



Variance Petition No. V08-035

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)
August 14, 2008 (deferred)
September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Chris & Cathy Kapsimallis	Brad Renken	Brad Renken

PROPERTY INFORMATION

Address, Land Lot, and District	130 Blenheim Place Land Lot 351, District 6
Council District	1
Frontage and Area	180 feet of frontage along the east side of Blenheim Place. The subject property has a total area of approximately 1.08 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District) under zoning case Z71-092. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

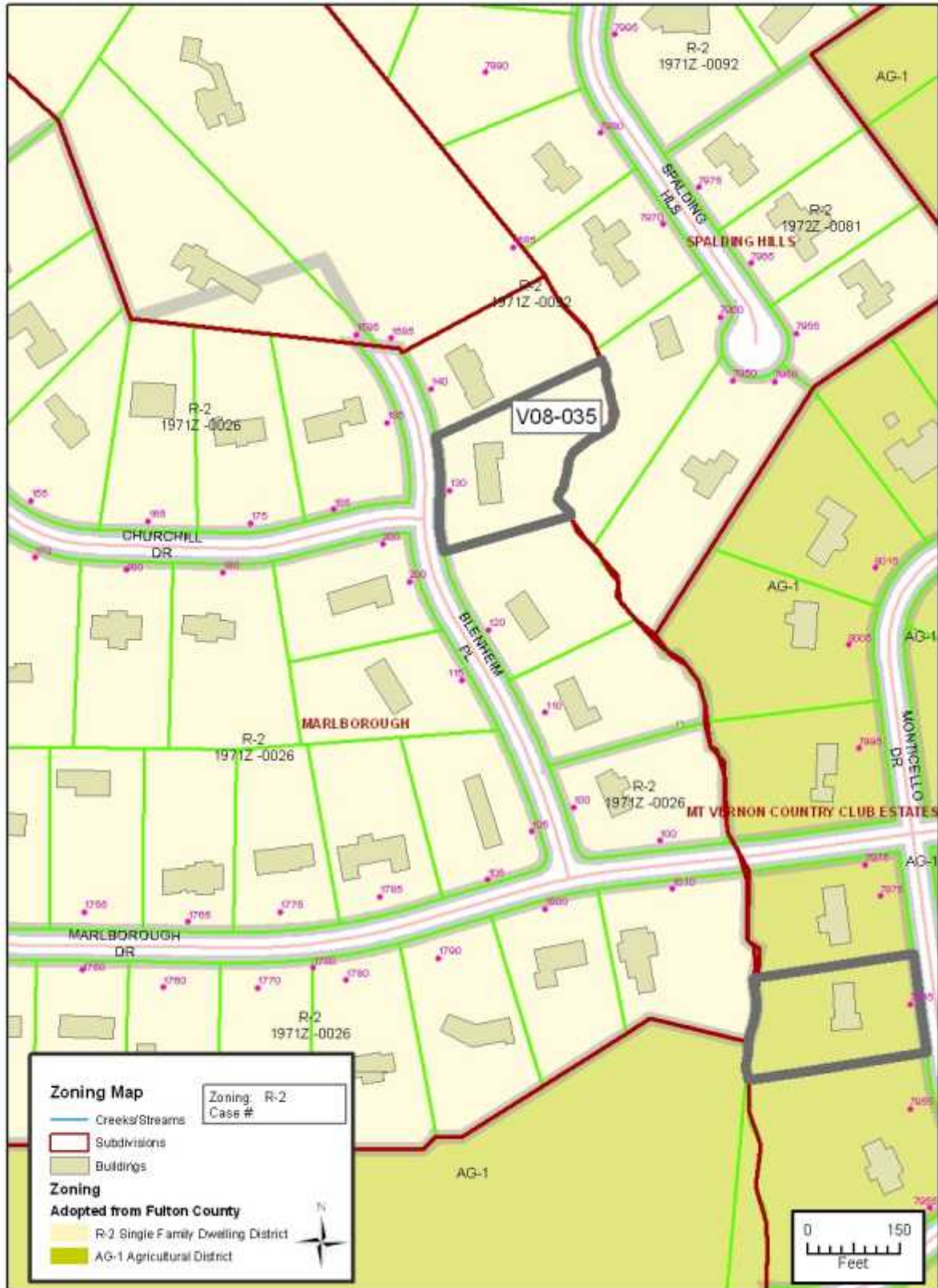
INTENT

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a swimming pool, pool deck, and fire pit.

The applicant has provided revised plans showing a reduction in the original requested six (6) foot encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool to only be within the twenty-five (25) foot impervious surface setback and not be within the fifty (50) foot undisturbed natural buffer.

Parcel Map

130 Blenheim Place



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

CASE NUMBER: V08-035

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a swimming pool, pool deck, and fire pit.

ANALYSIS:

The applicant has provided revised plans showing a reduction in the original requested six (6) foot encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool to only be within the twenty-five (25) foot impervious surface setback and not be within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The centerline of a stream, running south-north, is the subject property's rear eastern property line. Additionally, the southern side property line and rear property line (stream centerline) are within drainage easements. Existing structures encroach into the required stream buffer of the stream adjacent to the rear property line. The existing house is abutting the required sixty (60) foot front setback and the required fifteen (15) foot northern side setback.

The revised site plan provided by the applicant indicates:

- 300 square feet of total existing encroachment of the driveway and the gazebo into the stream buffer.
- 1,152 square feet of proposed encroachment into the impervious surface setback for the hardscape and pool/spa.
- 50 square feet of proposed land disturbance within the undisturbed natural buffer for installing the pool/spa.

The applicant states the approval of a variance in this instance would allow the homeowner reasonable and conservative development of their property and would be warranted on the basis of hardship and the fact that the proposed project would maintain harmony with the intent of the Zoning Ordinance. Specifically, the homeowners are subject to hardship due to the irregular shape and the unusual topography of the lot. Even though the house was originally constructed as close as possible to the front building setback, only a very small niche of usable area exists behind the house where a pool can be reasonably constructed. A useable portion of

the side property exists; however, it would be extremely undesirable to the homeowner as well as the neighbors due to its very public relationship to Blenheim Place Rd.

The applicant believes this project would maintain harmony with as well as the intent of the Zoning Ordinance. All affected neighbors have been made aware of the specifics of this request and have given their approval. They have, in several instances, voiced concern over placing the pool in the side yard. The applicant states careful steps are being taken in the development of a landscaping plan to manage water flow and quality as it may be affected by the pool project. Staff has received the aforementioned support letters and landscape plan. This project would also improve the homeowner's property value as many other neighbors own or have built swimming pools in the immediate area. The homeowner is also willing to further this concept of harmony by addressing additional existing downspout and runoff areas from the house.

