

Variance Petition No. V06-040

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Ian Silverstone

Petitioner

Ian Silverstone

Representative

James Rains

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 225 Zeblin Road
Land Lot 39, District 17

Council District 5

Frontage and Area 99.79' along Zeblin Road and 147' along Bruton way. The subject property has a total area of approximately .48 acres.

**Existing Zoning
and Use** R-3 (Single Family Dwelling District) conditional under zoning case Z77-073. The property is currently 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 requesting a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of a specimen oak tree to allow grading of the backyard for a proposed house.

Parcel Map

225 Zeblin Rd.



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

CASE NUMBER:

V06-040

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 permit the removal of one (1) specimen oak tree. The lot is irregularly shaped and the location of the house under construction would result in the house's back yard having the most extreme slope of the property. Removing the tree would allow the grading of the backyard and create a more active leisure space.

Standards for Consideration

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

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

The applicant claims that the tree is old and leaning in such a way that it is a potential hazard not only to the applicant's proposed home, but to neighboring homes - the applicant has not provided evidence to substantiate this claim. The applicant also claims that the back yard area is extremely sloped and, as it currently exists, creates an undesirable living condition and can not be appropriately used as desired. A topographical map, as a part of the site plan, has been provided by the applicant as evidence to document the existing large degree of slope in the back yard.

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 the slope of the subject lot has caused the proposed house's best placement to result in the back yard having the most extreme slope of the property. In order to grade the back yard to a more level and desirable area, the indicated specimen tree must be removed. A topographical map, as a part of the site plan, has been provided by the applicant as evidence to document the existing large degree of slope in the back yard.

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 Plan provided by the applicant dated received May 2, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of Appeal dated received May 2, 2006
Site Plans dated received May 2, 2006

Variance Petition No. V06-041

HEARING & MEETING DATES

Board of Zoning Appeals

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner(s)	Petitioner	Representative
Eugene Boeke and Max Ferguson	Design-Construction by Craftmaster, Inc.	David Thomas/Edward Levin

PROPERTY INFORMATION

Address, Land Lot, and District.

4994 and 4986 Long Island Drive
Land Lot 120, District 17

Council District

6

Frontage and Area

The subject properties have 300' of frontage along the south side of Long Island Drive and a total lot area of 3.162 acres.

Existing Zoning and Use

R-2 (Single Family Dwelling District) currently developed as two lots, each 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 requesting three (3) primary variances from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum required lot width of 150 feet for three (3) proposed lots to 112 feet, 121 feet, and 134 feet. The applicant proposes to subdivide the two (2) existing lots into three (3) lots for the purpose of constructing three (3) single family residences.

Parcel Map

4994 & 4986 Long Island Dr.



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

CASE NUMBER: V06-041

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

ANALYSIS:

The subject properties are zoned R-2 (Single Family Dwelling District) and are numbered 4994 and 4986 Long Island Drive. The applicant proposes to subdivide the two (2) existing lots into three (3) lots for the construction of three (3) single family residences. The applicant is requesting three (3) primary variances from Section 6.2.3.F of the Zoning Ordinance to reduce the R-2 minimum required lot width of 150 feet to 112 feet, 121 feet, and 134 feet for three (3) proposed lots. As a fact, there are some adjoining lots and some surrounding lots in the area that are zoned R-3. The R-3 zoning district has less restrictive development standards (i.e. lot size, setbacks, lot widths, etc.) than the R-2 zoning district. Staff notes that some of the adjoining and surrounding lots to the north, south, and east have less than 150 foot lot widths.

Because the proposed lots will be irregularly shaped, like a pie piece, the applicant is offering to increase the required front setbacks from the required 60 feet to 100 feet in order to achieve the lot widths of 112 feet, 121 feet, and 134 feet at the building line. This would be an attempt to lessen the impact of the variance by getting closer to the required 150 foot lot width dimension.

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 development trends in the area are similar to the proposed development. Staff notes that some of the adjoining and surrounding lots to the north, south, and east have less than 150 foot lot widths. Further, the applicant states that by increasing the required front setbacks to 100' from the required 60', the requested relief would be in harmony with the Zoning Ordinance - this is evidenced by the site plan provided by the applicant. The applicant also states that he intends to adhere to all other R-2 district development standards.

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

The applicant states as a hardship that the proposed lots will be irregularly shaped, like a pie piece, and is causing the need for a primary variance from required lot width - this is evidenced by the site plan provided by the applicant. The applicant also states that he intends to adhere to all other R-2 development standards.

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 Preliminary Plat provided by the applicant dated received May 2, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of Appeal dated May 2, 2006
Preliminary Plat and Site plan dated received May 2, 2006
Letters of Opposition dated May 27, 2006 and July 17, 2006

Variance Petition No. V06-034

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Robert Douglass

Petitioner

Robert Douglass

Representative

Sam Kemp

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 4420 Crestwicke Pointe
Land Lot 13, District 17

Council District 5

Frontage and Area 78.2' of frontage along the southwest side of Crestwicke Pointe. The subject property has a total area of 0.5 acres.

**Existing Zoning
and Use** R-4 (Single Family Residential) conditional under zoning case Z88-0122 developed with one single family home.

