1 (Agricultural District) under Fulton County zoning case Z93-0030. The property is currently developed with a Cemetery.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0-1 units per acre)

INTENT

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225 a. 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet to allow for the installation of storm drain pipes.

ENFORCEMENT

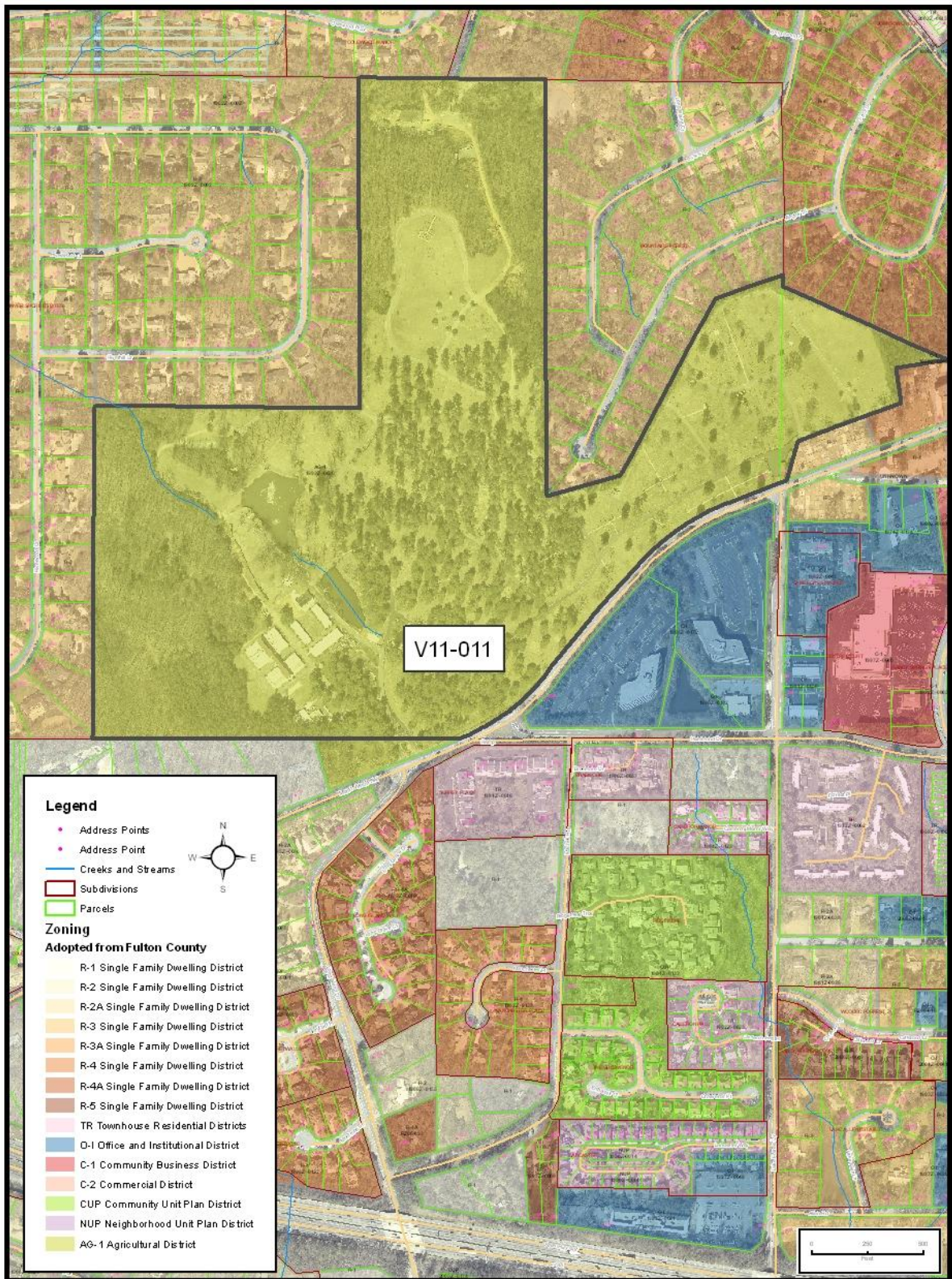
A Stop Work Order was posted on October 8, 2010 on the site for working without a Land Disturbance permit. The Stop Work Order was amended on January 6, 2011 to allow the upper portion of the ditch to be back filled. The site is currently under a stop work notice.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-009- 1) APPROVAL CONDITIONAL

Parcel Map

201 Mount Vernon Highway NW



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

CASE NUMBER: V11-009

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. The applicant is requesting relief from Section 109-225 a. 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet to allow for the installation of storm drain pipes. Below is a breakdown of each portion of the stream buffer encroachment request.

- 1) The applicant is proposing to remove approximately thirty (30) feet of existing pipe from the fifty (50) foot undisturbed buffer. The remaining portion of the pipe and headwall located in the twenty-five (25) foot undisturbed state buffer would be grout filled and abandoned in-place. (Area 1 on Exhibit 4)
- 2) The proposed new eighteen (18) inch reinforced concrete pipe (RCP) would start at the end of the concrete flume connected to the pedestal drop inlet (PDI) and would run fifty-six (56) feet to the northeast then turn north at the junction box and run another twenty-eight (28) feet to grate drop inlet in the properties interior road. (Area 2 on Exhibit 4)
- 3) Also, four (4) eight (8) inch PVC pipe is proposed to be installed next to an existing culvert. The PVC pipe would be a minimum one (1) foot below the existing culvert invert. A portion of the PVC pipe has already been installed before the Stop Work Order was posted on October 8, 2011. (Area 3 on Exhibit 4)

Standards for Consideration

Zoning Ordinance

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 12, 2011

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately one eighth (1/8) of the property. The 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

Staff notes the stream buffer covers approximately one eighth (1/8) of the property. An extreme hardship is presented when strict adherence to the minimal buffer requirement is followed. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

All streams being effected on the property have been identified on the site plan (exhibit 2). The stream starts a head wall to the west side of the entry drive. The stream runs approximately one hundred (100) feet before entering the first pond. The stream exits the pond and travels approximately one hundred fifty (150) feet before entering the

second pond. The stream exits the second lake and travels west six hundred ninety (690) feet before leaving the property.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The proposed installation of storm drain pipes would reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet. All buffer and setback intrusions have been identified on the site plan (Exhibit 1 and Exhibit 2).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with the staff regarding the proposed installation of storm drain pipes. However, the erosion and flooding issue is located in the stream buffer and there is no other location outside the buffer to install the pipes. The proposed pipes will help alleviate the erosion problem in the stream buffer. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Runoff passing through the proposed pipes will drain to the same existing pond on the Arlington campus to which the runoff currently drains. Proposed installation is intended to reduce risk of erosion where overflow from an existing pond currently often washes over an existing drive. No exceptions taken to the proposal.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Code of the City of Sandy Springs. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) The subject installation of storm drain pipes shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 29, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed pipe encroachment of forty-eight (48) feet and limits of disturbance of two (2) feet for a total encroachment of fifty (50) feet) to allow for 375 feet of storm drain pipes to be installed, where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS:

Letter of appeal

Overall site plan showing stream buffers (Exhibit 1)

Overall site plan outlining location of proposed disturbance (Exhibit 2)

Zoomed in area of disturbance (Exhibit 3)

Site Plan (exhibit 4)

Photographs