Additionally, the applicant has indicated original pool designs had greater encroachment than currently proposed. The attached original designs site plans document the above statement.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	40 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	50 feet	Variance requested
Pool Setback	10 feet	70 feet 77 feet 54 feet	North side South side East rear

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ FEMA FIRM Panel shows shaded zone X flood zone covering rear half of lot. A shaded zone X is an unstudied area that may contain 100 year flood zone. The proposed pool may or may not be within this area. If the proposed pool is within this area, it will need to be configured so that there is no net fill within the shaded zone X area and so that no additional restriction to conveying flow through the cross-section of the shaded zone X area will result. If the proposed pool is within this area, rather than construct the pool as mentioned above, the applicant may provide a drainage/flood study by a Georgia Professional Engineer for 130 Blenheim Pl for the purpose of determining the 100 year base flood elevation within 130 Blenheim Pl. The results of the study will reveal the relationship between the 100yr flood limits and 100 year flood elevation and the proposed pool; thereby, revealing if Sandy Springs flood ordinances apply to the pool construction. A 2007 study by Travis Pruitt and Associates for 7955 Monticello Drive provides information that indicates that over 300 acres drains through the creek at the rear of 130 Blenheim Place.
	Arborist/Landscape Architect	▪ Standard stream buffer comments.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

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;*

Existing structures encroach into the required stream buffer of the stream that is adjacent to the rear property line. The applicant states the approval of a variance in this instance would allow the homeowner reasonable and conservative development of their property. A useable portion of the side property exists; however, it would be extremely undesirable to the homeowner as well as the neighbors due to its very public relationship to Blenheim Place Rd.

All affected neighbors have been made aware of the specifics of this request and have given their approval. They have, in several instances, voiced concern over placing the pool in the side yard. The applicant states careful steps are being taken in the development of a landscaping plan to manage water flow and quality as it may be affected by the pool project. Staff has received the aforementioned support letters and landscape plan. This project would also improve the homeowner's property value as many other neighbors own or have built swimming pools in the immediate area. The homeowner is also willing to further this concept of harmony by addressing additional existing downspout and runoff areas from the house.

Additionally, the applicant has indicated original pool designs had greater encroachment than currently proposed. The attached original designs site plans document the above statement.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The centerline of a stream, running south-north, is the subject property's rear eastern property line. Additionally, the southern side property line and rear property line (stream centerline) are within drainage easements. Existing structures encroach into the required stream buffer of the stream adjacent to the rear property line. The existing house is abutting the required sixty (60) foot front setback and the required fifteen (15) foot northern side setback.

The applicant states the homeowners are subjected to hardship due to the irregular shape and the unusual topography of the lot. Even though the house was originally constructed as close as possible to the front building setback, only a very small niche of usable area exists behind the house where a pool can be reasonably constructed.

Recommended Condition(s)

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

- 1) That the proposed swimming pool, pool deck, and fire pit shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a fifty (50) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
- 12) The applicant shall provide a revised drainage and erosion plan showing the proposed pool set back no less than fifty (50) from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

ATTACHMENTS: Letter of appeal, site plans, supporting documents, letters of support, and photographs.



Variance Petition No. V08-040

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)
August 14, 2008 (deferred)
September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dr. and Mrs. Grimes	Dr. and Mrs. Grimes	Maria Stedry

PROPERTY INFORMATION

Address, Land Lot, and District	315 Ivy Brooke Court Land Lot 122, District 17
Council District	6
Frontage and Area	60 feet of frontage along the northwest side of the Ivy Brooke Court cul-de-sac. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single-family Dwelling District) under zoning case Z87-0157. The property is developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting four (4) primary variances:

- 1) Variance from Section 4.24.12.A.2 of the Zoning Ordinance to allow a reduction in the flood storage capacity,
- 2) Variance from Section 109-89.a.2 of the Floodplain Management Ordinance to reduce the base flood or future conditions regulatory flood storage capacity,
- 3) Variance from Section 109-91.1 of the Floodplain Management Ordinance to allow for encroachment into the floodway, including earthen fill, and
- 4) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed

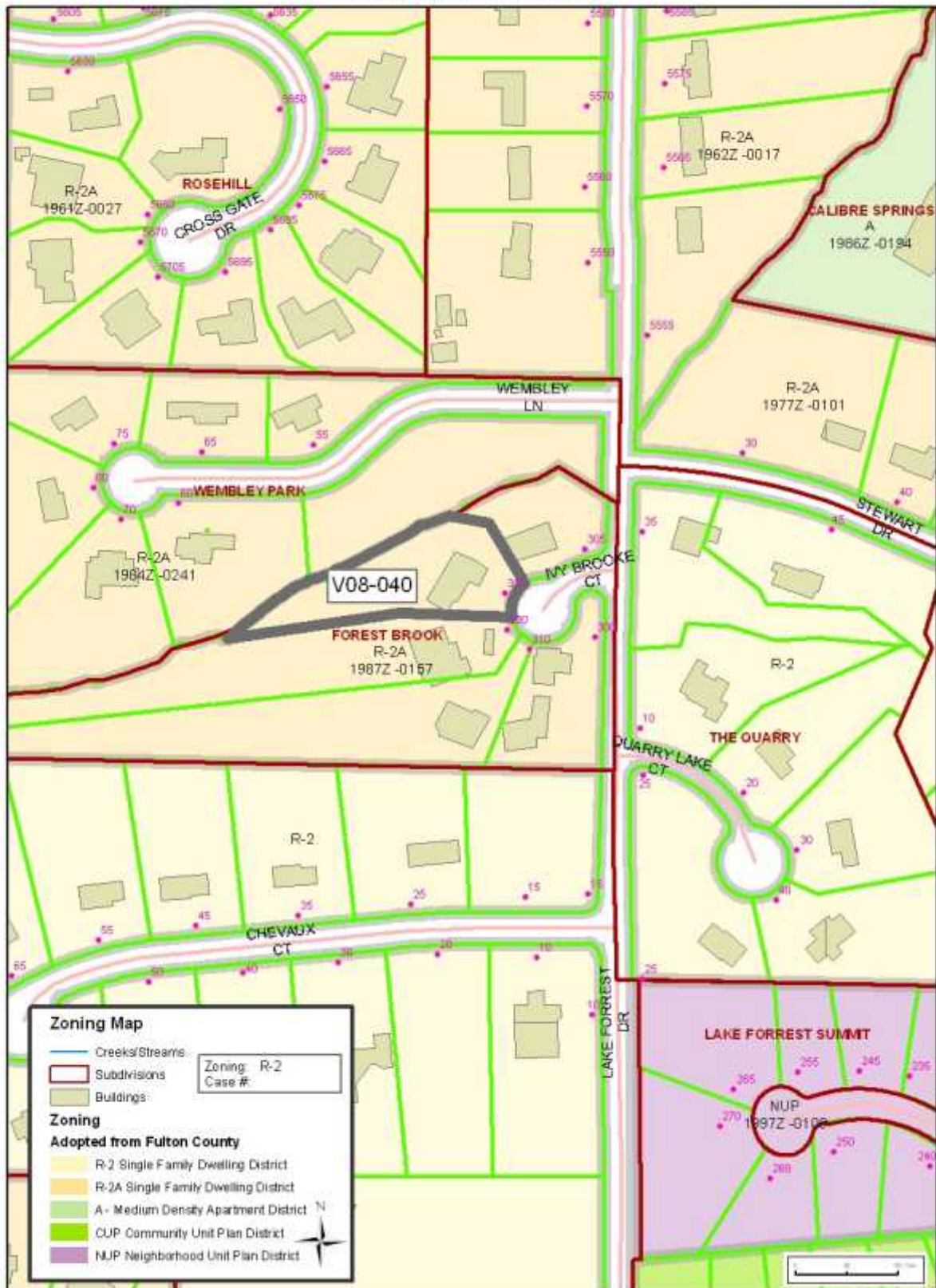
natural buffer. All variance to allow for pool, pool deck, and retaining walls on a single-family property.

