

Variance Petition No. V06-014

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006
(deferred from May 11, 2006 at applicant's request)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Griffin Cosmopolitan North Partners, LLC	Dillard & Galloway, LLC	William Woodson Galloway

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	Barfield Road Land Lot 36, District 17 Council District 5
Frontage and Area	1,141.91' of frontage along the east side of Barfield Road. The subject property has a total area of 11.42 acres.
Existing Zoning and Use	MIX (Mixed Use District) conditional under Z05-0056, currently developed with five (5) office buildings.
Interim 2025 Comprehensive Future Land Use Map Designation	LWC – Living Working Community

Parcel Map



INTENT

The applicant is seeking relief from Chapter 14, Article 6, *Stream Buffer Protection*, to eliminate the required stream buffer in two locations on the site for the development of a mixed use project (office, retail, and residential) on the site.

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

CASE NUMBER: V06-014

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 Chapter 14, Article 6, *Stream Buffer Protection*, in order to eliminate the required stream buffer in two locations on the west side of the subject property. The applicant is proposing to reduce the required 75' stream buffer setback to the minimum 25' setback required by the State. There are six (6) office buildings on the site and the applicant/owner will be demolishing the existing buildings and redeveloping the site with an office/retail building, a parking deck, and a condominium building. As currently developed, the site only meets the 25' State stream buffer setback due to the location of the existing parking areas. The applicant, while redeveloping the site, will only be constructing the new buildings on the site and maintaining the existing parking areas.

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):

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.*

The applicant has indicated that the proposal is in harmony with the intent of the Zoning Ordinance in that the piping and covering of the two areas would improve existing drainage conditions on the site and would, in turn, benefit abutting properties.

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: Existing conditions plan dated March 6, 2006
Site plan dated March 6, 2006
Letter of appeal dated March 6, 2006
Letter from Long Island Creek Watershed Preservation Association,
Inc. dated March 21, 2006

Variance Petition No. V06-013

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

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

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Telmo Bermeo	Telmo Bermeo	Telmo Bermeo

PROPERTY INFORMATION

Address, Land Lot, District, and Council District	Garber Drive Land Lot 70, District 17 Council District 5
Frontage and Area	49.79' of frontage along the west side of Garber Drive. The subject property has a total area of 0.26 acres.
Existing Zoning and Use	R-3 (Single Family Dwelling District) being developed for a single family residence.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential, 2 to 3 units per acre

Parcel Map



INTENT

The applicant is requesting a primary variance from Article 6 Sections 6.4.3.B and 6.4.3.D of the Zoning Ordinance. The applicant is requesting a 41 foot front setback where a 50 foot setback is required, and requesting a 9 foot rear setback where a 35 foot setback is required. The applicant is intending to build a single family residence.

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

CASE NUMBER: V06-013

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 6.4.3.B and 6.4.3.D of the Zoning Ordinance. The applicant is requesting a 41 foot front setback where a 50 foot setback is required, and requesting a 9 foot rear setback where a 35 foot setback is required for the construction of a single family home.

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.

The lot has an area of 11,219 square feet that is "Grandfathered" in terms of the minimum required lot area of 18,000 square feet. Moreover, the lot has an irregular shape. An approval of this application may not serve to set a precedent due to the unique conditions of the property as related to its size and shape.

Application V06-013 was deferred at the Board of Zoning Appeals meeting held on May 11, 2006. The Board deferred the application to allow the applicant more time to further detail and clarify the scope of the application for the Board and concerned neighbors in the area. The applicant submitted a revised site plan and elevation on May 22, 2006.

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 claims as a hardship that due to the subject property being "Grandfathered" as an undersized lot for the R-3 underlying zoning district, a house of reasonable size can not be constructed without encroaching into current R-3 required setbacks.

ATTACHMENTS: Letter of Appeal and Site Plan

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. V06-022

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Wesley Godwin

Petitioner

Wesley Godwin

Representative

Wesley Godwin

PROPERTY INFORMATION

Address, Land Lot, and District. 6320 Riverside Drive
Land Lot 167, District 17

Council District Council District 3

Frontage and Area 200' of frontage along the southwest side of the Riverside Drive. The subject property has a total area of 1.99 acres.

