



Variance Petition No. V07-014

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Christelle Williams	Howard Williams	Jerry Cleary

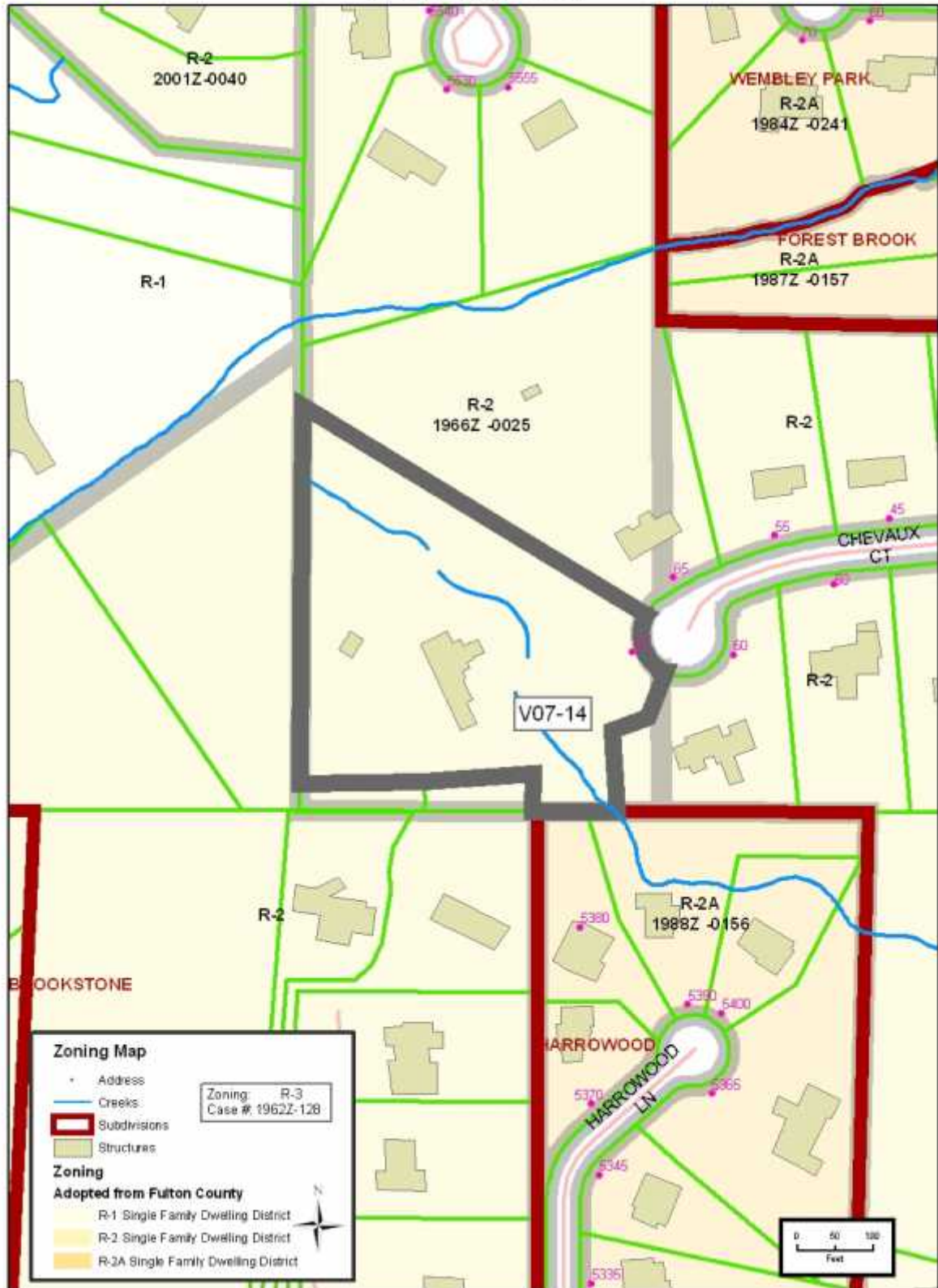
PROPERTY INFORMATION

Address, Land Lot, and District	70 Chevaux Court Land Lot 122, District 17
Council District	6
Frontage and Area	107 feet of frontage along the west side of the Chevaux Court cul-de-sac. The subject property has a total area of approximately 3.9 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) under zoning case Z66-025. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)
INTENT	

The applicant is seeking a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for the construction of a pedestrian bridge and a waterfall.

Parcel Map

70 Chevaux Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-014

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(i) and Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for the construction of a pedestrian bridge and a waterfall.

On approximately December 14, 2006 a stop work order was placed on the subject property because construction was being performed in the stream buffer without the required permit(s). On approximately December 19, 2006 the stop work order was lifted because the issues causing the stop work order were satisfied. The existing tennis court, gazebo, and pool are considered "grandfathered" and are not part of this application. Staff notes that approval from the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources will not be required because of the bridge location in the twenty-five (25) foot state buffer. The applicant attempted to gain State approval by filing an application with EPD to allow the footbridge to be located in the twenty-five (25) foot state buffer. In a letter from EPD (attached), it has been determined that the applicant must get a stream buffer variance from the City of Sandy Springs, as the Local Issuing Authority, in order to allow the bridge to remain in its present location and not to have issues with the State.

The applicant has submitted a site plan and topographical map indicating that the subject property is irregularly shaped and sloped. The site plan also indicates a stream located within the subject property, primarily running east to west along the northern side property line.

The applicant states that several homes in his neighborhood have similar pool and waterfall features. Additionally, the applicant states that the water used for the waterfall is recycled from the pool of the waterfall, itself. The pool also acts as a retention facility for any runoff created by the pool decking.

The applicant states that the subject footbridge would provide safe access to an area having limited accessibility on the opposite side of the stream. The applicant states further that he has four children that will play in the open field on the opposite side of the stream - the subject footbridge would provide suitable and safe access to the open field. Without the bridge the children would jump down the stream banks to cross over the stream - the foot traffic crossing the stream would cause erosion issues that the foot bridge would eliminate. Additionally, the applicant states that several snakes have been spotted in the area of the stream, giving additional safety concerns over crossing the stream without a bridge.

The applicant states that the footbridge has been inspected by Jerry Cleary, President of Southeastern Erosion Control. In a letter from Mr. Cleary, he states "The bridge should not affect the creek in any way. It will not obstruct the flow of water or create any soil erosion problems at the abutments."

The applicant states that he implemented a tributary buffer landscape plan approved both by Mr. Cleary and the City Arborist. The applicant believes the new landscaping will protect the environment and the stream. According to Mr. Cleary, the new landscaping is better in terms of controlling erosion and creating better stream water quality compared to the grass that was previously in the area.