The City placed a stop work order on the subject property and issued a notice of violation for constructing without a required building permit and within a stream buffer.

The applicant has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

Parcel Map

315 Ivy Brooke Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

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

CASE NUMBER: V08-040

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

BACKGROUND:

The City placed a stop work order on the subject property and issued a notice of violation for constructing without a required building permit and within a stream buffer.

The applicant has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

REQUEST:

The applicant is requesting relief from:

- 1) Section 4.24.12.A.2 of the Zoning Ordinance to allow a reduction in the flood storage capacity,
- 2) Section 109-89.a.2 of the Floodplain Management Ordinance to reduce the base flood or future conditions regulatory flood storage capacity,
- 3) Section 109-91.1 of the Floodplain Management Ordinance to allow for encroachment into the floodway, including earthen fill, and
- 4) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed natural buffer. All variance are to allow for the completion of construction of a pool, pool deck, and retaining walls.

Staff notes the perimeter fence was installed at or near the time the house was constructed and would be utilized as the required pool fence. Regarding the aforementioned fence and its location within the Stream Buffer, Staff has determined the fence and its maintenance are considered "Grandfathered". The applicant states any new fencing as a part of the proposed construction would occur outside of the seventy-five (75) foot stream buffer and are not part of this application.

ANALYSIS:

Staff notes a major portion of the subject property, including the subject construction, is within a Special Flood Hazard Area. The area is identified as a Zone AE, which is considered a 100 year flood plain. If the pool development encroaches into the floodway, Sec 109-91 requires an affirmative conditional letter of map revision (CLOMR) issued by FEMA and a no-rise certification by the city BEFORE issuance of permit. Additionally, to be consistent with applicable ordinances (Sec 109-89.a.1; 109-89.b.4; 109-90 and Zoning Ordinance 4.24.12.A), the applicant is required to provide engineering studies and certifications by a Professional Engineer that the base flood elevation does not rise outside of the property limits due to the development in the floodplain and that the development does not create hazardous or erosion producing velocities.

The applicant has submitted a site plan and photographs indicating the subject property to be irregular in shape. Easements are located around the front and sides of the property lines. The centerline of a stream, running northeast to southwest, is the subject property's rear property line. The current residence on the subject property is located within the required stream buffer and is abutting the required sixty (60) foot front setback.

The revised proposed site plan provided by the applicant indicates:

- 277 square feet of encroachment of the pool and pool deck into the fifty (50) foot undisturbed natural buffer.
- 151 square feet of proposed encroachment into the fifty (50) foot undisturbed natural buffer the retaining wall indicated as "B".

The applicant states the following:

Please note the residence was built 12 years ago, before the Code of the City of Sandy Springs was adopted.

The saline swimming pool will be constructed as per the drawing prepared by Classic Pools, a copy of which is enclosed. The pool deck will be constructed with a pervious pavers system.

It is necessary to request this primary variance because of the property's shape, topography and location on a circular cul-de-sac. These conditions existed at the time of the adoption of the Code of the City of Sandy Springs and prevent the consideration of any other location of the swimming pool and related improvements on the property. Unless the requested buffer variance is granted, the applicant could not fully enjoy the residence. Denial of this request would create an extreme hardship. No action has been taken that created, or contributed to the conditions creating such hardship. The applicant, with help from pool professionals, have carefully considered any other possible design which would be less intrusive into the buffer zone; however, as can be seen from the enclosed drawings, no better alternative exists.

The swimming pool was located as close to the house as possible with the pool deck beginning just outside the back basement door, the only exit from the rear of the house. Rather than locate the center of the swimming pool at the door, the far end of the swimming pool is located at the door with the remainder placed so that it is as far from the creek as possible. The decision was made to move the swimming pool laterally (southwestward) on the lot, away from the center of the yard.

The impact of the swimming pool on the stream has been thoughtfully minimized. The swimming pool was placed on a higher plane (7 feet) than the wretched vegetation and is surrounded by a retaining wall to create a buffer. Additional landscaping and vegetation will be installed at the perimeter of the yard inside the existing fence to provide additional protection. A drainage system for the swimming pool deck will be installed with the outflow directed away from the stream.

The stream runs at angle to the rear of the property backyard. At the closet corner to the swimming pool, the distance is 35 feet to wretched vegetation of the stream, at the furthest corner from the swimming pool; the distance is 62 feet to wretched vegetation. The angle moves the stream further from the swimming pool as it flows.

The applicant believes the proposed improvements on the property are in full harmony with the purpose of the zoning ordinance of the City of Sandy Springs. There are several swimming pools on the neighboring properties. The proposed improvements will improve the quality of life of the applicant's family, especially the three children and will lead to an increase in the value of my property and, therefore, an increase in the values of properties in the neighborhood generally. In addition, as can be seen on the enclosed landscaping plan, the proposed re-vegetation of the buffer area will be in compliance with the River, Tributary and State Waters Buffer Re-vegetation Standards revised in January, 2000, and will improve the quality of water in the stream that is in question.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	40 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	30 feet	Variance requested
Pool Setback	10 feet	35 feet plus (pool deck)	From the front property line (centerline of stream) behind the house

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ A major portion of the subject property, including the subject construction, is within a Special Flood Hazard Area. The area is identified as a Zone AE, which is considered a 100 year flood plain. ▪ If the pool development encroaches into the floodway, Sec 109-91 requires an affirmative conditional letter of map revision (CLOMR) issued by FEMA and a no-rise certification by the city BEFORE issuance of permit. ▪ To be consistent with applicable ordinances (Sec 109-89.a.1; 109-89.b.4; 109-90 and Zoning Ordinance 4.24.12.A) the applicant is required to provide engineering studies and certifications by a Professional Engineer that the base flood elevation does not rise outside of the property limits due to the development in the floodplain and that the development does not create hazardous or erosion producing velocities.
	Arborist/Landscape Architect	▪ Standard stream buffer comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ 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 has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

The current residence on the subject property is located within the required stream buffer. The applicant states the residence was built 12 years ago, before the Code of the City of Sandy Springs was adopted.