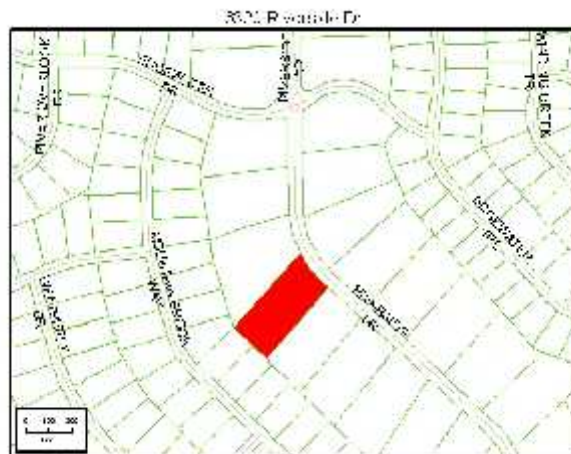
Existing Zoning and Use R-1 (Single Family Dwelling District) is currently developed with a single family residence.

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 6.1.3.C of the Zoning Ordinance. The applicant is requesting a 15 foot interior side setback where a 25 foot setback is required. The intent of the applicant is to construct an addition to the master bedroom's closet and bathroom areas of an existing residence.

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

CASE NUMBER: V06-022

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 Section 6.1.3.C of the Zoning Ordinance. The applicant is requesting a 15 foot interior side setback where a 25 foot setback is required. The intent of the applicant is to construct an addition to an existing residence.

The property is developed with a single family residence, the orientation of which is skewed in relation to the side and rear property lines. Approval of this application, as requested, may not serve to set a precedent due to the unique location of the existing house within the site.

The addition will be considered a major alteration by Sandy Springs Building Plan Reviewers and it must meet the minimum submittal requirements per the single family residential major alteration checklist.

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 the most logical and proper place to increase the size of the house, in terms of minimizing impact on surrounding properties, would be to add to the existing master bedroom's closet and bathroom areas. The applicant claims that an addition to these areas would less visible from the street than an expansion to the front of the house and that the closest neighbor would be some 100' from the proposed addition. It is also noted the adjoining properties to the rear of the subject property are currently zoned R-2A where a 15' side setback is required.

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 the lot's irregular shape gave cause to locate the house angled to directly face the curving street frontage, thereby skewing its orientation in relation to the side and rear property lines. The applicant claims that the most logical and proper place to increase the size of the house, in terms of minimizing impact on existing property, would be to add to the existing master bedroom's closet and bathroom areas.

ATTACHMENTS: Letter of Appeal and Site Plan

Variance Petition No. V06-025

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
MARTA	Abernathy Development Partners, LLC	Robert Ryan

PROPERTY INFORMATION

Address, Land Lot, and District.	Southeast corner of Barfield Road and Abernathy Road Land Lot 35, District 17
Council District	Council District 4
Frontage and Area	538' of frontage along the east side of Barfield Road, 719' of frontage along the south side of Abernathy Road, and 520' of frontage along the west side of GA 400. The subject property has a total area of approximately 10.6 acres.
Existing Zoning and Use	MIX (Mixed Use District) being developed for a mixed use development.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	LWR Living Working Regional

Parcel Map



INTENT

The applicant is requesting a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of 25 specimen trees to make room for the proposed construction of mixed used development. The applicant is also requesting a primary variance to install willow oaks as allowed avenue trees otherwise not specified as such in Section 12B(1).3.C. of the Zoning Ordinance.

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

CASE NUMBER: V06-025

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

ANALYSIS:

The applicant is requesting a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of 25 specimen trees to make room for the proposed construction of mixed used development. The applicant is also requesting a primary variance to install willow oaks as allowed avenue trees otherwise not specified as such in Section 12B(1).3.C. of the Zoning Ordinance.

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. Additionally, a decision by the Board to allow willow oaks to be installed where otherwise not specified as an approved species is also not precedent setting because planting areas are typically unique and situational in nature and should be considered on a case by case basis.

Standards for Consideration

The applicant has indicated a justification for 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, in this instance, gaining relief from Section 12B(1).3.C. of the Zoning Ordinance is in harmony with the Zoning Ordinance because the installation of willow oaks would be a more appropriate species to plant given existing conditions, desired conditions, and the 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 for relief from Article 8, Section 5 of the Tree Preservation Ordinance that all effort has been made to save the plant material within the site, but there was no way to save the material and maintain a functionally developable site. The applicant has hired a Landscape Architectural firm as a professional tree consultant to help with the project design. The applicant's tree consultant has provided a tree protection plan that illustrates the recompense intended for the removed specimen trees.

