

Rezoning Petition No. V06-054

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

B. Darrell Shepherd

Petitioner

B. Darrell Shepherd

Representative

B. Darrell Shepherd

PROPERTY INFORMATION

**Address, Land Lot,
and District**

1155 Windsor Parkway
Land Lot 13, District 17

Council District

5

Frontage and Area

154.20 feet of frontage along the southwest side of Windsor Parkway. The subject property has a total area of 0.68 acres.

Existing Zoning and Use

R-2A (Single-Family Dwelling District) under case Z61-035.

Overlay District

N/A

**Interim 2025
Comprehensive Future
Land Use Map
Designation**

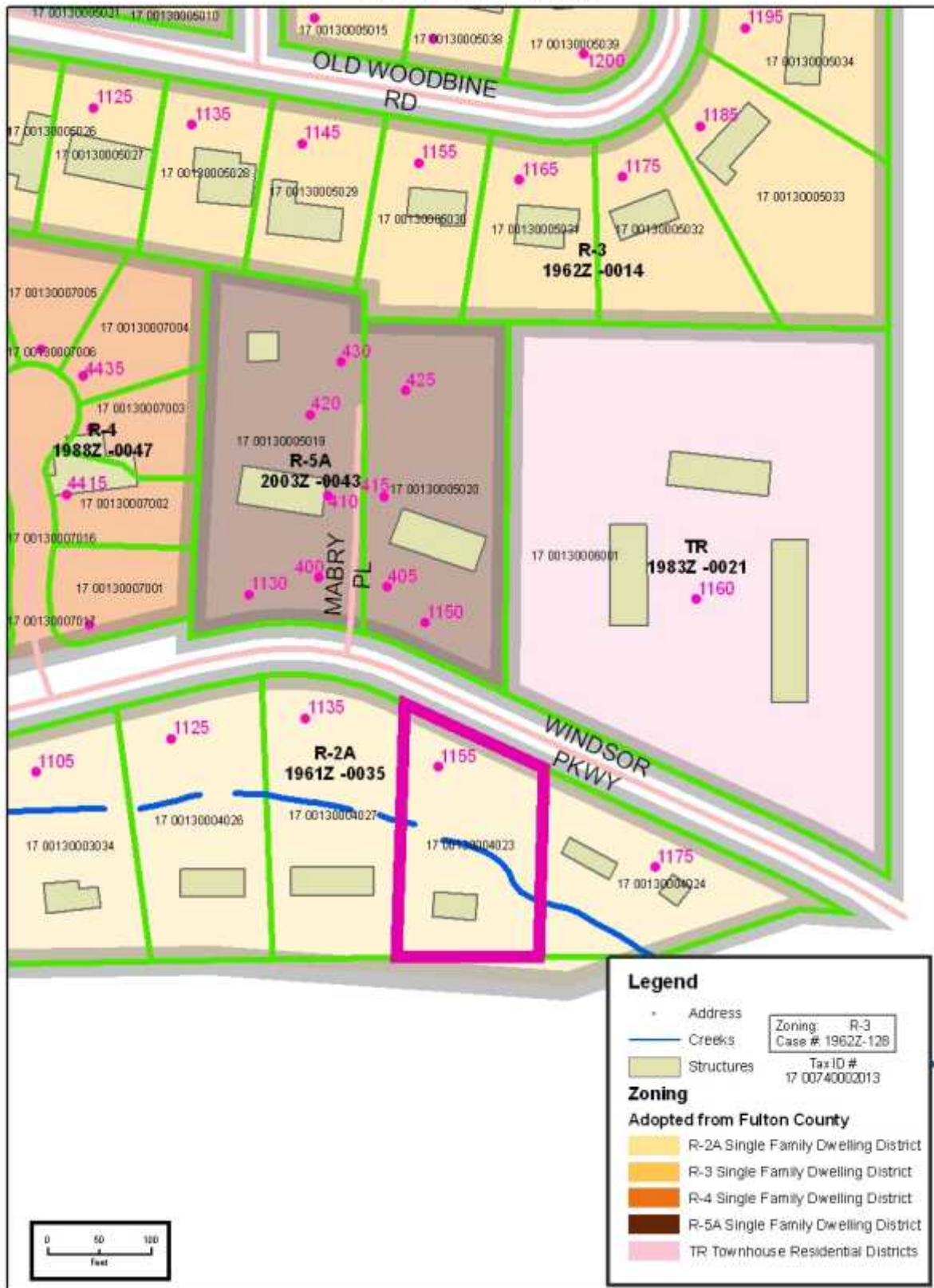
R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to allow an existing detached garage to be setback 3 feet from a stream. The garage is totally located in the 50 foot undisturbed portion of the 75 foot stream buffer.

Parcel Map

1155 Windsor Pkwy.



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

CASE NUMBER: V06-054

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 Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to allow an existing detached garage to be setback 3 feet from a stream where a 75 foot stream buffer is required.

The applicant states that the current owner purchased the house having a garage that was enclosed by the previous owner. The applicant wanted a new garage to protect his vehicles and to be in character with the neighborhood that, the applicant claims, has many detached and attached garages.

On November 17, 2004 Fulton County approved a site plan for building permit number B04-07159 for a detached garage located in its present position. Further confirming the validity of the building permit B04-07159, during the construction and inspection process, the building footing/foundation of the subject garage was apparently approved by a Fulton County Inspector in its present position.

The Georgia Department of Natural Resources (GDNR) determined that they were not going to consider a variance for the state 25 foot buffer due to the fact the garage is already constructed. GDNR will not process a variance application in the event that a violation to the state 25 foot buffer has occurred (no "after the fact" applications will be considered). According to their determination, after the fact variances are to be decided by the City of Sandy Springs.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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 garage additions are in harmony with the neighborhood because other homeowners in the area have built attached or detached garages. The applicant has not provided evidence to substantiate the above claim. In an attempt to be in harmony with the purpose and intent of the Zoning Ordinance, the applicant proffers, in his letter of appeal, to mitigate the impact of the construction and minimize the future impact of the construction. However, no mitigation plans have been provided by the applicant.

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 a hardship exists due to existing topography. He claims that due to existing steep slopes and a stream running across the width of the property, the original house was constructed in close proximity to the south and west property lines and that there was no other feasible place to locate the detached garage because of the existing house location and steep slopes. The applicant has provided topographical site plans and photographs to substantiate his claims. The applicant also states that due to Fulton County apparently approving a site plan for building permit number B04-07159 for a detached garage located in its present position and due to the fact that during the construction and inspection process, the building footing/foundation of the subject garage was apparently approved by a Fulton County Inspector in its present position, another hardship exists because it was never brought to light that there was an encroachment into the stream buffer. The applicant has provided copies of Fulton County approved site plans and copies of Fulton County inspection approvals of the building footing/foundation for B04-07159.

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 Plans provided by the applicant dated received July 7, 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. 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.
4. 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.
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 sections of the 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot 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.

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

Rezoning Petition No. V06-057

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Telfair Place Partners,
LLC

Petitioner

Viewpoint Homes, LLC

Representative

Dan Green

PROPERTY INFORMATION

**Address, Land Lot,
and District**

950 Telfair Close
Land Lot 24, District 17

Council District

4

Frontage and Area

565 feet of frontage along the northwest side of Benwell Drive and 200 feet along the southwest side of Pitts Road. The subject property has a total area of 3.186 acres.

Existing Zoning and Use

A-L (Apartment Limited Dwelling District) conditional under zoning case Z04-039.

Overlay District

N/A

**Interim 2025
Comprehensive Future
Land Use Map
Designation**

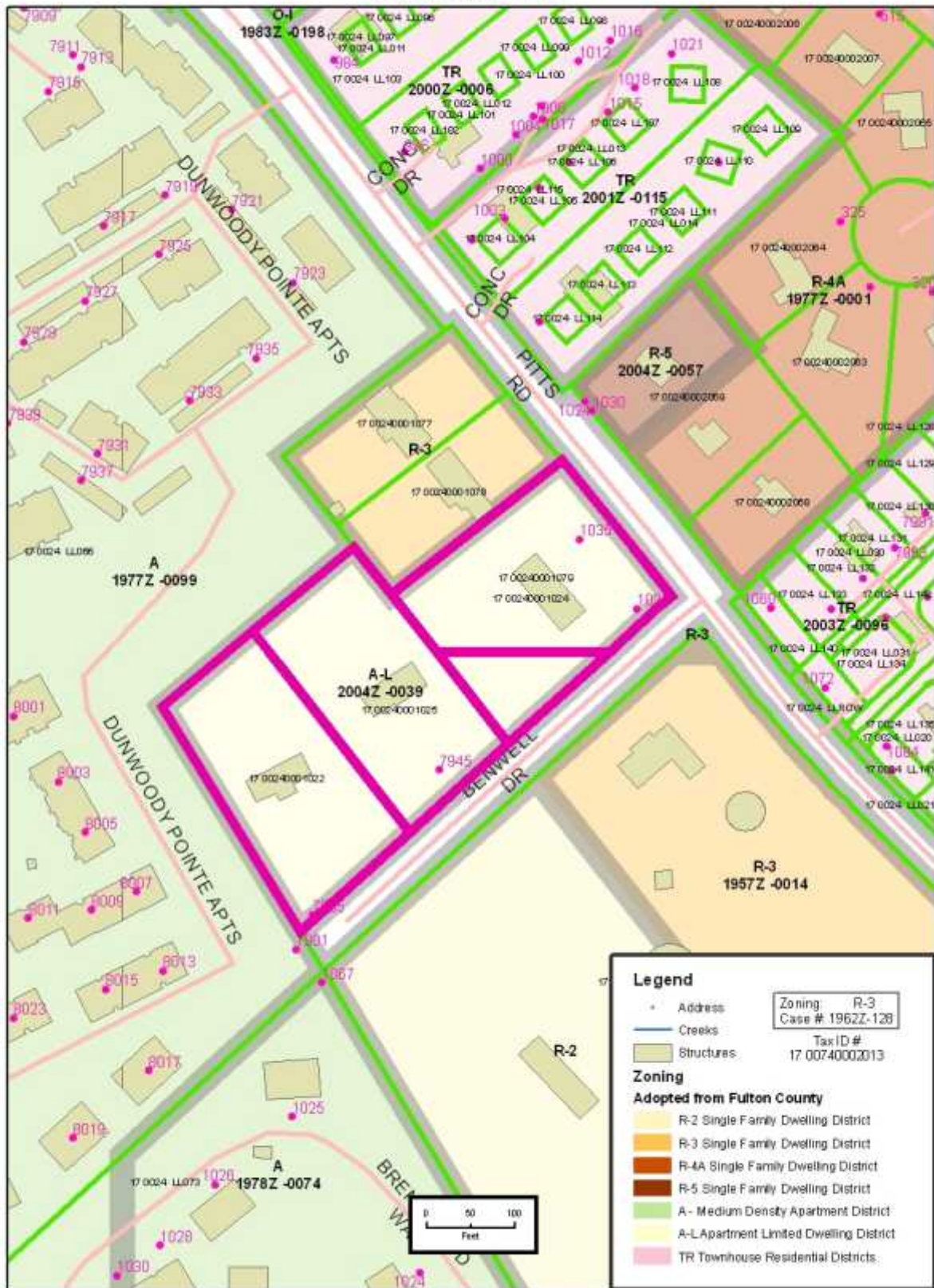
R12-20 Residential (12 to 20 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 7.4.3.D. of the Zoning Ordinance to reduce the minimum rear yard setback from 20 feet to 14.17 feet for the construction of a townhouse.

Parcel Map

950 Telfair Close



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

CASE NUMBER: V06-057

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

ANALYSIS:

The applicant is applying for relief from Section 7.4.3.D. of the Zoning Ordinance. The applicant is requesting a 14.17 foot rear-yard setback where a 20 foot setback is required to construct a townhouse.

The lot is irregularly shaped and is being developed with townhouse units, the orientation of which is skewed in relation to the rear property line. The townhouse unit that is proposed to encroach into the minimum rear yard setback has already had the foundation wall poured, but the applicant states that once the encroachment was discovered, no other construction activity has occurred to the subject building. Staff notes that the proposed encroachment is only for a corner of the building, not the entire width. The other townhouse units in the development comply with all the zoning district requirements.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ The applicant is advised to incorporate changes to design documents consistent with the final documents submitted for the units previously permitted.
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

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 states the subject property's irregular shape gave cause for having the proposed townhouse unit located in its present position and skewed in relation to the rear property line. The applicant further states that the proposed townhouse unit building will not cause detriment to the public because the proposed encroachment is minimal, not in the required landscape strip, and only at the corner of the building, not the entire width. The applicant has provided a Site Plan as evidence to support the above claims.

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 6, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, letter of appeal, and letters of support.

Rezoning Petition No. V06-061

HEARING & MEETING DATES

Design Review Board

June 27, 2006

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Sandy Springs Plaza
Associates, L.P.

Petitioner

Silverman Construction
Program Management

Representative

Art Fix

PROPERTY INFORMATION

**Address, Land Lot,
and District**

6225 Roswell Road (SR 9)
Land Lots 71 & 89, District 17

District

4

Frontage and Area

800 feet of frontage along the east side of Roswell Road and 410 feet of frontage along the north side of Johnson Ferry Road. The subject property has a total area of 9.71 acres.

Existing Zoning and Use

The property is zoned C-1 (Community Business District) under zoning case Z57-020.

Overlay District

Main Street District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

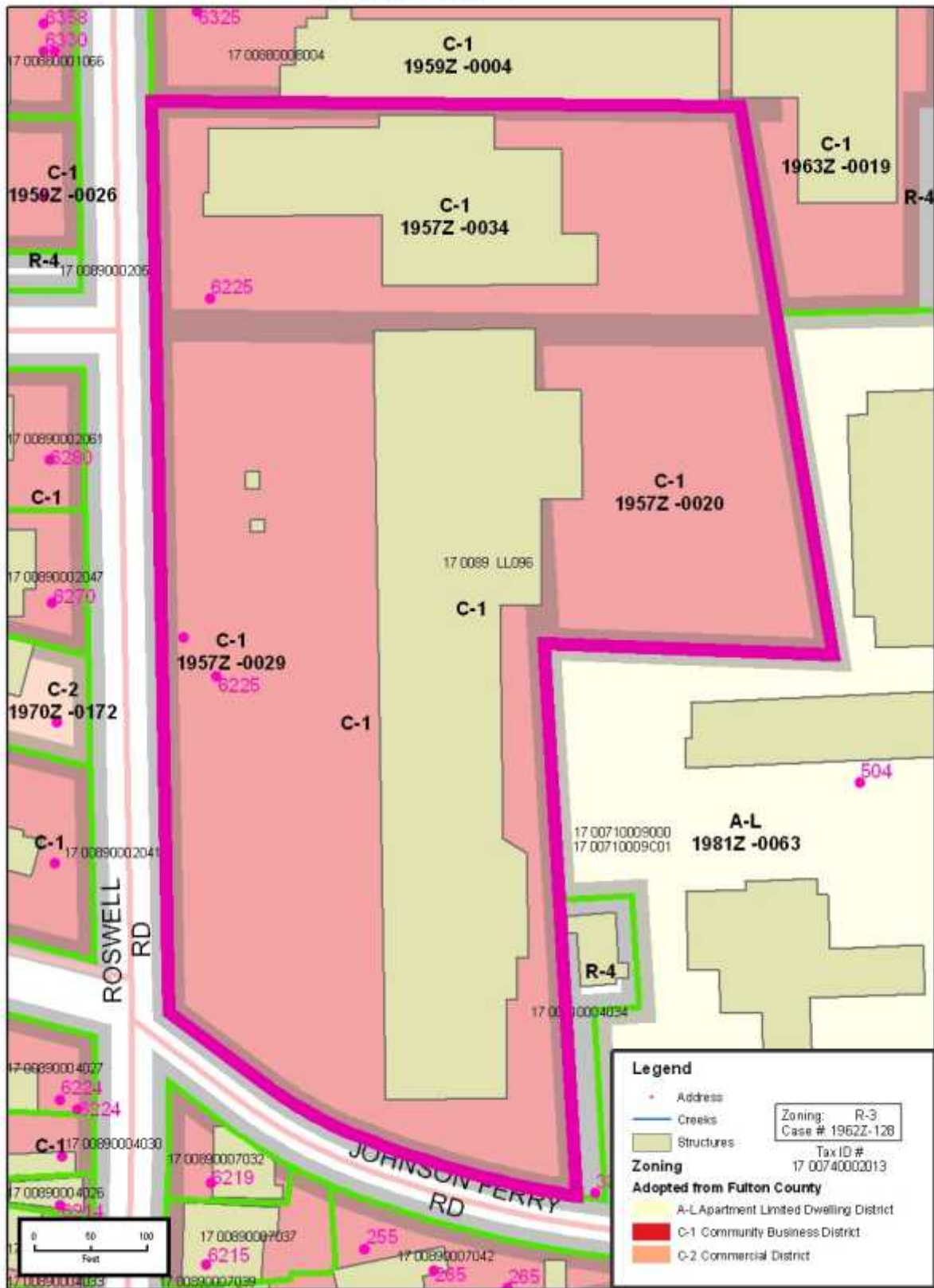
Live Work Community (LWC)

INTENT

The applicant is seeking a primary variance for relief from Section 12B2.2 of the Zoning Ordinance to allow phased construction of the Main Street Overlay District streetscape requirements per approved plans.