Overlay District N/A

Interim 2025

**Comprehensive
Future Land Use** R2-3 Residential (2 to 3 units per acre)

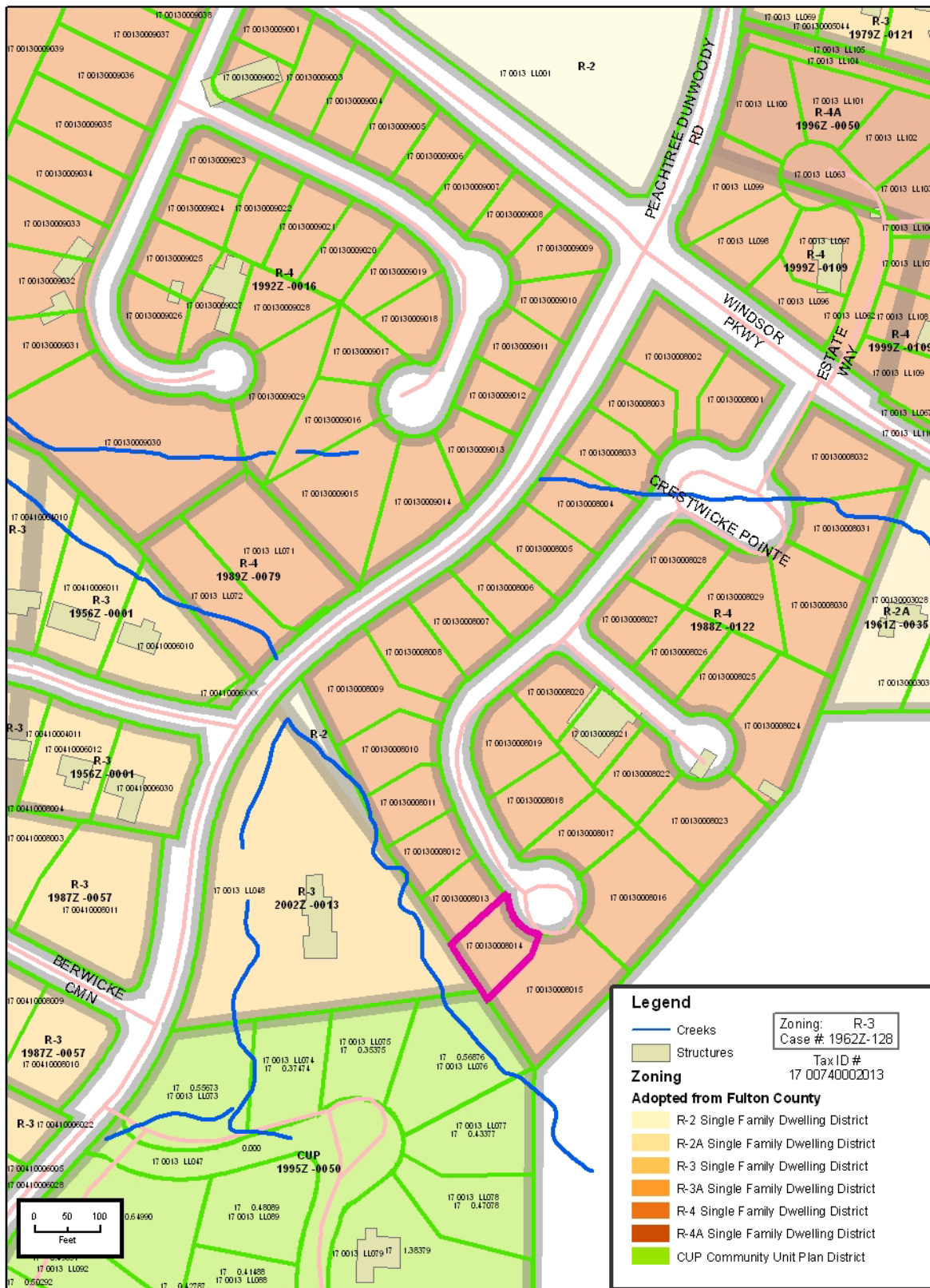
Map Designation

INTENT

This primary variance is being sought for relief from Chapter 14, Article 6, sec 5(a)(i) and Chapter 14, Article 6, sec 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed 110 feet long by 10 feet high modular block retaining wall, having a 4 foot black aluminum fence attached to the top, to be located in the required 75 foot stream buffer and setback a minimum of 29 feet from the top of the stream bank.

Parcel Map

4420 Crestwicke Pt



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

CASE NUMBER: V06-034

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

ANALYSIS:

This primary variance is being sought for relief from Chapter 14, Article 6, sec 5(a)(i) and Chapter 14, Article 6, sec 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed 110' long by 10' high modular block retaining wall, having a 4' black aluminum fence attached to the top, to be setback a minimum of 29' from the top of stream bank, located in the 25' impervious setback and 50' undisturbed areas of the required 75' stream buffer.

The City of Sandy Springs' Arborist issued a stop work order for the subject property on March 1, 2006. The stop work order was issued due to three apparent violations, indicated as follows: encroachment into the critical root zone of a specimen tree, encroachment into the required stream buffer, and engaging in land disturbance without a valid permit. After reviewing the site it was determined by the City Arborist that due to the existing topography, the impact from the wall construction will not result in the decline of the tree.

The house is existing and the backyard appears to be extremely sloped and well vegetated. The current condition of the backyard is apparently too sloping and vegetated to allow for the applicants' desired active leisure activities; they would like a level, safe, and enclosed place for their children to play.

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 back yard area is extremely sloped, jungle-like and, as it currently exists, can not be used as desired. The applicant also states that it is unsafe and creates an undesirable living condition. The applicant has provided photographs as evidence to substantiate the claim that the existing extreme vegetation and back yard slope possible create unsafe conditions in the back yard.

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 the extreme slope of the back yard is promoting a natural area that can not safely or effectively be utilized for their desired active leisure activities. A topographical map, as a part of the site plan, has been provided by the applicant as evidence to document the existing large degree of slope in the back yard.