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

- a. That the site be developed in accordance with the Tree Protection Plan provided by the applicant dated received April 4, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of Appeal and Tree Protection Site Plan.

Variance Petition No. V06-026

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Childrens Healthcare of Atlanta	Childrens Healthcare of Atlanta	Trey Weathers

PROPERTY INFORMATION

Address, Land Lot, and District	1001 Johnson Ferry Rd. Land Lot 16, District 17
Council District	Council District 5
Frontage and Area	572' of frontage along the south side of Johnson Ferry Rd. 1156' of frontage along the west side of Peachtree Dunwoody Rd. The subject property has a total area of 14.45 acres.
Existing Zoning and Use	O-I (Office and Institutional District), currently developed with a children's hospital and multiple parking structures.
Overlay District	None
Interim 2025 Comprehensive Future Land Use Map Designation	LWR (Live Work Regional)

Parcel Map



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

CASE NUMBER:

V06-026

STAFF CONTACT:

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

ANALYSIS:

Applicant is applying for multiple variances from Article 33 of the Sandy Springs Zoning Ordinance. Scottish Rite Children's Hospital is renovating and expanding their services, and new signage is to be installed to direct traffic and emergency vehicles to new locations. Scottish Rite has two existing street signs, one at the corner of Johnson Ferry Road and Meridian Mark Road and one at the corner of Johnson Ferry Road and Peachtree Dunwoody Road. Scottish Rite is requesting 4 new signs on Meridian Mark Road and one on Peachtree Dunwoody Road. Multiple directional signs are allowed without a permit but must be only 3 feet high and 4 feet square. Two (2) new signs Meridian Mark will be installed at the new emergency entrance. (Location 1 and 2 on the Site Plan) Each is requesting 3 variances: 1. Additional signage above the allowed number of signs (33.7.D1), 2. height over 10' (33.7.D2a), and 3. direct illumination (33.7.D2b). Two new directional signs will also be installed on Meridian Mark Road, (Locations 3 and 5) both requesting variances for additional square footage (33.6.8). One new directional sign to the loading dock will be installed on Peachtree-Dunwoody Road. (Location 4 on the Site Plan) A variance for increased square footage (33.6.8) is requested for this sign.

Scottish Rite is requesting these primary variances to direct traffic through its new campus. Granting these variances will not set a precedent, as abundant emergency and directional signage around each medical facility is present in the immediate area.

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 granting these variances will clearly assist the public in finding their way around the new hospital layout and quickly direct them to all emergency departments, promoting health and general welfare within the City. Therefore, granting the variances would be in harmony with the Zoning Ordinance.

ATTACHMENTS: Proposed sign site plan and letter of appeal.

Variance Petition No. V06-027

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Gil Aleman

Petitioner
Gil Aleman

Representative
Mark Wilcox

PROPERTY INFORMATION

Address, Land Lot, and District. 4625 Lake Forrest Drive
Land Lot 94, District 17

Council District Council District 6

Frontage and Area 99.72' of frontage along the east side of Lake Forrest Drive. The subject property has a total area of 1.03 acres.

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

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

R1-2 Residential, 1 to 2 units per acre

Parcel Map



INTENT

This primary variance is being sought for relief from Chapter 14, Article 6, sec 5(a) ii of the Land Development and Environment Protection Ordinance to allow an existing 8' x 16' concrete observation patio and chimney to be setback 62' from a stream centerline located in the 25' impervious setback portion of the required 75' stream buffer.

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

CASE NUMBER: V06-027

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

ANALYSIS:

This primary variance is being sought for relief from Chapter 14, Article 6, sec 5(a) ii of the Land Development and Environment Protection Ordinance to allow an existing 8' x 16' concrete observation patio and chimney to be setback 62' from a stream centerline located in the 25' impervious setback portion of the required 75' stream buffer.

On March 14, 2006 the Sandy Springs Arborist issued a stop work order on the main house because he observed the constructed patio and chimney encroaching into the required stream buffer. On March 24, 2006 the stop work order on the house was lifted because variance application V06-027 was filed with the City.