Parcel Map

6225 Roswell Rd.



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

CASE NUMBER: V06-061

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

ANALYSIS:

Apparently, under Fulton County's jurisdiction, it was determined that the valuation of work for exterior renovation of Sandy Springs Plaza did not equate to 40% of the property's assessed value and, therefore, did not require the implementation of Overlay District standard improvements for sidewalks, pedestrian lighting, and street trees. Under the City of Sandy Springs' jurisdiction, it was determined that the scope of exterior renovation did warrant the implementation of Overlay District standard improvements for sidewalks, pedestrian lighting, and street trees.

Because of this determination, the applicant is requesting a primary variance for relief from Section 12B2.2 of the Zoning Ordinance to construct and install streetscape improvements in phases as indicated in the approved hardscape and landscape development plans. The applicant is requesting additional time to complete the required improvements and to effectively plan the work to best accommodate his tenants' seasonal sales schedule.

The applicant proposes three phases:

Phase 1 - landscape along Johnson Ferry Road and Roswell Road, work to commence first quarter 2007;

Phase 2 - sidewalks, decorative paving, and decorative lighting along Johnson Ferry Road, twelve months after completion of phase 1, first quarter 2008; and

Phase 3 - sidewalks, decorative paving, and decorative lighting along Roswell Road, twelve months after completion of phase 2, first quarter 2009.

This variance application was heard by the Design Review Board at its June 27, 2006 meeting. The variance petition was endorsed by the DRB.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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;*

Although proposed in three (3) phases, the applicant states that the approved hardscape and landscape plans submitted by him are in accordance with the Overlay District requirements; therefore, in harmony with the purpose and intent of the Zoning Ordinance. The applicant states that a hardship exists because, under Fulton County's jurisdiction, it was determined that the valuation of work for exterior renovation of Sandy Springs Plaza did not equate to 40% of the property's assessed value and, therefore, did not require the implementation of Overlay District standard improvements for sidewalks, pedestrian lighting, and street trees (The applicant has provided copies of documentation from Fulton County to support the above claims.). Under the City of Sandy Springs' jurisdiction, it was determined that the scope of exterior renovation did warrant the implementation of Overlay District standard improvements for sidewalks, pedestrian lighting, and street trees. When the project will be completed, the plaza will comply with all the requirements of the overlay district, as shown on the plans submitted with the application.

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 and Landscape Development Plans provided by the applicant dated received June 12, 2006 by the Department of Community Development.
2. That the Main Street Overlay District streetscape requirements be installed in three phases as follow: phase 1 - landscape along Johnson Ferry Road and Roswell Road, work to commence first quarter 2007; phase 2 - sidewalks, decorative paving, and decorative lighting along Johnson Ferry Road, twelve months after completion of phase 1, first quarter 2008; and phase 3 - sidewalks, decorative paving, and decorative lighting along Roswell Road, twelve months after completion of phase 2, first quarter 2009.

ATTACHMENTS: Hardscape and landscape development plans, letter of appeal, and Fulton County Property Assessment Calculations.

Rezoning Petition No. V06-065

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Marek and Marzanna Omilian	Atlanta Classic Pools, Inc.	Teresa Rogers

PROPERTY INFORMATION

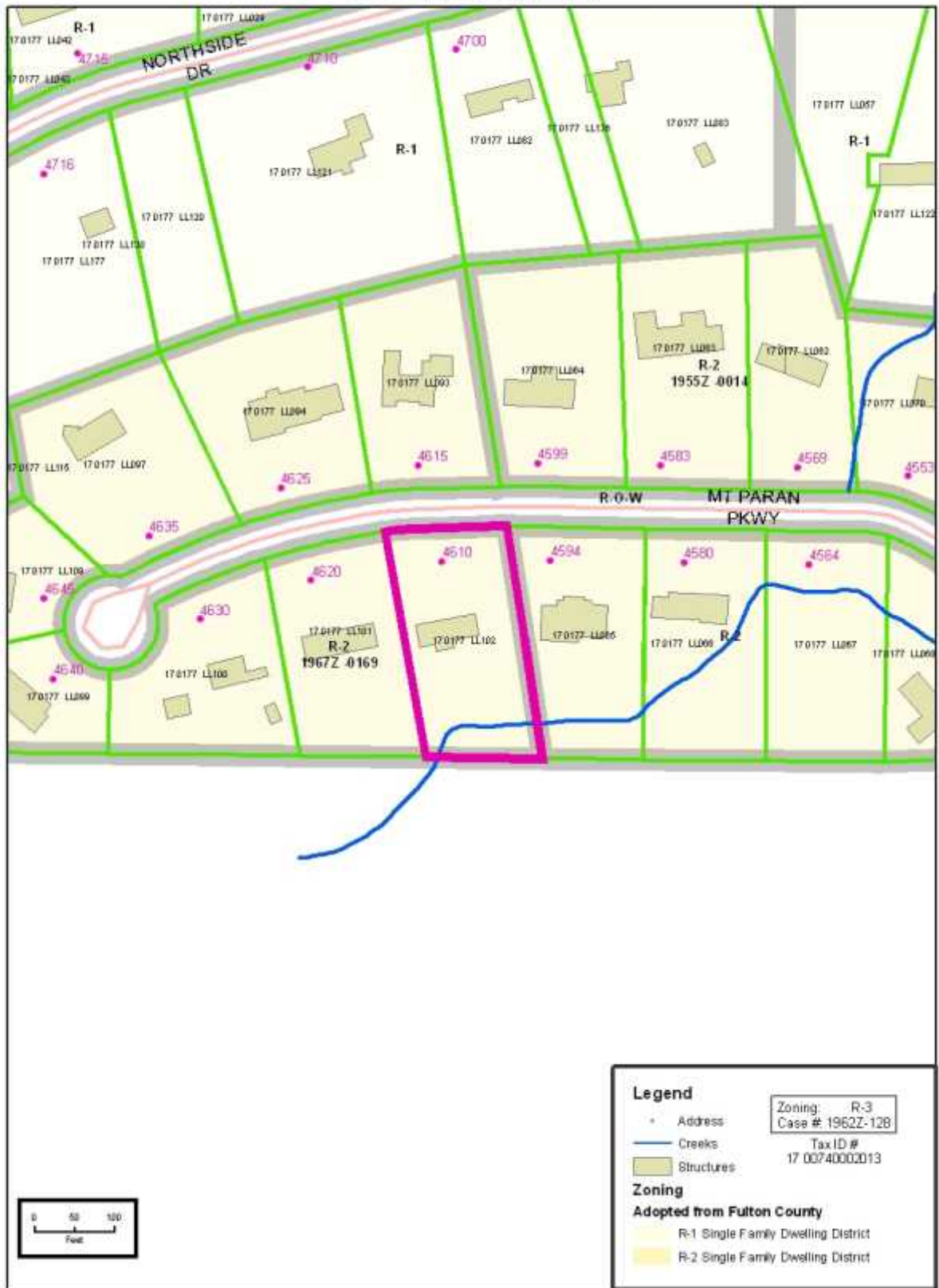
Address, Land Lot, and District	4610 Mount Paran Parkway Land Lot 177, District 17
Council District	5
Frontage and Area	157 feet of frontage along the south side of Mount Paran Parkway. The subject property has a total area of 1.016 acres.
Existing Zoning and Use	R-2 (Single-Family Dwelling District) under zoning case Z67-0169
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant seeks a primary variance from Section 14.6.5.a (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 50 feet to allow for the construction of a swimming pool, pool deck, and to allow for the location of the pool equipment.

Parcel Map

4610 Mt. Paran Pkwy



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

CASE NUMBER: V06-065

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 Section 14.6.5.a (ii) of the Sandy Springs Development Regulations to allow a proposed swimming pool, pool deck, pool equipment, and fence to be setback 50 feet from a stream. They are proposed to be located in the 25' impervious setback portion of the 75' stream buffer.

A creek runs along the back of the property, as shown on the site plan provided by the applicant.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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):

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 a hardship exists due to the lot's existing topography and small size. She claims that due to the existing house's location and existing slope of the lot and the fact that pools are required to be in side or rear yards, neither side yard of the house is suitable to construct a pool. She indicates that the rear yard of the house is also limited in buildable area by the location of a stream and the location of a sanitary sewer easement. The applicant states that the most feasible place for the construction of a pool is in the rear yard, which would encroach into a stream buffer. The applicant has provided a topographical site plan to support her claims.

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 Plans provided by the applicant dated received June 6, 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: Site plan and letter of appeal.

Variance Petition No. V06-084

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
5210 Powers Ferry, LLC	5210 Powers Ferry, LLC	George H. Freisem

PROPERTY INFORMATION

Address, Land Lot, and District	765 Crest Valley Drive Land Lot 164, District 17
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Council District	6
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Frontage and Area	210 feet of frontage along the north side of Crest Valley Drive and 210 feet of frontage along the west side of Powers Ferry Road. The subject property has a total area of 1 acre.
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Existing Zoning and Use	R-1 (Single Family Dwelling District)
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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 unit per acre)

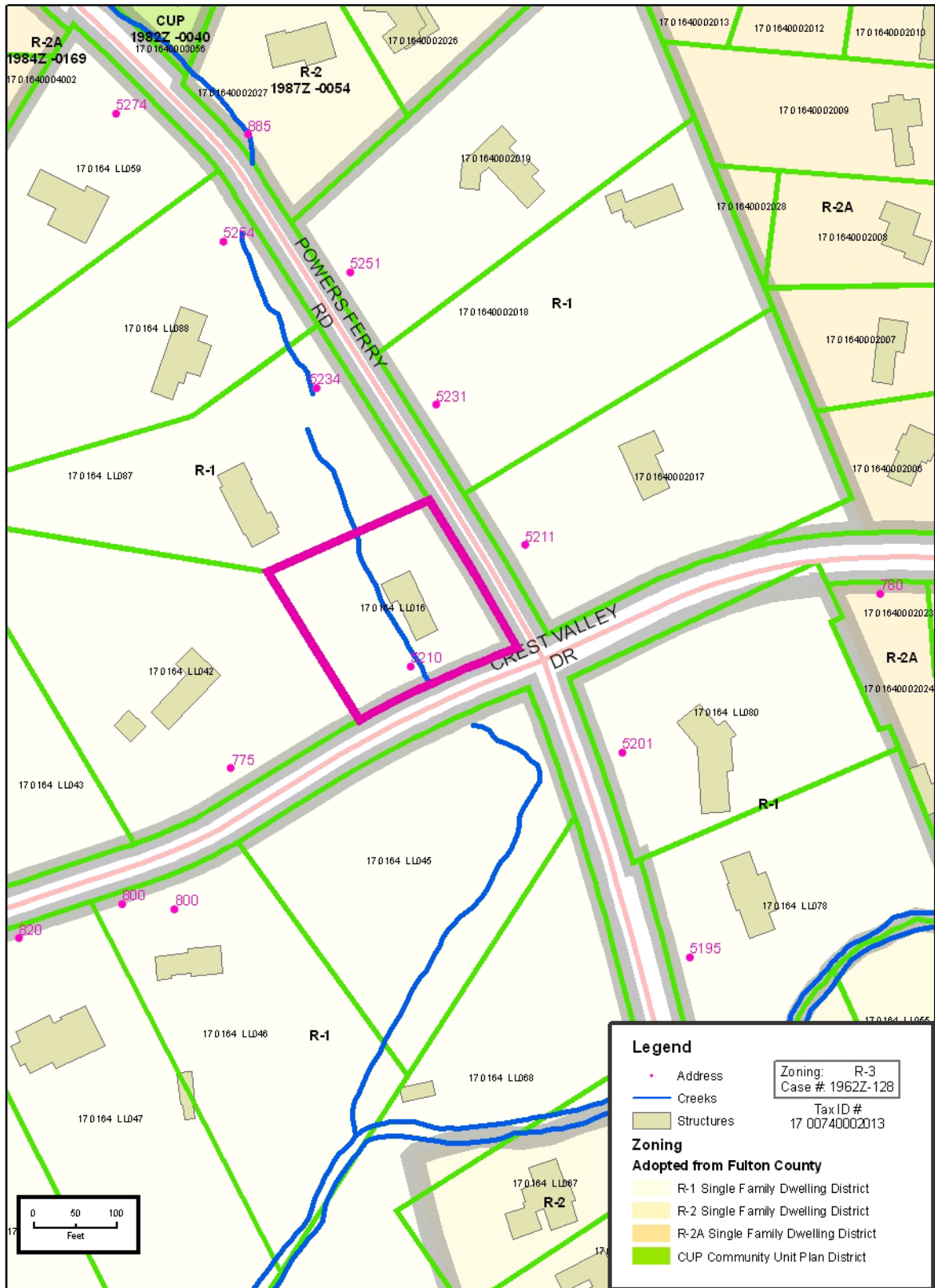
INTENT

The applicant is seeking a secondary variance to appeal the interpretation of the Director of the Department of Community Development, rendered April 4, 2006, with respect to the following determinations:

1. The pool, pool house, and certain retaining walls were not approved or permitted by Fulton County and require separate approvals and permits.
2. The seventy-five (75) foot stream buffer applies to the subject property with respect to all improvements not previously permitted by Fulton County.

Parcel Map

765 Crest Valley Dr.



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

CASE NUMBER: V06-084

STAFF CONTACT: Michael Zehner
Assistant Director, Planning and Zoning
E-mail: michael.zehner@sandyspringsga.org

BACKGROUND:

In June of 2005 the applicant received the approval of Fulton County for a building permit for a home to be constructed for the property located at 765 Crest Valley Drive. The applicant began work on the property in August of 2005. On December 1, 2005 the City of Sandy Springs incorporated. On December 13, 2005 the review and enforcement of the subject property came under the responsibility of the City of Sandy Springs. Subsequent to this date, the site was inspected regularly, and on April 26, 2006, the site was posted with a Notice of Violation for failure to maintain erosion control Best Management Practices (construction exit). On January 19, 2006, the City of Sandy Springs transferred the Fulton County building permit for the proposed single family residential structure. The applicant was thereby informed by the City that the pool, pool house, and retaining wall(s) not previously permitted separately by Fulton County must be permitted in the City of Sandy Springs with the applicable Fence and Retaining Wall Permit Application, Building Permit Application, and Pool Permit Application; however, the applicant was informed that some of the desired improvements requiring permits were located in the seventy-five (75) foot tributary stream buffer and could therefore not be permitted without variances.

APPEAL:

The applicant has indicated that the site plan with all indicated improvements was approved by Fulton County with the issuance of the building permit. Based on this contention, the applicant has indicated that the location of improvements is vested based on the approval of the site plan, regardless of whether or not additional permits are required. Based on this, the applicant indicates that the twenty-five (25) foot buffer, the effective regulation in place when Fulton County issued the subject building permit, should continue to control the location of improvements on the property in the manner indicated on the approved site plan.

BASIS FOR DIRECTOR'S INTERPRETATION/DETERMINATION:

The applicant has indicated and provided proof of the issuance of only one permit (BP2006-433) for the subject property pertaining to the construction of a single family residence and a retaining wall located next to the garage (along creek) and to the north of the house. The issued permit is the building permit attached herein that indicates the location of the new dwelling and other planned improvements for the property. It is the understanding of this office that Fulton County, as with the City of Sandy Springs, required separate permits for the construction of retaining walls and pools. Save the above mentioned retaining wall, the applicant has not provided this office with copies of any permits for the improvements beyond the single family dwelling.

Because the pool, pool house, and additional retaining walls were not permitted in Fulton County prior to the seventy-five (75) foot buffer being enacted, the permitting of the structures are subject to the seventy-five (75) foot buffer. This determination is based on Chapter 14, Article 6, Section 4(a) of the Code of Ordinances, in that the code section states that the ordinance regarding stream buffers shall not apply to "any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance." The only permitted activity present at the effective date of this ordinance was for the development of the single family dwelling and retaining wall located next to the garage (along creek) and north of the house. No separate permits for the additional retaining walls, pool or pool house were submitted or scheduled for approval. Therefore, it was determined that the stream buffer was not grandfathered with respect to the structures beyond the single family dwelling and above mentioned wall.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Zoning Appeals to uphold the determinations made by the Director of the Department of Community Development, thereby requiring the applicant to seek primary variances for the proposed encroachment on the seventy-five (75) foot tributary stream buffer.

Thank you for your attention to this matter.

ATTACHMENTS: Site plan, letter of appeal, letter of determination, and letter of opposition.

Rezoning Petition No. V06-044

HEARING & MEETING DATES

Design Review Board

June 27, 2006

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

William Collins

Petitioner

Jason Yowell

Representative

Jason Yowell

PROPERTY INFORMATION

**Address, Land Lot,
and District**

435 & 461 Johnson Ferry Road
Land Lot 71, District 17

Council District

3

Frontage and Area

388 feet of frontage along the south side of Johnson Ferry Road.
The subject property has a total area of 1.643 acres.

