



P&Z STAFF REPORT

Board of Appeals Hearing; September 10, 2015

Case: **201502294 – 4666 E. Conway Drive**

Staff Contact: Catherine Mercier-Baggett (cmercier-baggett@sandyspringsga.gov)

Report Date: August 27, 2015

REQUEST

The applicant is seeking two primary variances to construct a new single family home:

1. One (1) primary variance from Section 6.4.3.C of the Sandy Springs Zoning Ordinance to reduce the side yard setback from ten (10) feet to five (5) feet on either sides of the parcel.

2. One (1) primary variance from Section 109.222.8.A (A) of the Sandy Springs Code of Ordinances for relief from the Stream Buffer Protection Ordinance to allow for land-disturbing activities utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer.

APPLICANT

Property Owner KBD Development, LLC	Petitioner: Chris Davis	Representative: Chris Davis
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PROPERTY INFORMATION

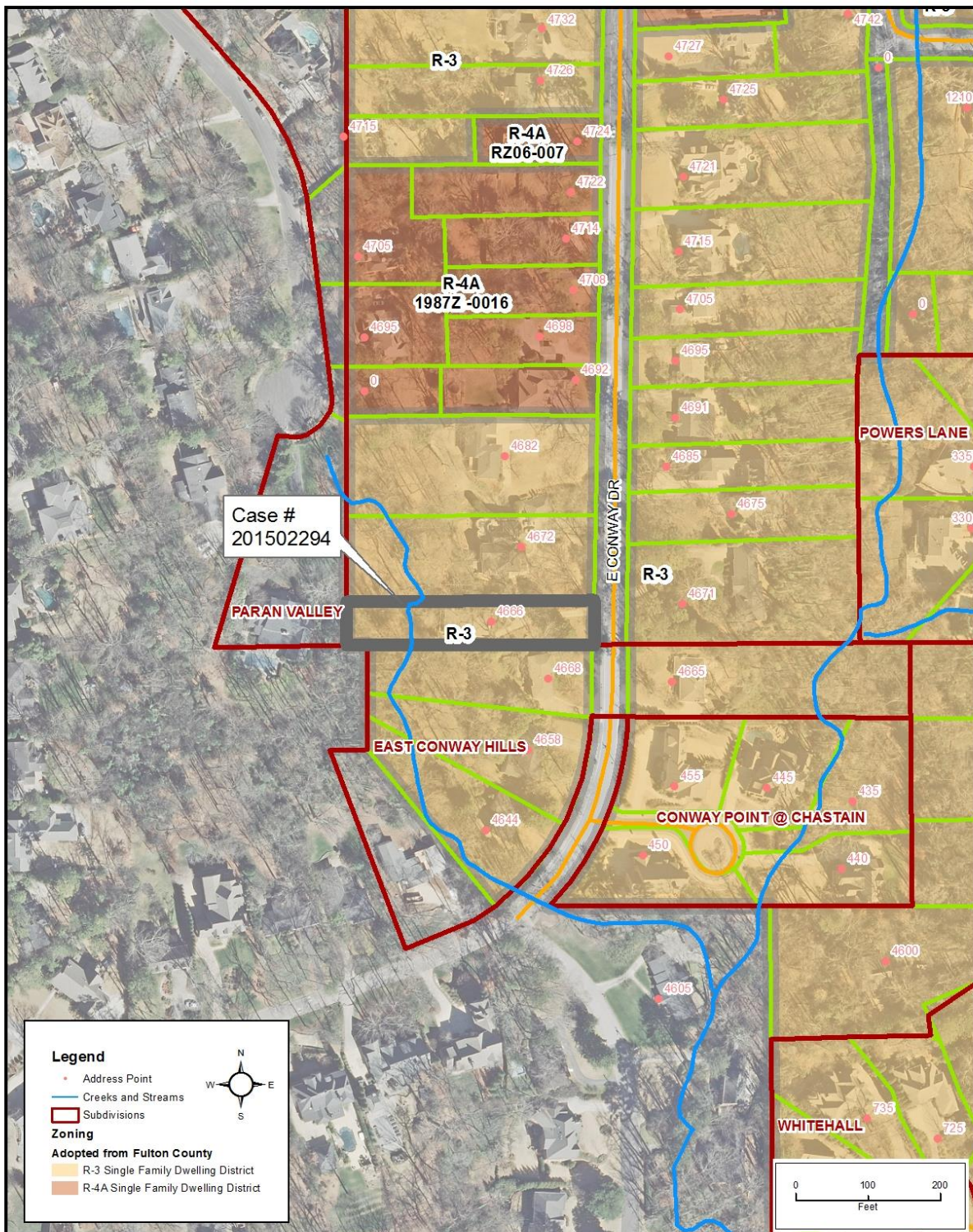
Location:	4666 E. Conway Dr. Land Lot 137, 17th District 17 013700010215
Council District:	6 – Andy Bauman
Road frontage:	Approximately 60 feet of frontage along East Conway Drive
Acreage:	Approximately 0.495 acre
Existing Zoning:	R-3 (Single Family Residential)
Existing Land Use:	Developed with a single family home
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R 1-2 (Residential 1 to 2 units/acre)

SUMMARY
The subject parcel is a legal nonconforming lot with a width of 60 feet, while Sec. 6.4 of the Zoning Ordinance stipulates that the width must be a minimum of 100 feet in R-3 zoning. The applicant request a buildable width of 50 feet; 40 feet are allowable by right. The footprint of the existing single-family house, to be demolished, is located almost entirely in the stream buffers and the impervious surface setback. The applicant proposes to build a new home with a larger footprint, and completely outside the stream buffer and impervious surface setback. Variance request No.2 would allow for the demolition work only – there will be no structure rebuilt in the same area.

RECOMMENDATIONS
Department of Community Development
Staff recommends <u>denial</u> of variance request No.1. Staff recommends <u>approval conditional</u> of variance request No.2, under the following condition: 1. Disturbance of the undisturbed stream buffers shall be limited to demolition activities.

ZONING MAP

4666 East Conway Drive



VARIANCE CONSIDERATIONS

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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

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

Request No. 1: *6.4.3.C to reduce the side yard setback from ten (10) feet to five (5) feet on either sides.*

Finding: The Applicant seeks a reduction of the side setbacks due to the narrowness of the lot. The existing house was built before the Zoning Ordinance was enacted; the 60ft wide subject property does not meet the R-3 standard of a minimum 100ft wide lot. This narrow width is characteristic of East Conway Drive, although a few properties appear to be the result of the combination of two originally narrow lots.

Encroaching into the side yards will allow the Applicant to build a larger house, with a footprint of over 3,100 square feet. The buildable area of the lot, considering all the current setbacks and the undisturbed stream buffers, is roughly 40'x100', for a total of 4,000 square feet. Staff is of the opinion that there is sufficient room to accommodate a large floorplan, albeit a different one than shown on the application.

Staff recommends **denial**

Request No.2: *Section 109.222.8.A (A) for relief from the Stream Buffer Protection Ordinance to allow for land-disturbing activities utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer.*

Finding: The Applicant proposes to enter stream buffer with machinery for demolition and construction purposes only. Because the existing house encroaches into the city and state buffers, it would be impossible to remove the structure without temporarily entering the protected areas.

Staff recommends **approval conditional**

COMMENTS FROM OTHER PARTIES

Public Works: No comment.

Building and Land Development: No comment.

Arborist: No comment.

Fire: If setback variance is granted, Applicant may need to install sprinklers in the building per Section 22-34 Sprinkler Protection Requirements. This will be addressed in future building permit reviews.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Request No. 1:

Staff recommends **denial** of the request for a primary variance from Section 6.4.3.C of the Sandy Springs Zoning Ordinance to reduce the side yard setback from ten (10) feet to five (5) feet on either sides of the parcel.

Request No.2:

Staff recommends **approval conditional** of the request for a primary variance from Section 109.222.8.A (A) of the Sandy Springs Code of Ordinances for relief from the Stream Buffer Protection Ordinance to allow for land-disturbing activities utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer, under the following condition:

1. Disturbance of the undisturbed stream buffers shall be limited to demolition activities.



P&Z STAFF REPORT

Board of Appeals Hearing; September 10, 2015

Case: **201502244 – 339 Tara Trail**

Staff Contact: Brittany Anderson (banderson@sandyspringsga.gov)

Report Date: August 28, 2015

REQUEST

The applicant is requesting one (1) primary variance:

1. One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the twenty-five (25) foot impervious surface setback to construct a retaining wall.