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 Hardscape Plan provided by the applicant dated received May 2, 2006 by the Department of Community Development.
2. The retaining wall shall be 110' long by 10' high, constructed with modular blocks, having a 4' black aluminum fence attached to the top.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. Stream bank restoration shall be installed as required by the Director of the Community Development Department

ATTACHMENTS: Hardscape Plan dated received May 2, 2006
 Letter of Appeal dated April 26, 2006
 Letters of Support dated received July 17, 2006
 Photographs

Variance Petition No. V06-039

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Cold Springs at Spalding, LLC	Mark Schussler	Mark Schussler

PROPERTY INFORMATION

Address, Land Lot, and District.	2200 Spalding Drive Land Lot 357, District 6
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Council District	1
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Frontage and Area	175' along Spalding Drive. The subject property has a total area of approximately 2.94 acres.
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Existing Zoning and Use	AG-1 (Agricultural District). The applicant is proposing to build a single family residence.
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Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential, 0 to 1 units per acre
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INTENT

The applicant is requesting a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of six (6) specimen pine trees to allow for the proposed construction of a single family house.

2200 Spalding Dr.



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

CASE NUMBER: V06-039

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 six (6) specimen pine trees to allow for the construction of a single family house.

The lot is currently vacant and the buildable area appears to be highly restricted due to the parcel's irregular shape and the location of a large amount of plant life, a stream buffer, and a sanitary sewer easement.

Comments from the City's Development and Transportation Divisions on the subject application include:

- 1) Please be advised that the subject property is located in the Chattahoochee River Corridor and in close proximity to a stream – any construction on the subject property shall comply with River Corridor requirements and the current Georgia and Sandy Springs' stream buffer requirements.
- 2) Please be advised that only one driveway cut/approach will be allowed for the subject property on Spalding Drive.

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 for relief from Article 8, Section 5 of the Tree Preservation Ordinance that the lot is irregular in shape and highly restricted by existing topography. A site development plan has been provided by the applicant as evidence to document the irregular shape of the lot and that the entire back yard is restricted by wetlands, a required stream buffer, and a sanitary sewer easement.

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 Development Plan provided by the applicant dated received May 2, 2006 by the Department of Community Development, subject to the River Corridor standards and other applicable regulations.

ATTACHMENTS: Letter of Appeal dated received May 2, 2006
Site Development Plan dated received May 2, 2006
Aerial Photo

Variance Petition No. V06-030

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Thomas B. Elias

Petitioner
Thomas B. Elias

Representative
Thomas B. Elias

PROPERTY INFORMATION

Address, Land Lot, and District

351, 361, 371 Windsor Pkwy and 354, 364, 382, 380 Pine Forest Rd.
Land Lot 66, District 17

Council District

5

Frontage and Area

Approximately 380 feet of frontage along the north side of Pine Forest Rd. The subject property has a total area of 2.2 acres.

Existing Zoning and Use

R-4 (Single Family Dwelling District), currently developed with four single family houses.

Overlay District

None

Interim 2025 Comprehensive Future Land Use Map Designation

R2-3 Residential (2 to 3 units per acre)

INTENT

A primary variance is being sought to gain relief from section 14.6.5.a. 1 and 2 of the Sandy Springs Development Regulations to reduce the Sandy Springs 75 foot stream buffer to 25 feet to allow for the construction of a house (lot #9), a street cul-de-sac, and a stormwater detention area after reconfiguring the seven (7) existing lots into thirteen (13) lots.

Parcel Map

351,361,371 Windsor Pkwy. 354,364,372,380 Pine Forest Rd.



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

CASE NUMBER: V06-030

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

ANALYSIS:

The applicant is applying for a variance from Section 14.6.5.a 1 of the Sandy Springs Development Regulations to reduce the required 75 foot stream buffer to 25 feet. The applicant is proposing a small subdivision and requires the stream buffer reduction variance to allow for a larger buildable area on lot 9 of the proposed subdivision, construction of a required cul-de-sac, and the detention pond. A specimen tree variance will be applied for at a future date.

This application was deferred from the June 8th BZA meeting due to the fact the variance sign was not installed by the sign posting deadline.

Houses along Windsor Pkwy have been removed while the Pine Forest houses will remain. The creek in question is located an average of 75 feet from the rear of the houses along Pine Forest Road.

A variance application, V06-071 for the September 14, 2006 BZA hearing, has been filed with the City for the subject property. Staff is requesting deferral of V06-030 to September 14, 2006 BZA hearing so both cases may be heard together.

V06-071

351, 361, 371 Windsor Pkwy and 354, 364, 382, 380 Pine Forest Road

Applicant: Tom Elias.

- Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of eight (8) specimen trees.

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 this variance would provide for enhancement of the neighborhoods surrounding these parcels, as new houses would be replacing older ones. The applicant also states that the redevelopment of this property would provide better erosion and run-off protection than the existing houses, benefiting the stream and

downstream properties, and thereby, the proposed subdivision would be in harmony with this provision of the Sandy Springs Zoning Ordinance.

The applicant has provided no additional evidence supporting these applications beside the minimum variance submittal.

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 4, 2006 by the Department of Community Development.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. All pools within the 75 foot stream buffer shall be linked to the domestic water service/sewer lines.
4. Downspouts shall not be located within the 75 foot stream buffer. 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 flow directing device.
5. When garages or parking pads are located inside the 75 foot stream buffer, 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.
6. Stream crossings shall be as narrow as possible and shall be pervious.
7. 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.
8. The 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot buffer.
9. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spasms shall be sufficiently wide to prevent any obstruction to the flow of water.
10. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

ATTACHMENTS: Proposed site plan and letter of appeal, neighbors' letters and emails.