The applicant, with help from pool professionals, states he has carefully considered any other possible design which would be less intrusive into the buffer zone; however, as can be seen from the enclosed drawings, no better alternative exists.

The applicant states the swimming pool was located as close to the house as possible with the pool deck beginning just outside the back basement door, the only exit from the rear of the house. Rather than locate the center of the swimming pool at the door, the far end of the swimming pool is located at the door with the remainder placed so that it is as far from the creek as possible. The decision was made to move the swimming pool laterally (southwestward) on the lot, away from the center of the yard.

The applicant states the impact of the swimming pool on the stream has been thoughtfully minimized. The swimming pool was placed on a higher plane (7 feet) than the wrested vegetation and is surrounded by a retaining wall to create a buffer. Additional landscaping and vegetation will be installed at the perimeter of the yard inside the existing fence to provide additional protection. A drainage system for the swimming pool deck will be installed with the outflow directed away from the stream.

The applicant states the stream runs at angle to the rear of the property backyard. At the closet corner to the swimming pool, the distance is 35 feet to wrested vegetation of the stream, at the furthest corner from the swimming pool; the distance is 62 feet to wrested vegetation. The angle moves the stream further from the swimming pool as it flows.

The applicant believes the proposed improvements on the property are in full harmony with the purpose of the zoning ordinance of the City of Sandy Springs. There are several swimming pools on the neighboring properties. The proposed improvements will improve the quality of life of the applicant's family, especially the three children and will lead to an increase in the value of my property and, therefore, an increase in the values of properties in the neighborhood generally. In addition, as can be seen on the

enclosed landscaping plan, the proposed re-vegetation of the buffer area will be in compliance with the River, Tributary and State Waters Buffer Re-vegetation Standards revised in January, 2000, and will improve the quality of water in the stream that is in question.

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

The applicant has submitted a site plan and photographs indicating the subject property to be irregular in shape. Easements are located around the front and sides of the property lines. The centerline of a stream, running northeast to southwest, is the subject property's rear property line. The current residence on the subject property is abutting the required sixty (60) foot front setback.

The applicant states it is necessary to request this primary variance because of the property's shape, topography and location on a circular cul-de-sac. These conditions existed at the time of the adoption of the Code of the City of Sandy Springs and prevent the consideration of any other location of the swimming pool and related improvements on the property. Unless the requested buffer variance is granted, the applicant could not fully enjoy the residence. Denial of this request would create an extreme hardship. No action has been taken that created, or contributed to the conditions creating such hardship.

Recommended Condition(s)

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

- 1) The proposed swimming pool, pool deck, and retaining wall shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a thirty (30) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) The stream buffer shall be landscaped in accordance with the Stream Revegetation Buffer plan, provided by the applicant dated received June 4, 2008 by the Department of Community Development
- 3) The entire proposed pool deck shall be constructed of pervious material.
- 4) All downspouts and water runoff from the proposed construction shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.

- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letters of appeal, site plans, letters of support, supporting documents, and photographs.



Variance Petition No. V08-042

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Michael Raponi and Helen C. Fischer	Michael Raponi	Laurel David

PROPERTY INFORMATION

Address, Land Lots, and District	55 & 67 Mount Paran Road Land Lot 120 & 121, District 17
Council District	6
Frontage and Area	284 feet of frontage along the north side of Mount Paran Road and 350 feet of frontage along the east side of Misty Ridge Manor. The subject properties have a total area of approximately 3.5 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District). The properties are developed with single-family residences.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.C to reduce the required fifteen (15) foot minimum side yard setback to ten (10) feet for existing structure on 67 Mount Paran Road and
- 2) Variance from Section 6.2.3.F to reduce the minimum lot width required from 150 feet to 149.09 feet for 55 Mount Paran Road and to 147.28 feet for 67 Mount Paran Road.

All variances result from the applicant's intent to reconfigure two (2) residential lots.

Parcel Map

55 & 67 Mount Paran Road



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

CASE NUMBER: V08-042

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

REQUEST:

The applicant is requesting relief from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot minimum side yard setback to ten (10) feet for the existing house on 67 Mount Paran Road and from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required from 150 feet to 149.09 feet for 55 Mount Paran Road and to 147.28 feet for 67 Mount Paran Road. All the aforementioned requests result from the applicant's intent to reconfigure two (2) residential lots.

ANALYSIS:

Site plans, topographical maps, and photographs indicate the subject properties to be wooded, irregular in shape, and sloping down in northeasterly direction, toward a stream. Currently, 55 and 67 Mount Paran Road are "Grandfathered" for having less than the required lot width, and 67 Mount Paran Road is "Grandfathered" for having a house encroaching into a minimum side yard setback. Property numbered 67 Mount Paran is a corner lot.

The applicant (owner of 67 Mount Paran Road) states this petition seeks approval of variances to allow a reconfiguration of the internal lot line between 55 and 67 Mount Paran Road to enable the enlargement of 67 Mount Paran Road; thereby adding property for the use and enjoyment of his family.

The Applicant owns 67 Mount Paran Road, which currently consists of 1.25 acres. The neighboring property, 55 Mount Paran Road, consists of 2.25 acres. The applicant is buying the rear portion of 55 Mount Paran Road; consisting of approximately 1.22 acres in order to enlarge his property (67 Mount Paran Road). The perimeter lot lines of the subject properties and the lot line separating the two existing homes will remain unchanged. Both the 55 and 67 Mount Paran Road properties are legally non-conforming lots. Neither meets the 150-foot lot width requirement for R-2 zoning. In addition, the existing one-story brick and frame home at 67 Mount Paran Road encroaches into the side setback.

The Applicant seeks these variances in order to allow the reconfiguration of the lot lines between the two (2) existing adjacent lots. The Applicant wishes to enlarge his property for the use and enjoyment of his family. The changes proposed by the Applicant do not result in an increase in the degree of the non-conformity of the lots with the Minimum Lot Width requirement and would otherwise be permissible by right. The Owners' desire is to reallocate the acreage as shown on the site plans and to adjust the lot lines accordingly. In each case, the frontages of the lots have not changed from the existing frontage.