APPLICANT

Property Owner: Steven Cadranel	Petitioner: Harrison Design	Representative: Bill Caldwell
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PROPERTY INFORMATION

Location:	339 Riverside Trail, Lot 8 Land Lot 136 Parcel 17 0136 LL0762
Council District:	6 (Andy Bauman)
Road frontage:	Approximately 179.02 feet of frontage along Tara Trail
Acreage:	Approximately 1.00 acres (43,560 square feet)
Existing Zoning:	R-2 (Single Family Dwelling District)
Existing Land Use:	Single family residence, currently vacant
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R0-1 (Residential, 0 to 1 units per acre)

SUMMARY

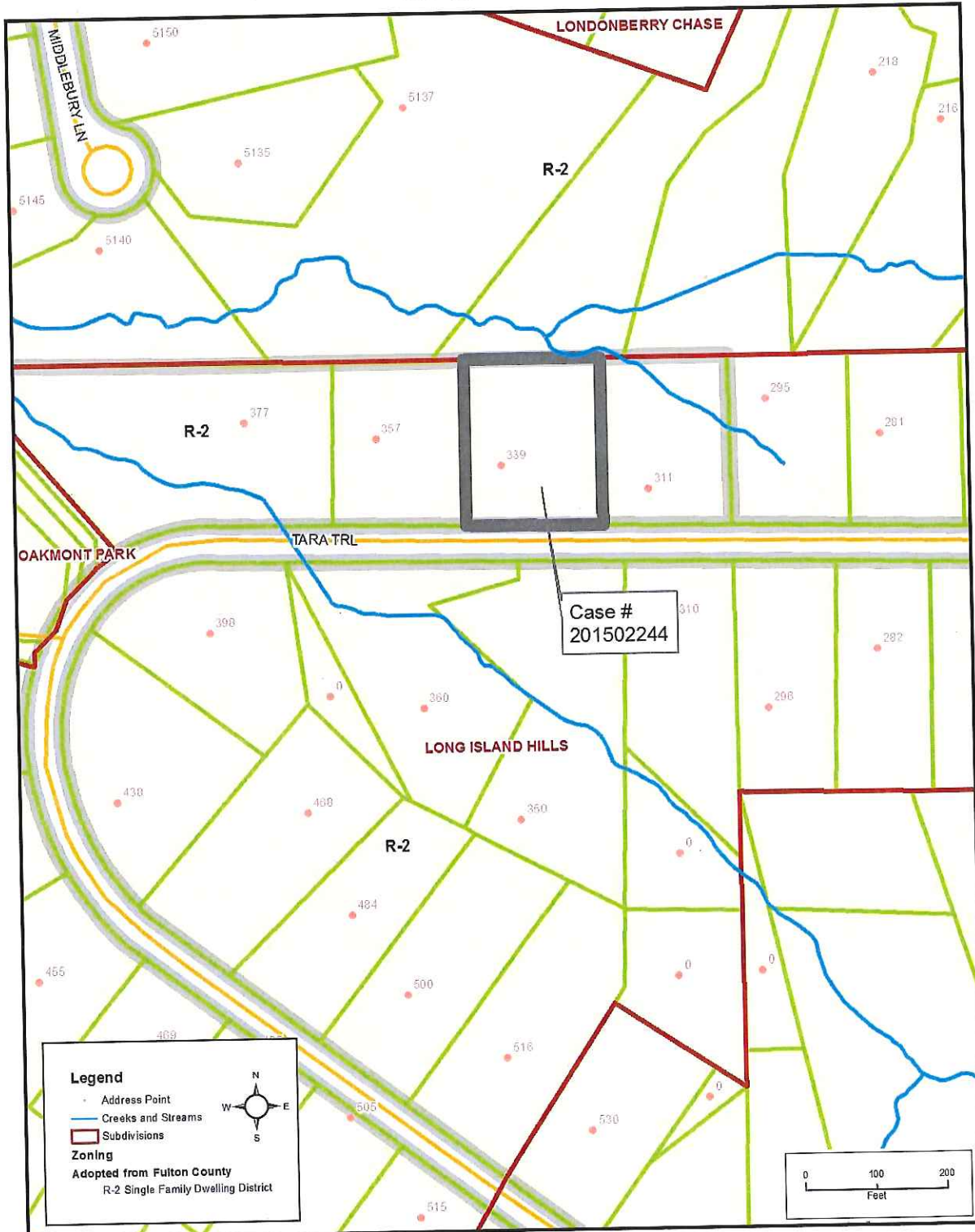
The applicant is proposing to construct a retaining wall within the twenty-five (25) foot impervious surface buffer. Two building permits, 201502341 (new single family dwelling) and 201502342 (retaining wall) were approved in July 2015 without any type of variance needed. Before the building permit was approved, Planning & Zoning staff made the following comment, "Retaining wall does not encroach unto the stream buffers on this building permit application. A variance to relocate the retaining wall within the twenty-five foot impervious surface setback has been submitted." The applicant is requesting one (1) primary variance:

1. One (1) primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the twenty-five (25) foot impervious surface setback to construct a retaining wall.

RECOMMENDATIONS**Department of Community Development****201502244 – DENIAL**

ZONING MAP

339 Tara Trail



	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	0 sq ft	0 sq ft	0 sq ft
25' – 50' City Stream Buffer	0 sq ft	0 sq ft	0 sq ft
50' – 75' Impervious Surface Setback	0 sq ft	94 sq ft	94 sq ft
Total Impervious Surface encroaching in Stream Buffer	0 sq ft	94 sq ft	94 sq ft

VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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

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

Request No.1: (6.3.3.B.) *To encroach into the twenty-five (25) foot impervious surface setback to construct a retaining wall.*

Finding: The applicant submitted a letter of intent stating the hardship is due to the steeply sloped topography in the rear yard between the proposed house and the fifty (50) foot undisturbed vegetative buffer and that the retaining wall is required to create a livable and marketable rear yard for the property. Building permits for the property (201502341 and 201502342) showed the proposed retaining wall outside of the stream buffers were submitted and approved in July. Submitting the building permits with the retaining walls outside of the stream buffers indicate that there is no dire hardship and the applicant was satisfied with the location of the proposed retaining wall (attached image labeled "Building Permit 201502341 & 201502342" depicts the first submittal before the permits were approved).

Staff recommends **DENIAL**

COMMENTS FROM OTHER PARTIES

Public Works: No comment.

Arborist: No comment.

Fire: No comment.

Building and Permitting: No comment.

Code Enforcement: No comment.

Site Development: No comment.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of variance request 201502244 to encroach into the twenty-five (25) foot impervious surface setback to construct a retaining wall.

Variance Application Letter of Appeal
339 Tara Trail, Sandy Springs, GA 30327

Request

The owner of the property at 339 Tara Trail is petitioning for a variance from the 75 foot impervious stream buffer in order to construct a retaining wall within the furthest 25' portion of the buffer area. More specifically, a segmental block retaining wall is proposed to be constructed into the 75 foot buffer, leaving 5 feet of space between the face of the wall and the remaining 50 foot non-disturbance buffer area. The area between the retaining wall and house would be backfilled and graded to create a level, landscaped, and grass covered lawn between the house to the retaining wall. All of the grading necessary to create the retaining wall and the rear yard will occur within permissible grading areas and no grading will take place in the 50' Non-Disturbance Buffer Area.

Reason for the Request:

The variance is being requested due to the hardship created by the steeply sloped topography in the back yard area between the proposed house and the 50' Non Disturbance Buffer. The slopes in this area average over 30% and are unusable, much less unwalkable. Therefore a retaining wall is required to create a livable and marketable rear yard for the property.