A decision by the Board to allow an existing 8' x 16' concrete observation patio and chimney to be setback 62' from a stream centerline located in the 25' impervious setback portion of the required 75' stream buffer may not be precedent setting given that several properties within the City are known to have encroachments into Stream Buffers that are unique and situational in nature.

Standards for Consideration

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

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*

The applicant's/owner's representative claims that in September of 2005 Fulton County issued a building permit for the main residence. The owner requested that an observation patio be constructed in the rear of the property. The representative claims he contacted Fulton County to determine the required buffers from streams and, with this information, decided to construct the patio and chimney 62' from the stream's centerline. As site inspections occurred, it came to light, that a variance was required in order to keep the patio and chimney.

The applicant claims that the equipment necessary to demolish the deck and haul away the debris would greatly and adversely disturb land located in the stream buffer, thereby causing more damage to the area than would occur if the pad were allowed to remain as is.

ATTACHMENTS: Site Plan and Letter of Appeal.

Variance Petition No. V06-028

HEARING & MEETING DATES

Design Review Board

Board of Zoning Appeals Hearing

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

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Malon D. Mims Company	Marlon Simpson	Marlon Simpson

PROPERTY INFORMATION

Address, Land Lot, and District	6323 Roswell Rd. Land Lot 88, District 17
Council District	Council District 4
Frontage and Area	500' of frontage along the east side of Roswell Rd. The subject property has a total area of 10 acres.
Existing Zoning and Use	C-1 (Community Business District), currently developed with retail establishments.
Overlay District	Main Street
Interim 2025 Comprehensive Future Land Use Map Designation	LWN (Live Work Neighborhood) and LWC (Live Work Community)

Parcel Map



INTENT

A primary variance is being sought from Article 33 of the Zoning Ordinance, section 33.5.n to allow for a wall sign to be located partially off-site.

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

CASE NUMBER: V06-028

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

ANALYSIS:

Applicant is applying for a variance from Section 33.6.8 of the Sandy Springs Zoning Ordinance to allow for a primary business sign to be located partially off site.

As this business is located in the Sandy Springs Overlay District, the applicant presented the application to the Design Review Board on May 9th and again on May 23. The DRB deferred the case on the 9th, asking for the applicant to look into alternate sign locations. The applicant returned to the DRB on the 23rd and stated he wished to pursue the variance as submitted. The DRB then recommended approval 7-0.

The placement of a partially off site sign has been approved by both the property owner and the adjacent business owner on whose façade the proposed sign would intrude. As many site variables sometimes call for a special placement of business signs, it is not anticipated this request would cause a precedent.

Standards for Consideration

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

1. *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;*

An angled glass area dominates the available sign area that corresponds to the applicant's business location. The applicant states that the off site sign request is justified because the proposed location is the easiest and best location for the sign, and would result in a façade similar to existing businesses.

ATTACHMENTS: Proposed sign location pictures and letter of appeal.

SANDY SPRINGS

G E O R G I A

Variance Petition No. V06-029

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

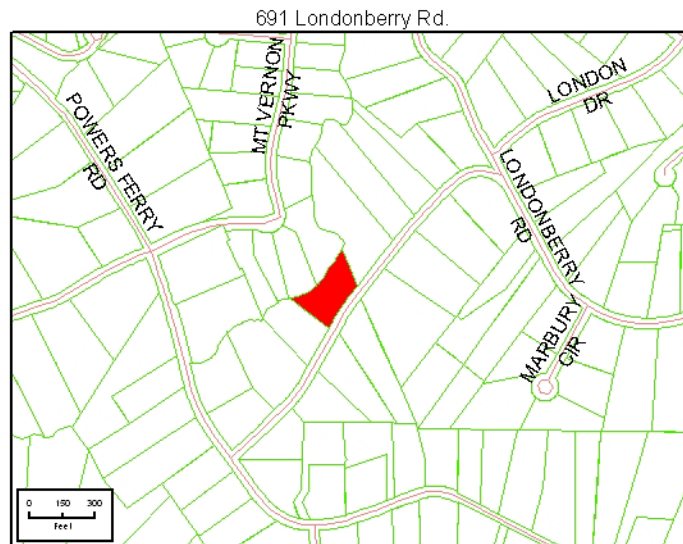
APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Chris and Jutta Archer	Chris Archer	Chris Archer