Variance Petition No. V06-035

HEARING & MEETING DATES

Design Review Board

June 13, 2006

**Board of Zoning Appeals
Hearing**

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

First Multiple Listing Service

Petitioner

First Multiple Listing Service

Representative

Cantey Davis

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 5457 Roswell Rd. (SR 9)
Land Lot 91, District 17

Council District 5

Frontage and Area 290' of frontage along the east side of Roswell Road. The subject property has a total area of 1.5 acres.

**Existing Zoning
and Use** C-1 (Community Business District), currently developed with four two-story office buildings.

Overlay District Urban Overlay District

**Interim 2025
Comprehensive
Future Land Use
Map Designation** Live Work Community (LWC)

INTENT

The applicant is seeking a primary variance from Section 33.6.8 of the Sandy Springs Zoning Ordinance to reduce the required monument sign setback of 10 feet from the right of way to 2.5 feet.

Parcel Map

5457 Roswell Rd.



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

CASE NUMBER: V06-035

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

ANALYSIS:

The applicant is applying for a variance from Section 33.6.8 of the Sandy Springs Zoning Ordinance to reduce the required sign setback of 10 feet from the right-of-way to 2.5 feet. The applicant is proposing to replace an older sign that was located on the right-of-way and was demolished by a wayward driver. The proposed sign would adhere to all other Sandy Springs sign standards. The site has parking along the entire Roswell Road frontage with four 1970's era brick buildings located on the site.

This variance application was heard by the Design Review Board at its June 13, 2006 meeting. The variance petition was unanimously endorsed by the DRB with the following conditions:

1. The base of the sign should be at least the width of the sign face.

The applicant has agreed to the DRB conditions.

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;*

The applicant states that the reduction of the sign setback is the only way their updated monument sign can exist in the front of the building at 5457 Roswell Rd. With the current parking layout, a monument sign outside of the 10 foot setback would be impossible to achieve anywhere along the frontage of the property without placing the sign in the parking area.

A site plan and photographic evidence have been provided that support the hardship claim, as little alternative space is available for the new sign to be located.

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 May 2, 2006 by the Department of Community Development.
2. Sign design submitted by the applicant dated received May 2, 2006 by the Department of Community Development, providing that the base shall be modified to have the same width of the sign face.
3. The applicant shall provide verification from SSDOT that the proposed sign meets the visibility triangle requirements prior to permitting.

ATTACHMENTS: Proposed site plan, letter of appeal, photos of proposed sign site.

Variance Petition No. V06-036

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Michael Ivey

Petitioner

Michael Ivey

Representative

Michael Ivey

PROPERTY INFORMATION

**Address, Land Lot,
and District** 4682 Dudley Lane
Land Lot 119, District 17

Council District 6

Frontage and Area 124 feet of frontage along the southwest side of Dudley Lane. The subject property has a total area of 0.52 acres.

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

Overlay District None

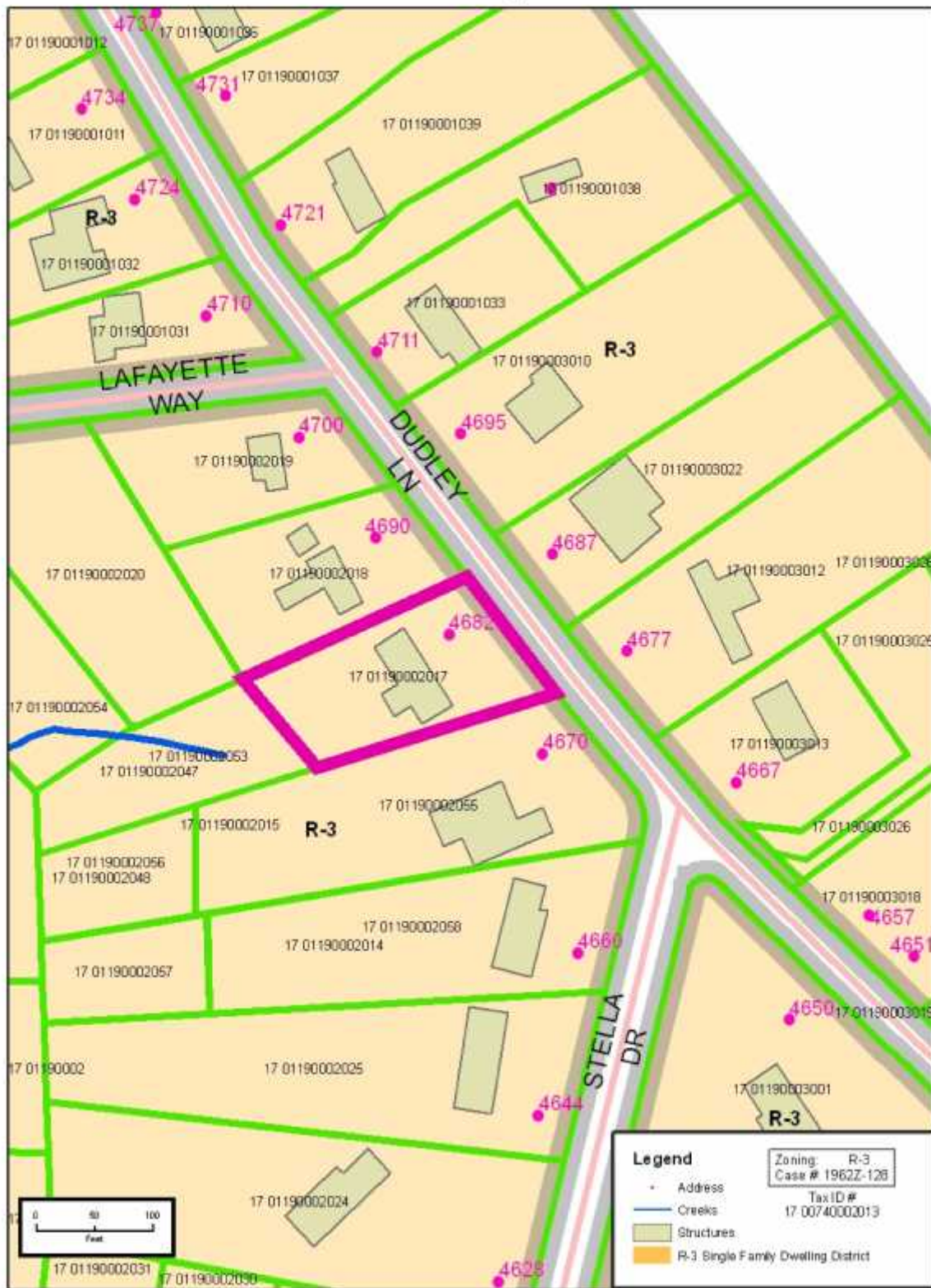
**Interim 2025
Comprehensive
Future Land Use
Map Designation** R1-2 Residential (1 to 2 Units per acre)