Points of Appeal

- 1) The collective 25', 50', and 75' Comprehensive Impervious Buffer Areas equate to approximately 11,250 square feet of area within the subject lot or approximately 26% of the total lot.
- 2) The proposed retaining wall represents an approximate maximum impervious area of only 94 square feet of the total 11,250 s.f. Comprehensive Impervious Buffer Area or less than .1% of that buffer. In this context, the impact within the 75 foot Comprehensive Impervious Buffer Area is negligible.
- 3) Requiring a 75' Impervious Buffer against a stream bank is intended to protect the environmental conditions of the stream by slowing the rate of storm water run-off to the stream and minimizing the amount of run-off entering the stream. Constructing impervious structures such as buildings, parking lots, and similar impervious improvements would typically increase the amount of storm water run-off making its way into a stream. However, due to the steep natural grades and minimal ground cover that currently exist along the stream bank within this particular lot, constructing just a retaining wall (with a minimal impervious surface area) in order to level out and landscape the rear yard as requested will significantly improve the stream's post development protection by:
 - a. Leveling the backyard area and thereby greatly reducing the rate of run-off that is currently occurring.
 - b. Landscaping the backyard and providing much greater absorption and thereby reducing the total amount of run-off that is currently occurring, and
 - c. Grassing the back yard and thereby greatly reducing the amount of erosion that is currently impacting the stream.

Without the addition of the planned retaining wall, site runoff and erosion will continue to occur at greater rates and higher velocities.

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City Of Sandy Springs
Community Development

- 4) The addition of an elevated level rear yard creates a substantial grade separation between the developed lot area and the stream buffer. The grade separation created by this development makes access to the stream buffer more difficult and would therefore encourage preservation of the buffer zones due to difficulty of access.
- 5) Lastly, it is worth noting that the storm water filtration quality measures being incorporated into this development will also improve the quality of any storm water that is making its way into the stream.

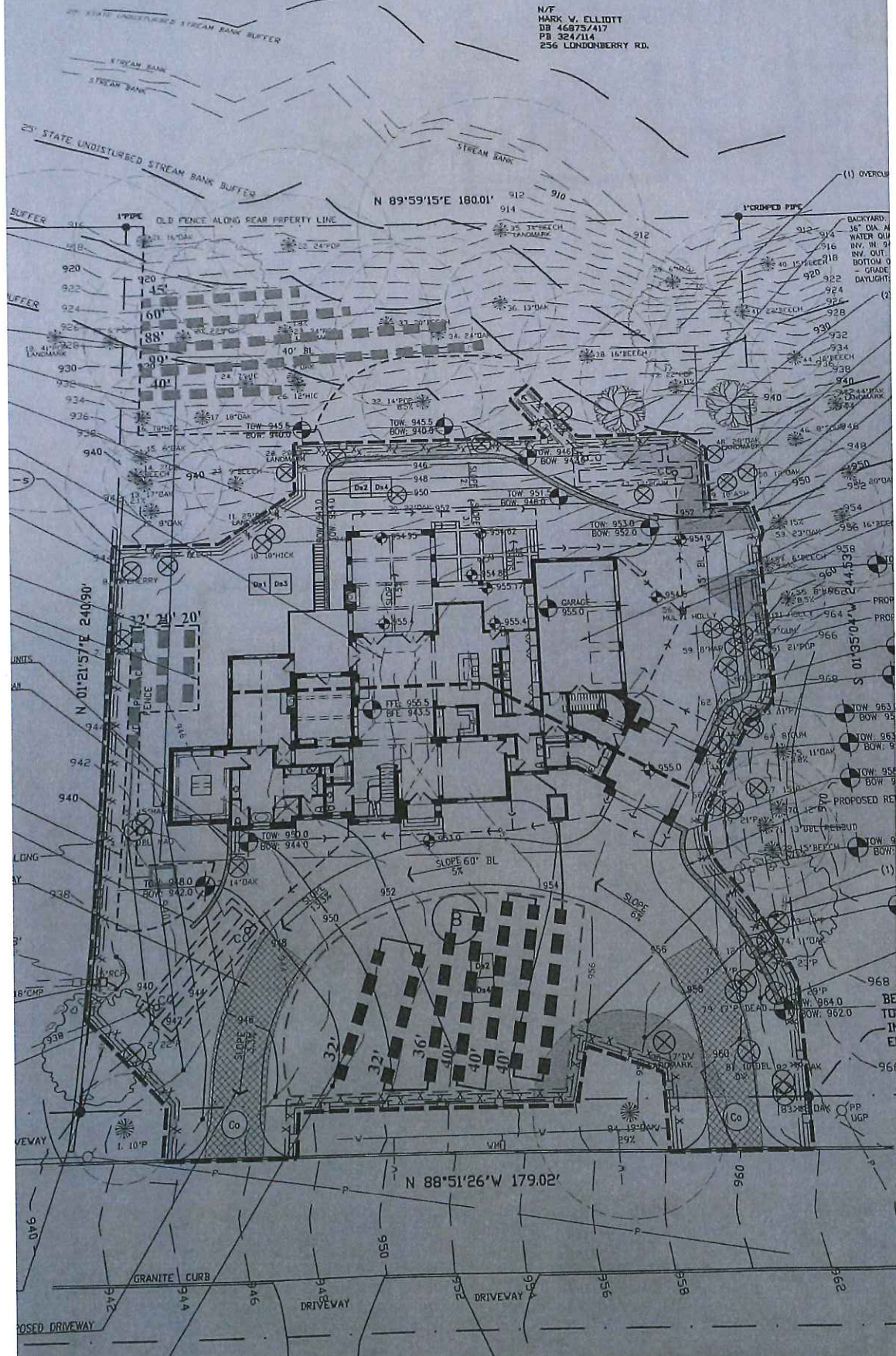
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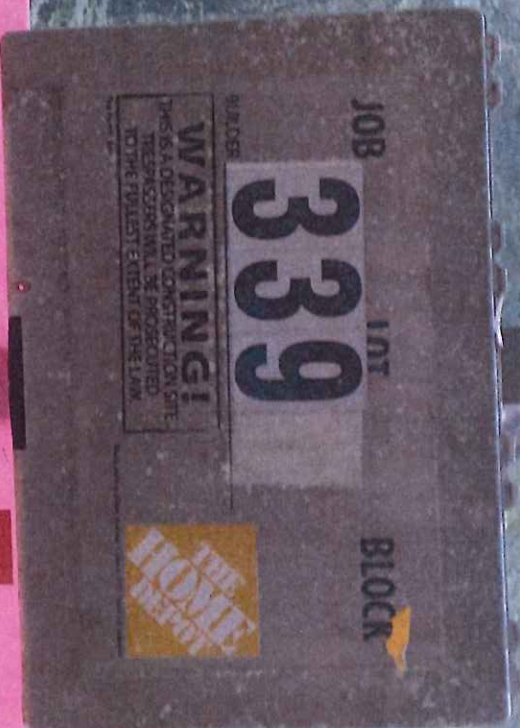
**City Of Sandy Springs
Community Development**

FOR THE PROPOSED CONSTRUCTION OF THE
 PROPOSED DRIVEWAY AND FLOOR OF HOUSE
 MAY BE PROTECTED BY A FENCE OR FENCIBLE
 AND CONSTRUCTION SHALL BE IN ACCORDANCE
 WITH THE MINIMUM REQUIREMENTS OF THE
 1980 ILL. TOWN AND VILLAGE CODES
 USED FOR DEMONSTRATION OF PAVEMENT
 DTS SHALL BE PERFORMED WITH SAND
 A CLEAR CUT WITHOUT TEARDROPS
 TO ALLOWED WHERE PAVING EXPOSED
 THE ROAD AND NOT STONE
 DURING NEW CONCRETE

N/F
 MARK V. ELLIOTT
 DB 46875/417
 PB 324/114
 256 LONDONBERRY RD.



Building Permit 2015023411 201502342



DESIGN-CONSTRUC
CRAFTMASTER.
FOR ALL YOUR BU
RENOVATIONS &
NEW CONSTRUC
(404) 252

SANDY SPRINGS

NOTICE OF VARIANCE PETITION

Petition Number:

201502244

Property Location:

339 Tara Trail

Request:

Primary Variance from Section

109-225 of the Stream Buffer Buffer

Distance to encroach into the 25' impervious
Surface setback to build a retaining wall

Public Hearings:

Board of Appeals

9/10/15

at 7:00 p.m.