Department Comments

The staff held a Focus Meeting on March 7, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The additions must be designed and constructed per the 2006 International Residential Code with 2007 GA Amendments. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 feet above Grade.
	Sandy Springs Landscape Architect/Arborist	▪ This is a violation that is working to rectify the situation. There was encroachment into the stream buffer and the Arborist has approved a revegetation plan. The Arborist and Environmental Engineer believe it would cause more damage to the buffer and stream to have the pedestrian bridge removed due to the construction technique.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that several homes in his neighborhood have similar pool and waterfall features. The applicant has provided photographs to document the above claims.

The applicant states that the subject footbridge would provide safe access to an area having limited accessibility on the opposite side of the stream. The applicant states further that he has four children that will play in the open field on the opposite side of the stream - the subject footbridge would provide suitable and safe access to the open field. Without the bridge the children would jump down the stream banks to cross over the stream - the foot traffic crossing the stream would cause erosion issues that the foot bridge would eliminate. Additionally, the applicant states that several snakes have been spotted in the area of the stream, giving additional safety concerns over crossing the stream without a bridge.

The applicant states that the footbridge has been inspected by Jerry Cleary, President of Southeastern Erosion Control. In a letter from Mr. Cleary, he states "The bridge should not affect the creek in any way. It will not obstruct the flow of water or create any soil erosion problems at the abutments."

The applicant states that he implemented a tributary buffer landscape plan approved both by Mr. Cleary and the City Arborist. The applicant believes the new landscaping will protect the environment and the stream. According to Mr. Cleary, the new landscaping is better in terms of controlling erosion and creating better stream water quality compared to the grass that was previously in the area. Additionally, the applicant states that the water used for the waterfall is recycled from the pool of the waterfall, itself. The pool also acts as a retention facility for any runoff created by the pool decking.

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

The applicant has submitted a site plan and topographical map indicating the subject property is irregularly shaped and sloped. The site plan also indicates a stream located within the subject property, primarily running east to west along the northern side property line.

Recommended Condition(s)

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

1. That the bridge and waterfall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received February 6, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
3. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
4. Streams shall not be channelized or straightened. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
5. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
6. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
7. That no development requiring variance approval other than finishing development that has already begun shall be permitted within the Sandy Springs buffer and impervious setback without obtaining additional variances.
8. The applicant must obtain the applicable required permit(s) through Sandy Springs before resuming work within the seventy-five (75) foot stream buffer and the twenty-five (25) foot state buffer.

ATTACHMENTS: Letter of appeal, site plans, erosion letter, letters of support, Photographs, letter detailing repairs versus new structures, and Georgia DNR letter.



Variance Petition No. V07-023

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Petitioner

Representative

Verizon Wireless

David C. Kirk

PROPERTY INFORMATION

Address, Land Lot, and District 8885 Roswell Road
Land Lot 367, District 6

Council District 2

Frontage and Area 330 feet of frontage along the east side of Roswell Road and 45 feet of frontage along the south side of North River Parkway . The subject property has a total area of approximately 5.46 acres.

Existing Zoning and Use C-1 (Community Business District) under zoning case Z71-004. The property is developed with a shopping center.

Overlay District Suburban

Interim 2025

**Comprehensive
Future Land Use
Map Designation**

LWR (Living-Working Regional)

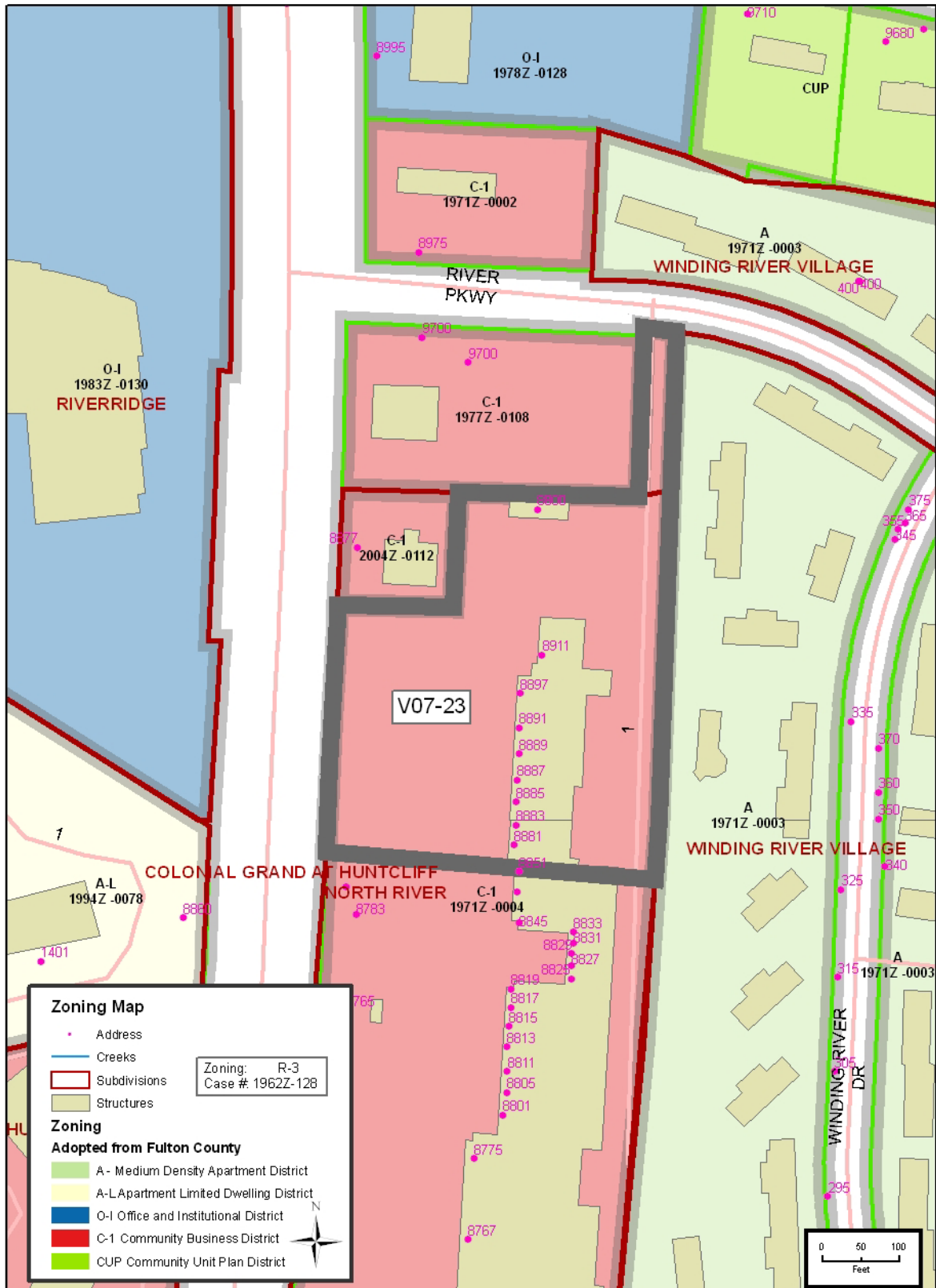
INTENT

The applicant is seeking a primary variance from Section 19.3.1(2) to allow a cell tower to be set back from a property line of a residential district a distance less than the height of the tower.