The reason the Applicant has sought these variances is that the size and shape of the lots, as well as the existing topography of the lots, lend themselves to be better divided in the manner proposed by the Applicant than the existing lot lines. Re-division of these lot lines as proposed by the Applicant would not result on any adverse affect on any adjacent or nearby properties. Approval of the variances requested by the Applicant would be in harmony with the general purpose and intent of the Zoning Ordinance. Each of the lots meets or exceeds the R-2 district requirements other than the lot width and side building setback. The variances requested are required only because the existing lots are non-conforming. The changes sought by the Applicant do not increase the non-conformity of the lots. Therefore, the Owners should not be penalized by the application of the R-2 zoning requirements to their lots. A denial of these variance requests would result in a hardship to the Applicant, as it would prevent the expansion of his property without any legitimate public purpose being served.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	Both meet
Min. Rear Yard Setback:	40 feet	40 feet	Both meet
Min. Interior Side Yard Setback:	15 feet 15 feet	15 feet 10 feet (existing)	55 Mt. Paran meets 67 Mt. Paran (variance request)
Min. Side Yard Setback Adjacent to a Street :	30 feet	30 feet	67 Mt. Paran meets
Stream Buffer	75 feet	75 feet	Both meet
Min. Lot Width	150 feet 150 feet	149.09 (existing) 147.28 (existing)	55 Mt. Paran (variance request) 67 Mt. Paran (variance request)

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ 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;*

Currently, 55 and 67 Mount Paran Road are “Grandfathered” for having less than the required lot width, and 67 Mount Paran Road is “Grandfathered” for having a house encroaching into a minimum side yard setback. Property numbered 67 Mount Paran is a corner lot.

The applicant (owner of 67 Mount Paran Road) states this petition seeks approval of variances to allow a reconfiguration of the internal lot line between 55 and 67 Mount Paran Road to enable the enlargement of 67 Mount Paran Road; thereby adding property for the use and enjoyment of his family.

The Applicant owns 67 Mount Paran Road, which currently consists of 1.25 acres. The neighboring property, 55 Mount Paran Road, consists of 2.25 acres. The applicant is buying the rear portion of 55 Mount Paran Road; consisting of approximately 1.22 acres in order to enlarge his property (67 Mount Paran Road). The perimeter lot lines of the subject properties and the lot line separating the two existing homes will remain unchanged. Both the 55 and 67 Mount Paran Road properties are legally non-conforming lots. Neither meets the 150-foot lot width requirement for R-2 zoning. In addition, the existing one-story brick and frame home at 67 Mount Paran Road encroaches into the side setback.

The Applicant seeks these variances in order to allow the reconfiguration of the lot lines between the two (2) existing adjacent lots. The Applicant wishes to enlarge his property for the use and enjoyment of his family. The changes proposed by the Applicant do not result in an increase in the degree of the non-conformity of the lots with the Minimum Lot Width requirement and would otherwise be permissible by right. The Owners' desire is to reallocate the acreage as shown on the site plans and to adjust the lot lines accordingly. In each case, the frontages of the lots have not changed from the existing frontage.

Re-division of these lot lines as proposed by the Applicant would not result on any adverse affect on any adjacent or nearby properties. Approval of the variances requested by the Applicant would be in harmony with the general purpose and intent of the Zoning Ordinance. Each of the lots meets or exceeds the R-2 district requirements other than the lot width and side building setback. The variances requested are required only because the existing lots are non-conforming. The changes sought by the Applicant do not increase the non-conformity of the lots. Therefore, the Owners should not be penalized by the application of the R-2 zoning requirements to their lots. A denial of these variance requests would result in a hardship to the Applicant, as it would prevent the expansion of his property without any legitimate public purpose being served.

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;*

Site plans, topographical maps, and photographs indicate the subject properties to be wooded, irregular in shape, and sloping down in northeasterly direction, toward a stream.

The reason the Applicant has sought these variances is that the size and shape of the lots, as well as the existing topography of the lots, lend themselves to be better divided in the manner proposed by the Applicant than the existing lot lines.

Recommended Condition(s)

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

- 1) The proposed properties shall remain in accordance with the proposed site plan, provided by the applicant dated received June 12, 2008 by the Department of Community Development, for the variance herein, showing the required lot width reduced to 149.09 feet for 55 Mount Paran Road and to 147.28 feet for 67 Mount Paran Road and showing the minimum required side yard setback reduced to ten (10) feet for 67 Mount Paran Road where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plans, photographs, and a topographical map.



Variance Petition No. V08-043

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Maher Al-Soufi

Petitioner
Maher Al-Soufi

Representative
Ayyad M. Mansur

PROPERTY INFORMATION

Address, Land Lot, and District 8294 Grogans Ferry Road
Land Lot 29, District 17

Council District 2

Frontage and Area 166 feet of frontage along the south side of Grogans Ferry Road. The subject property has a total area of approximately 0.41 acres.

Existing Zoning and Use The lot is zoned R-3 (Single-family Dwelling District) under zoning case Z81-018. The property is developed with a single-family residence.

Overlay District N/A

2027

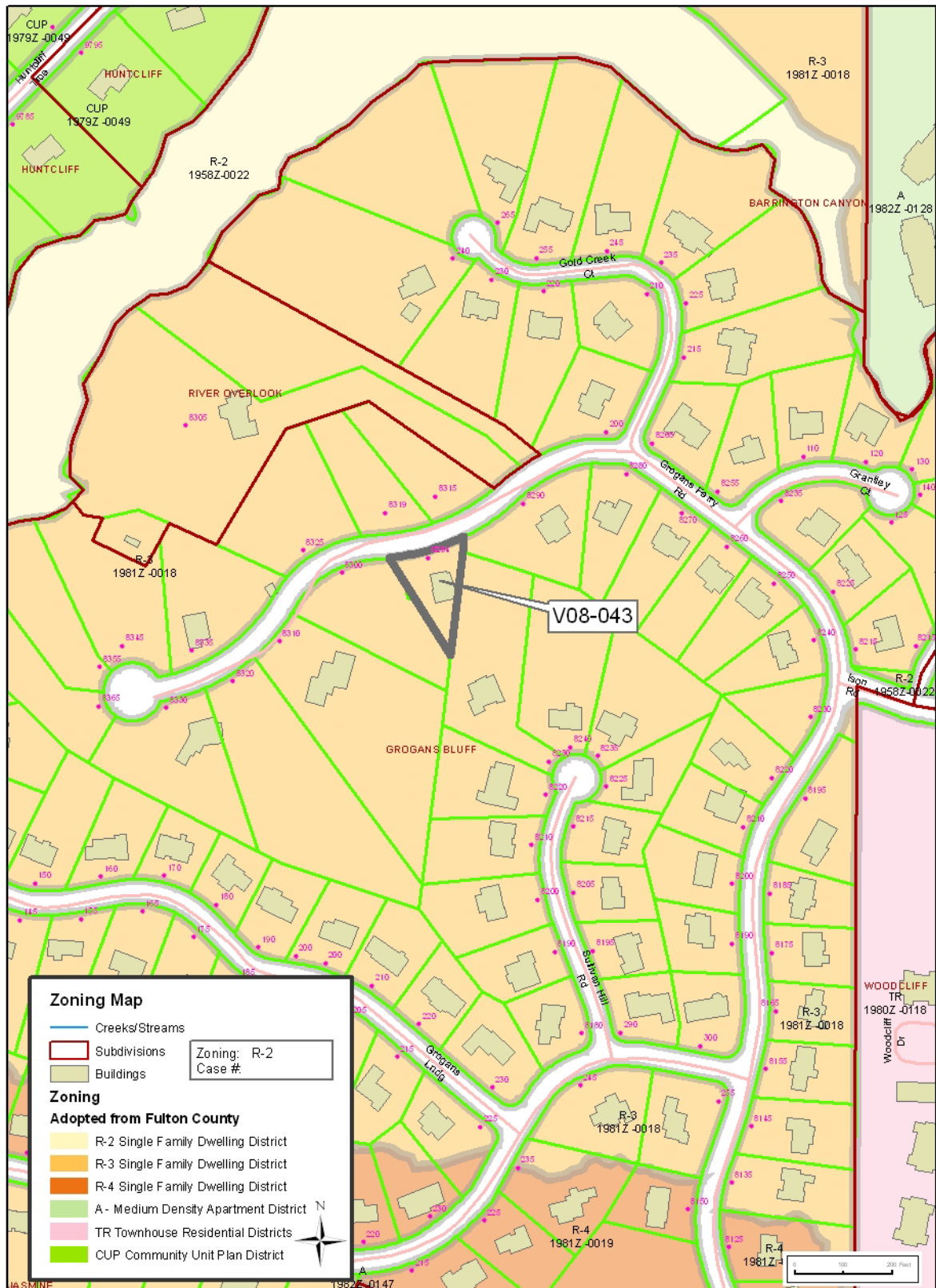
Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 32.22 foot undisturbed natural buffer to allow for additions to a single-family house.