Existing Zoning and Use

R-4 (Single-Family Dwelling District) conditional under Z06-006, currently developed with two (2) houses.

Overlay District

Urban District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

R3-5 Residential (3 to 5 units per acre)

INTENT

The applicant is requesting a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees for the construction of a single-family house.

This application was originally intended for the removal of one tree. The applicant added the removal of two additional trees after the application was advertised for one tree only. Staff is recommending deferral of this application to include the removal of two (2) additional trees with this application.

Parcel Map

435, 461 Johnson Ferry Rd.



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

CASE NUMBER: V06-044

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

ANALYSIS:

The applicant is requesting a primary variance from Section 8.5 of the Tree Preservation Ordinance to permit the removal of three (3) specimen trees. The Mayor and City Council approved petition RZ06-006 to rezone the subject property to R-4 (Single Family Dwelling District) conditional at the May 16, 2006 hearing. The rezoning allows the subdivision of the subject property into five (5) lots. The presence of the trees does not preclude the applicant for subdividing the property into the five (5) lots allowed by zoning.

One condition of RZ06-006 pertains to an approved conceptual site plan that, prior to approval of a Land Disturbance Permit, must meet or exceed the requirements of the Zoning Ordinance and conditions of RZ06-006. The site plan provided by the applicant for this application is in accordance with the approved site plan under RZ06-006 and, as such, includes lot number one having accurate required building setback lines designating the buildable area of the parcel. Within the relative approximate center of lot number one's buildable area is shown a specimen oak tree that the applicant is requesting to remove. Also, the applicant is requesting to remove two other trees that are located where the proposed sidewalk for the development is going to be placed.

On June 27, 2006, the Design Review Board (DRB) recommended approval of the variance request.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for the proposed 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 even though he is requesting to remove three (3) specimen trees, he will be saving many more existing trees. In addition, he is proposing to plant additional trees to supplement the existing trees to remain. The applicant has provided a proposed landscape plan to support 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 TBD by the Department of Community Development.
2. That the site be developed in accordance with the Landscape Plan provided by the applicant dated received TBD by the Department of Community Development.

ATTACHMENTS: The letter of appeal, site plan, and landscape plan are being revised by the applicant to reflect the inclusion of the two (2) additional trees.

Rezoning Petition No. V06-047

HEARING & MEETING DATES

Design Review Board

June 27, 2006

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Fulton County

Petitioner

Heritage Sandy Springs

Representative

D.J. Delong

PROPERTY INFORMATION

**Address, Land Lot,
and District**

135 Hilderbrand Road
Land Lot 89, District 17

Council District

3

Frontage and Area

270 feet of frontage along the north side of Sandy Springs Place and 100 feet of frontage along the west side of Bluestone Road. The subject property has a total area of 4.22 acres.

Existing Zoning and Use

The property is zoned O-I (Office and Institutional District) conditional under zoning case Z03-188. Additionally, a use permit was approved under U03-026 and an administrative variance was approved under CV06-001 for Amphitheater usage.

Overlay District

Main Street District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

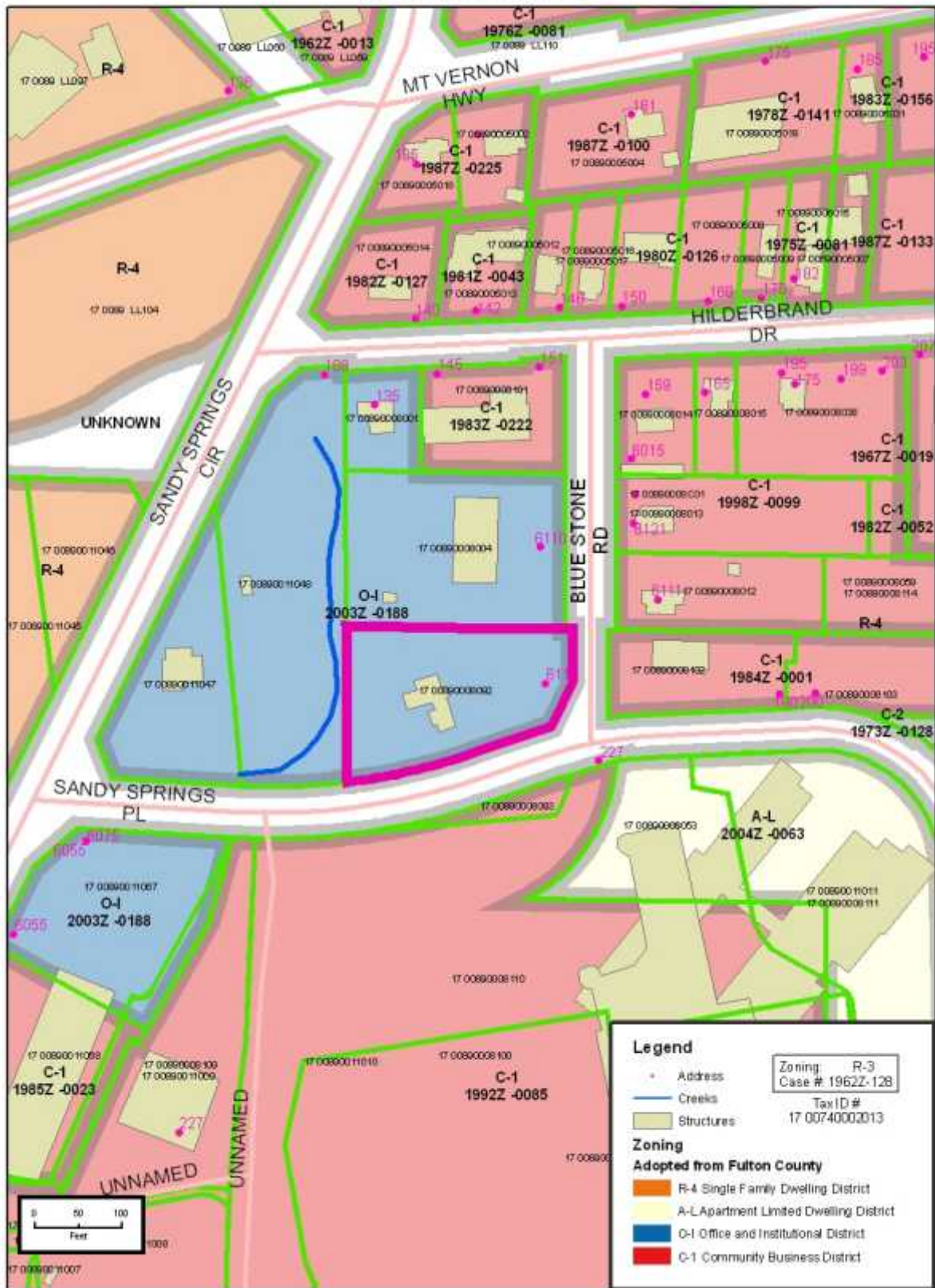
Public Recreation and Conservation (PRC)

INTENT

The applicant is seeking a primary variance for relief from Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 25 feet to allow for the construction of an amphitheater.

Parcel Map

135 Hilderbrand Dr.



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

CASE NUMBER: V06-047

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 Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to allow a proposed amphitheater to be setback 25 feet from the top of stream bank.

On June 27, 2006, the Design Review Board (DRB) endorsed the variance request. It was noted that the applicant will be required to install the required Main Street District streetscape in conjunction with the building permit.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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 even though the construction of the proposed amphitheater will create impervious features such as sidewalks, stone seat-walls, and a stage area, the completed project would retain existing trees and result in the elimination of existing impervious asphalt surfaces to be replaced with landscaped areas. The applicant further states he believes that due to the neighboring public uses such as the Williams-Payne House, the proposed amphitheater would be beneficial for the welfare of the community, would be in character with surrounding uses, and would be the most appropriate use of the land. The applicant also states that the remaining granite wall could be utilized to eliminate any affect proposed construction might have on the springhead and that the project , as designed, would not only benefit the community as a whole but would benefit the health of the existing stream. The applicant has provided a site plan to support 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 in order to create a larger, appropriate amphitheater setting, having a stage visible from higher ground, the existing topography and trees had to be considered. The applicant also states that the proposed design of the amphitheater, including the stage location, most benefits the public while saving existing trees. The applicant has provided a site plan to support the above claims.

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 Plans provided by the applicant dated received June 5, 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. 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.

4. Stream crossings shall be as narrow as possible and shall be pervious.
5. 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.
6. The 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot buffer.
7. 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.
8. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

ATTACHMENTS: Site plan and letter of appeal.

Variance Petition No. V06-052

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Terry and Cecile Marks	Terry and Cecile Marks	Terry and Cecile Marks

PROPERTY INFORMATION

Address, Land Lot, and District.	565 Trimble Lake Ct. Land Lot 14, District 17
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Council District	5
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Frontage and Area	90 feet at the southern side of Trimble Lake Ct. The subject property has a total area of .6 acres.
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Existing Zoning and Use	CUP (Community Unit Plan District)
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Overlay District	None
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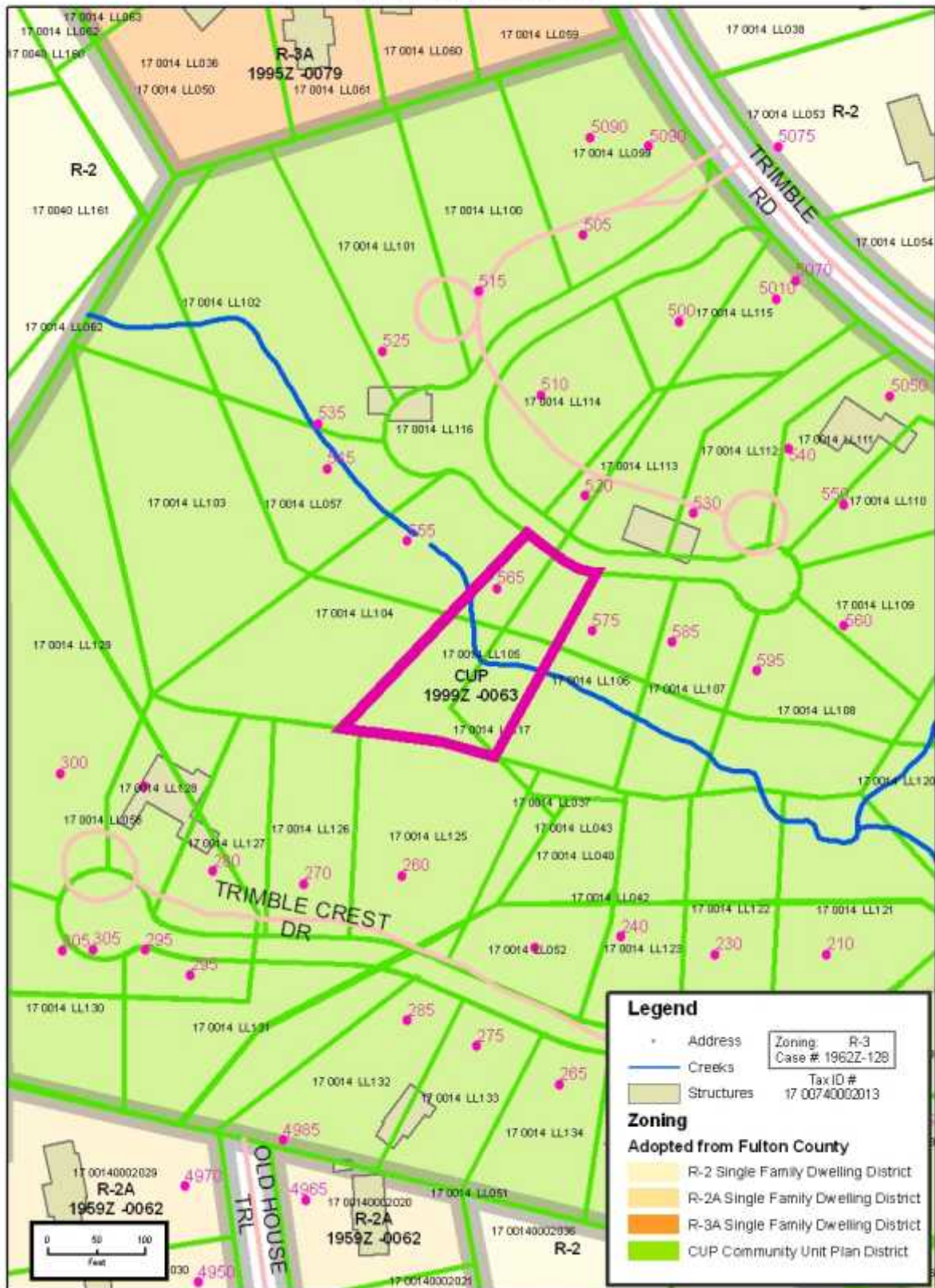
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance from Section 14.6.5.a i and ii of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 35 feet to allow for the construction of a swimming pool.

Parcel Map

565 Trimble Lake Ct.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 10, 2006

Rezoning Petition No. V06-053

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Mark and Lisa Wolfe

Petitioner

Brad Heppner

Representative

Brad Heppner

PROPERTY INFORMATION

**Address, Land Lot,
and District**

5549 Long Island Drive
Land Lot 122, District 17

Council District

6

Frontage and Area

53.68 feet of frontage along the southeast side of Long Island Drive. The subject property has a total area of 1.04 acres.

Existing Zoning and Use

R-2 (Single-Family Dwelling District) conditional under case Z01-040.

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 for relief from Section 6.1.3.I of the Zoning Ordinance to allow an accessory pool-house to be located in the front yard of the lot.

Parcel Map

5549 Long Island Dr.



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

CASE NUMBER: V06-053

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 Section 6.1.3.I of the Zoning Ordinance to allow an accessory pool-house to be located in the front yard of the lot.

The lot is irregularly shaped and has an existing house having its main entrance/facade at the rear of the property. Due to the shape of the lot, the existence of a lake, and the location of a sanitary sewer easement, the house was built at a distance over 300 feet from its frontage on Long Island Drive. In addition, there is an existing pool located at the front yard of the lot. The applicant wants to construct a pool- house to compliment the existing pool.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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):

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 a hardship exists because the subject property has highly restrictive topography and shape. The front portion of the lot is too narrow to allow any new construction and is further restricted from development by the location of a lake and a sanitary sewer easement. The applicant also states that the orientation of the existing house and pool supports the need for this variance request. The applicant proposes to stay out of the required setbacks. The applicant indicates that the pool-house is proposed to be approximately 300 feet from the lot frontage, thereby, which reduces the impact on surrounding properties. The applicant has provided site plans to support the above claims.

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 Plans provided by the applicant dated received June 6, 2006 by the Department of Community Development.

ATTACHMENTS: Site plans and letter of appeal.

Variance Petition No. V06-048

HEARING & MEETING DATES

Design Review Board Meeting

July 11, 2006
July 25, 2006

Board of Zoning Appeals Hearing

August 10, 2006
October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Cornerstone Bank

Petitioner

Cornerstone Bank

Representative

John O'Shea Sullivan/Burn &
Forman LLP

PROPERTY INFORMATION

**Address, Land Lot,
and District**

6344 Roswell Road (SR9)
Land Lot 88 & 89, District 17

Council District

4

Frontage and Area

474 feet of frontage along the west side of Roswell Road. The
subject property has a total area of 7.0 acres.

Existing Zoning and Use

C-1 (Community Business District) under Fulton County
Zoning case Z63-026.