Location:

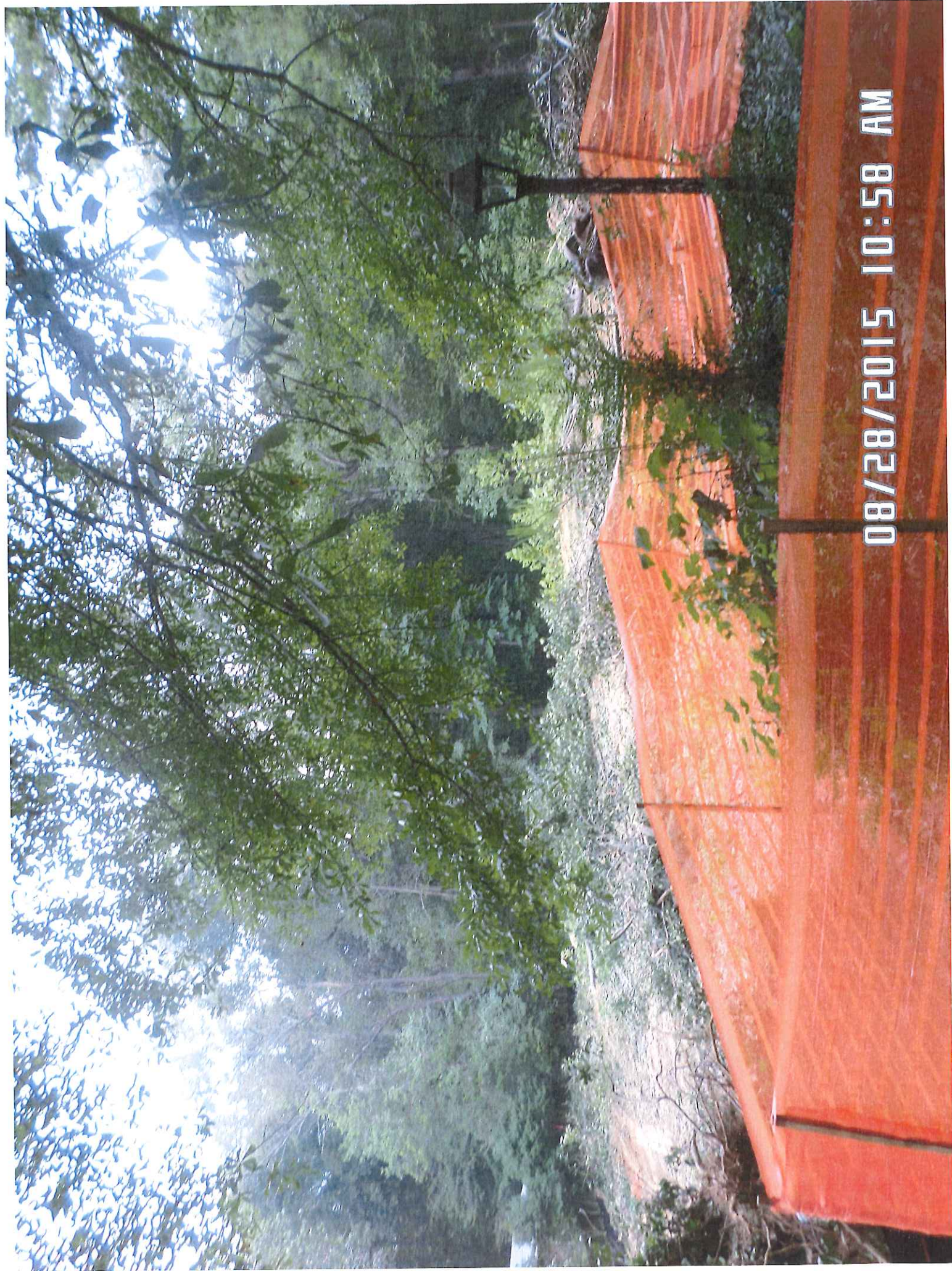
Sandy Springs City Hall
Morgan Falls Office Park
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

For additional information, please contact
at 770-730-5600 or visit www.sandysp.org

08/28/2015 10:56 AM



08/28/2015 10:51 AM



08/28/2015 10:58 AM



P&Z STAFF REPORT

Board of Appeals Hearing; September 10, 2015

Case: **201502261 – 990 Riverside Trace**

Staff Contact: Brittany Anderson (banderson@sandyspringsga.gov)

Report Date: August 27, 2015

REQUEST

The applicant is requesting one (1) primary variance from the Zoning Ordinance:

1. One (1) primary variance from Section 6.3.3.B. of the Zoning Ordinance to encroach into the minimum front yard by twenty (20) feet for an existing house, an existing porch and a proposed porch extension.

APPLICANT

Property Owner: James & Wendy Kosek	Petitioner: James Kosek	Representative: James Kosek
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PROPERTY INFORMATION

Location:	990 Riverside Trace, Lot 3 Land Lot 172 Parcel 17 017200060307
Council District:	3 (Graham McDonald)
Road frontage:	Approximately 255.55 feet of frontage along Riverside Trace
Acreage:	Approximately 0.643 acres (28,026 square feet)
Existing Zoning:	R-2A, pursuant to Fulton County zoning case Z78-0011
Existing Land Use:	Single family residence
Overlay District:	N/A
Special Planning Area:	River Corridor
Future Land Use Designation:	R1-2 (Residential, 1 to 2 units per acre)

SUMMARY

The applicant is proposing to expand an existing porch. The applicant applied for a building permit and was recommended to seek a minor variance because the existing home and porch encroaches into the minimum front yard. The applicant was granted a minor variance, 201500530 (see attached), to reduce the required sixty (60) foot front yard setback to fifty-four (54) feet for the addition of a porch in February 2015.

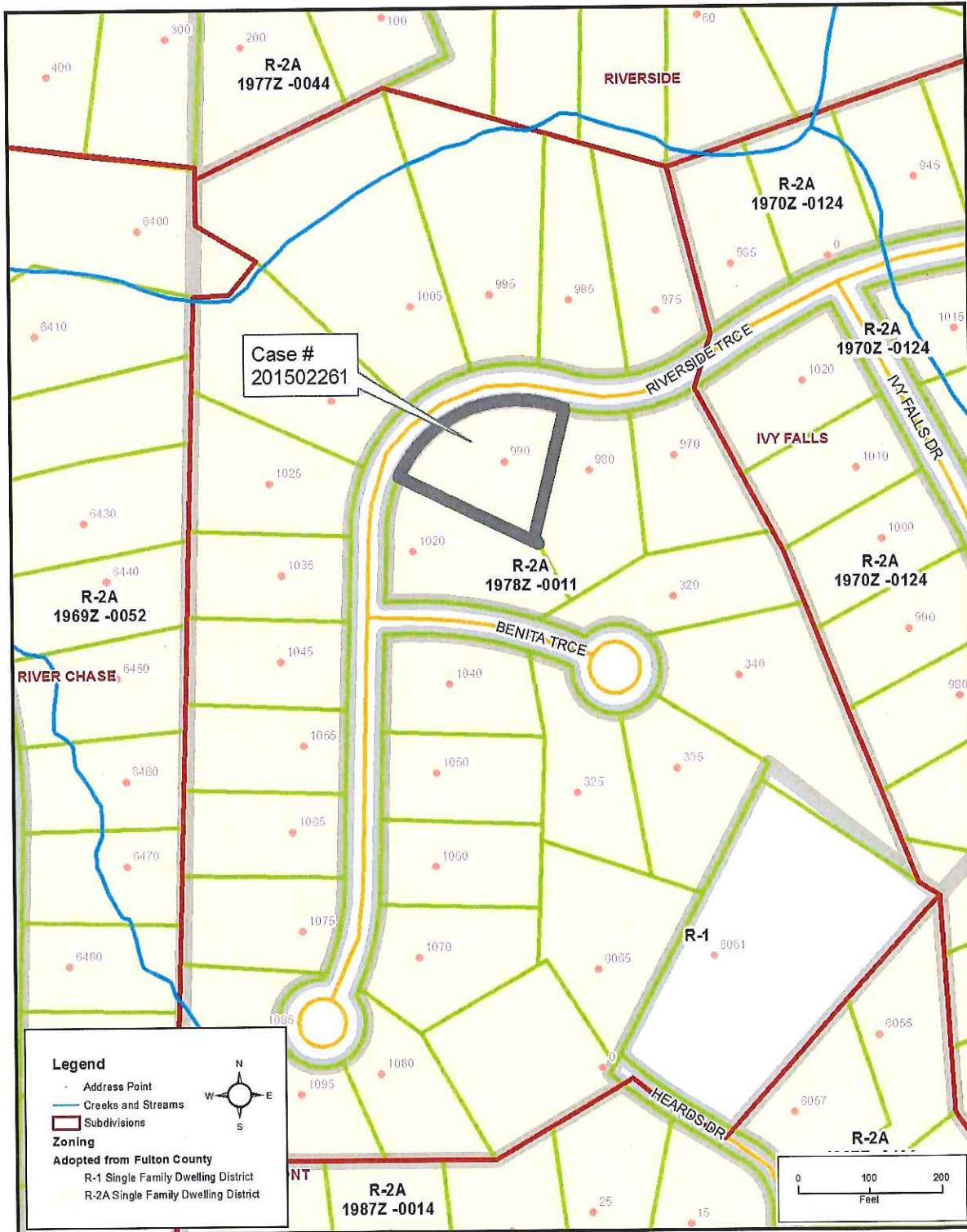
Under the impression that the approval meant the construction was permissible, the applicant began the construction of the porch expansion without a building permit. The applicant received a stop work order and was told to apply for a building permit, the applicant then attempted to complete the permitting process in February 2015. A more recent survey included with building permit application revealed that the minor variance issued was not sufficient to support the expansion because the existing house and existing porch already encroach into the minimum front yard by more than the six (6) feet granted in the minor variance. The applicant is now requesting one (1) primary variance from the Zoning Ordinance:

1. One (1) primary variance from Section 6.3.3.B. of the Zoning Ordinance to encroach into the minimum front yard by twenty (20) feet for an existing house, an existing porch and a proposed porch extension.

RECOMMENDATIONS**Department of Community Development****201502261 – APPROVAL CONDITIONAL**

ZONING MAP

990 Riverside Trace



VARIANCE CONSIDERATION

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, primary variances and concurrent variances shall only be granted upon showing that:

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

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

Request No.1: (6.3.3.B.) *To encroach into the required minimum front yard by twenty (20) feet for an existing house and a proposed porch.*

Finding: The existing house and existing porch encroaches into the minimum front yard by twenty (20) feet total. The dimension of the existing porch is 8'W x 16'L. The porch expansion is extended on the west and continues southward towards the required minimum front yard setback of sixty (60) feet. The porch expansion does not extend any further into the minimum front yard any more than the existing house and porch.

Staff recommends APPROVAL CONDITIONAL

COMMENTS FROM OTHER PARTIES

Public Works: No comment.

Arborist: Michael Barnett worked with ARC to determine what could be built.

Fire: No comment.

Building and Permitting: No comment.

Code Enforcement: No comment.

Site Development: No comment.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of variance request 201502261 to allow an existing house, an existing porch, and proposed porch extension to encroach into the minimum front yard by twenty (20) feet.

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

1. To allow an existing house, an existing porch, and proposed porch extension to encroach into the minimum front yard by twenty (20) feet, as shown on the site plan and design plan dated received July 6, 2015 by the Department of Community Development.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.

Letter of Appeal for 990 Riverside Drive Sandy Springs, GA 30328

Variance Considerations:

Riverside Trace/Riverside Neighborhood is a neighborhood that has the lion's share of homes favor a traditional architecture built in the 60's to early 80's where symmetry carries the day. We are essentially looking to continue off the existing porch and to create a "new south" or "new sandy springs" version of front elevation with a porch aimed at having neighbors and friends enjoy the front porch style of living that brings neighbors together and will in fact encroach the new porch elements 15-20 feet. We will create a landscape buffer by the porch to certainly soften it but have garnered over 50 compliments by folks in neighborhood to date including every neighbor around the home when we first sought an administration variance.

We have a front porch that is 8x16 front porch that is oddly shaped since it does not continue to the length of the house. That along with the fact that the stone placements on the house have been deemed unacceptable for construction for over 40 years means the wrap around portion (house is put on a pie shaped lot and would seem chopped off) without wrap around deck.

Within the constraints of Riverside (West side of street) there are numerous properties that are in similar proximity. Some of those addresses include, 1085 Riverside Trace, 1095 Riverside Trace, 1080 Riverside Trace, 1070 Riverside Trace (has built a stone wall similar distance) 320 Riverside Trace, 905 and 915 Riverside Trace, 6225 Old Hickory (next street over). Naturally there are more examples of similar distance in the neighborhood, the new home developments (Mount Aire) by various builders included Traton Homes, Edward Andrews, Lefco Group to name a few near the new downtown and few subdivisions over.

I greatly appreciate your help with this process and sincerely wish to have home yet another example of how and why Sandy Springs is becoming a top 2 town consideration in Atlanta Metropolitan Area.

Thanks Much,



Jim Kosek

990 Riverside Trace

Sandy Springs GA 30328

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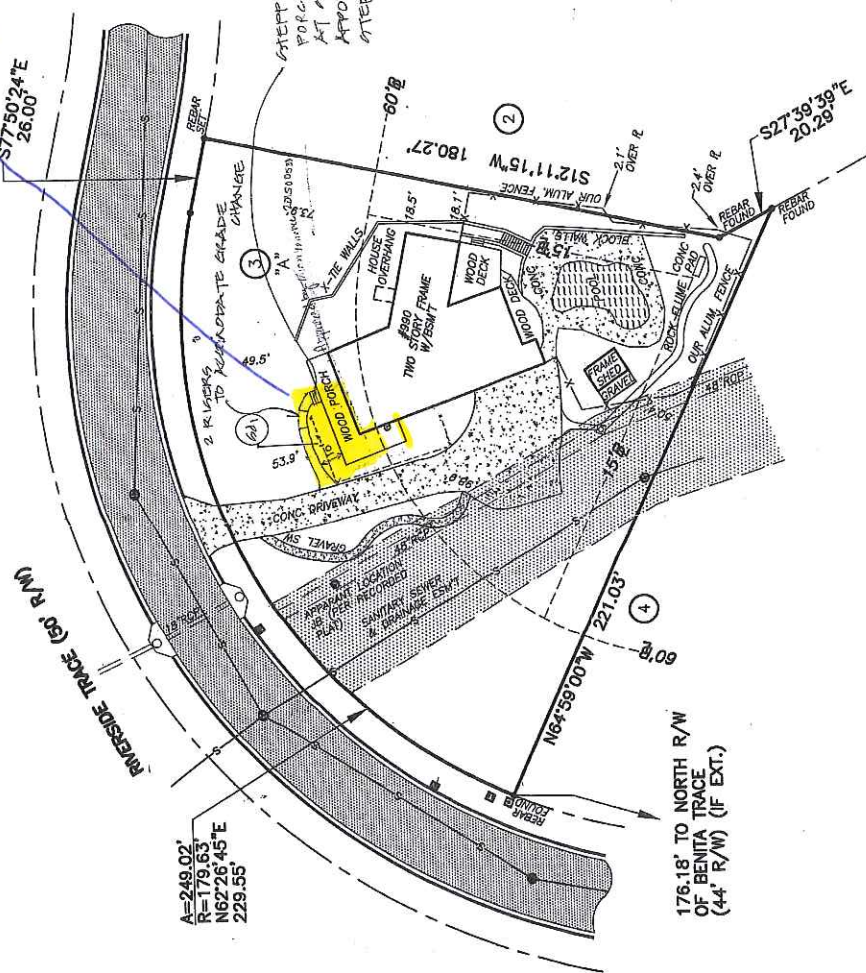
City Of Sandy Springs
Community Development

MINIMUM FRONT YARD SETBACK 20 FEET
 14' 0" SIDE SETBACK
 14' 0" REAR SETBACK
 14' 0" CORNER SETBACK



LAURA SMITH
 VALIDATED SURVEYOR
 81 BENT RIVER RD
 CLAYTON, GA 30565
 404.377.2102

STEPPING STONE WALK 1/3 STONE STEPS TO
 PORCH; WALK WIDTH ALG. 42" W/ BARRING
 AT STEPS AND DRIVE.
 APPROX 119# WALK
 STEPS - 13# STONE



REMOVED 6.22.15 AS
 TO ADD STEPS, WALK, AND
 INDICATE AILT FENCE LOCATION

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 City Of Sandy Springs
 Community Development

TOTAL AREA= 0.643± ACRES
 OR 28,026± SQ.FT.