The applicant intends to add fifteen (15) feet of height to an existing cell tower.

Parcel Map

8885 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007



Variance Petition No. V07-030

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
John Palmer

Petitioner
Warren Sirzyk

Representative
Warren Sirzyk

PROPERTY INFORMATION

Address, Land Lot, and District 212 Londonberry Road
Land Lot 121, District 17

Council District 6

Frontage and Area 180 feet of frontage along the southwest side of Londonberry Road.
The subject property has a total area of approximately 1.00 acres.

Existing Zoning and Use R-2 (Single-family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

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

INTENT

The applicant is seeking a primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to five (5) feet to allow for an existing generator to be located in the required side yard setback.

Parcel Map

212 Londonberry Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-030

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to five (5) feet to allow for an existing generator to be located in the required east side yard setback.

The subject property has an irregular shape and a relatively flat yard in the back of the house. However, the flat back yard drops off significantly and it is retained by a wall. The subject generator is located below the flat back yard at the base and southern most corner of the aforementioned retaining wall.

The applicant states that the generator was installed on or before April 18, 2003, the date Fulton County Issued the Certificate of Occupancy. The applicant has provided a copy of a document dated January of 2003 indicating a binding agreement with Georgia Power to install the generator. The applicant also provided a copy of an invoice dated March of 2003 for work performed to make a gas line connection from the generator to an existing pool heater.

The applicant also states that the impact of the placement and operation of the generator on adjacent neighbors is minimized due to the generator's current location - it is located at the lowest point of the topography and it is enclosed by a wood slatted fence. The applicant states further that when the generator is operating (whenever power fails or when the generator performs brief function tests that occur once a week) the noise is minimized because it was built having a "sound rated enclosure".

Additionally, the applicant states if the generator were to be moved approximately eight (8) to ten (10) feet to the west and up the hill, the unit would be more visible to all adjacent owners and would prevent construction of a pool house that is being contemplated for the future.

Department Comments

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Location of generator shall be in compliance with IRC such that exhaust from generator shall be clear from any air intake or opening of a dwelling unit a minimum of 5'.
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the impact of the placement and operation of the generator on adjacent neighbors is minimized due to the generator's current location - it is located at the lowest point of the topography and it is enclosed by a wood slatted fence. The applicant states further that when the generator is operating (whenever power fails or when the generator performs brief function tests that occur once a week) the noise is minimized because it was built having a "sound rated enclosure".

Additionally, the applicant states if the generator were to be moved approximately eight (8) to ten (10) feet to the west and up the hill, the unit would be more visible to all adjacent owners and would prevent construction of a pool house that is being contemplated for the future.

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 has an irregular shape and a relatively flat yard in back of the house. However, the flat back yard drops off significantly and it is retained by a wall. The subject generator is located below the flat back yard at the base and southern most corner of the aforementioned retaining wall.

Recommended Condition(s)

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

1. That the generator be located in accordance with the Site Plan, provided by the applicant dated received April 2, 2007 by the Department of Community Development, showing the side yard setback reduced to no less than five (5) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plans, photographs, letter of appeal, letter of opposition, and supporting documents.



Variance Petition No. V07-031

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Gerald Feuer

Petitioner
Keri Hammond

Representative
Gerald Feuer

PROPERTY INFORMATION

Address, Land Lot, and District 5510 Claire Rose Lane
Land Lot 134, District 17

Council District 6

Frontage and Area 149 feet of frontage along the southwest side of Claire Rose Lane. The subject property has a total area of approximately 0.80 acres.

Existing Zoning and Use R-2A (Single-family Dwelling District) under zoning case Z78-0134. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025 Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to one (1) foot to allow for the construction of a pool house.

Parcel Map

5510 Claire Rose Ln.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-031

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to one (1) foot to allow for the construction of an open-air pool cabana. The proposed open-air cabana will be approximately eighteen (18) feet in height at its highest point.

The subject property has a trapezoidal shape and a relatively flat yard in the back of the house. The flat back yard drops off significantly at the north side portion and the west rear portion and is retained by a wall. The property adjacent to and south of the subject lot has a yard that is higher in elevation than the subject property's yard – a retaining wall exists along most of the south side property line. The front of the existing house is mostly parallel with the front property line. Due to the layout and orientation of the home on the trapezoidal shaped lot, the sides of the house are skewed in relation to the side property lines.

The applicant states that due to the overly restrictive width of the required side yard setback and due to the location of the existing house and swimming pool, there is no room for the proposed expansion as planned. Additionally, the applicant states that the proposed addition would promote desirable living conditions, sustain the stability of the neighborhood, and protect against blight and depreciation. The applicant further states that the variance request, if approved, will not detract from the neighbors use and enjoyment of adjoining and surrounding properties and will provide for orderly evolution of the neighborhood along lines responsive to the public needs.

Please note, based on a site visit by Staff and attached photographs; the site plan provided by the applicant does not indicate an existing outdoor kitchen and a spa – both are located southeast of and adjacent to the existing pool. The proposed open-air cabana, if constructed as shown, would appear to cover the aforementioned outdoor kitchen and spa.

Department Comments

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ Based upon the topography shown on Sandy Springs GIS, if the cabana elevation and house elevation are somewhat similar, the construction proposed will require a construction easement from the adjacent neighbor to construct and maintain.
	Sandy Springs Building Plan Reviewer	▪ Pool house shall be compliant with IRC 2006 edition. Table R302.1 requires the walls less than 5' from a property line have one hour fire rated construction with exposure on both sides protected and projections into the space be one hour on the underside of the projection and no openings are allowed in the walls less than 3' from the property line.
	Sandy Springs Landscape Architect/ Arborist	▪ The site plan accurately represents the existing conditions. No comment.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the proposed addition would promote desirable living conditions, sustain the stability of the neighborhood, and protect against blight and depreciation. The applicant further states that the variance request, if approved, will not detract from the neighbors use and enjoyment of adjoining and surrounding properties and will provide for orderly evolution of the neighborhood along lines responsive to the public needs. The applicant has provided a site plan indicating that the existing buffer trees will remain to provide natural screening of the proposed cabana for the adjacent property to the south.