Overlay District

Main Street District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

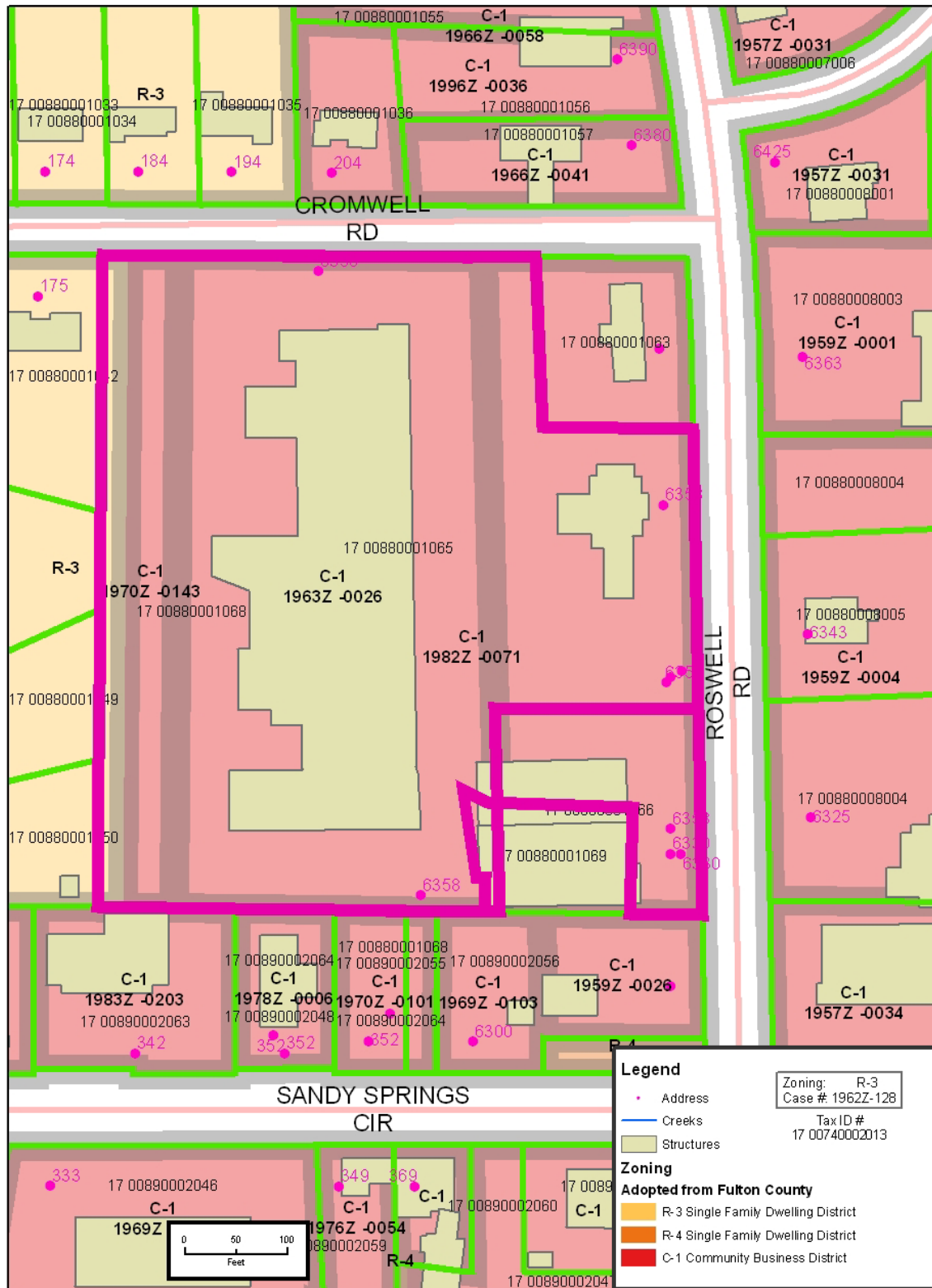
Live Work Community (LWC)

INTENT

The applicant is seeking a primary variance for relief from Section 12B.6.A.2 of the Sandy Springs Zoning Ordinance to allow for the erection of a second free-standing sign in a shopping center where only one is allowed.

Parcel Map

6344 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 12, 2006

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V06-048

STAFF CONTACT: Cristina Nelson, Planner I/Sign Coordinator
770-730-5569
cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is applying for a variance from Section 12B.6.A.2 of the Sandy Springs Zoning Ordinance to allow a second free-standing monument sign to advertise the Cornerstone Bank's Sandy Springs branch office located in the Cromwell Square Center. The bank building is detached from the shopping center building; however, its location is not an out parcel of the shopping center. The applicant is proposing a monument sign 18.75 square feet in area and 5 feet in height, with an aluminum cabinet internally illuminated. The sign face is to be painted white, red, and grey and placed on a brick base. The proposed sign meets the current ordinance for overall design size and height above grade for free-standing signs. The shopping center has an existing free-standing sign advertising the tenants. The free-standing sign includes the Cornerstone Bank.

This application was heard by the Design Review Board at its July 11, 2006 meeting. It was denied. The applicant revised the design of their original request and revisited with the Design Review Board. The applicant reduced the height from 6 feet to 5 feet and changed the location of the sign to the northern side of the building where a parking island is to be installed. In this proposed location, the sign would be 35 feet from right-of-way. The City of Sandy Springs Design Review Board at its July 25, 2006 meeting made the recommendation of denial of the revised free-standing sign.

The variance petition was heard by the Board of Zoning Appeals at the August 10, 2006 hearing and the application was deferred for sixty (60) days by the Board of Zoning Appeals, to give the applicant an opportunity to explore other options for advertisement with the shopping center owner.

The applicant, as stated in the letter provided to staff, dated September 26, 2006, and dated received September 27, 2006 by the Department of Community Development, following the Board recommendations, requested to his Landlord for additional signage exposure for its building. The Landlord stated that at this time couldn't offer the bank any further signage for its building other than what is already provided, due to contractual agreements with other tenants in the shopping center.

In addition, the applicant revised the design of the second sign requested and use grey as the predominant color of the sign, with red as an accent color (Exhibit D). The applicant is requesting to get approval for a sign 5 feet tall, 18.75 square feet in area with aluminum cabinet internally illuminated, placed on a brick base.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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. *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 applicant states in his letter of intent that the bank's entire building, not just its wall signage or the free-standing sign in the shopping center, cannot be read or even seen by southbound motorists on Roswell Road. There are large trees located at the corner of the adjoining northern parcel. They indicated that contributing to the bank's lack of visibility is the curve on Roswell Road that begins down the hill at Sandy Springs Toyota, blocking any view of the building, the bank's wall sign, and the free-standing sign in the shopping center. The applicant provided photographs, taken southbound on Roswell Road, to support this concern for their visibility. The applicant also indicates that they are a locally owned community bank that requires significant visible signage during their startup phase.

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 conditions:

1. That the sign be located in accordance with the Site Plan provided by the applicant dated received July 18, 2006 by the Department of Community Development.
2. That the sign shall not be higher than 5 feet and shall not exceed 18.75 square feet in area, pursuant to the sign design detail, submitted by the applicant dated received September 27, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, sign elevations, photos of proposed sign site and existing free-standing sign, and letter of appeal.

Variance Petition No. V06-062

HEARING & MEETING DATES

Design Review Board Meeting

June 27, 2006

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Sandy Springs Plaza

Petitioner

Pam Pellon/Permit
Resources, Inc.

Representative

Pam Pellon

PROPERTY INFORMATION

**Address, Land Lot,
and District**

6225 Roswell Road (SR9)
Land Lot 89, District 17

Council District

4

Frontage and Area

799.07 feet of frontage along the east side of Roswell Road. The subject property has a total area of 9.6 acres.

Existing Zoning and Use

C-1 (Community Business District) under Fulton County zoning case Z57-029.

Overlay District

Main Street District

**Interim 2025
Comprehensive Future
Land Use Map
Designation**

Live Work Community (LWC)

INTENT

The applicant seeks eleven primary variances of the Sandy Springs Zoning Ordinance to allow the reinstallation of signs.

1) Variance from Section 33.7.F.5 to allow one sign (Buckhead Uniforms) on a wall that is not an exterior wall of the tenant space.

2) Variance from Section 33.7.F.5 to allow one sign (Alterations) on a wall that is not an exterior wall of the tenant space.

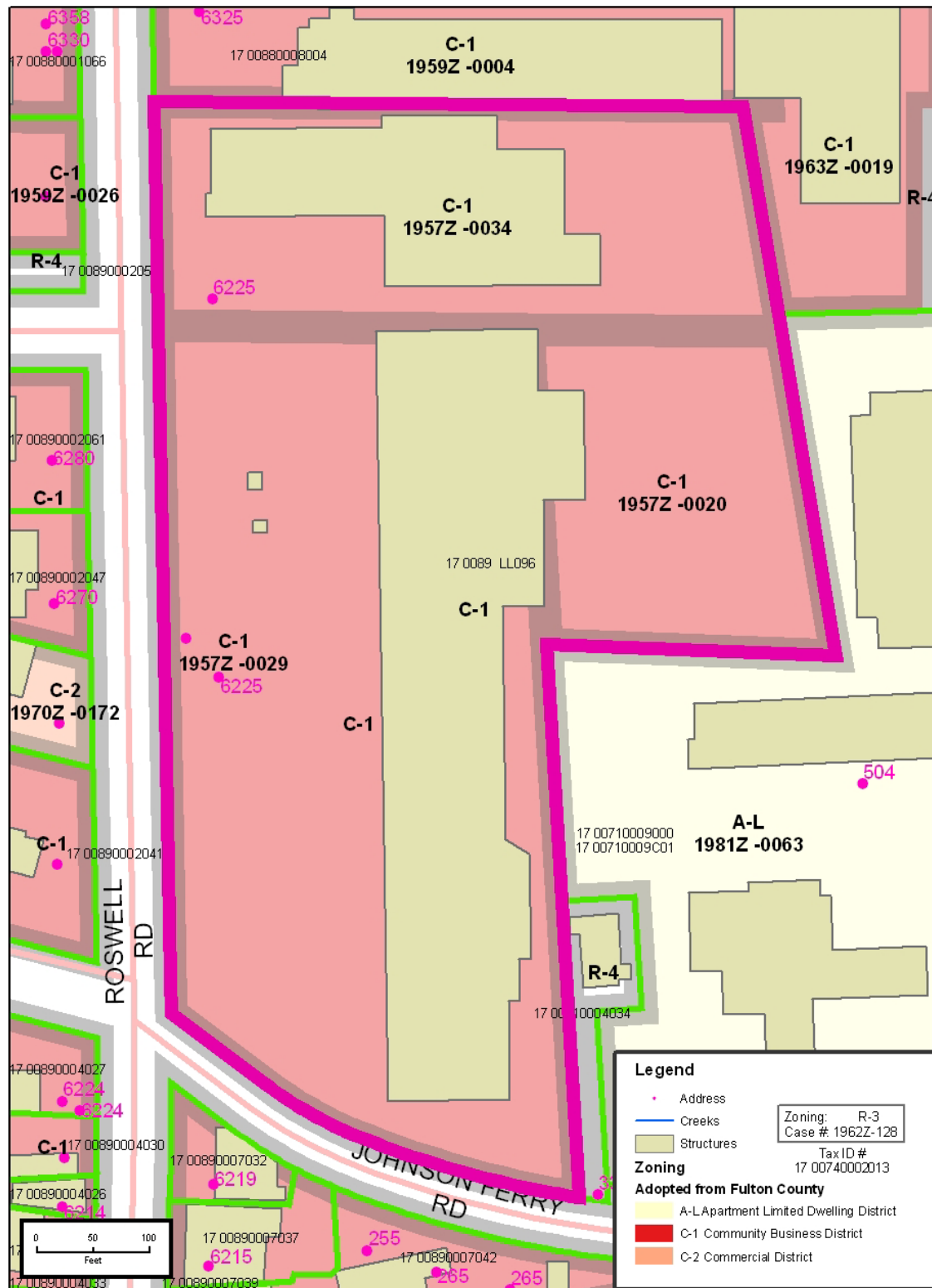
3) and 4) Two variances from Section 33.7.F.5 to allow one sign (endymion) on a wall that is not an exterior wall of the tenant space and to allow the sign to exceed the 5% of the applicable wall area.

5) Variance from section 12B.6.B.2.a to allow one wall sign (Philly Connection) on the front of the tenant space to exceed the 5% of the applicable wall area.

- 6) Variance from section 12B.6.B.2.a to allow one wall sign (lisa Brown Atlanta) on the front of the tenant space to exceed the 5% of the applicable wall area.
- 7) Variance from section 12B.6.B.2.a to allow one wall sign (The Real Mandarin House) on the front of the tenant space to exceed the 5% of the applicable wall area.
- 8) Variance from section 12B.6.B.2.a to allow one wall sign (Smoothie King) on the front of the tenant space to exceed the 5% of the applicable wall area.
- 9) Variance from section 12B.6.B.2.a to allow one wall sign (New York Pizza) on the front of the tenant space to exceed the 5% of the applicable wall area.
- 10) Variance from section 12B.6.B.2.a to allow one wall sign (Shoe Repair) on the front of the tenant space to exceed the 5% of the applicable wall area.
- 11) Variance from section 12B.6.B.2.a to allow one wall sign (Any Lab Test) on the front of the tenant space to exceed the 5% of the applicable wall area.

Parcel Map

6225 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 10, 2006

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

CASE NUMBER: V06-062

STAFF CONTACT: Cristina Nelson, City Planner 770-730-5569
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is seeking relief from Section 33.7.F.5 Wall Signs of the Sandy Springs Zoning Ordinance to allow three (3) businesses to display their signs on walls that are not exterior to their tenant space (variance 1, 2, and 3). Additionally, the applicant is seeking relief from Section 12B.6.B.2.a Wall Signs of the Sandy Springs Overlay Ordinance to allow eight (8) businesses to exceed the allowable sign area (variance 4, 5, 6, 7, 8, 9, 10, and 11).

The Sandy Springs Plaza is undergoing a major renovation of the buildings façade. To facilitate construction, the wall signs identifying the business were removed. The applicant states in his letter of appeal, that at the time of the signs removal, the signs were removed under the Fulton County assurance that they could be installed back as they were. The City of Sandy Springs Planning and Zoning Division, during the signs permit review, determined that the removed signs were not code compliant. Therefore, variances were necessary to be in compliance with the present standards.

The applicant requests are as follows:

Variance #1 - Business name Buckhead Uniforms: This request relates to a business that is located without street frontage on the northeast side of the shopping center on the first floor of the building. A variance is needed to attach the dismantled sign to a wall that is not exterior of their tenant space. The proposed sign is to be attached to a wall located on an empty second floor tenant space facing Johnson Ferry Road. The elevation of the building contains 379 square feet; the 5% allowance is 18.95 square feet. The applicant proposed sign is 17.5 square feet.

Variance #2 - Business name Alterations: This request relates to a business that is located without street frontage on the northern side of the shopping center, on the second floor of the building. A variance is needed to attach the dismantled sign to a wall that is not exterior of their tenant space. The sign is to be attached to the second floor balcony sign band, located directly across of their tenant space. The elevation of the building contains 307 square feet; the 5% allowance is 15.4 square feet. The applicant proposed sign is 12 square feet.

Variances #3 and #4 - Business name endymion: These requests relate to a business that is located without street frontage on the northern side of the shopping center, on the first floor

of the building. A variance is needed to attach the dismantled sign to a wall that is not exterior of their tenant space. The request is also to allow the sign to exceed the required 5% of area allowance. The proposed location for the sign is a walkway sign band located directly across from their tenant space. The elevation of the building contains 279 square feet; the 5% allowance is 14 square feet. The applicant proposed sign is 23.3 square feet, exceeding the allowance by 9.3 square feet.

Variance #5 - Business name Philly Connection: This request is to allow use of the dismantled sign that measures 25.08 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 15.54 square feet. The applicant is asking to exceed allowance by 9.54 square feet.

Variance #6 - Business name lisa Brown Atlanta: This request is to allow use of the dismantled sign that measures 62.29 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 46.65 square feet. The applicant is asking to exceed allowance by 23.6 square feet.

Variance #7 - Business name The Real Mandarin House: This request is to allow use of the dismantled sign that measures 87.5 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 59.55 square feet. The applicant is asking to exceed allowance by 27.95 square feet.

Variance #8 - Business name Smoothie King: This request is to allow use of the dismantled sign that measures 29 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 15.95 square feet. The applicant is asking to exceed allowance by 13 square feet.

Variance #9 - Business name New York Pizza: This request is to allow use of the dismantled sign that measures 39 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 15.4 square feet. The applicant is asking to exceed allowance by 23.6 square feet.

Variance #10 - Business name Shoe Repair: This request is to allow use of the dismantled sign that measures 20.37 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 11.19 square feet. The applicant is asking to exceed allowance by 9.18 square feet.

Variance #11 - Business name Any Lab Test: This request is to allow use of the dismantled sign that measures 24 square feet. A variance is needed to exceed the 5% restriction that allows the business to have a sign not bigger than 15.4 square feet. The applicant is asking to exceed allowance by 8.6 square feet.

Sandy Springs Plaza is requesting these primary variances to be allowed to use the dismantled signs to identify the tenants within the plaza. The Design Review Board heard this application at its June 27, 2006 meeting. The variance petition was endorsed by the Design Review Board.

Department Comments

The staff held a Focus Meeting on July 6, 2006 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	▪ 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 these sign were removed only to facilitate the renovation of the shopping center; otherwise these signs would have remained in place indefinitely. No documentation was submitted by the applicant to document his claims.

Recommended Conditions:

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

1. That the wall sign be installed pursuant to the sign design detail (Exhibit 1) and sign site plan location (Exhibit 2) for Buckhead Uniforms, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
2. That the wall sign be installed pursuant to the sign design detail (Exhibit 3) and sign site plan location (Exhibit 4) for Alterations, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
3. That the wall sign be installed pursuant to the sign design detail (Exhibit 5) and sign site plan location (Exhibit 6) for endymion, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
4. That the wall sign be installed pursuant to the sign design detail (Exhibit 7) and sign site plan location (Exhibit 8) for Philly Connection, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
5. That the wall sign be installed pursuant to the sign design detail (Exhibit 9) and sign site plan location (Exhibit 10) for lisa brown Atlanta, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
6. That the wall sign be installed pursuant to the sign design detail (Exhibit 11) and sign site plan location (Exhibit 12) for The Real Mandarin House, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
7. That the wall sign be installed pursuant to the sign design detail (Exhibit 13) and sign site plan location (Exhibit 14) for Smoothie King, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
8. That the wall sign be installed pursuant to the sign design detail (Exhibit 15) and sign site plan location (Exhibit 16) for New York Pizza, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.
9. That the wall sign be installed pursuant to the sign design detail (Exhibit 17) and sign site plan location (Exhibit 18) for Shoe Repair, submitted by the

applicant, dated received June 14, 2006 by the Department of Community Development.