INTENT

The applicant is seeking a primary variance from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of two specimen trees to construct a driveway.

Parcel Map

4682 Dudley Ln.



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

CASE NUMBER: V06-036

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

ANALYSIS:

The applicant is applying for relief from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of two specimen trees. The applicant is proposing to move his existing driveway from the right side of his lot and construct a curved driveway in his front yard between the two specimen trees.

The lot is currently developed with a single family house with a straight drive on the north side of the property. The applicant has stated his willingness to protect these trees during construction. Furthermore, the applicant is proposing a track driveway with pavers, reducing the impact on the two trees.

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 present layout of his driveway with regard to his house is not the most effective, in terms of curb appeal, for his house. With the moving of his driveway, the site would convey a more pleasing look, increasing the appeal of the site and properties in the area, thereby increasing property values in the area.

The applicant has provided little evidence beyond the minimum submissions supporting the claim of harmony with the Zoning Ordinance. Staff photos are included, showing the front of the house and the trees to be affected.

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 28, 2006 by the Department of Community Development.
2. The driveway shall be constructed with pavers and not poured concrete. The driveway shall consist of two tracks and it shall not be solid.

ATTACHMENTS: Proposed site plan, letter of appeal, and 3 photos of the front yard.

Variance Petition No. V06-037

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Steven Wheeler

Petitioner
Steven Wheeler

Representative
Steven Wheeler

PROPERTY INFORMATION

Address, Land Lot, and District 4615 Lake Forrest Dr.
Land Lot 94, District 17

Council District 6

Frontage and Area 150' of frontage along the east side of Lake Forrest Dr. The subject property has a total area of 1.55 acres.

Existing Zoning and Use R-3 (Single Family Dwelling District) currently developed with one single family home.

Overlay District None

Interim 2025

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

INTENT

The applicant is seeking two primary variances to allow for the construction of two houses:

1) Variance from Section 6.4.3 B of the Zoning Ordinance to decrease the required front yard setback from 50 feet to 25 feet, and

2) Variance to from Section 8.5 of the Tree Preservation Ordinance to remove one specimen tree from the property.

Parcel Map



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

CASE NUMBER: V06-037

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

ANALYSIS:

The applicant is applying for two primary variances for the property located at 4615 Lake Forrest Rd. The lot is proposed to be subdivided into two parcels, and the applicant is seeking for a variance from Section 8.5 of the Tree Preservation Ordinance to allow for the removal of one 29" hardwood and a variance from Section 6.4.3.B of the Zoning Ordinance to reduce the 50 foot required front yard setback to 25 feet for the house proposed to be situated farthest from the right-of-way.

The lot is currently developed with one single family house in the middle of the lot. The lot falls toward creeks at the front and back of the property. The proposed lots would have stream buffer issues at either end of the building areas, and the steepness of the proposed lots leaves little area for a building site.

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;*

The applicant states that the proposed locations of the two houses are the best sites for the proposed lots. With two stream buffers on the lot and the fact that the lots are flattest where the homes are proposed, the applicant states the approval of these two variances would cause the least amount of disturbance to the site.

The submitted site plan shows the topography and the location of streams affecting the property. Also included, supporting the hardship, are photos showing the site.

Recommended Condition(s)

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. That the site be developed in accordance with the Site Plan provided by the applicant dated received January 16, 2006 by the Department of Community Development.
2. Six (6), four (4) inch hardwoods shall be planted to replace the removed tree.

ATTACHMENTS: Proposed site plan, letter of appeal, photos of site.

Variance Petition No. V06-038

HEARING & MEETING DATES

Design Review Board

June 27, 2006

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Mimms Enterprises

Petitioner
Signs USA

Representative
Tina Murray

PROPERTY INFORMATION

**Address, Land Lot,
and District** 5956 Roswell Rd. (SR 9)
Land Lot 90, District 17

Council District 3

Frontage and Area 960 feet of frontage along the south side of Hammond Dr. and 622' on the west side of Roswell Road. The subject property has a total area of 13 acres.