Parcel Map

8294 Grogans Ferry Road



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

CASE NUMBER: V08-043

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 32.22 foot undisturbed natural buffer to allow for an addition to a single-family house.

ANALYSIS:

The applicant has submitted a site plan, topographical map, and photographs indicating the subject property to be wooded, triangular in shape, and sloping toward the Grogans Ferry Road right-of-way. A stream and easements are located at the front of the property. Existing structures encroach into the required stream buffer and into the required side yard setback; they are considered "Grandfathered".

The site plan provided by the applicant indicates:

- The footprint of the proposed addition is 656 square feet (318 square feet within the impervious surface setback and 338 square feet within the undisturbed natural buffer).
- The addition is proposed to be constructed over an area currently occupied by either concrete or wood decking. The net increase of impervious surface within the seventy-five (75) foot buffer and setback is 186.3 square feet.
- Existing impervious surface within the fifty (50) foot undisturbed natural buffer is 229 square feet. The proposed impervious surface within the fifty (50) foot undisturbed natural buffer is 338 square feet. The net increase of impervious surface within the fifty (50) foot undisturbed natural buffer would be 109 square feet.
- For the proposed addition, the total amount of land disturbance within the fifty (50) foot undisturbed natural buffer would be approximately 515 square feet.
- A proposed water quality device to catch runoff from the proposed addition.

The applicant states he owns the adjacent property to the west. Additionally, the applicant states the proposed addition would help improve the living standard and well-being of his family. The variance should be granted due to the unique shape of the subject property and its severe slope.

The applicant states many alternative locations for the proposed addition were considered; however, none of the considered alternative locations would work. The proposed addition is a garage having a room above it and would provide safety and security for his family. Further, the proposed addition would make the house more in harmony with the architecture of surrounding, existing homes.

The applicant states the proposed addition would primarily overlap existing encroachments, and a proposed water quality device would minimize the impact of the proposed impervious surface.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	40 feet	40 feet	meets
Min. Rear Yard Setback:	N/A	N/A	N/A
Min. Interior Side Yard Setback:	15 feet (east) 15 feet (west)	4.47 feet (east) 10.17 feet (west)	(existing) (existing)
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	32.22 feet	Variance request

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	What is proposed may create the need for a building height variance.
	Arborist/Landscape Architect	Standard stream buffer comments.
BUILDING AND PERMITTING	Building Plan Reviewer	The Building Department does not have issue with this requested variance, provided that the addition does not create a non-conforming situation in regards to the 40' height requirement.
FIRE DEPT.	Fire Protection Engineer	No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	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 proposed site plan shows existing structures encroaching into the required stream buffer and into the required side yard setback; they are considered "Grandfathered".

The applicant states he owns the adjacent property to the west. Additionally, the applicant states the proposed addition would help improve the living standard and well-being of his family.

The applicant states many alternative locations for the proposed addition were considered; however, none of the considered alternative locations would work. The proposed addition is a garage having a room above it and would provide safety and security for his family.

The applicant further states, the proposed addition would make the house more in harmony with the architecture of surrounding, existing homes. The applicant has provided photographs to document the above statement.

The applicant states the proposed addition would primarily overlap existing encroachments, and a proposed water quality device would minimize the impact of the proposed impervious surface. The applicant has provided site plans to document the above statement.

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

The applicant has submitted a site plan, topographical map, and photographs indicating the subject property to be wooded, triangular in shape, and sloping toward the Grogans Ferry Road right-of-way. A stream and easements are located at the front of the property.

The applicant states the variance should be granted due to the unique shape of the subject property and its severe slope. The applicant has provided site plans, a topographical map, and photographs to document the above statement.

Recommended Condition(s)

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

- 1) That the proposed addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received July 1, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a 32.22 foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.

- 10) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, topographical map, and photographs.



Variance Petition No. V08-044

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Andrew & Naomi Taylor / Gal Gadi	Charles B. Wilson	Art Katz/Lake Northridge Homeowners' Association

PROPERTY INFORMATION

Address, Land Lots, and District	1220 Tynecastle Way together with tax pin 0603610006001 and 1625 Sunny Brook Farm Road Land Lot 361 & 356, District 6
Council District	1
Frontage and Area	150 feet of frontage along the south side of Sunny Brook Farm Road and 256 feet of frontage along the north side of Tynecastle Way. The subject properties have a total area of approximately 7.48 acres.
Existing Zoning and Use	1625 Sunny Brook Farm Road property is zoned AG-1 (Agricultural District) and 1220 Tynecastle Way property is zoned R-2 (Single- family Dwelling District) under zoning case Z66-001. The properties are developed with single-family residences.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