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 has a trapezoidal shape and a relatively flat yard in back of the house. The flat back yard drops off significantly at the north side portion and the west rear portion and is retained by a wall. The property adjacent to and south of the subject lot has a yard that is higher in elevation than the subject property's yard - a retaining wall exists along most of the south side property line. The front of the existing house is mostly parallel with the front property line. Due to the layout and orientation of the home on the trapezoidal shaped lot, the sides of the house are skewed in relation to the side property lines. The applicant states that due to the overly restrictive width of the required side yard setback and due to the location of the existing house and swimming pool, there is no room for the proposed expansion as planned. Photographs and a site plan, provided by the applicant, document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received April 2, 2007 by the Department of Community Development, showing the side yard setback reduced to no less than one (1) foot where necessary to accommodate the portion of the encroachment only and showing the existing tree buffer as to remain along the side southern property line.

2. That the existing tree buffer will remain along the side southern property line and be maintained as long as the pool cabana remains constructed in its proposed location.
3. That a five (5) foot construction/maintenance easement be executed and recorded between the owners of the subject property and the adjoining property to the southeast, known as 5500 Claire Rose Lane, prior to issuance of a building permit.

ATTACHMENTS: Site plans, photographs, letter of support, and letter of appeal.



Variance Petition No. V07-032

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Steve Minnich

Petitioner
Keri Hammond

Representative
Steve Minnich

PROPERTY INFORMATION

Address, Land Lot, and District 215 Wessex Court
Land Lot 33, District 17

Council District 4

Frontage and Area 115 feet of frontage along the southeast side of Wessex Court. The subject property has a total area of approximately 0.31 acres.

Existing Zoning and Use R-4A (Single-family Dwelling District) under zoning case Z80-0125. The property is developed with a single-family residence.

Overlay District N/A

Interim 2025 Comprehensive Future Land Use Map Designation R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.7.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from twenty-five (25) feet to eighteen (18) feet to allow for construction of a family room addition.

Parcel Map

215 Wessex Ct.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-032

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.7.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from twenty-five (25) feet to eighteen (18) feet to allow for construction of a family room addition.

The subject property is roughly rectangular in shape. The depth of the subject lot is less than the width; in other words, the front and rear property lines are greater in length than the side property lines. The property has R-4A zoning and is required to have a minimum of 12,000 square feet of area. The subject property has approximately 13,500 square feet of area and is one of the smallest lots on Wessex Court and appears to be the only lot on Wessex Court having a depth smaller than the width. From Wessex Court, the front yard, where the house rests, and a small portion of the rear yard is mostly flat – the balance of the back yard has a higher elevation, is retained by a wall, and is wooded. The current residence respects all required setbacks and is located right up to the required thirty-five (35) foot front yard setback. The applicant states that due to the shape and size of the lot, the required setbacks greatly restrict the property and the proposed addition could not be constructed without encroaching into the required rear yard setback.

The applicant states that the proposed addition would provide a safe environment as well as much needed space for their family of six (6). Additionally, the applicant states that the proposed addition would promote desirable living conditions, sustain the stability of the neighborhood and protect against blight and depreciation. The variance will not have a negative impact on the properties in the immediate area, but, to the contrary, will enhance the neighborhood by adding value. The applicant further states that the proposed addition would be primarily constructed in the same location as the existing deck; because of this fact, the applicant intends to disturb only a minimal amount of land. The applicant states further that because of the proposed central location, the addition will have the least amount of impact on the adjoining neighbors and will not detract from the neighbors' use and enjoyment of their properties.

Department Comments

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The residential structures must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/ Arborist	▪ No significant trees are impacted. No comment.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the proposed addition would provide a safe environment as well as much needed space for their family of six (6). Additionally, the applicant states that the proposed addition would promote desirable living conditions, sustain the stability of the neighborhood and protect against blight and depreciation. The variance will not have a negative impact on the properties in the immediate area, but, to the contrary, will enhance the neighborhood by adding value. The applicant further states that the proposed addition would be primarily constructed in the same location as the existing deck; because of this fact, the applicant intends to disturb only a minimal amount of land. The applicant states further that because of the proposed central location, the addition will have the least amount of impact on the adjoining neighbors and will not detract from the neighbors' use and enjoyment of their properties. The applicant has provided a site plan and photographs to document the above statements.

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

The subject property is roughly rectangular in shape. The depth of the subject lot is less than the width; in other words, the front and rear property lines are greater in length than the side property lines. The property has R-4A zoning and is required to have a minimum of 12,000 square feet of area. The subject property has approximately 13,500 square feet of area and is one of the smallest lots on Wessex Court and appears to be the only lot on Wessex Court having a depth smaller than the width. From Wessex Court, the front yard, where the house rests, and a small portion of the rear yard is mostly flat – the balance of the back yard has a higher elevation, is retained by a wall, and is wooded. The current residence respects all required setbacks and is located right up to the required thirty-five (35) foot front yard setback. The applicant states that due to the shape and size of the lot, the required setbacks greatly restrict the property and the proposed addition could not be constructed without encroaching into the required rear yard setback. The applicant has provided a site plan and photographs to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received April 2, 2007 by the Department of Community Development, showing the side yard setback reduced to no less than eighteen (18) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plan, photographs, letters of opposition, and letter of appeal.



Variance Petition No. V07-034

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kathleen M. Farrington	Matt Brill	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District	516 Londonberry Road Land Lot 135, District 17
Council District	6
Frontage and Area	157 feet of frontage along the south side of Londonberry Road and 240 feet of frontage along the east side of Marbury Circle. The subject property has a total area of approximately 1.00 acre.
Existing Zoning and Use	R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting seven (7) primary variances:

- 1) Variance from Section 4.24.9.B of the Zoning Ordinance to allow the expansion of a non-conforming structure and to allow the cost of the improvements to be equal or exceed 50% of the market value of the structure before the improvement is started,
- 2) Variance from Section 4.24.9.C of the Zoning Ordinance to allow a new structure to extend over a Flood Prone Area,
- 3) Variance from Section 4.24.9.D of the Zoning Ordinance to allow the ground surface of a new structure adjacent to a Flood Prone Area to be less than three (3) feet above the base flood elevation and spaced less than 10 feet from the base flood plain,
- 4) Variance from Section 4.24.9.E of the Zoning Ordinance to allow the lowest floor elevation of a structure to be less than three (3) feet above the base flood elevation and without meeting the requirements of Section 4.24.9.G,

- 5) Variance from Section 14.3.5.b.i.b of the Sandy Springs Land Development Regulations to allow for substantial improvements of a principal structure to have the lowest floor elevated less than three (3) feet above the base flood elevation,
- 6) Variance from Section 14.3.5.c.i of the Sandy Springs Land Development Regulations to allow for substantial improvements of a principal residential building to have the lowest floor, including basement, elevated less than three (3) feet above the base flood elevation, and
- 7) Variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-five (25) foot undisturbed buffer for the construction of additions to a single-family house.