10. That the wall sign be installed pursuant to the sign design detail (Exhibit 19) and sign site plan location (Exhibit 20) for Any Lab Test, submitted by the applicant, dated received June 14, 2006 by the Department of Community Development.

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

Variance Petition No. V06-043

HEARING & MEETING DATES

Design Review Board Meeting

June 27, 2006

July 25, 2006

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Dr. Stephan Bayani

Petitioner

Dr. Stephan Bayani

Representative

Dr. Stephan Bayani

PROPERTY INFORMATION

Address, Land Lot, and District 236 Johnson Ferry Road
Land Lot 089, District 17th

Council District 3

Frontage and Area 125.00 feet of frontage along the north side of Johnson Ferry Road.
The subject property has a total area of 0.44 acres (21,250 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County
zoning case Z61-068, currently developed with a commercial building.

Overlay District Main Street District

Interim 2025

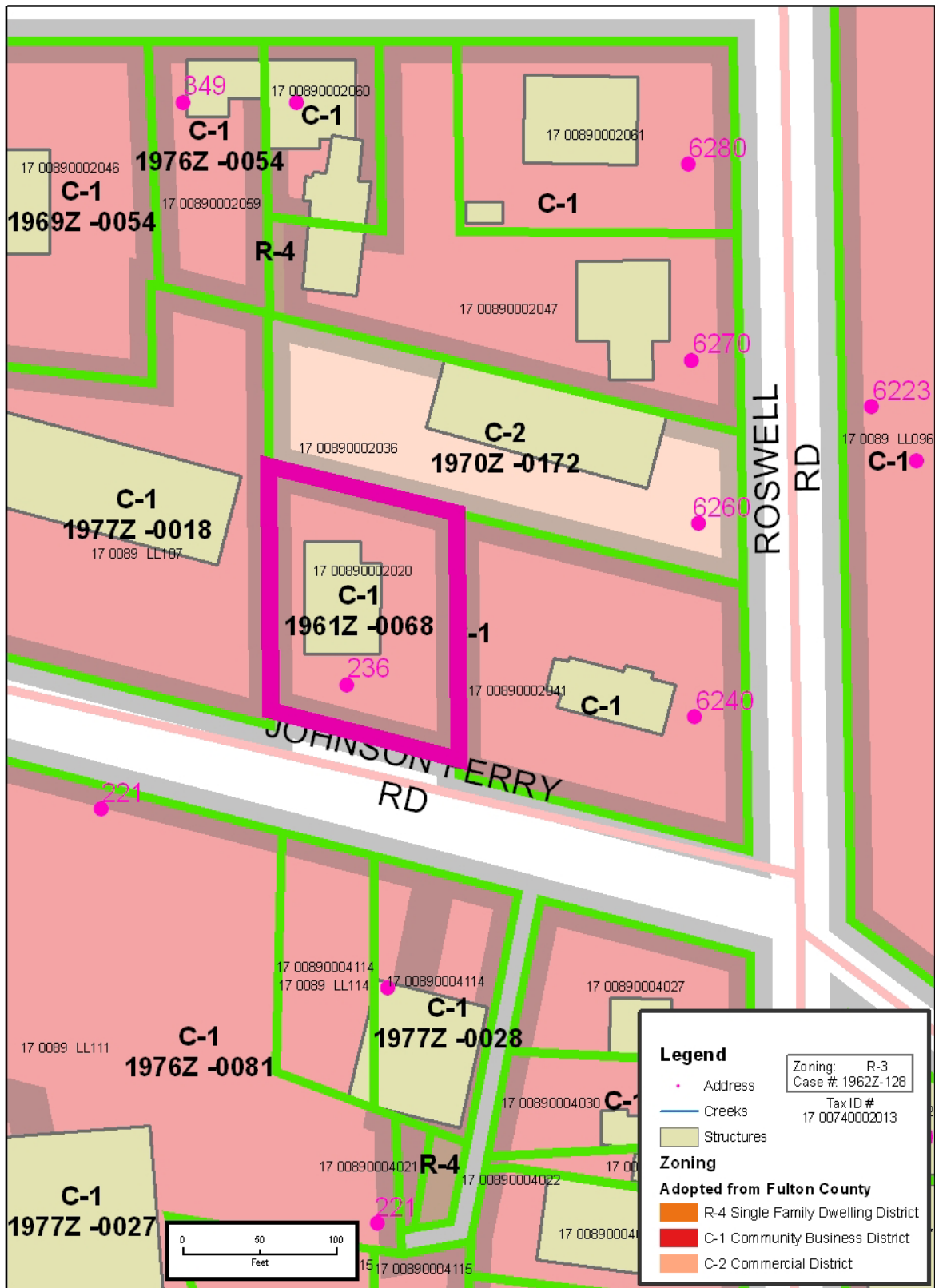
**Comprehensive
Future Land Use
Map Designation** Live Work Community (LWC)

INTENT

The applicant is seeking a primary variance for relief from Section 12B.6.A of the Sandy Springs Zoning Ordinance to allow a free-standing monument sign 32 square feet in area and six feet in height, on property which has a total area of less than 40,000 square feet.

Parcel Map

236 Johnson Ferry Rd.



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

CASE NUMBER: V06-043

STAFF CONTACT: Cristina Nelson, Planner I/Sign Coordinator
770-730-5569
cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is applying for a variance from Section 12B.6.A of the Sandy Springs Zoning Ordinance to allow for a free-standing monument sign 32 square feet in area and 6 feet in height, on property which has a total area of less than 40,000 square feet. This variance is requested to erect a free-standing sign to identify the tenants in the building, as requested by the Sandy Springs Design Review Board, as explained below. The property has a total area of 0.44 acres (21,250 square feet). It is developed with a two-story commercial building that houses a restaurant on the first floor.

Previously, a wall sign permit application was heard by the Design Review Board at its March 28, 2006 meeting. The permit application was denied due to concerns raised by the Board that the proposed wall sign and the existing wall sign on the building were not considered in the original plan for the building signs and that the existing wall sign may have exhausted the square feet allowance for free standing signs. At the March 28, 2006 meeting, the DRB made the following recommendation:

- The applicant should consider seeking a variance to be able to place a monument sign on the site for the professional and medical office tenants.

This variance application was heard by the DRB at its June 27, 2006 meeting. The variance petition was deferred for 30 days to give applicant the opportunity to screen the mechanical units and to do the landscaping. At the July 25, 2006 meeting the Design Review Board made the following recommendations:

Deferred. Applicant must install fence and resubmit picture of completed fence and landscaping before any sign approval is given.

The applicant submitted a fence permit application on August 1, 2006; due to an incomplete application the permit has not been processed. As of August 3, 2006 the required documents had not been received by the Department of Community Development.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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 indicates in his letter of appeal that he is seeking relief so that a free-standing sign would serve the purpose of identifying the businesses within the development as requested by the DRB. The proposed sign is designed to provide for the aesthetic, economic, and functional value of properties, neighborhoods, and structures as the sign is to comply with the requirements of the Sandy Springs Overlay for properties with frontage under 500 linear feet in terms of its square footage and height.

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 conditions:

1. That the monument sign, of 32square feet in area and 6 feet in height, shall be constructed in accordance with the site plan (exhibit 1)provided by the applicant dated received May 17, 2006 by the Department of community Development.
2. That the sign shall be constructed in accordance with the sign design details (exhibit 2) provided by the applicant dated received May 17, 2006 by the Department of community Development.

ATTACHMENTS: Site plan, sign design details, and letter of appeal.

Variance Petition No. V06-045

HEARING & MEETING DATES

Design Review Board Meeting

Board of Zoning Appeals Hearing

June 27, 2006

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Petitioner

Representative

Katsu Properties, L. P.

Calibre Springs Apartments

Lee A. Hooper, VP

PROPERTY INFORMATION

**Address, Land Lot,
and District**

5600 Roswell Road
Land Lot 91, District 17

Council District

6

Frontage and Area

730.0' of frontage along the west side of Roswell Road. The subject property has a total area of 17 acres.

**Existing Zoning
and Use**

Overlay District

Urban District

Interim 2025

**Comprehensive
Future Land Use
Map Designation**

LWC- Living Working Community

INTENT

The applicant seeks two primary variances:

- 1) Variance from Section 33.6.11.A.9 of the Sandy Springs Zoning Ordinance to allow to maintain as a permanent off-site apartment directional sign at 5600 Roswell Road, without regard to occupancy for apartments located at 800 Lake Placid Drive, and
- 2) Variance from Section 33.6.8 of the Sandy Springs Zoning Ordinance to allow an apartment directional sign to be on the public right of way.

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

CASE NUMBER: V06-045

STAFF CONTACT: Cristina Nelson, Planner I
770-730-5569
cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is applying for two (2) primary variances:

1) Variance from Article 33.6.11.A.9, *Signs Permitted Generally, Apartment Directional*, of the Sandy Springs Zoning Ordinance to allow to maintain a permanent off-site apartment directional sign at 5600 Roswell Road, advertising Calibre Springs Apartments without regard to occupancy.

2) Variance from Section 33.6.8, *Signs Specifications, Location*, of the Sandy Springs Zoning Ordinance to allow Calibre Springs Apartments directional sign to be on the public right of way. The sign is an existing sign, at a distance of nine (9) feet from the face of the curb, eleven (11) square feet in area, and 7'-6" tall. Is a double sided panel painted Burgundy, with vinyl graphics and 4" x 4" cedar posts with routed flutes.

The apartment community is located at 800 Lake Placid Drive approximately ¼ mile west of the intersection of Roswell Road and Lake Placid Drive.

The applicant stated in his letter of appeal that because the location of the apartment community it must rely on a small off-site directional sign to draw in 20% of the property's total traffic, which translates to approximately 200 fewer prospective residents per year than normal.

The applicant installed the sign without obtaining the proper sign permit and received a Notice of Violation from the Code Enforcement Division. The applicant then made application for a sign permit at which time it was determined that the sign location did not comply with the requirements of the sign ordinance.

The application was heard by the Design Review Board at the June 27, 2006 meeting. The Design Review Board unanimously recommended **APPROVAL** of the requested variance with the following recommendation:

- 1) Approval for the earlier of two (2) years or the Prado redevelopment.

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.

ATTACHMENTS: Site plan dated May 26, 2006
Sign elevation dated May 26, 2006
Letter of appeal dated February 7, 2006

SANDY SPRINGS

G E O R G I A

Variance Petition No. V06-049

HEARING & MEETING DATES

Design Review Board Meeting

June 27, 2006

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Stafford Heritage

Petitioner

Stafford Heritage

Representative

Tom Tyson

PROPERTY INFORMATION

**Address, Land Lot,
and District**

5252 Roswell Road (SR9)
Land Lot 092, District 17th

Council District

6

Frontage and Area

276.76 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.3 acres (62,680 square feet).

**Existing Zoning
and Use**

O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-009, currently developed with an office building.

Overlay District

Urban District

**Interim 2025
Comprehensive
Future Land Use
Map Designation**

O - Office

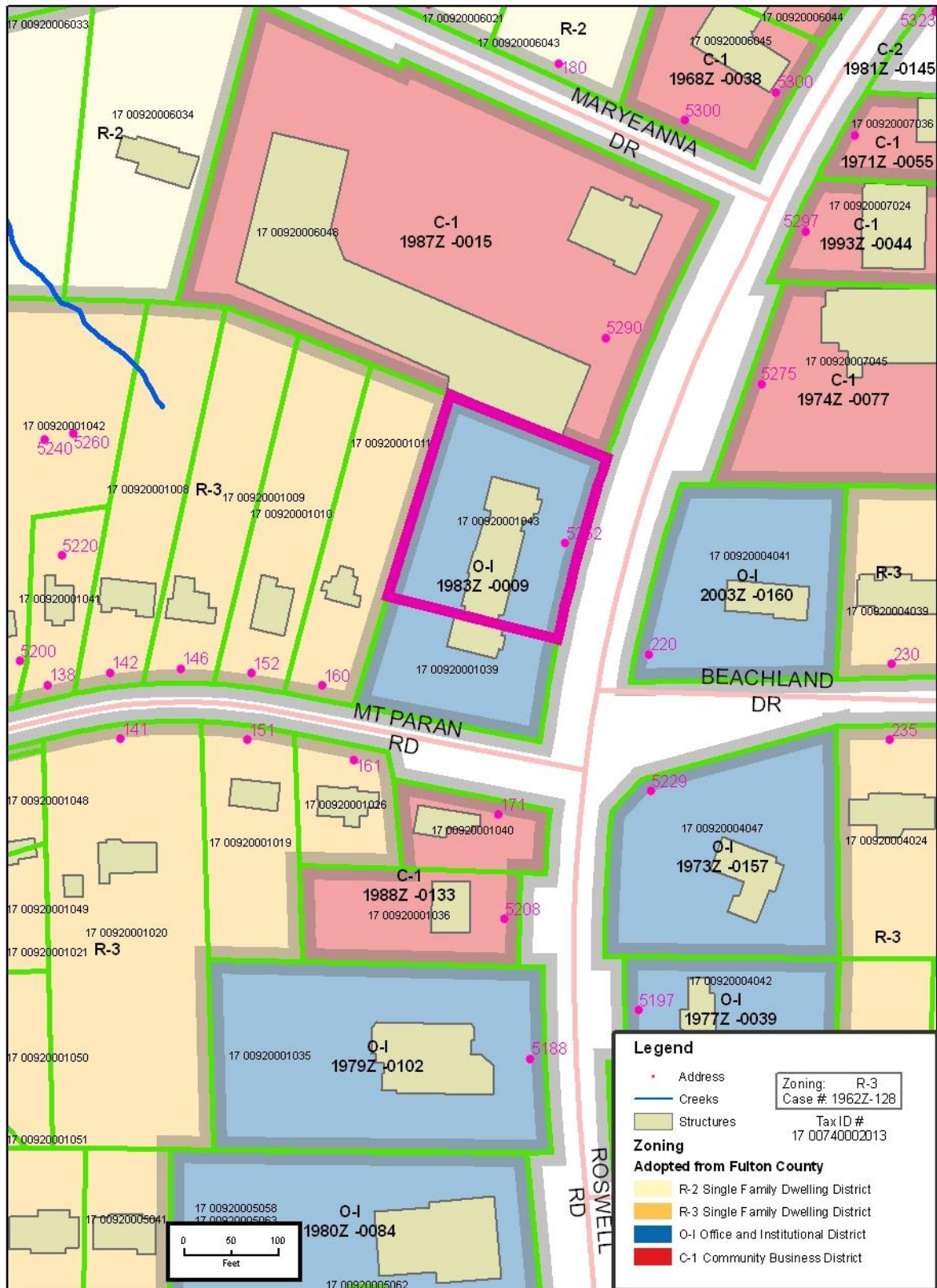
INTENT

The applicant is seeking a primary variance for relief from Section 33.6.8 of the Sandy Springs Zoning Ordinance to reduce the required free-standing sign minimum set back from the right-of-way from 10 feet to zero feet.

Parcel Map

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 10, 2006

5252 Roswell Rd.



CITY OF SANDY SPRINGS

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 10, 2006

**DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V06-049

STAFF CONTACT: Cristina Nelson, Planner I/Sign Coordinator
770-730-5569
cristina.nelson@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 free-standing sign minimum setback from the right-of-way from 10 feet to 0 feet. The proposed sign will replace an existing wooden sign destroyed by a weather storm. The proposed sign will have 32 square feet of sign face and will be 6 feet tall, in accordance with Article 12B.6.A.2 of the Sandy Springs Overlay District. The sign will feature the address of the site, the name of each tenant, a brick base, and an aluminum cabinet with flat acrylic faces with applied translucent vinyl graphics. The site has parking along the entire Roswell Road frontage. It is developed with a two-story brick building.

This variance application was heard and endorsed by the Design Review Board at its June 27, 2006 meeting. No condition was recommended.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ Per the AASHTO 2002 Roadside Design Guide, the clear zone requirements for road with the volumes and speed limit of Roswell Road at this location is 14'-16'. The sign, at its proposed location of 16' from the face of the curb, complies with the clear zone requirements.
	Georgia Department of Transportation	▪ No comments

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 in his letter of intent that due to the amount of road frontage being used for a turn lane onto Mount Paran Road, this property has no alternative, but to place the free standing monument sign adjacent to the Right-of-Way. This is the location of the previous sign. With the current parking layout, a monument sign outside the 10 foot setback would have to be located in the parking area. The applicant states that without this sign it will be extremely difficult to conduct business, because the companies occupying the building depend upon their clients being able to locate them, and some of them do not have street frontage.

A site plan and photographic evidence have been provided in support of the hardship claim.

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 conditions:

1. That the sign be constructed in accordance with the Site Plan provided by the applicant dated received June 6, 2006 by the Department of Community Development.
2. That the sign be constructed pursuant to the sign design submitted by the applicant dated received June 6, 2006 by the Department of Community Development.
3. The sign shall be located not less than 16' from the back of curb.

ATTACHMENTS: Site plan, sign elevation, photos of proposed sign site, and letter of appeal.