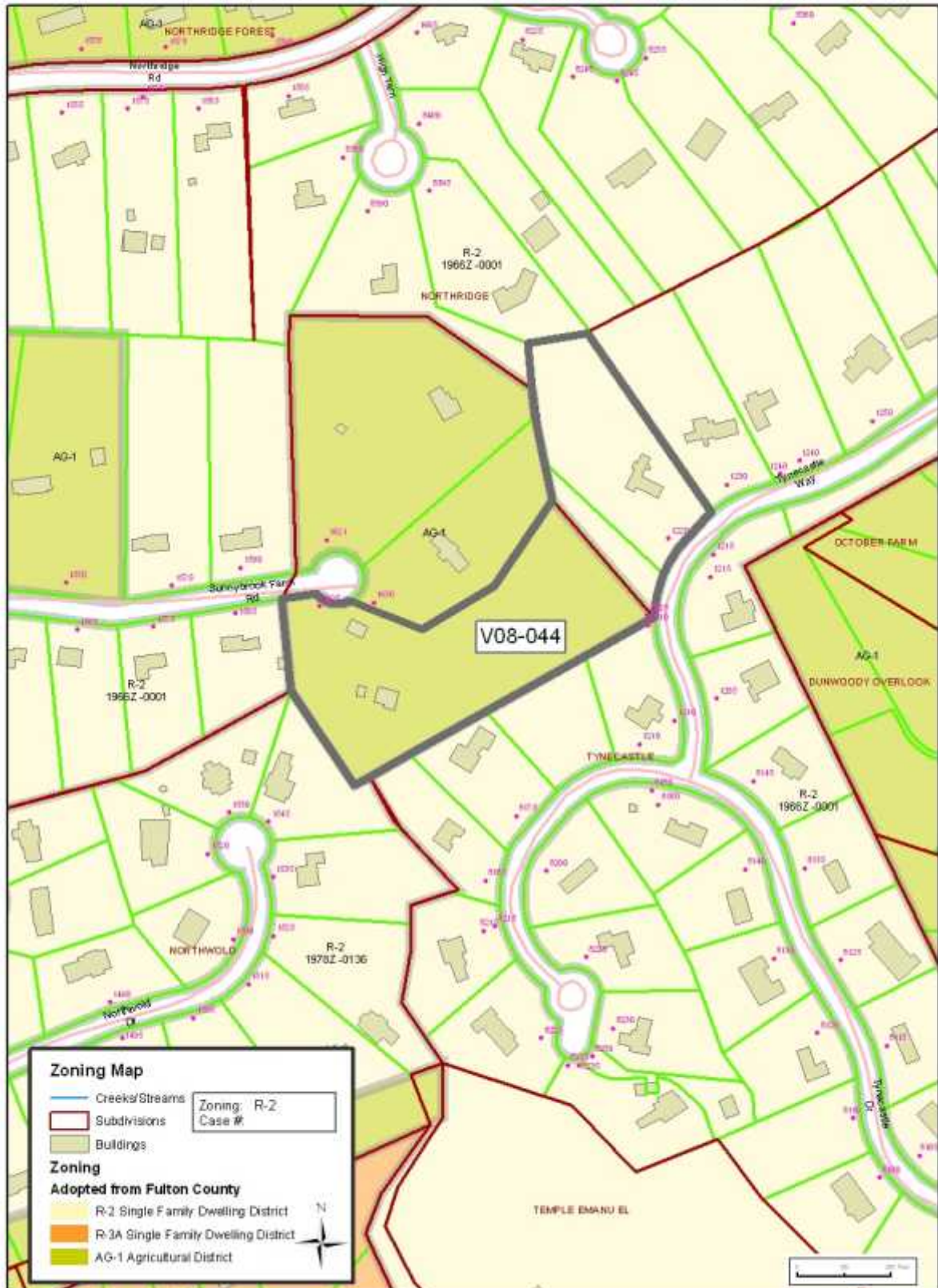
The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for lake maintenance and construction having total land disturbance within the fifty (50) foot undisturbed natural buffer of 4,761.3 square feet. Of the proposed land disturbance, 564 square feet would be used for access to the lake from the east and would be re-stabilized/restored, 527.3 feet would be for a stone access drive west of the lake for proposed and future maintenance, and 3,670 square feet would be for a containment dike formed from the dredged sediment. The dike would range from four (4) to eight (8) feet in height and would be stabilized using

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

native plant material. The remaining dredged sediment would be used as fill for an area once used as a quarry, west of the lake and outside the fifty (50) foot undisturbed natural buffer. The filled portion of the quarry area, once properly graded, would also be stabilized using native plant material and would have water outlet capability.

Parcel Map

1220 Tynecastle Way and 1625 Sunnybrook Farms Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

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

CASE NUMBER: V08-044

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for lake maintenance and construction.

ANALYSIS:

The applicant has submitted a site plan topographical map indicating the subject properties to be wooded, irregular in shape, and sloping toward the lake between them.

The applicant is seeking a primary variance from the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for lake maintenance and construction having total land disturbance within the fifty (50) foot undisturbed natural buffer of 4,761.3 square feet. Of the proposed land disturbance, 564 square feet would be used for access to the lake from the east and would be re-stabilized/restored, 527.3 feet would be for a stone access drive west of the lake for proposed and future maintenance, and 3,670 square feet would be for a containment dike formed from the dredged sediment. The dike would range from four (4) to eight (8) feet in height and would be stabilized using native plant material. The remaining dredged sediment would be used as fill for an area once used as a quarry, west of the lake and outside the fifty (50) foot undisturbed natural buffer. The filled portion of the quarry area, once properly graded, would also be stabilized using native plant material and would have water outlet capability. The applicant states the design intent is to use the sediments to flatten the relatively steep rock-cut slopes of the adjacent quarry, reducing the present safety hazard. A benefit of the proposed project is an existing unsafe situation would be mitigated.

The applicant states according to the Stream Buffer Protection Ordinance, a variance to the stream buffer will be considered for unusual circumstances when strict adherence to the minimal buffer requirements would create an extreme hardship. Sediment deposits are reducing the depth of the lake and adversely affecting water quality and aesthetics. Removal of these sediments is necessary to restore the lake to its historical depth. The primary encroachment would be from the equipment required to perform the proposed work.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	N/A	N/A	N/A
Min. Rear Yard Setback:	N/A	N/A	N/A
Min. Interior Side Yard Setback:	N/A	N/A	N/A
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	25 feet	Variance request

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Area for spoil location is an old quarry.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ 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 is seeking a primary variance from the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for lake maintenance and construction having total land disturbance within the fifty (50) foot undisturbed natural buffer of 4,761.3 square feet. Of the proposed land disturbance, 564 square feet would be used for access to the lake from the east and would be re-stabilized/restored, 527.3 feet would be for a stone access drive west of the lake for proposed and future maintenance, and 3,670 square feet would be for a containment dike formed from the dredged sediment. The dike would range from four (4) to eight (8) feet in height and would be stabilized using native plant material. The remaining dredged sediment would be used as fill for an area once used as a quarry, west of the lake and outside the fifty (50) foot undisturbed natural buffer. The filled portion of the quarry area, once properly graded, would also be stabilized using native plant material and would have water outlet capability. The applicant states the design intent is to use the sediments to flatten the relatively steep rock-cut slopes of the adjacent quarry, reducing the present safety hazard. A benefit of the proposed project is an existing unsafe situation would be mitigated.