For various reasons, the Applicant and Property Owner have decided to request a withdrawal of the subject application per phone conversations with both and per a subsequent fax from the Applicant received on May 29, 2007 (see attached).

Parcel Map

516 Londonberry Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-034

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

ANALYSIS:

The applicant is requesting relief from Section 4.24.9.B of the Zoning Ordinance to allow the expansion of a non-conforming structure and to allow the cost of the improvements to be equal or exceed 50% of the market value of the structure before the improvement is started, Section 4.24.9.C of the Zoning Ordinance to allow a new structure to extend over a Flood Prone Area, Section 4.24.9.D of the Zoning Ordinance to allow the ground surface of a new structure adjacent to a Flood Prone Area to be less than three (3) feet above the base flood elevation and spaced less than 10 feet from the base flood plain, Section 4.24.9.E of the Zoning Ordinance to allow the lowest floor elevation of a structure to be less than three (3) feet above the base flood elevation and without meeting the requirements of Section 4.24.9.G, Section 14.3.5.b.i.b of the Sandy Springs Land Development Regulations to allow for substantial improvements of a principal structure to have the lowest floor elevated less than three (3) feet above the base flood elevation, Section 14.3.5.c.i of the Sandy Springs Land Development Regulations to allow for substantial improvements of a principal residential building to have the lowest floor, including basement, elevated less than three (3) feet above the base flood elevation, and from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-five (25) foot undisturbed buffer for the construction of additions to a single-family house.

The original scope of this application involved only a request for encroachment into the required stream buffer; however, upon closer review by the Development Division of the Community Development Department, it was determined by Staff that variances to allow a structure to be located in a flood plain may be required before a building permit could be issued for the proposed addition. The applicant met with Staff on Thursday, May 3, 2007 to clarify the newly discovered flood plain issues and required site plan revisions. At the May 3rd meeting, the applicant decided to include, in this application, additional variances regarding flood plain rather than wait to address the flood plain issues (possible variances) at the time of acquiring a building permit – after it was decided to add the flood plain variances to the scope of the application, Staff advised the applicant of the additional information that would be needed to accurately process the subject application. It was determined that the additional information that would be necessary would be a drainage study (to aid in detailing the flood plain variances) and a revised site plan to, among other things, indicate the square footage of proposed disturbance within the fifty (50) undisturbed natural area of the required stream buffer.

The applicant states that the planned addition would be built primarily in an area now occupied by a concrete pad. The applicant also states that the proposed addition would encroach less into the stream buffer than the current concrete pad. And, unlike the concrete pad, the addition would be located completely out of the twenty-five foot state stream buffer. The area of the pad currently located within the twenty-five (25) foot state buffer would be restored to a natural state.

The applicant further states that there is a hardship due to the property's narrow and confining shape and to the existence of a stream running through the eastern side yard and northern rear yard of the lot.

For various reasons, the Applicant and Property Owner have decided to request a withdrawal of the subject application per phone conversations with both and per a subsequent fax from the Applicant received on May 29, 2007 (see attached). As the applicant intends to formally request deferral at the June 14 BZA meeting, the requested drainage study and site plan revision(s) have not been supplied.

Department Comments

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ The property is almost entirely in the Zone X flood area. Proposed addition also in the flood plain. Potential buffer issues exist.
	Sandy Springs Building Plan Reviewer	▪ The residential structures must be designed and constructed per the 2006 International Residential Code with 2007 GA State Amendments. Design documents must meet the minimum requirements noted in the Sandy Springs checklist for Single Family Residential Major Alterations, Bldg Additions, New Buildings and Decks Greater than 6 Feet above Grade.
	Sandy Springs Landscape Architect/Arborist	▪ No comments.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

1. *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 planned addition would be built primarily in an area now occupied by a concrete pad. The applicant also states that the proposed addition would encroach less into the stream buffer than the current concrete pad. Unlike the concrete pad, the addition would be located completely out of the twenty-five foot state stream buffer. The area of the pad currently located within the twenty-five (25) foot state buffer would be restored to a natural state. The applicant has provided site plans to document the above statements.

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

The applicant states that there is a hardship due to the property's narrow and confining shape and to the existence of a stream running through the eastern side yard and northern rear yard of the lot. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received April 3, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to no less than a twenty-five (25) foot undisturbed buffer where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.

ATTACHMENTS: Letter of appeal, letter requesting withdrawal, and site plans.



Variance Petition No. V07-041

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Insignia Holdings, LLC	Insignia Holdings, LLC	Guy H. Weiss

PROPERTY INFORMATION

Address, Land Lot, and District	7820 & 7830 Woodall Ferry Road and the adjacent parcel (060312LL025) to northeast at the corner of Nesbit Ferry Road. Land Lot 312, District 6
Council District	1
Frontage and Area	800 feet of frontage along the southeast side of Woodall Ferry Road and 250 feet of frontage along the southwest side of Nesbit Ferry Road. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	R-3A (Single-family Dwelling District) under zoning case RZ06-048. Two of the three parcels are developed with single-family residences.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