**Existing Zoning
and Use** C-1 (Community Business District) currently developed with one single family home.

Overlay District Main Street Overlay District

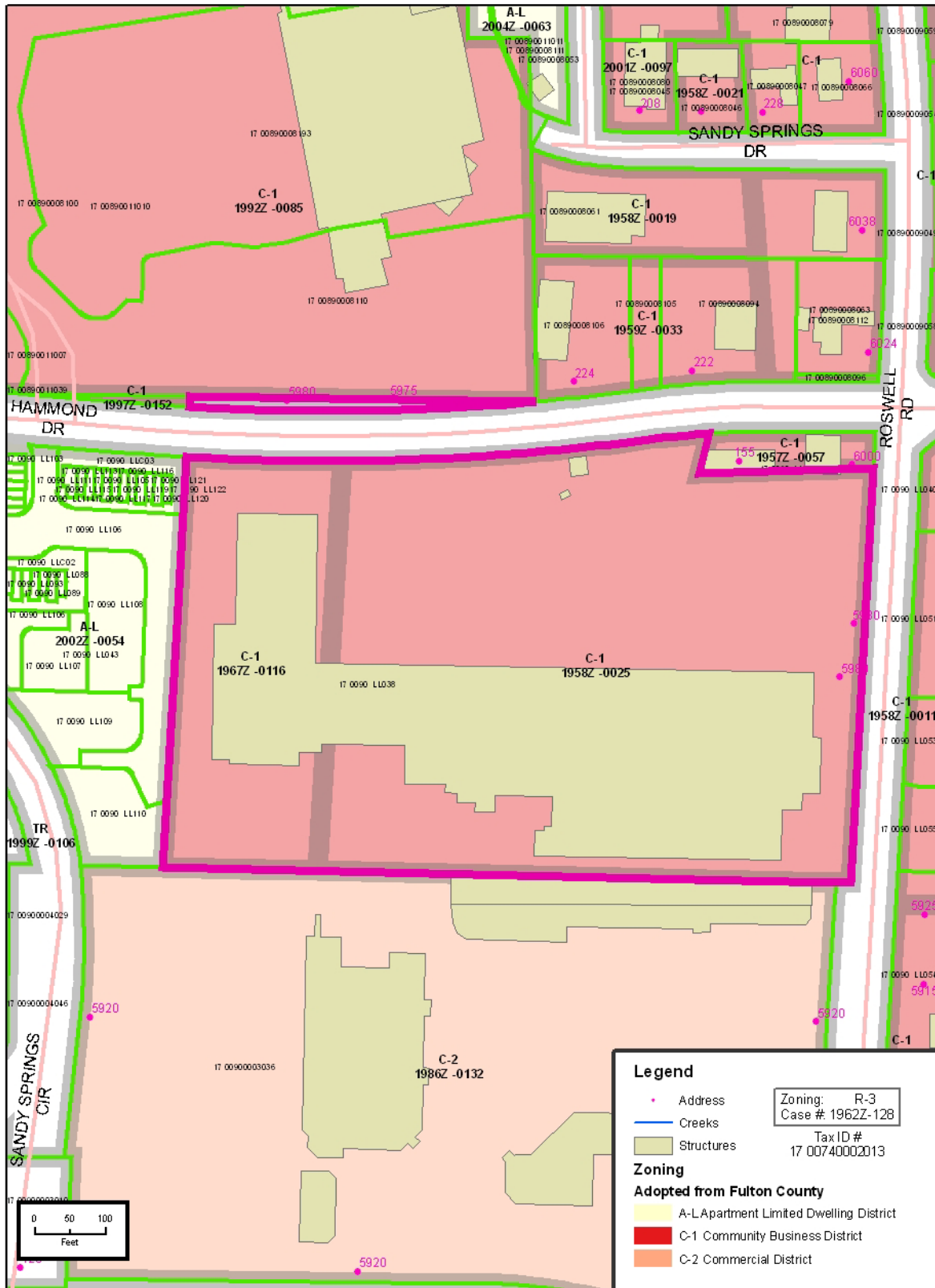
**Interim 2025
Comprehensive
Future Land Use
Map Designation** Live Work Community (LWC)

INTENT

The applicant seeks a primary variance from Section 33.7 F.5 of the Zoning Ordinance to allow a business sign on a wall that is not the exterior wall of the business.

Parcel Map

5956 Roswell Rd.



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

CASE NUMBER: V06-038

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

ANALYSIS:

The applicant is applying for a variance from section 33.6.8 of the Zoning Ordinance for a suite at 5956 Roswell Rd. The applicant is proposing an off site sign to go on the back of an adjoining suite facing Hammond Dr.

This variance went before the Design Review Board on June 27, 2006. The Board voted not to recommend approval of the variance.

Presently, Knuckle Up fitness has one wall sign in the corner of the shopping center facing Hammond Dr.

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;*

The applicant states that the single sign at the corner of the shopping center is not sufficient to advertise the health club in the back corner of the site. The applicant believes that the proposed new sign on the back of another business facing Hammond Dr. will help alleviate the visibility problem that this suite of the shopping center experiences due to its location.

ATTACHMENTS: Proposed sign site plan, and letter of appeal.

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

- a. The sign shall meet all other standards of the sign ordinance other than location.

Variance Petition No. V06-042

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Dar-Court Builders

Petitioner
Stewart Weinhoff

Representative
Stewart Weinhoff

PROPERTY INFORMATION

Address, Land Lot, and District
4785 Dudley Ln.
Land Lot 119, District 17

Council District
6

Frontage and Area
150 feet of frontage along the east side of Dudley Lane. The subject property has a total area of 0.74 acres.

Existing Zoning and Use
R-3 (Single Family Dwelling District), currently developed with one single family home.