990 RIVERSIDE TRACE
 SANDY SPRINGS, GEORGIA

SURVEY FOR
 JAMES KOSEK

LOT 3 BLOCK "A"
 UNIT ONE RIVERSIDE TRACE

LAND LOT 172
 DISTRICT 17TH
 FULTON COUNTY
 GEORGIA

PLAT PREPARED: 4-20-15
 FIELD: 4-16-15 SCALE: 1"=30'



McLUNG SURVEYING SERVICES, INC.
 4833 South Cobb Drive Suite 200
 Smyrna, Georgia 30080 (770) 434-3363
 Certificate of Authorization #LSF000792

This property is NOT located
 in a Special Flood Hazard Area as
 indicated by FEMA
 Official Flood Hazard Maps.

In my opinion this plat is a
 correct representation of the
 land platted.

REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF
 JAMES A. KOSEK AND MENDY S. KOSEK
 DEED BOOK 54452 PAGE 66
 FULTON COUNTY, GEORGIA RECORDS

LEGEND

- 1. R/W DENOTES PROPERTY LINE
- 2. C/W DENOTES CENTERLINE
- 3. E/C DENOTES EASEMENT
- 4. G DENOTES GRASS
- 5. T/W DENOTES TRAIL
- 6. W DENOTES WALK
- 7. B/W DENOTES BARRING
- 8. C/P DENOTES CONCRETE PAVEMENT
- 9. P DENOTES POWER LINE
- 10. A/C DENOTES AIR CONDITIONING
- 11. B/D DENOTES BOX
- 12. G/M DENOTES GAS METER
- 13. W/M DENOTES WATER METER
- 14. W/V DENOTES WATER VALVE
- 15. W/W DENOTES WATER WORK
- 16. H/W DENOTES HEATING
- 17. J/B DENOTES JOINT BOX
- 18. SSMH DENOTES SANITARY SEWER MANHOLE
- 19. C/D DENOTES CLEAN OUT

IMPERVIOUS CALCULATIONS

ROADS	2,468± SQ. FT.
CONCRETE DRIVEWAY	2,468± SQ. FT.
GRAVEL SIDEWALK	243± SQ. FT.
FRAME SHED W/ GRAVEL PAD	1,025± SQ. FT.
CONCRETE & POOL	1,664± SQ. FT.
WALLS	415± SQ. FT.
WOOD PORCH	1,084± SQ. FT.
WOOD DECK	142± SQ. FT.
CONCRETE PAD	237± SQ. FT.
TOTAL	8,397± SQ. FT. OR 30%

ZONING INFORMATION

CITY OF SANDY SPRINGS: R-2A
 MINIMUM LOT AREA: 27,000 SQUARE FEET
 MINIMUM LOT WIDTH: 20 FEET
 MINIMUM FRONT YARD SETBACK: 60 FEET
 MINIMUM SIDE SETBACK: 15 FEET
 MINIMUM REAR SETBACK: 15 FEET
 MAXIMUM BUILDING HEIGHT: 40 FEET

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES
 MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF
 UNDERGROUND UTILITIES ARE SHOWN HEREIN BASED ON
 RECORD DRAWINGS AND FIELD OBSERVATIONS. NO
 UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREIN.
 ADDITIONAL BURIED UTILITIES MAY BE DISCOVERED DURING
 SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS
 ARE BEGUN, PLEASE CALL ALL LOCAL UTILITY PROVIDERS.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT
 SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES OR ANY
 RESTRICTIVE COVENANTS, OR OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE
 PERSONS WHOSE NAMES ARE SHOWN HEREIN. IT DOES NOT
 WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR
 NAMING SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED
 BY AND OPEN TRAVEL. THIS PLAT HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN
 261,176± FEET LINEAR MEASURE. ADJACENT OWNERS HERE
 OBTAINED BY USING A UPRON TOTAL STATION.
5. BEARINGS SHOWN WERE COMPUTED FROM ANGLED TURNED
 FROM A SINGLE MAGNETIC OBSERVATION.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING
 REGULATIONS AND RESTRICTIONS.
7. THIS PLAT IS NOT INTENDED FOR RECORDING.
8. THIS PROPERTY MAY BE WITHIN 2000 FEET OF THE
 CHATTAHOOCHEE RIVER CORRIDOR.



[illegible]

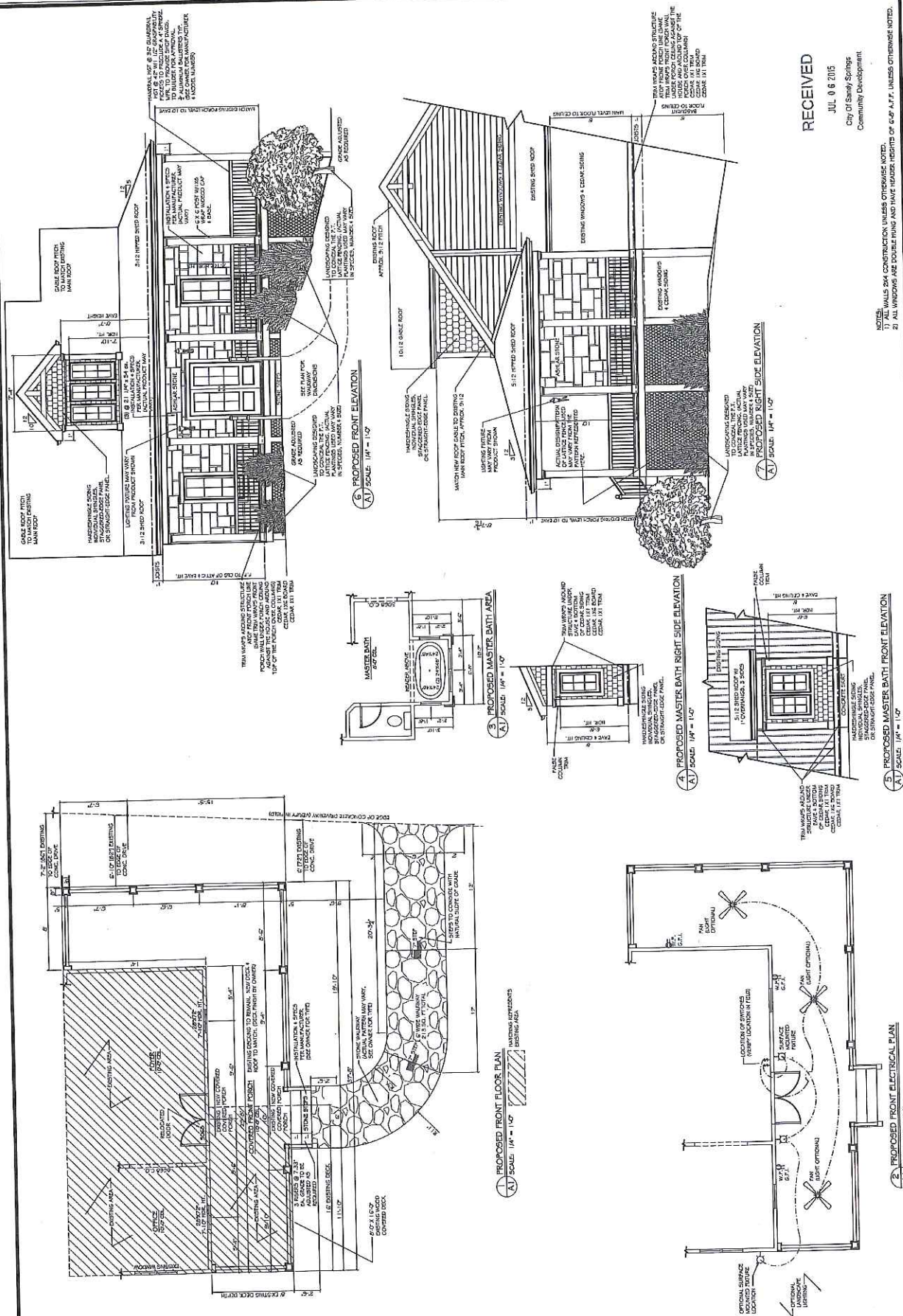
MILLS DESIGNS & DRAFTING
RESIDENTIAL & COMMERCIAL DRAFTING AND DESIGN
CUSTOM DESIGNS • DRAFTING SERVICES • RENDERINGS • VANTHROUGHS
3357 HANNAH COURT
POWDER SPRINGS, GEORGIA 30127
(613)401-5510 MILP1357@GMAIL.COM

RECEIVED

JUN 06 2015

City Of Sandy Springs
Community Development

NOTES:
1) ALL WALLS 24" CONSTRUCTION UNLESS OTHERWISE NOTED. UNLESS OTHERWISE NOTED.