Variance Petition No. V06-051

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Kim J. Woolson

Petitioner

Kim J. Woolson

Representative

James Langlais

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 23 Ball Creek Hill
Land Lot 357, District 6

Council District 1

Frontage and Area 61.1 feet at the eastern end of Ball Creek Hill. The subject property
has a total area of approximately 1.86 acres.

**Existing Zoning
and Use** CUP (Community Unit Plan District) developed with one single-
family house.

Overlay District None

Interim 2025

Comprehensive R0-1 Residential (0 to 1 units per acre)

Future Land Use

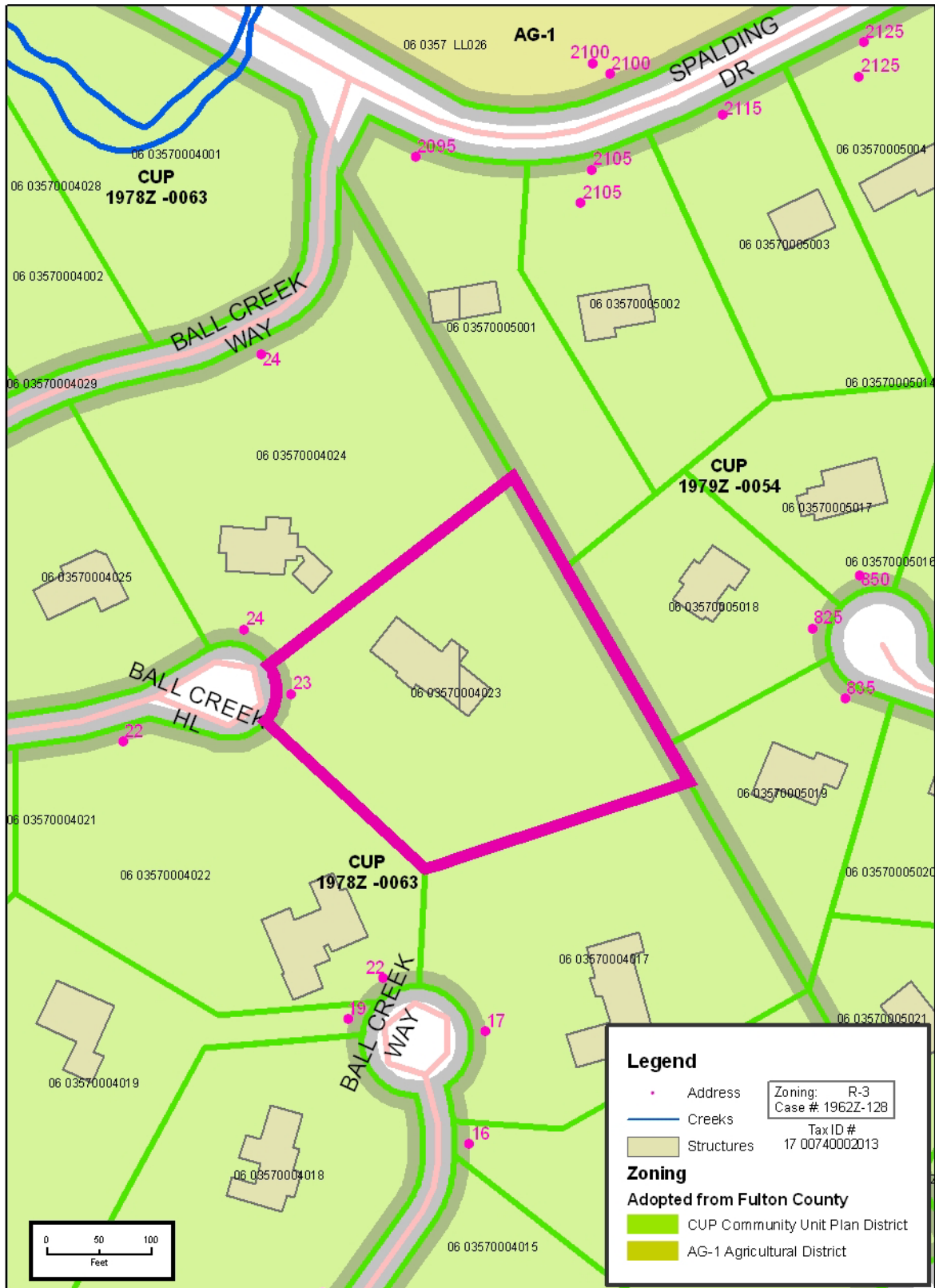
Map Designation

INTENT

The applicant is requesting a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to construct additions to a single-family house.

Parcel Map

23 Ball Creek Hill



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

CASE NUMBER: V06-051

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 remove one specimen tree. The applicant is proposing additions to the existing house and the tree occupies one section of the proposed locations for expansion. This specimen tree is situated immediately adjacent to the rear deck of the house and leans over the house.

This heavily wooded lot is currently developed with one single family house.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/Arborist	▪ The tree to be removed is a healthy specimen tree.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
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 indicates that this specimen tree is precariously located over the house and represents a potential hazard to the house. The applicant references the opinion of a certified arborist who explains that due to the location of the specimen tree immediately adjacent to the house; its root structure has become compromised on the house side and poses a fall threat toward the house. The applicant wishes to avoid this possible occurrence by removing the tree before it begins to show a tendency to fall. Furthermore, this section of the lot is allotted as one of the few feasible areas for home improvement and expansion.

The applicant has provided photographic evidence in support of this proposal.

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 June 8, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, letter of appeal, letter from arborist, and photos of the tree and rear yard.

Variance Petition No. V06-055

HEARING & MEETING DATES

Design Review Board

July 25, 2006/ August 8, 2006/ September 12, 2006

Board of Zoning Appeals Hearing

August 10, 2006/ Sept. 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Paul D. Brown & Family LLLP	Paradise Development Group	Paradise Development Group

PROPERTY INFORMATION

Address, Land Lot, and District.	6363, 6425 Roswell Rd. (SR 9) Land Lot 88, District 17
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Council District	4
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Frontage and Area	Approximately 300 feet at the eastern side of Roswell Road. (SR9) The subject property has a total area of 1.7 acres.
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Existing Zoning and Use	C-1 (Community Business District)
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Overlay District	Main Street
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Interim 2025

Comprehensive Future Land Use Map Designation	Live Work Community (LWC)
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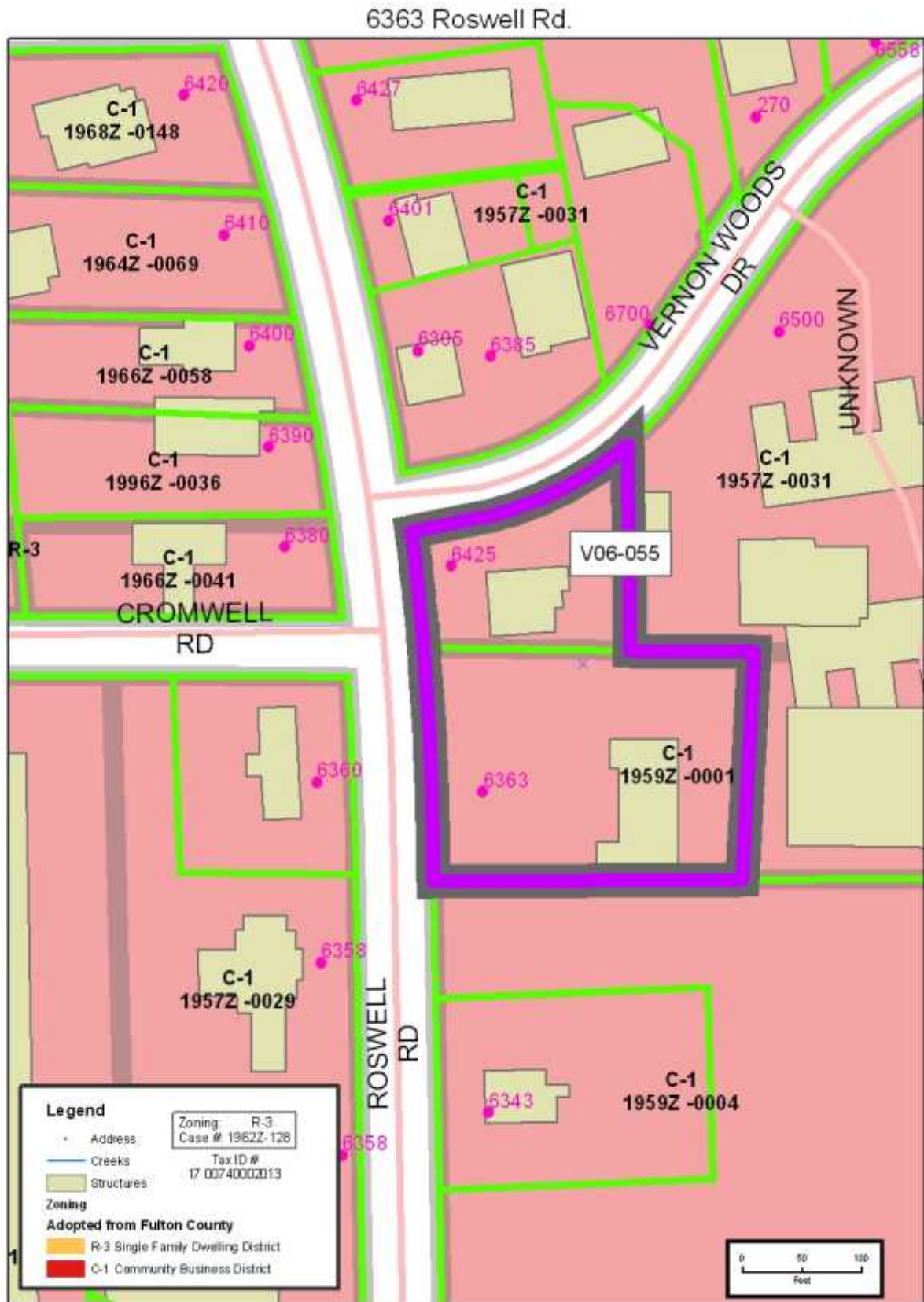
INTENT

The applicant seeks two primary variances from the Zoning Regulations:

- 1) Variance from Section 12B.8.a.7 of the Sandy Springs Zoning Regulations to allow parking between sidewalk and the building, and
- 2) Variance from Section 12.B.8.c.1b to increase the maximum yard adjacent to a public street from 21 feet to 155 feet.

Both variances are for the construction of a retail building. A tree removal variance is also required. The applicant has applied for a variance to the Tree Preservation Ordinance for this meeting.

Parcel Map



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

CASE NUMBER: V06-055

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

ANALYSIS:

The applicant is applying for relief from Section 12B.8.A.7 and 12B.8.C.1B of the Sandy Springs Zoning Ordinance regarding the Main Street Overlay District to allow parking between the sidewalk and the building and to increase the maximum yard adjacent to a public street from 21 feet to 155 feet on the Vernon Woods Dr. side. A drugstore is proposed on the subject property.

The subject property is comprised of two lots developed with two commercial buildings. The parcel to the north, adjacent to Vernon Woods Dr., is flat and sparsely vegetated at street level. The parcel to the south is heavily wooded and is 12-15 feet below street level. A tree variance (V06-106) to remove 10 specimen trees on the south parcel will also be heard on September 14, 2006.

This variance application was heard by the Design Review board at its July 25, 2006 meeting. The Board deferred the case until its August 8, 2006 meeting so that the applicant could attempt to locate the building closer to both Roswell Road and Vernon Woods Drive. The application was recommended for **denial** by the Design Review Board on August 8, 2006. The Board indicated that there is a better use for this property than the proposed use.

The case was subsequently deferred by the Board of Zoning Appeals at the August 10th, 2006 meeting so it could be heard concurrently with the tree removal variance on September 14, 2006. The applicant is returning to the DRB on September 12, 2006.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ Variance needed to remove trees.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment received.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Concerns about entrances on Roswell Rd.
	Georgia Department of Transportation	▪ No comment at this time

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 development includes lots combined together and that the shape of the combined lots makes it difficult to adhere to overlay district standards, to properly locate the proposed building, and to provide adequate traffic circulation for the proposed use.

The applicant has not provided any additional evidence to support the hardship claim.

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 September 7, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan, proposed layout, conceptual picture, and letter of appeal.

Variance Petition No. V06-056

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Bob & Brooke Blasberg	Patricia Ziesenniss	Patricia Ziesenniss

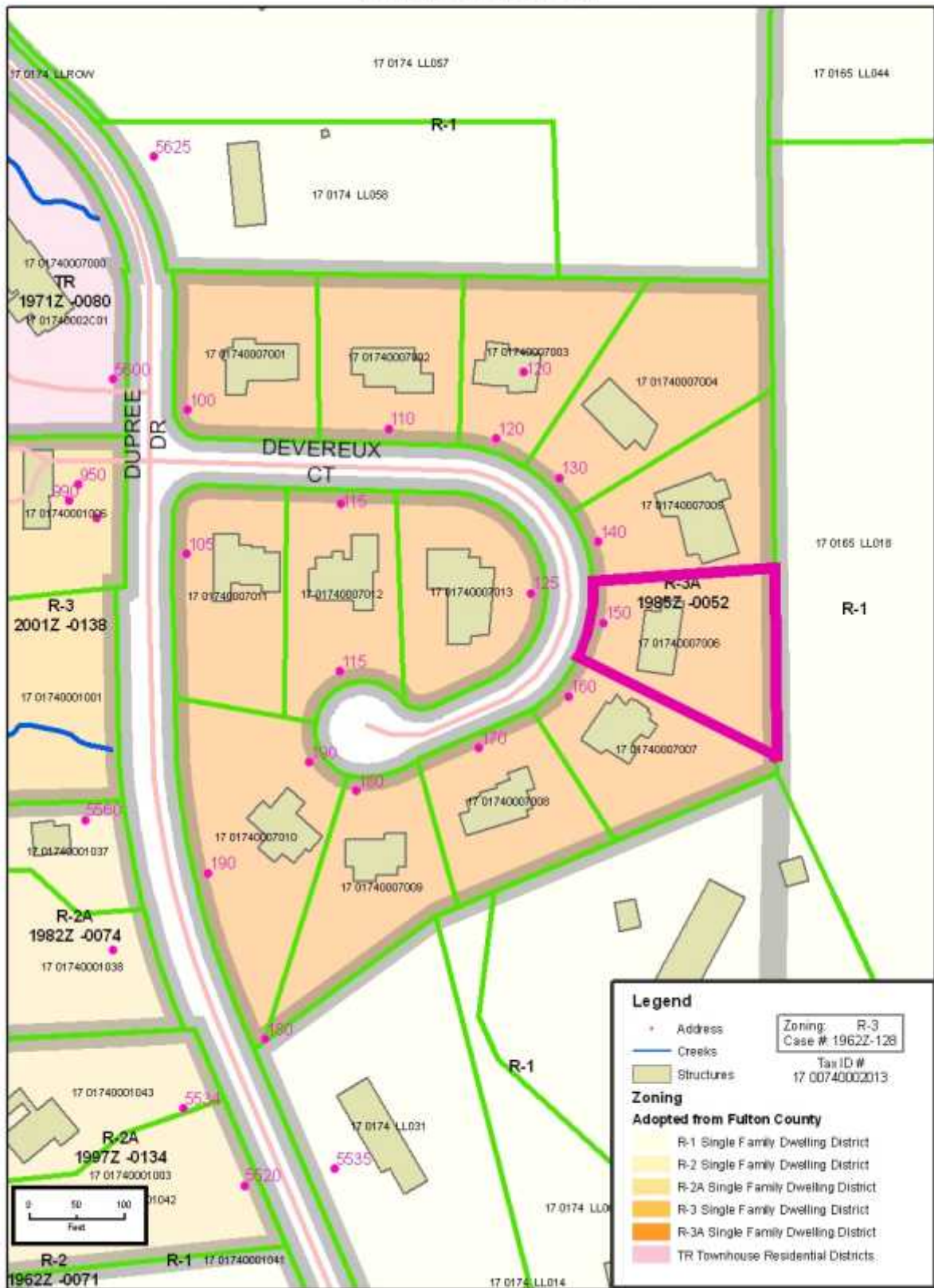
PROPERTY INFORMATION

Address, Land Lot, and District.	150 N. Devereux Ct. Land Lot 174, District 17
Council District	6
Frontage and Area	78 feet on the southern side of N. Devereux Ct. The subject property has a total area of 0.64 acres.
Existing Zoning and Use	R-3A (Single-Family Dwelling District) developed with one single family residence.
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 for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to construct a detached garage and a mother-in-law suite.

Parcel Map

150 N. Devereux Ct.



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

CASE NUMBER: V06-056

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 remove one 24" pine tree at the north central section of the property. The applicant is proposing to construct a new garage and a guest house at the north side of the existing house to provide living quarters for a relative.

The present lot is heavily wooded with the current garage and driveway on the north side of the lot.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ The tree to be removed is a healthy specimen pine.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated the variance request is 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 states that the lot is heavily wooded, and the proposed location will provide the least impact on the trees in the area. The applicant indicates he wishes to avoid trees further back in the lot and that the pool prohibits placement in the back yard. With the existing house already at two stories, the only available space to expand is at the proposed location.