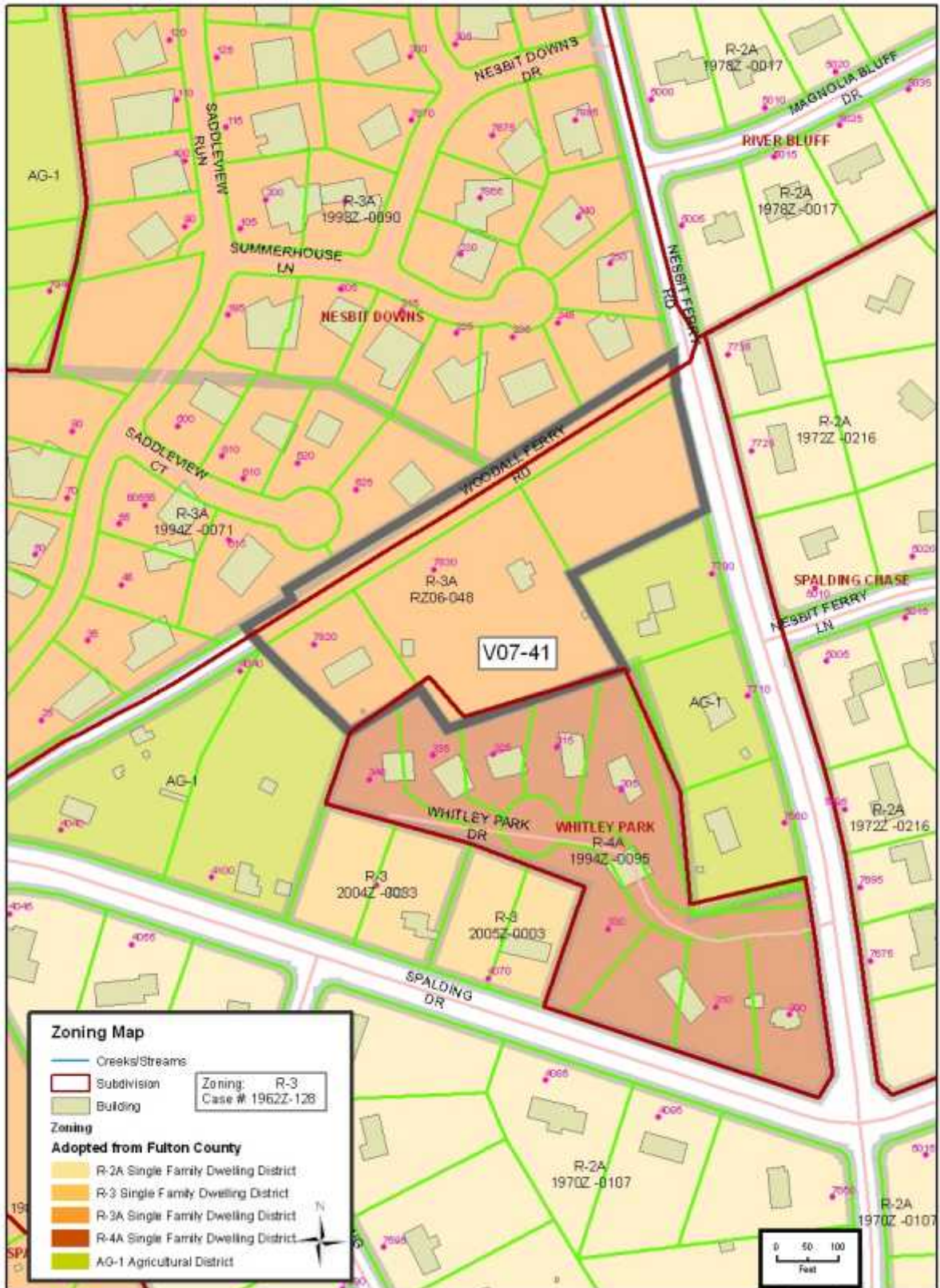
INTENT

The applicant is requesting five (5) primary variances:

- 1) Variance from Section 6.5.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8) and to 30 feet and 20 feet (lot 4),
- 2) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street,
- 3) Variance from Section 7.2 of the Sandy Springs Subdivision Regulations to allow for on-street parking on the proposed private street,
- 4) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street, and
- 5) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street. All variances to allow for the construction of a single-family development.

Parcel Map

7820, 7830, and parcel 06 0312 LL025 of Woodall Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 14, 2007

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

CASE NUMBER: V07-041

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

ANALYSIS:

The applicant is requesting primary variances for relief from Section 6.5.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8) and to 30 feet and 20 feet (lot 4), from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street, from Section 7.2 of the Sandy Springs Subdivision Regulations to allow for on-street parking on the proposed private street, from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street, and from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements (landscape strip) along sections of the proposed private street. All the variance requests are to allow for the construction of a single-family development.

On January 16, 2007 the Mayor and City Council conditionally approved rezoning application RZ06-048 thereby allowing the creation of an eight (8) lot subdivision that is the subject property of this variance application. One of the conditions of approval was that the applicant provide a forty (40) foot rear yard setback for lots adjoining properties zoned AG-1 (lots shown as #8 and #7) and that the applicant provide a twenty-five (25) foot side yard setback for lots adjoining properties zoned AG-1 (lot 5). At the Mayor and City Council meeting in January, the concurrent variance request CV06-034, as a part of RZ06-048, was denied. The scope of denied concurrent variance request CV06-034 was to reduce the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8) and to 30 feet and 20 feet (lot 4). The scope of denied concurrent variance request CV06-034 is now a part of this variance request and represented in this report as request number one (1). The complete scope of this application, in addition to request number (1), is indicated as requests represented as numbers two (2) through five (5).

The applicant states that a reduction in the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8), 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 because abutting landowners have expressed a desire for the subdivision to be constructed having houses located as far away from their backyards as possible. The applicant further states that as a part of the original rezoning process, on December 21, 2006 the Planning Commission, taking into account the concerns of the abutting land owners, voted unanimously in support of a reduction in the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8). Additionally, the applicant states that the reduction in front yard setback will affect only the homes in the subject subdivision that are facing the private road and would assure uniformity in design and look of the neighborhood.

Staff notes that the setbacks indicated on the site plan provided by the applicant, other than the requested reduced yard setbacks, are accurate in terms of required minimum yards. The implication of this is that the applicant would have the ability to not move future homes further away from adjoining neighbors, but, rather, have a larger buildable area.

The applicant states that a reduction in the minimum front yard setback to 30 feet and 20 feet (lot 4), 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 because if the fifty (50) foot front setback were enforced along the entire frontage on the private road, including the cul-de-sac, the future home would be constructed exceedingly close to the property line of the abutting owner to the northwest. The applicant further states that the Zoning Ordinance is premised on the assumption that backyards of abutting properties will face each other - in this instance, the zoning ordinance unintentionally creates a situation of reduced spacing between houses because the back yards of abutting properties do not face each other. Additionally, the applicant states that the variance, if approved, would be in harmony with the intent and purpose of the Zoning Ordinance because it would, in effect, be utilizing Section 6.5.3.C of the Zoning Ordinance for allowable side yard setbacks for properties having a side street. The applicant states that the variance, if approved in conjunction with approval of the aforementioned setback relief request for lots #1 through #3, would allow for the future homes to be built at the same distance from the subdivision's private road.

Staff notes that the orientation of the future house for the lot shown as #4 on the site plan provided by the applicant is not indicated or known and that the yard setbacks shown would appear to not be in keeping with the proposed forty (40) foot front yard setbacks for the rest of the lots. Additionally, Staff notes that the setbacks indicated on the site plan provided by the applicant, other than the requested reduced yard setbacks, are accurate in terms of required minimum yards. The implication of this is that the applicant would have the ability to not move future homes further away from adjoining neighbors, but, rather, have a larger buildable area. However, if lot #4's required ten (10) foot side yard setback from the property to the northwest is increased, a reduction of the front yard setback could be justified.