NOTICE OF VARIANCE PETITION

201502261

Petition Number:

990 RIVERSIDE TRACE

Property Location:

TO ENCROACH INTO THE MINIMUM
FRONT YARD FOR EXISTING
HOUSE & PROPOSED PORCH

Request:

Public Hearings:

Board of Appeals

09/10/15

at 7:00 p.m.

Location:

Sandy Springs City Hall
Morgan Falls Office Park
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

For additional information, please contact Planning & Zoning
at 770-730-5600 or visit www.sandy-springs.org

08/28/2015 10:01 AM



SANDY SPRINGS
GEORGIA

STOP WORK ORDER

(PARAR DE TRABAJAR)

DO NOT REMOVE, ALTER OR TAMPER
(NO REMOVER ESTE AVISO)

ADDRESS: 990 River Side Tra PERMIT: _____

VIOLATION(S): _____

INSPECTOR/OFFICER: S. Pappas

DATE: 5/26/2015

TELEPHONE # (770) 577-9000

CODE ENFORCEMENT 08/28/2015 10:01 AM

SANDY SPRINGS
 NOTICE OF VARIANCE PETITION
 2015-07261
 990 RIVERSIDE TRACE
 TO ENCLOSE INTO THE MINIMUM
 FRONT YARD FOR EXISTING
 HOUSE & PROPOSED PORCH
 Board of Appeals
 09/10/15 at 7:00 p.m.
 Location
 Sandy Springs City Hall
 Morgan Falls Office Park
 7840 Roswell Road, Building 500
 Sandy Springs, Georgia 30350
 For additional information, please contact Planning & Zoning
 at 770-730-5500 or visit www.sandyspringsga.gov

STOP WORK ORDER
 LOT JOB
 PERMIT
 BLDG-14C
 WARNING
 VIOLATION OF THE
 CITY OF SANDY SPRINGS
 ZONING ORDINANCE
 WILL BE PROSECUTED
 TO THE FULL
 EXTENT OF THE LAW

08/28/2015 10:01 AM





08/28/2015 10:08 AM



08/28/2015 10:36 AM



February 19, 2015

James Kosek
990 Riverside Trace
Sandy Springs, GA 30328

Re: 201500530 – One minor variance requests to reduce the required 60 foot front yard setback to 54 feet at 990 Riverside Trace for the addition of a front porch.

To whom it may concern:

The subject application indicates that you are requesting one minor variance to reduce the required 60 foot front yard setback to 54 feet at 990 Riverside Trace for the addition of a front porch. The subject property is zoned R-2A (Single Family Dwelling District) with a 60 foot front yard setback and this variance request is within the ten (10) percent limit allowed for minor variances by the Zoning Ordinance. Additionally, you have provided statements from all of the abutting property owners indicating their support for the minor variance.

Based on the material that you have provided, the minor variance to reduce the required 60 foot front yard setback to 54 feet to allow for the addition of a front porch at 990 Riverside Trace, Sandy Springs, GA 30328 is hereby approved, subject to the following condition(s):

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received February 12, 2015 by the Department of Community Development, for the variance(s) herein, showing a reduction in to reduce the 60 foot front yard setback to 54 feet for the addition of a front porch.

Please include a copy of this letter as a part of any applications for permits that you may seek in accordance with these variances. Should you have any questions, please do not hesitate to contact me or Kevin Howard, Planner 1, at (770) 730-5600.

Sincerely,

Joe Cooley
Manager of Planning and Zoning

JC/kh

Received

AUG 31 2015

City of Sandy Springs
Community Development
Department

990 Riverside Trace - Continuation of front porch, wraparound dormer

Addition of non-conforming structure
+ set back distances are acceptable
w/ neighborhood

Homeowner	Printed Name	Homeowner Signature	Riverside address	Date
	Rowena Keen	Rowena Keen	1020 Ivy Falls Dr	8/5/15
X	RICHARD KOTELMAN	[Signature]	6165 MOUNTAIN BROOK LN	8/5/15
	Robert + Daniel	[Signature]	6130 Mountain Brook Lane	8/5/15
	Suzanne Canthers	[Signature]	6255 River Overlook Dr. Atl GA	30328 8/5/15
	SCOTT ALLEN	[Signature]	6065 WEATHERLY DR 30328	8.5.15
	DAVID PIONTEK	[Signature]	1065 RIVERSIDE TR 30328	8.8.15
	Allan Levine	[Signature]	1060 " " "	8-8-15
	Andrew Rosner	[Signature]	105 Riverside Tr 30328	8-8-15
	[Signature]	[Signature]	1050 Riverside Trace	IF letter 7/10/15
	[Signature]	[Signature]	1055 Riverside Trace	8/11/15
	Robert Wener	[Signature]	325 Benita Trace Atlanta, GA. 30328	8/8/15
	Debora Hartzell + Alan Lenowitz	[Signature]	335 Benita Trace, Atl, GA	8/11/15
	Daniel Katz + Jennifer Wagner	[Signature]	6140 Mountain Brook Way	8/11/15
	Beth Taulbee	Beth Taulbee	1035 Riverside Trace	8/11/15

Received

AUG 31 2015

City of Sandy Springs
Community Development
Department

990 Riverside Trace - Continuation of front porch, wraparound dormer

Homeowner	Printed Name	Homeowner Signature	Riverside address	Date
Barbara Oliver	Barbara Oliver	Barbara Oliver	6165 Heard Creek Dr. NW	8/11/15
Christina Koch	C. Koch	C. Koch	1040 Riverside Trace Atlanta, GA 30328	8/21/15
Bill Lappin	Bill Lappin	Bill Lappin	1026 Riverside Trace Sandy Springs, GA 30328	8/29/15
Mary Hunt	MARY HUNT	MARY HUNT	1085 Riverside Trace ATL 30328	8/29/15
* Megan Groat	Megan Groat	Megan Groat	65 Old Stratton Chase 30328	
* LORI WELCH	LORI WELCH	LORI WELCH	6251 Mountain Brook Way 30328	
* Carmen Mills	Carmen Mills	Carmen Mills	750 Old Creek Trail Sandy Springs GA 30328	
* Laurie Kirkwood	Laurie Kirkwood	Laurie Kirkwood	6245 Old Hickory Pt 30328	

* Denotes Riverside HOA Board Member
- majority of immediate neighbors signed off on project
- every necessary immediate neighbor signed off on admin. variance



Variance Petition No. 201502271

HEARING & MEETING DATES

Board of Appeals Hearing
September 10, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Corporate Campus, LLC	The Spine Institute of Peachtree Neurosurgery	Nathan V. Hendricks, III

PROPERTY INFORMATION

Address, Land Lot(s), and District	1150 Hammond Drive Land Lot 8, 17 District
Council District	5 (Tiberio "Tibby" DeJulio)
Frontage	Approximately 369.38 feet of frontage along the north side of Hammond Drive and 1,076.38 feet of frontage along the east side of Peachtree-Dunwoody Road.
Area	The subject property has a total area of 15.30 acres.
Existing Zoning and Use	MIX (Mixed Use District) under Sandy Spring zoning case 201400796, currently developed with retail and office buildings.
Overlay District	PCID (Perimeter Center Improvement District)
2027 Comprehensive Plan Future Land Use Map Designation	LWC (Live Work Regional) Node 6: PCID (Perimeter Community Improvement District)