The applicant has provided no additional evidence to support the hardship claim.

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 June 06, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan and letter of appeal.

Variance Petition No. V06-059

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kimberly Flanagan	Kimberly Flanagan	Kimberly Flanagan

PROPERTY INFORMATION

Address, Land Lot, and District.	535 Greenland Rd. Land Lot 68, District 17
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Council District	5
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Frontage and Area	175 feet on the northern side of Greenland Rd. The subject property has a total area of 1.32 acres.
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Existing Zoning and Use	R-3 (Single-Family Dwelling District) currently undeveloped.
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Overlay District	None
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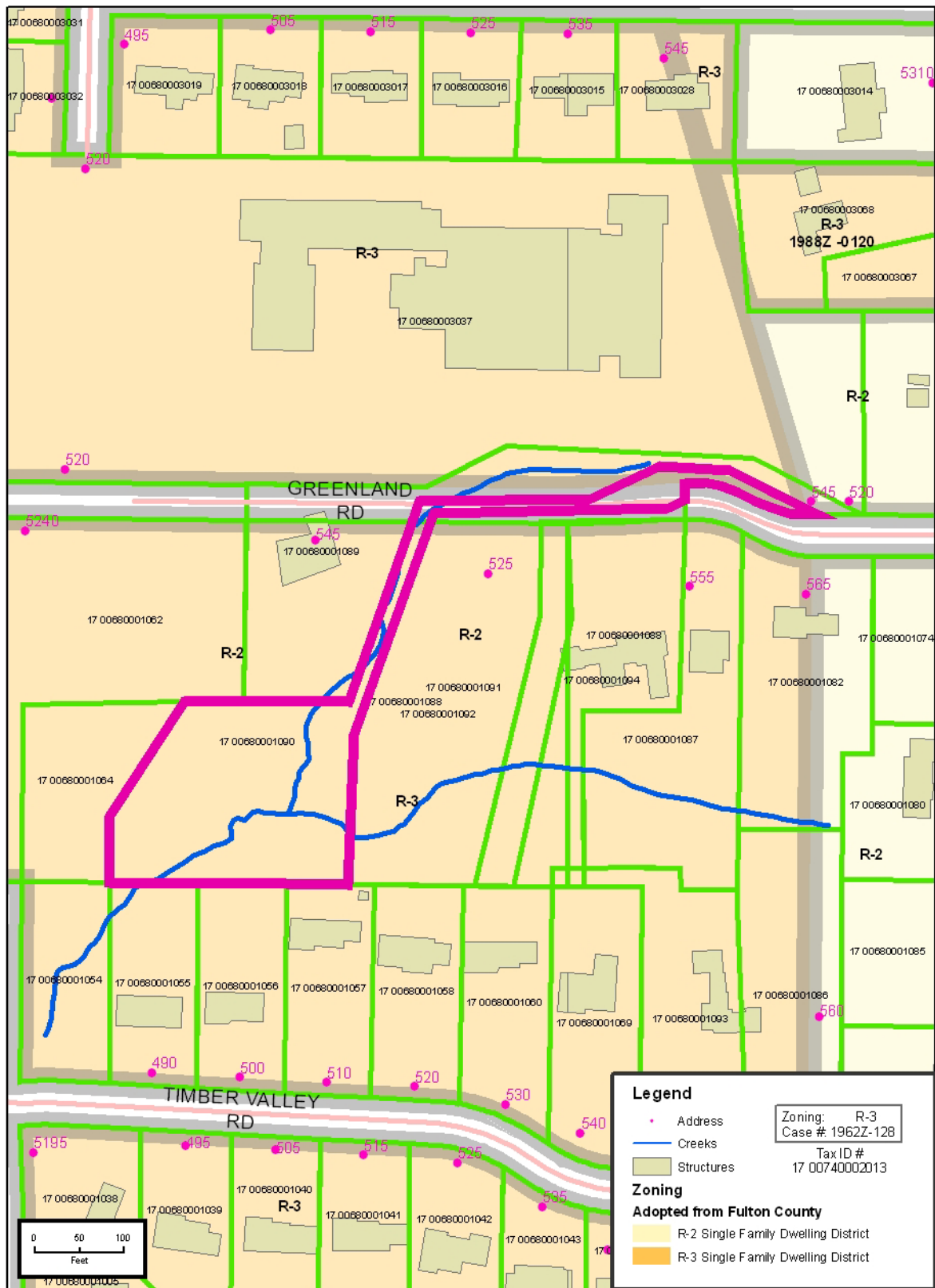
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow for the removal of one (1) specimen tree to construct a driveway for a new single-family home.

Parcel Map

535 Greenland Rd.



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

CASE NUMBER: V06-059

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 remove one specimen tree located adjacent to the proposed driveway. The applicant is proposing to build a single-family house. The driveway, required to access this lot, is confined to a narrow strip of property that intersects a specimen oak tree. The applicant indicates that the heavily wooded lot has an odd shape that makes access difficult. Also, the applicant indicates that the proposed house and driveway location avoids all other healthy specimen trees. The 30" tree located in the house footprint is not a healthy tree and does not require a variance, as determined by the Arborist.

It has been determined that the 75' Sandy Springs stream buffer does not apply here as the applicant had applied for a Land Disturbance Permit before the stream buffer ordinance was adopted by Fulton County on May of 2005. However, the applicant has applied for a variance from the 25' state mandated stream buffer regulations for permission to pipe a portion of this stream. This state appeal process is ongoing.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ The health of the tree is not in question. A second tree on the footprint on the proposed house is not healthy.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
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):

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 as a hardship for relief from section 8.5 of the Tree Preservation Ordinance the fact this specimen tree blocks access to the platted lot, barring the ability to develop the lot. He indicates this lot has an odd shape with a very narrow access.

The applicant has provided a copy of the site plan/survey to support the hardship claim.

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. Sign design submitted by the applicant dated received July 27, 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: Site plans, letter of appeal, letter from the City arborist, and a copy of the LDP application to Fulton County dated 7-5-2005.

Variance Petition No. V06-060

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Paul A. Harney	Wexford Development	Estes Shields Engineering

PROPERTY INFORMATION

Address, Land Lot, and District.	100, 106 and 110 Mt. Paran Rd. Land Lot 92, District 17
Council District	6
Frontage and Area	221 feet on the northern side of Mt. Paran Rd. The subject property has a total area of 3.2 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) currently developed with three (3) 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 is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees and encroachment into the critical root zone of two (2) specimen trees for the subdivision of three (3) residential lots into six (6) residential lots. This case was deferred for 2 months to allow the applicant to redesign the lot layout and meet with neighbors and local neighborhood associations.

Parcel Map

100, 106, and 110 Mt. Paran Rd.



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

CASE NUMBER: V06-060

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 remove two (2) specimen trees and encroach into the critical root zone of two (2) additional specimen trees. The applicant is proposing to subdivide three (3) existing lots into six (6) lots. The two trees to be removed are located in the center of one of the proposed lots. The other trees are encroached upon by the proposed drive. This case was deferred at the August 10, 2006 meeting. The board directed the applicant to better meet the standards of the Sandy Springs subdivision requirements. The Board also asked the applicant to work with the neighbors and local neighborhood associations to find an agreeable compromise for development.

The applicant's original submittal called for the removal of four (4) specimen trees from the property. The new revised site plan calls for the removal of two (2) trees: a thirty (30) inch oak and a forty-eight (48) inch oak. The two other trees shown on the site plan are now being saved with only critical root zone encroachment. They are a thirty (30) inch poplar and a thirty (30) inch oak.

The existing lots are currently developed with three houses placed at the southern end of each property. The properties are currently zoned R-4. Rezoning or other variances are not needed to redevelop these three (3) existing lots into six (6) lots.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ All trees are healthy specimen trees.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
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):

- 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 location of the trees presents a new house placement hardship. Per the proposed site plan (attached), a 48" oak and a 30" oak exist within the proposed buildable area of the southernmost lot. The applicant has also modified the proposed drive to avoid two other specimen trees and asks for a variance for a minor intrusion into the critical root zones of these two trees. The applicant states in the proposal letter that they have discussed the proposed layout with the neighbors and local neighborhood associations and have had positive feedback concerning the submitted site plan.

The applicant has provided no additional evidence to support the removal of these specimen 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:

1. That the site be developed in accordance with the Site Plan provided by the applicant dated September 27, 2006 by the Department of Community Development.
2. A remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen trees requested to have a critical root encroachment.

ATTACHMENTS: Existing site plan, proposed lot layout with tree locations, letter of appeal, and pictures of the site.

Variance Petition No. V06-084

HEARING & MEETING DATES

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
5210 Powers Ferry, LLC	5210 Powers Ferry, LLC	George H. Freisem

PROPERTY INFORMATION

Address, Land Lot, and District	765 Crest Valley Drive Land Lot 164, District 17
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Council District	6
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Frontage and Area	210 feet of frontage along the north side of Crest Valley Drive and 210 feet of frontage along the west side of Powers Ferry Road. The subject property has a total area of 1 acre.
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Existing Zoning and Use	R-1 (Single Family Dwelling District)
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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 unit per acre)
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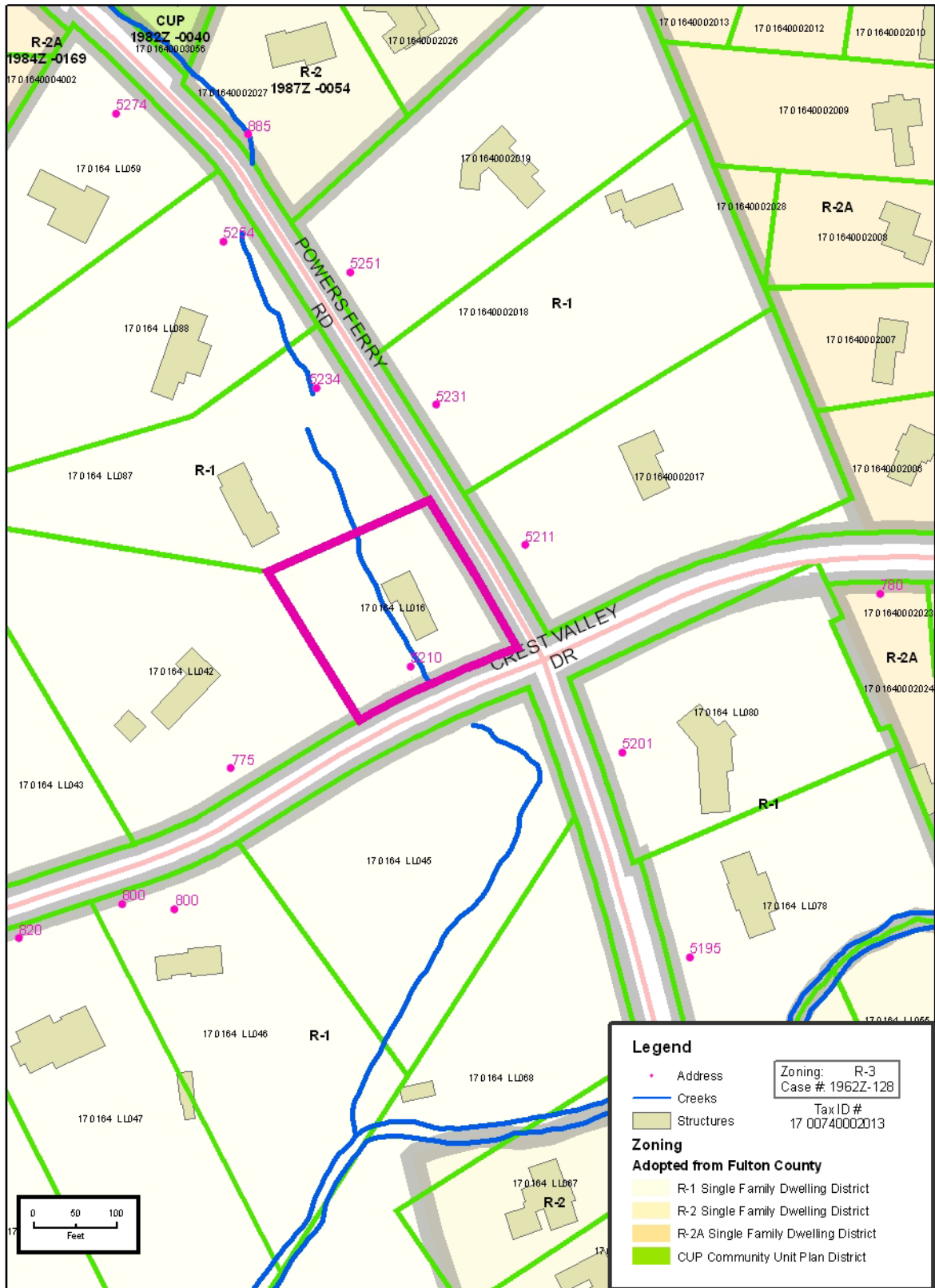
INTENT

The applicant is seeking a secondary variance to appeal the interpretation of the Director of the Department of Community Development, rendered April 4, 2006, with respect to the following determinations:

1. The pool, pool house, and certain retaining walls were not approved or permitted by Fulton County and require separate approvals and permits.
2. The seventy-five (75) foot stream buffer applies to the subject property with respect to all improvements not previously permitted by Fulton County.

Parcel Map

765 Crest Valley Dr.



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

CASE NUMBER: V06-084

STAFF CONTACT: Michael Zehner
Assistant Director, Planning and Zoning
E-mail: michael.zehner@sandyspringsga.org

BACKGROUND:

In June of 2005 the applicant received the approval of Fulton County for a building permit for a home to be constructed for the property located at 765 Crest Valley Drive. The applicant began work on the property in August of 2005. On December 1, 2005 the City of Sandy Springs incorporated. On December 13, 2005 the review and enforcement of the subject property came under the responsibility of the City of Sandy Springs. Subsequent to this date, the site was inspected regularly, and on April 26, 2006, the site was posted with a Notice of Violation for failure to maintain erosion control Best Management Practices (construction exit). On January 19, 2006, the City of Sandy Springs transferred the Fulton County building permit for the proposed single family residential structure. The applicant was thereby informed by the City that the pool, pool house, and retaining wall(s) not previously permitted separately by Fulton County must be permitted in the City of Sandy Springs with the applicable Fence and Retaining Wall Permit Application, Building Permit Application, and Pool Permit Application; however, the applicant was informed that some of the desired improvements requiring permits were located in the seventy-five (75) foot tributary stream buffer and could therefore not be permitted without variances.

APPEAL:

The applicant has indicated that the site plan with all indicated improvements was approved by Fulton County with the issuance of the building permit. Based on this contention, the applicant has indicated that the location of improvements is vested based on the approval of the site plan, regardless of whether or not additional permits are required. Based on this, the applicant indicates that the twenty-five (25) foot buffer, the effective regulation in place when Fulton County issued the subject building permit, should continue to control the location of improvements on the property in the manner indicated on the approved site plan.

BASIS FOR DIRECTOR'S INTERPRETATION/DETERMINATION:

The applicant has indicated and provided proof of the issuance of only one permit (BP2006-433) for the subject property pertaining to the construction of a single family residence and a retaining wall located next to the garage (along creek) and to the north of the house. The issued permit is the building permit attached herein that indicates the location of the new dwelling and other planned improvements for the property. It is the understanding of this office that Fulton County, as with the City of Sandy Springs, required separate permits for the construction of retaining walls and pools. Save the above mentioned retaining wall, the applicant has not provided this office with copies of any permits for the improvements beyond the single family dwelling.

Because the pool, pool house, and additional retaining walls were not permitted in Fulton County prior to the seventy-five (75) foot buffer being enacted, the permitting of the structures are subject to the seventy-five (75) foot buffer. This determination is based on Chapter 14, Article 6, Section 4(a) of the Code of Ordinances, in that the code section states that the ordinance regarding stream buffers shall not apply to "any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance." The only permitted activity present at the effective date of this ordinance was for the development of the single family dwelling and retaining wall located next to the garage (along creek) and north of the house. No separate permits for the additional retaining walls, pool or pool house were submitted or scheduled for approval. Therefore, it was determined that the stream buffer was not grandfathered with respect to the structures beyond the single family dwelling and above mentioned wall.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Zoning Appeals to uphold the determinations made by the Director of the Department of Community Development, thereby requiring the applicant to seek primary variances for the proposed encroachment on the seventy-five (75) foot tributary stream buffer.

Thank you for your attention to this matter.

ATTACHMENTS: Site plan, letter of appeal, letter of determination, and letter of opposition.

Rezoning Petition No. V06-047

HEARING & MEETING DATES

Design Review Board

June 27, 2006

Board of Zoning Appeals

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Fulton County

Petitioner

Heritage Sandy Springs

Representative

D.J. Delong

PROPERTY INFORMATION

**Address, Land Lot,
and District**

135 Hilderbrand Road
Land Lot 89, District 17

Council District

3

Frontage and Area

270 feet of frontage along the north side of Sandy Springs Place and 100 feet of frontage along the west side of Bluestone Road. The subject property has a total area of 4.22 acres.