Regarding the request for on-street parking and relief from sidewalk improvements, the applicant states that these requests would be in harmony with the Ordinance because, if approved, they would allow the applicant to exceed the minimum parking required under Section 18 of the Zoning Ordinance - it would allow for overflow parking to be utilized by the residents of the subject subdivision and benefit them by reducing the amount of overflow parking on the side of the street. The applicant also states that the requested relief would create a safer environment by making it a less hazardous situation for children playing in the area and by allowing the road to be open to emergency vehicles and other traffic. The applicant states further that would create added value to the overall planning of the City's neighborhoods.

The applicant submitted a revised site plan dated received June 5, 2007 by the Department of Community Development. The revised site plan has eliminated the need for variance requests regarding sidewalk improvements (landscape strip) - the requests are represented as numbers two (2), four (4), and five (5)

Department Comments

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ Most of the site is covered with immature pines and hardwood tree and is relatively flat. There is one feature on the site that would not be considered a buffered waters of the state.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Public Works notes that this type of parking appears out of character with a minor subdivision street in a suburban setting. Additionally, the extra pavement will create additional impervious surface, possibly taxing the storm water systems.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that a reduction in the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8), 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 because abutting landowners have expressed a desire for the subdivision to be constructed having houses located as far away from their backyards as possible. The applicant further states that as a part of the original rezoning process, on December 21, 2006 the Planning Commission, taking into account the concerns of the abutting land owners, voted unanimously in support of a reduction in the minimum front yard setback from 50 feet to 40 feet (lots 1, 2, 3, 5, 6, 7, and 8). Additionally, the applicant states that the reduction in front yard setback will affect only the homes in the subject subdivision that are facing the private road and would assure uniformity in design and look of the neighborhood.

The applicant states that a reduction in the minimum front yard setback to 30 feet and 20 feet (lot 4), 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 because if the fifty (50) foot front setback were enforced along the entire frontage on the private road, including the cul-de-sac, the future home would be constructed exceedingly close to the property line of the abutting owner to the northwest. The applicant further states that the Zoning Ordinance is premised on the assumption that backyards of abutting properties will face each other - in this instance, the zoning ordinance unintentionally creates a situation of reduced spacing between houses because the back yards of abutting properties do not face each other. Additionally, the applicant states that the variance, if approved, would be in harmony with the intent and purpose of the Zoning Ordinance because it would, in effect, be utilizing Section 6.5.3.C of the Zoning Ordinance for allowable side yard setbacks for properties having a side street. The applicant states that the variance, if approved in conjunction with approval of the aforementioned setback relief request for lots #1 through #3, would allow for the future homes to be built at the same distance from the subdivision's private road.

Regarding the request for on-street parking and relief from sidewalk improvements, the applicant states that these requests would be in harmony with the Ordinance because, if approved, they would allow the applicant to exceed the minimum parking required under Section 18 of the Zoning Ordinance - it would allow for overflow parking to be utilized by the residents of the subject subdivision and benefit them by reducing the amount of overflow parking on the side of the street. The applicant also states that the requested relief would create a safer environment by making it a less hazardous situation for children playing in the area and by allowing the road to be open to emergency vehicles and other traffic. The applicant states further that would create added value to the overall planning of the City's neighborhoods.

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 June 5, 2007 by the Department of Community Development, showing the requested reduction in minimum front yard setbacks and showing on-street parking.
2. That from the northwestern property line, shown to have a length of 287.40', of the parcel indicated as lot #4, the required minimum side yard setback shall be increased to match the required rear yard setbacks for lots shown as 1, 2, 3.

ATTACHMENTS: Site plan, supporting documents, and letter of appeal.



Variance Petition No. V07-028

HEARING & MEETING DATES

Design Review Board

May 8, 2007

Board of Zoning Appeals Hearing

June 14, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

The Simpson Organization

Petitioner

City of Sandy Springs

Representative

City of Sandy Springs

PROPERTY INFORMATION

Address, Land Lot,
and District.

7840 Roswell Road (SR 9)
Land Lot 30, District 17

Council District

2

Frontage and Area

1170.93 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 18.51441 acres (806,377 square feet).

Existing Zoning
and Use

C-1 (Community Business District) conditional under Fulton County 84Z-162, currently developed with an Office Park.

Overlay District

Suburban District

Interim 2025
Comprehensive
Future Land Use
Map Designation

C – Commercial

INTENT

The City of Sandy Springs is seeking three (3) primary variances from the Zoning Ordinance to allow for a second free standing sign along the Roswell Road (SR 9) street frontage of the property to identify the location of Sandy Springs City Hall. The applicant's request is as follows:

1. Variance from Section 33.26.H.1.c to allow for a second free standing sign on commercial property which lot has more than 1,000 linear feet of frontage.
2. Variance from Section 33.22.B to allow for a sign to be located on the right-of-way.
3. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of way to zero (0) feet.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the May 8, 2007 DRB meeting. The Board endorsed (5-0) this application with the following recommendations:

1. That the sign base be constructed of stone.
2. That the sign design be similar to the existing sign at the Roswell Road (SR 9) southern entrance to the Morgan Falls Office Park.

Parcel Map



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V07-028

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The Planning and Zoning staff reviewed the proposal to install a free standing sign identifying City Hall at the northernmost entrance to the Morgan Falls office Park on Roswell Road (SR 9). The site has 17.838 acres (777,031 square feet) and approximately 1,169 linear feet of road frontage along Roswell Road (SR 9). The site is developed with five (5) office buildings as shown in exhibit 1. Per Section 33.26.H.1.c. *Freestanding Signs*, of the Sandy Springs Zoning Ordinance, properties with a frontage of more than one thousand (1,000) linear feet are allowed one maximum seventy-two (72) square foot free standing sign. It was determined, that a variance was needed to allow the sign to be located on Roswell Road (SR 9), as only one sign is allowed on the same road frontage and there is an existing sign at the southern entrance. The property's existing identification sign does not provide identification for City Hall and additional information can not be added due to the sign design. Therefore, the subject request would allow to provide identification for Sandy Springs City Hall.

The proposed sign location is within the GDOT right-of-way, approximately fifteen (15) feet from the curb as shown in exhibit 2 and 3. For the sign to be located in the area where the existing banner is located, a variance to reduce the ten (10) foot set back to zero (0) feet, and a variance to locate the sign in the right-of-way is necessary. In addition, because the proposed location is in the State right-of-way, the City is seeking approval from Georgia Department of Transportation.