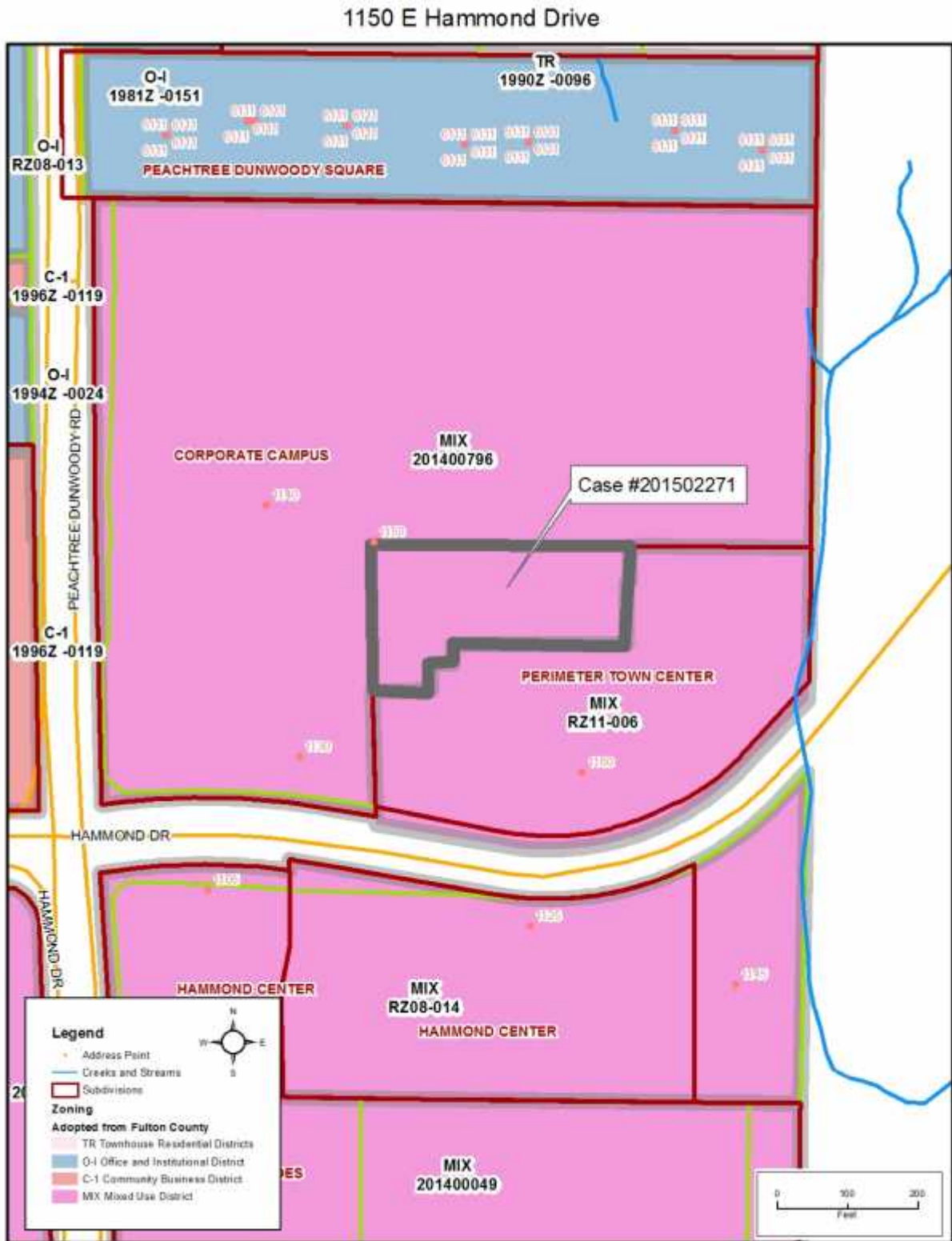
INTENT

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201502271-1) APPROVAL CONDITIONAL

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 10, 2015

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

CASE NUMBER: 201502271

STAFF CONTACT: Cristina Nelson, Senior Planner 770-206-1516
E-mail: cnelson@sandyspringsga.gov

Staff Analysis:

The subject property is known as 1150 E. Hammond Drive, which is located within the Corporate Campus Development containing approximately 12.457 acres at the northeast intersection of Peachtree Dunwoody Road and Hammond Drive. The property is zoned MIX Use pursuant to zoning case 201400796. The 1150 building is one of the several buildings within this development and since 2009 has been identified as the Goddard building.

The building is comprised of 6 floors and the applicant "Polaris" occupies 100% of the sixth floor (13000 sqft) and 80% of the fourth floor (8900 sqft). As per the applicant "Polaris is a Sandy Springs based business which began operation in 1979 and they have quintupled their number of employees since opening. Patient servicing is estimated to be at the 20k level for this year which is a record number for the applicant continuing an increase in the number steadily for the last three years. The nature of their medical practice is for both brain and spine patients with limited mobility both pre-operatively and post-operatively."

As per the applicant "Currently, the only way to reasonably direct patients to the property is to reference the building that has the Goddard School sign on it once a patient has turned into the Corporate Campus Complex from Peachtree Dunwoody Road."

The building is located approximately 400 feet from Peachtree Dunwoody Road and approximately 200 feet from Hammond Drive, surrounded by buildings that obscure the visibility from the adjacent roads. In an effort to ease the challenge of finding their offices, the applicant is requesting to be allowed to place a wall sign on the north elevation of the building, a wall that is not facing the street. This request requires a variance approval.

The applicant is seeking a primary variance from the Zoning Ordinance to allow for a wall sign on the North elevation of the building, a non-street facing wall.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.E.2. MIX Use Districts

Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

The wall sign location is opposite to the adjoining public roads (Peachtree Dunwoody Road and Hammond Drive) therefore, the impact on traffic is very minimum.

The proposed wall sign does not exceed the allowable 5% sign area allowed (180 sqft max.) and can only be viewed from vantage points internal to the property.

History

In 2009 a wall sign permit was issued for the Goddard School to place a sign on the west elevation of the building as this was the main anchor tenant at that time; conditioned to the upper 30 feet of the façade and not to add any other sign on the west elevation. (The Goddard sign is only 120 sqft).

Standards for Consideration

Zoning Ordinance

Variance from Section 33.26. E.2. of the Zoning Ordinance to allow a wall sign on a non-street facing wall (North elev.).

Section 33.12.D. Standards

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

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

Findings:

The site layout does not present topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

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

Findings:

The applicant (**Polaris**) propose to have a sign at the north elevation of the building which is set back approximately 400 feet from the roadway curb because it is the only wall elevation that can give them some identification in the building. The east elevation is obscured by the parking structure, the south elevation is obscured by the apartment building adjacent to Hammond Drive, and the west elevation is limited to only the Goddard School sign; elevation that at one point will be blocked by the development under construction adjacent to Peachtree Dunwoody Road. Polaris main access is from the parking structure. Staff found that the natural features of the lot present challenges that justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on July 9, 2015, at which time the following departmental comments were provided:

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

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs. The applicant has indicated that the purpose for this variance is mainly to provide information to their patients.

The applicant explains: "Currently the only way to reasonably direct patients to the Property is to reference the Building that has the Goddard School sign on it once a patient has turned into the Corporate Campus Complex from Peachtree Dunwoody Road. This means of giving directions is ineffective at best and presents an extreme challenge to patients already facing frustration and anxiety having to try and navigate the maze of surface parking area between the 1150 Building and Peachtree Dunwoody Road. The requested variance is therefore entirely appropriate as a means of overcoming the above described hardship which is unique to the property."

Staff is of opinion that relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the sign at the proposed location would have very little exposure if any to the road traffic. Staff is of the opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of the variance petition.

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

- 1) To allow for a wall sign on a non-street facing wall (north elevation) of the building pursuant to the sign location, submitted by the applicant, and dated received July 7, 2015 by the Department of Community Development.
- 2) There shall not be more than “Polaris Spine & Neurosurgery Center” wall sign on the north building elevation at any given time.

Attachments

Letter of Appeal, Property Survey, Sign Details and Photographs.