Existing Zoning and Use

The property is zoned O-I (Office and Institutional District) conditional under zoning case Z03-188. Additionally, a use permit was approved under U03-026 and an administrative variance was approved under CV06-001 for Amphitheater usage.

Overlay District

Main Street District

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

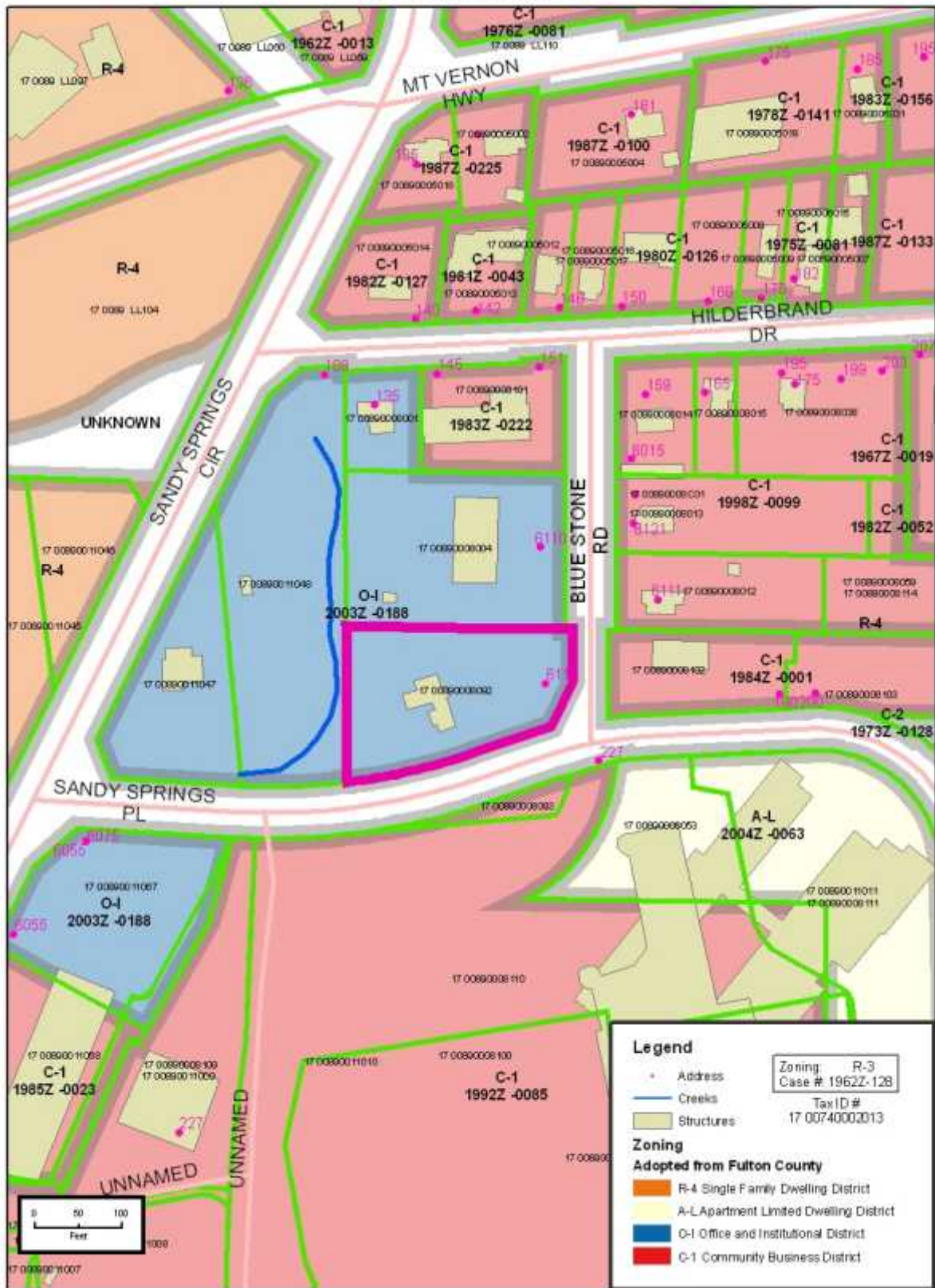
Public Recreation and Conservation (PRC)

INTENT

The applicant is seeking a primary variance for relief from Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 25 feet to allow for the construction of an amphitheater.

Parcel Map

135 Hilderbrand Dr.



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

CASE NUMBER: V06-047

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 Sections 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to allow a proposed amphitheater to be setback 25 feet from the top of stream bank.

On June 27, 2006, the Design Review Board (DRB) endorsed the variance request. It was noted that the applicant will be required to install the required Main Street District streetscape in conjunction with the building permit.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ 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	▪ 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 even though the construction of the proposed amphitheater will create impervious features such as sidewalks, stone seat-walls, and a stage area, the completed project would retain existing trees and result in the elimination of existing impervious asphalt surfaces to be replaced with landscaped areas. The applicant further states he believes that due to the neighboring public uses such as the Williams-Payne House, the proposed amphitheater would be beneficial for the welfare of the community, would be in character with surrounding uses, and would be the most appropriate use of the land. The applicant also states that the remaining granite wall could be utilized to eliminate any affect proposed construction might have on the springhead and that the project , as designed, would not only benefit the community as a whole but would benefit the health of the existing stream. The applicant has provided a site plan to support 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 in order to create a larger, appropriate amphitheater setting, having a stage visible from higher ground, the existing topography and trees had to be considered. The applicant also states that the proposed design of the amphitheater, including the stage location, most benefits the public while saving existing trees. The applicant has provided a site plan to support the above claims.

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 Plans provided by the applicant dated received June 5, 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. 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.

4. Stream crossings shall be as narrow as possible and shall be pervious.
5. 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.
6. The 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot buffer.
7. 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.
8. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

ATTACHMENTS: Site plan and letter of appeal.

Variance Petition No. V06-063

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Stephen and Jennifer Young	Stephen and Jennifer Young	Walter McDonald

PROPERTY INFORMATION

Address, Land Lot, and District	4980 Powers Ferry Rd. Land Lot 136, District 17
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Council District	6
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Frontage and Area	163 feet of frontage along the south side of Powers Ferry Rd. The subject property has a total area of 2.01 acres.
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Existing Zoning and Use	R-2 (Single-Family Dwelling District), currently developed with one single-family house.
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Overlay District	None
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Interim 2025

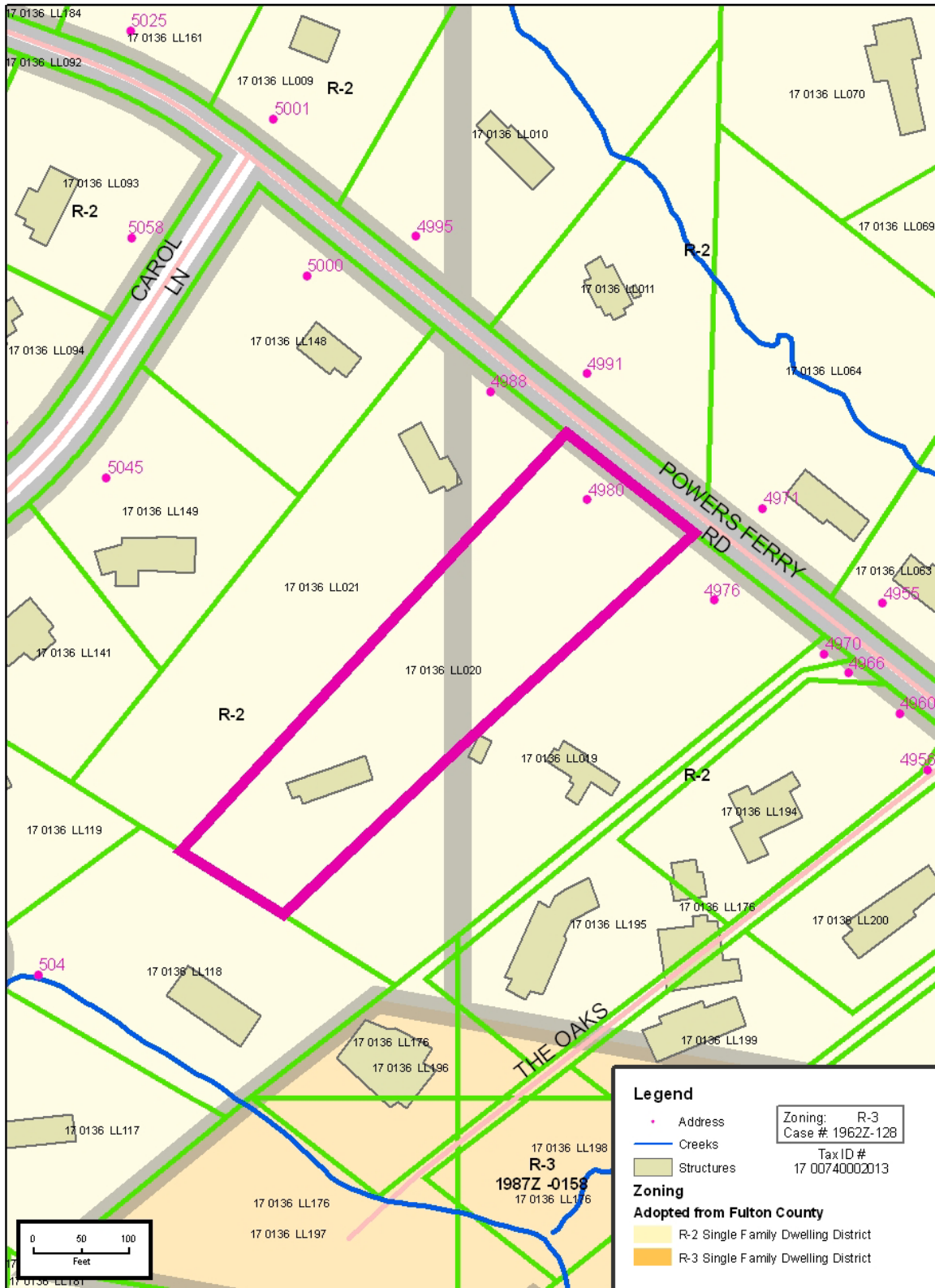
Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)
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INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of one specimen tree to construct a single-family house.

Parcel Map

4980 Powers Ferry Rd.



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

CASE NUMBER: V06-063

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

ANALYSIS:

The applicant is applying for a variance for relief from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of one specimen tree.

The applicant is proposing to construct a new house on this elongated single family lot. The applicant indicates that with the tree density present, the proposed house location has the smallest impact on specimen trees. The 34" oak, on the right side of the lot, is proposed to be encroached onto within 11 feet by a proposed retaining wall. The proposed new driveway would mirror the existing driveway and is not expected to affect specimen trees along its path. The applicant has provided a topographic map illustrating the lot's steep topography.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/Arborist	▪ The tree is in healthy conditions.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
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. *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 location of the specimen tree precludes construction of a residence consistent with surrounding properties. Because the tree's critical root zone of 37 feet reduces the 100 foot width to accommodate the necessary retaining wall required by the sloping topography. The proposed house and wall location would intrude 23 feet into the critical root zone of the tree. The applicant indicates that this location has been found to be the only one that will allow for the proposed structure and amenities and suffer the least impact on specimen trees.

The applicant has provided no additional evidence to support the hardship claim for an encroachment on the specimen tree. The applicant did not present any alternative site plans for house location. He did, however, present a topographic map.

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 June 14, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan, existing tree layout, and letter of appeal.

Variance Petition No. V06-064

HEARING & MEETING DATES

Design Review Board

July 11, 2006

Board of Zoning Appeals Hearing

August 10, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

The Sembler Co.

Petitioner

The Sembler Co.

Representative

Nathan Hendricks

PROPERTY INFORMATION

Address, Land Lot, and District.	5540-5600 Roswell Rd. (SR 9) Land Lot 91, District 17
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Council District	6
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Frontage and Area	1400 feet on the western side of Roswell Rd. The subject property has a total area of 27.15 acres.
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Existing Zoning and Use	C-1 (Community Business District)
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Overlay District	Urban District
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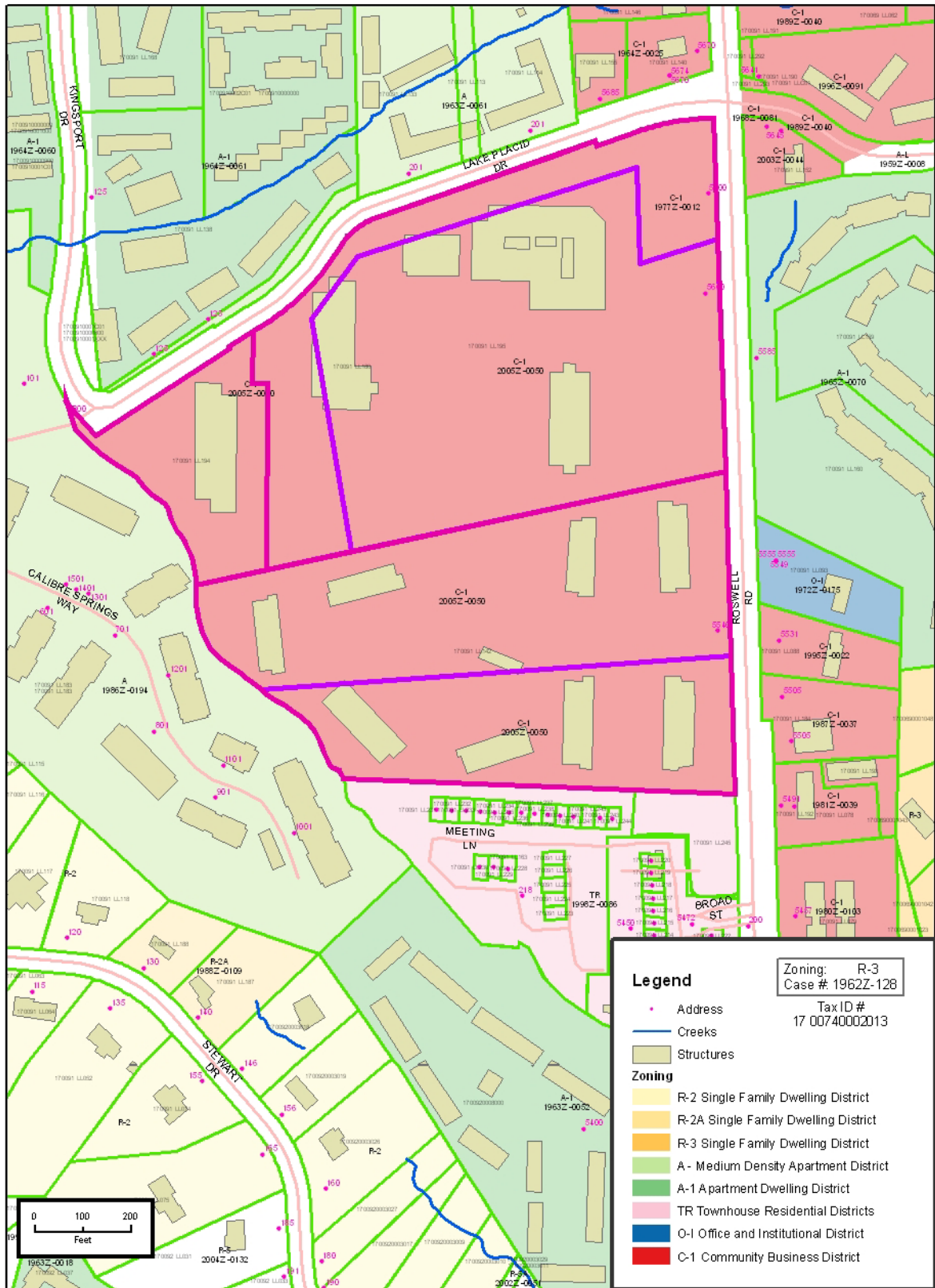
Interim 2025 Comprehensive Future Land Use Map Designation	Live Work Community - LWC
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INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of twelve (12) specimen trees to allow for the construction of a commercial development.

Parcel Map

5600 Roswell Rd.



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

CASE NUMBER: V06-064

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 remove 12 specimen trees. The applicant is proposing to extensively redevelop the site including new landscaping.

The site is currently occupied by an old shopping center and an apartment complex to the south. The surrounding area consists of apartments, condominiums, and retail.

This variance application was heard by the Design Review Board at its July 11, 2006 meeting. The board members voted unanimously to endorse the new development and tree removal.

Department Comments

The staff held a Focus Meeting on July 6, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ Design and construction shall be in accordance with the current version of the Building Codes identified in the Sandy Springs Code of Ordinances Chapter 9. Fire dept access shall be considered in the layout of the new structures.
	Sandy Springs Landscape Architect/ Arborist	▪ The trees proposed to be removed are healthy trees.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
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 this proposal for redevelopment has undergone extensive review by the public and Fulton County Board members with rezoning case Z2005-050. The applicant indicates that denying the variance would not allow the project to be developed consistent with the site plan approved as part of the zoning. The site is to be fully compensated with the required recompense of landscaping when completed.

The applicant has provided the approved site plan and minutes and conditions of Z2005-050 in support of this proposal.

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 June 15, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan, letter of appeal, and minutes, and conditions from the aforementioned zoning case Z2005-050