Overlay District
None

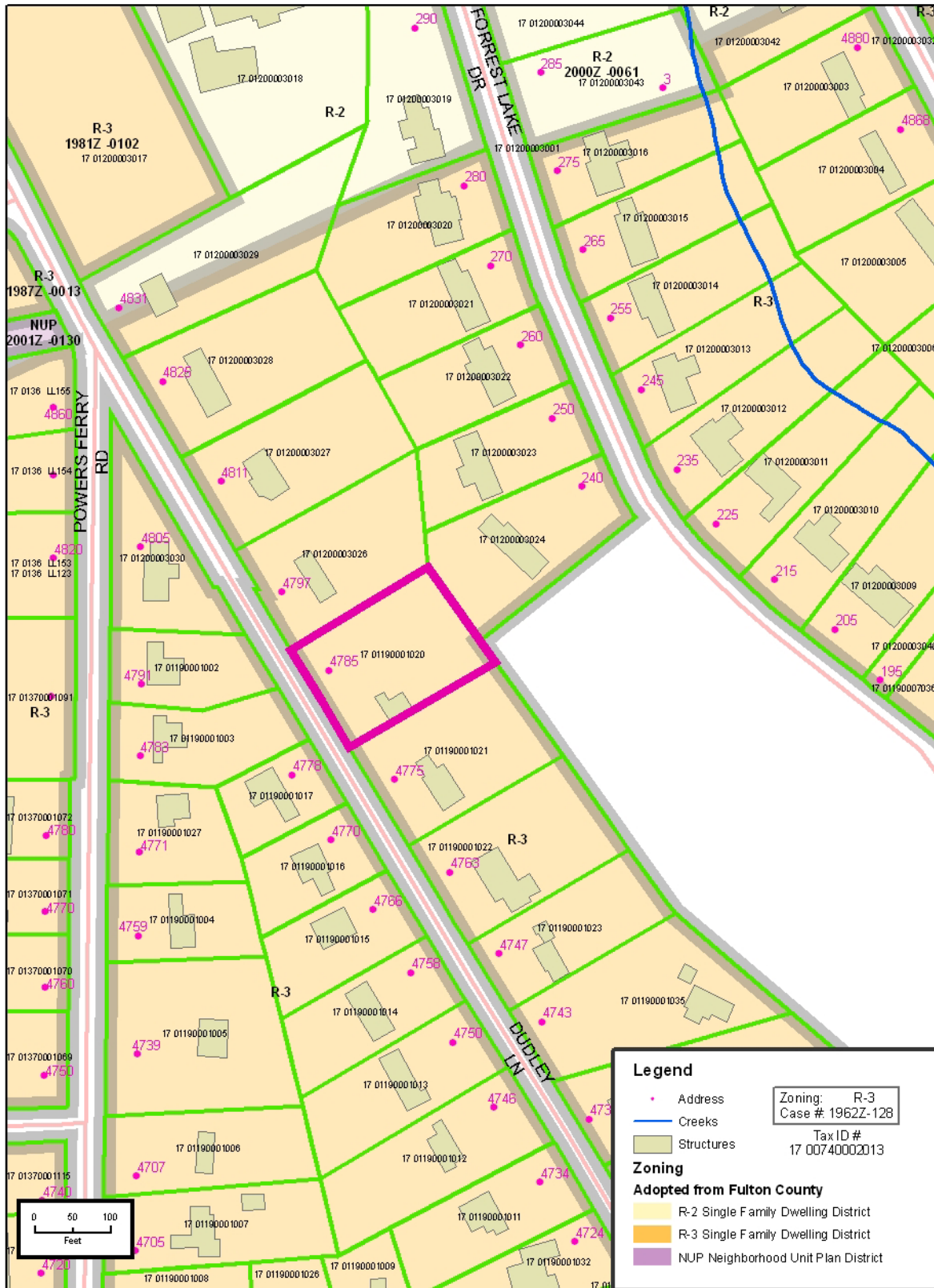
Interim 2025 Comprehensive Future Land Use Map Designation
R1-2 (1 to 2 units per acre)

INTENT

The applicant seeks primary variances from Section 8.5 of the Tree Preservation Ordinance to remove one (1) specimen tree and to encroach into the critical root zone of three (3) specimen trees to allow the construction of a single-family house.

Parcel Map

4785 Dudley Ln.



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

CASE NUMBER: V06-042

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

ANALYSIS:

The applicant is applying for a variance from Section 8.5 of the Tree Preservation Ordinance to remove one (1) specimen tree and encroach into the critical root zone of three (3) other specimen trees. The applicant is proposing to construct a new house on this single family lot.

An older house currently occupies the site and is proposed to be removed. A gas line and easements splits the parcel from northwest to southeast.

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;*

The applicant states that the existence of a gas pipeline and easement, along with building setbacks, severely restricts the available locations for houses on this lot. To build a residence consistent with the neighborhood, encroachment into the critical root zone of three trees and the removal of one tree is needed.

The applicant has provided little additional evidence to support the hardship claim of alternative space for a new structure. Also included, supporting the variance, are photos showing the site.

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 May 19, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan, and letter of appeal.

Variance Petition No. V06-046

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 27, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Mr. and Mrs. Jeffrey Schimelman

Petitioner

Mr. and Mrs. Jeffrey
Schimelman

Representative

Mr. and Mrs. Jeffrey Schimelman

PROPERTY INFORMATION

**Address, Land Lot,
and District** 305 Brixham Court.
Land Lot 74, District 17

Council District 3

Frontage and Area Approximately 62 feet of frontage along the east end of Brixham Court. The subject property has a total area of 0.84 acres.