PROPERTY INFORMATION

Address, Land Lot, and District	691 Londonberry Rd. Land Lot 164, District 17
Council District	Council District 6
Frontage and Area	222' of frontage along the north side of Londonberry Rd. The subject property has a total area of .92 acres.
Existing Zoning and Use	R-2 (Single Family Dwelling District), currently developed with one single family house.
Overlay District	None
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 (0 to 1 units per acre)

Parcel Map



INTENT

A primary variance is being sought from Section 14.6.5a parts 1 and 2 of the Sandy Springs Development Regulations to reduce the Sandy Springs 75' stream buffer to 32 feet for the purpose of bringing the existing house into compliance and to construct home additions

SANDY SPRINGS

G E O R G I A

CITY OF SANDY SPRINGS DEPARTMENT OF COMMUNITY DEVELOPMENT VARIANCE ANALYSIS

CASE NUMBER: V06-029

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

ANALYSIS:

Applicant is applying for a variance from Section 14.6.5.a 1 of the Sandy Springs Development Regulations to reduce the stream buffer from 75' to 35'. The applicant is proposing to add an addition to his house and requires the variance in order to do any work to the house, as it exists inside the buffer at the present time. The proposed addition would be further away from the creek than the present house and deck.

Many existing residences in the City of Sandy Springs exist in the present City stream buffer and cannot be renovated or expanded without coming into compliance. Thus, it is not anticipated that a precedent would be created.

Standards for Consideration

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

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

A stream runs through the back of the property, accounting for a small portion of the property lying outside of the stream buffers required by the City of Sandy Springs. The existing house sits adjacent to the stream, within the required City of Sandy Springs stream buffer. The applicant indicates that, due to the house location, a stream buffer variance is required before any renovation can be done on the existing house. The addition to the property would not increase any nonconformity from what is currently being requested by the variance.

ATTACHMENTS: Proposed site plan and letter of appeal.

Variance Petition No. V06-032

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 8, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
MSCL Powers Ferry Landing LLC.	TCRA Properties, Inc	Carl E. Westmoreland, Jr. Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	Powers Ferry Rd. at the Chattahoochee River Land Lot 205,206,210,211 District 17
Council District	Council District 6
Frontage and Area	~2000' of frontage along the south side of Powers Ferry Rd. The subject property has a total area of 31.21 acres.
Existing Zoning and Use	O-I (Office and Institutional District), and R-1 (Single Family Dwelling district) currently developed with a mixed use of office and retail.
Overlay District	None
Interim 2025 Comprehensive Future Land Use Map Designation	LWN (Live Work Neighborhood)

Parcel Map



INTENT

Three primary variances are being sought for construction of a mixed use redevelopment project including residential, office, and commercial uses; 1. Variance from Section 14.6.5ai of the Development Regulations to reduce the required Sandy Springs 75' stream buffer to 35', 2. Variance from Section 4.23.2 of the zoning ordinance to reduce the number of required landscape islands in parking areas, and 3. Variance from Section 8.5 of the Tree Preservation Ordinance to remove 9 specimen trees.

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

CASE NUMBER: V-06 032

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

ANALYSIS:

This property is being redeveloped into a mixed use complex with residential, office, and commercial uses. The applicant is requesting three (3) variances for this development. The first variances requests a reduction in the stream buffer from 75' to 35' along Game Creek to allow for residential construction(Section 14.5 of the Development Regulations), a variance to remove 9 specimen trees from various locations on the site (Section 8.5 of the Tree Preservation Ordinance), and a variance to eliminate parking lot islands in the commercial and office portions at the eastern and western sections of the subject property (Section 4.23 of the Zoning Ordinance).

This site is primarily office use and a restaurant from the 1960s. The Chattahoochee River abuts the property to the north and Game Creek abuts the property to the south. The mixed use application is looking to revitalize this area. A precedent may be created in granting the tree island variance, as this zoning rule is applied for both shading and aesthetic purposes, and the applicant has not shown a real hardship for granting this variance, only a benefit for parking lot plantings.

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 granting the stream buffer variance will allow them to properly landscape the area near the river, providing additional greenspace over and above the original site; making for a more pleasing environment. The applicant states the removal of the 9 specimen trees would be more than compensated by additional plantings; making for a more shade and visual appeal. The applicant states that the removal of the parking islands would benefit trees that would have been planted in the islands, as more space to grow would be available.

ATTACHMENTS: Site plan and letter of appeal.

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 December, 2005.

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.