The Staff is of the opinion that locating the sign in a compliant location, ten (10) feet from the right-of-way, as shown in exhibits 4 and 5, would place the sign approximately forty (40) to fifty (50) feet from the curb; therefore, limiting its visibility to only those directly in front of the entrance. Placing an identification sign at the proposed location, the applicant is intending to capture visibility from the north and south bound traffic on Roswell Road (SR 9). According to the traffic engineer the proposed sign location is outside the minimum required clear zone for Roswell Road at this location, as shown in exhibit 6.

The proposed sign is to be located at the northernmost entrance to the Morgan Falls Office Park, featuring the City's logo, City Hall and the street address. The sign will be constructed of aluminum and externally illuminated. The petitioner's proposed sign is twenty two (22) square feet of sign area and six (6) feet tall.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	Although the sign is located in the right of way, at 15' from the back of curb, it is located outside the minimum required clear zone for Roswell Road at this location. As such, it does not appear to cause a significant safety hazard.
	Georgia Department of Transportation	The City is seeking approval from Ga DOT.

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 purpose is to present an identification of its premises, communicating to the citizens the location of the Sandy Spring's City Hall. The applicant finds that the proposed sign will be in harmony with the intent of the 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;*

This property has a variable right-of-way along the street frontage. Pursuant to survey dated 08/3/2004 provided by the applicant and dated received March 27, 2007 by the Department of Community Development the right-of-way is approximately one hundred-sixty (160) feet at the northern entrance to the office park and it is approximately eighty (80) feet at the southern entrance to the office park. At the northern entrance adjacent to the proposed sign location the right-of-way is approximately thirty (30) to forty (40) feet from the curb as shown in exhibit 8. To achieve visibility, the proposed sign location is within the right-of-way, approximately fifteen (15) feet from the curb as shown in exhibit 2.

3. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from and adjoining road.*

The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic, as shown in exhibit 7. Because of the extremely congested nature of Roswell Road and the existing foliage along the street frontage, the City finds it imperative that this sign be within the drivers' vision so as to distract drivers for the minimal length of time

The applicant has provided pictures supporting these applications.

Recommended Conditions:

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

1. That the sign shall be located not less than fifteen (15) feet from the back of the curb, pursuant to the site plan provided by the applicant dated received March 27, 2007 by the Department of Community Development.
2. That the sign area shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received March 27, 2007 by the Department of Community Development.
3. That the free standing sign is only to be used to identify the Sandy Springs City Hall.
4. That the free standing sign be located at the proposed location upon approval from Georgia Department of Transportation.

ATTACHMENTS: Proposed sign site plan, proposed sign detail.



Variance Petition No. V07-033

HEARING & MEETING DATES		
Design Review Board April 24, 2007		Board of Zoning Appeals Hearing June 14, 2007
APPLICANT/PETITIONER INFORMATION		
Property Owners PDB Family Trust, LLLP	Petitioner PDB Family Trust, LLLP	Representative Nathan V. Hendricks, III
PROPERTY INFORMATION		
Address, Land Lot, and District	4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway (17 00940001020) Land Lot 94, District 17	
Council District	5	
Frontage and Area	205.26 feet of frontage along the east side of Roswell Road (SR 9), 124.56 feet of frontage along the south side of Hedden Street, and 161.34 feet of frontage along the north side of Windsor. The subject property has a total area of 2.05 acres.	
Existing Zoning and Use	O-I (Office and Institutional District) conditional under RZ06-046, currently developed with a 10,500 square foot art/auction gallery and a 12,000 square foot accessory building.	
Overlay District	Village District	
Interim 2025 Comprehensive Future Land Use Map Designation	Community Facilities (CF)	
INTENT		

The applicant is seeking three (3) primary variances:

1. Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.
2. Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.
3. Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.

All variances are requested to convert the existing 10,500 square foot church structure into an art/auction gallery and to convert the existing 12,000 square foot accessory building into a storage building for the art/auction gallery use.

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the April 24, 2007 Design Review Board meeting. The Board recommended approval of the variance requests as submitted by the applicant (5-1-1, Lichtenstein, Alterman, Gregory, Mobley, and Porter for; Rizzo against; Landeck abstaining).

Parcel Map

4579 Roswell Rd, 21 Hedden St, and lot #17 00940001020



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

CASE NUMBER: V07-033

STAFF CONTACT: Patrice S. Ruffin, AICP, Planner II, 770-206-1513
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ANALYSIS:

The site is located on the east side of Roswell Road, the south side of Hedden Street, and the north side of Windsor Parkway. The property is zoned O-I (Office and Institutional District) and is currently developed with an art/auction gallery and accessory building, formerly the Slavic Evangelic Christian Church. The subject property is located within the Village District of the Sandy Springs Overlay District.

The owner/developer received rezoning approval from the Sandy Springs Mayor and City Council on February 6, 2007 to convert the existing 10,500 square foot church structure into an art/auction gallery and to convert the existing 12,000 square foot accessory building into a storage building for the art/auction gallery use (RZ06-046/CV06-032).

During the rezoning process, neighbors of the High Point Civic Association asked the applicant to not install the required sidewalks along the Hedden Street frontage of the development. The applicant will be providing streetscape improvements along the Roswell Road (SR 9) frontage as required and the required sidewalks along the Windsor Parkway frontage. At this time, the owner/developer is requesting three (3) primary variances as follows:

1. Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.
2. Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.
3. Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the Hedden Street frontage of the subject property.

DEPARTMENT COMMENTS:

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape 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 met
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ There are not significant obstacles to construction of the required sidewalk. Providing pedestrian facilities is in the best interest of the health, welfare, and safety of the citizens of Sandy Springs.

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 indicates that continuing the sidewalk along the Hedden Street frontage of the property would not be in keeping with the general flavor, look, and feel of those neighborhoods immediately surrounding the property. Additionally, the applicant contends that the neighbors of the High Point Civic Association have specifically requested that these improvements not be continued along Hedden Street so that the character of the neighborhood is maintained. The applicant has indicated that the request is in harmony with the general purpose and intent of the Zoning Ordinance and would cause no detriment to the public.

Recommended Condition(s)

Should the Board decide to approve the variance petition, Staff recommends the following condition(s):

1. That the site be developed in accordance with the proposed site plan provided by the applicant dated received April 3, 2007 by the Department of Community Development.

ATTACHMENTS: Letter of Appeal with Private Agreement with Neighbors.
First Amended Letter of Appeal.
Second Amended Letter of Appeal.
Site plan dated received.
Arborist Site Notes.