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

Overlay District None

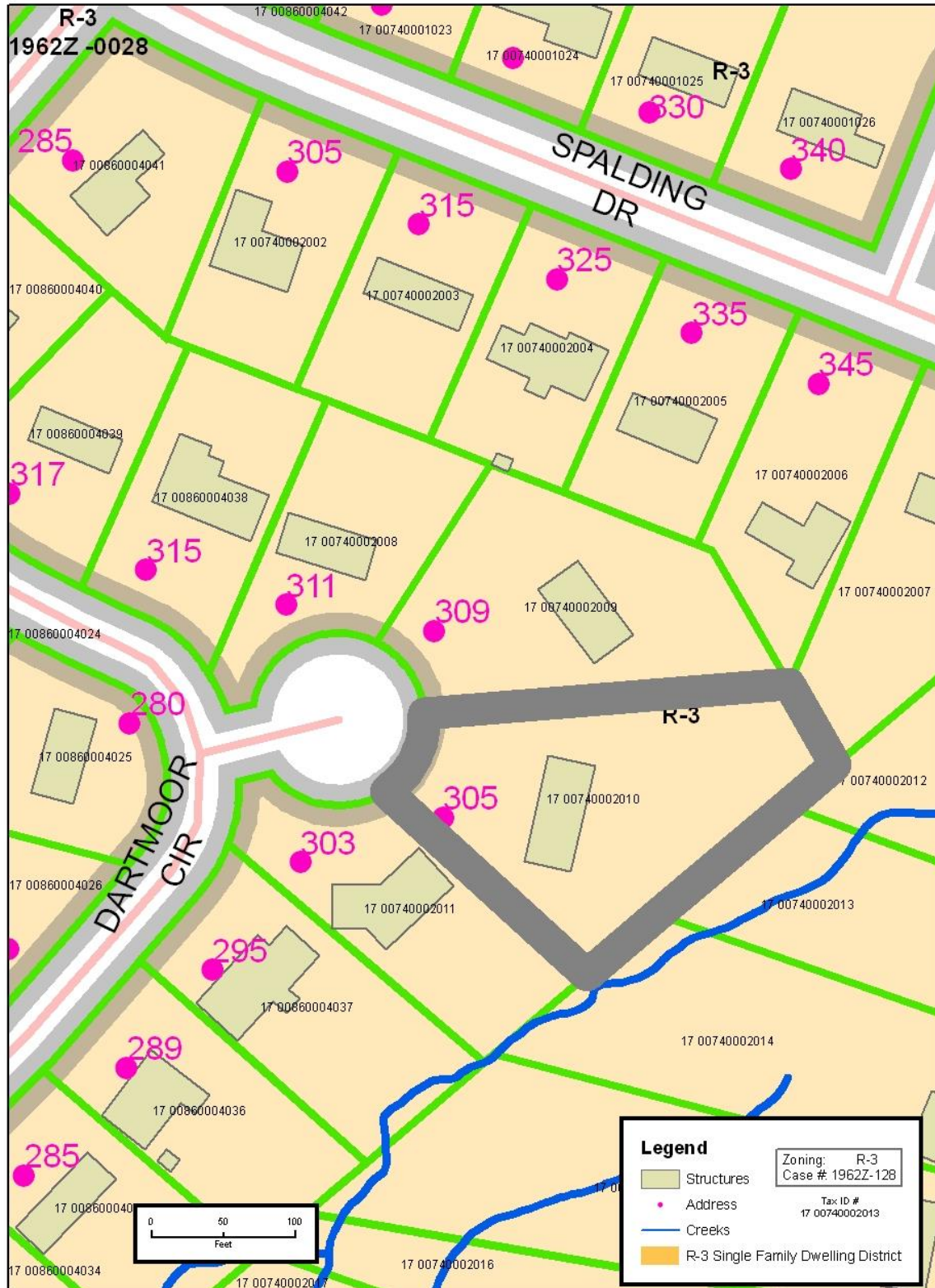
**Interim 2025
Comprehensive
Future Land Use
Map Designation** R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant seeks a primary variance from Section 14.6.5a part 2 of the Sandy Springs Development Regulations to reduce the Sandy Springs 75 foot stream buffer to 55 feet to bring the existing house into compliance (the house encroaches 10 feet into the buffer) and to allow for the construction of additions that will increase the encroachment by another 10 feet for a total encroachment into the 75 foot stream buffer of 20 feet.

Parcel Map

305 Brixham Ct.



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

CASE NUMBER: V06-046

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

ANALYSIS:

The applicant is requesting a primary variance from Section 14.6.5.a.1 of the Development Regulations to allow for home additions that would increase the encroachment of the existing house into the stream buffer by 10 feet. The existing house encroaches the buffer by 10 feet; therefore, the total encroachment into the buffer will be 20 feet.

This heavily wooded lot is currently developed with one single family house. The proposed additions would consist of a new garage outside of the buffer with a two story addition within the buffer consisting of a second story master bedroom addition and first floor study.

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;*

The applicant states as a hardship for relief from section 14.6.5.a.1 of the Development Regulations the fact that the proposed sites are the only adequate locations for the improvements. The site plan illustrates that a front addition would preclude much of the proposed additions as the topography of the site at the rear allows for two stories. Trees the applicant wishes to save also dominate the front yard, and an addition to the south would intrude further into the buffer than the present application. Additionally, the applicant indicates that the room types proposed would not be appropriate at other parts of the house.

The applicant's site plan provides good evidence supporting the hardship claim of little alternative space for this addition. Also included, supporting the hardship, are photos showing the proposed setback intrusion area and front yard trees.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received June 1, 2006 by the Department of Community Development.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. All pools within the 75 foot stream buffer shall be linked to the domestic water service/sewer lines.
4. Downspouts shall not be located within the 75 foot stream buffer. 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 flow directing device.

ATTACHMENTS: Proposed site plans, letter of appeal, and photo documentation of site.