The applicant states according to the Stream Buffer Protection Ordinance, a variance to the stream buffer will be considered for unusual circumstances when strict adherence to the minimal buffer requirements would create an extreme hardship. Sediment deposits are reducing the depth of the lake and adversely affecting water quality and aesthetics. Removal of these sediments is necessary to restore the lake to its historical depth. The primary encroachment would be from the equipment required to perform the proposed work.

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

The applicant has submitted a site plan topographical map indicating the subject properties to be wooded, irregular in shape, and sloping toward the lake between them.

Recommended Condition(s)

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

- 1) That the proposed lake maintenance shall be performed and constructed in accordance with the proposed site plan, provided by the applicant dated received July 1, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a twenty-five (25) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 10) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, topographical maps, and photographs.



Variance Petition No. V08-046

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Scott and Darlene Chatham	Scott Chatham	Scott Chatham

PROPERTY INFORMATION

Address, Land Lot, and District	7020 Hunters Branch Drive Land Lot 21, District 17
Council District	4
Frontage and Area	135 feet of frontage along the west side of Hunters Branch Drive. The subject property has a total area of approximately 0.62 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single-family Dwelling District) under zoning case Z65-053. The property is developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

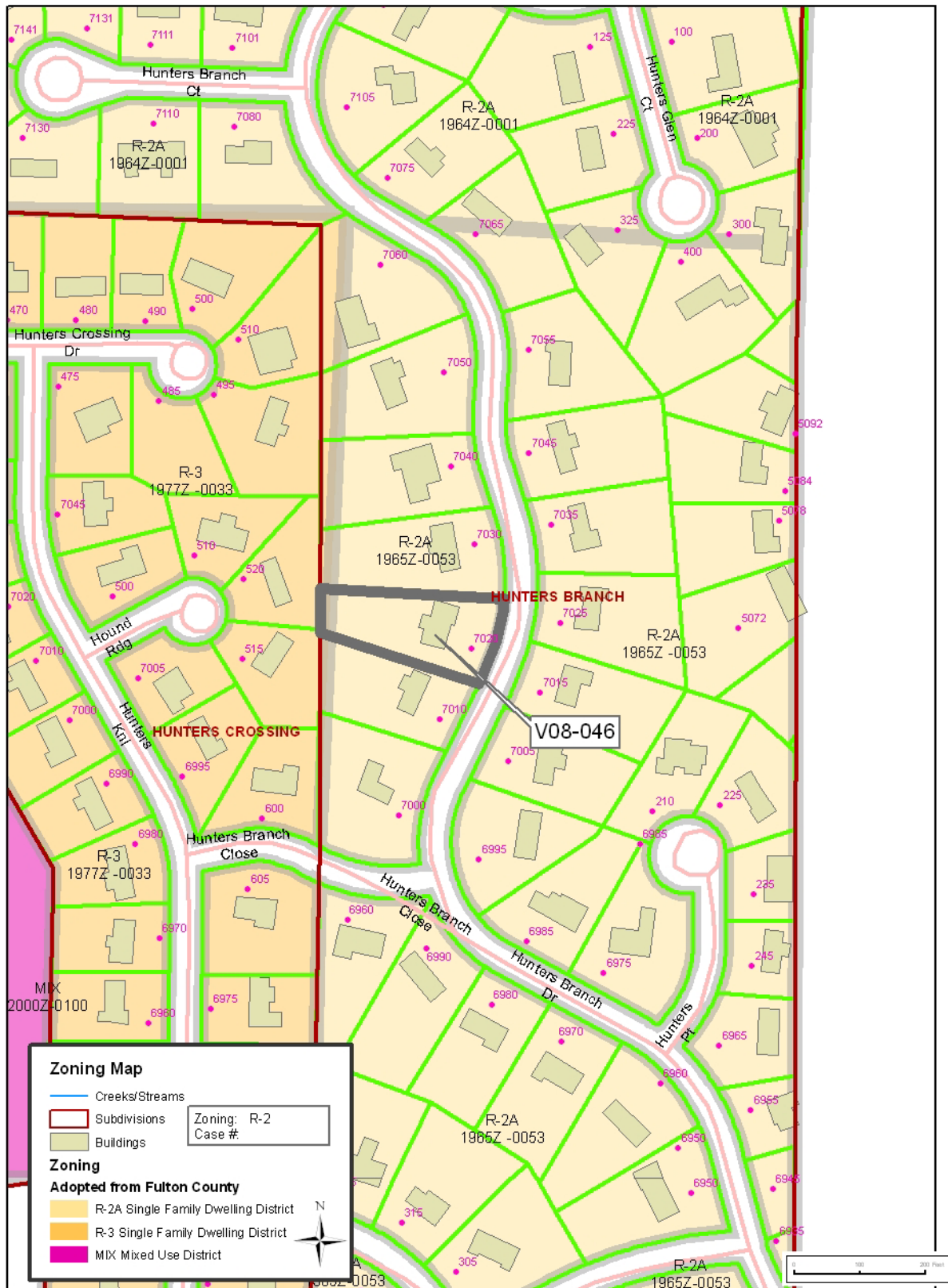
The applicant is requesting three (3) primary variances:

- 1) Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot minimum side yard setback to eleven (11) feet,
- 2) Variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to 11.5 feet, and
- 3) Variance from Section 6.3.3.I of the Zoning Ordinance to allow for an accessory structure to be located within required minimum yard setbacks.

All variances are to allow for a children's playhouse.

Parcel Map

7020 Hunters Branch Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

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

CASE NUMBER: V08-046

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

REQUEST:

The applicant is requesting relief from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot minimum side yard setback to eleven (11) feet, Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to 11.5 feet, and from Section 6.3.3.I of the Zoning Ordinance to allow for an accessory structure to be located within required minimum yard setbacks. All variances are to allow for a children's playhouse.

ANALYSIS:

The applicant has submitted a site plan and photographs indicating the subject property to have an irregular in shape and varying slopes from the rear property line toward the front of the property. The property has easements along the northern side property line and in the rear yard.

The applicant states the lot shape and existing easements led to the present location of the playhouse. The lot is quasi pie-shaped with the front property line measuring 135 lineal feet and the rear property line measuring 70 lineal feet. Thus, with the fifteen (15) foot side yard setback, the available space to place the playhouse is very limited. An additional limitation to locating the playhouse is a twenty (20) foot drainage easement bisecting the rear property. This easement, located at the lowest elevation of the yard, is just outside the required forty (40) foot rear setback; in essence, making the subject property's rear setback sixty (60) feet.

The applicant states the topography also limits the site location of the playhouse. By placing the structure into the existing grade, within the required rear setback, the playhouse is in a suitable location. Neighbors' lack of visibility, safety, and the environment were all factors considered when locating the playhouse.

The playhouse is located on the property in a place that minimizes its visibility from all adjoining neighbors. By placing the structure into the rear grade, the roof height is approximately the same height as the existing wooden privacy fence, thus providing screening from the neighbors' view. With the addition of evergreen landscape planting providing further screening, the only view of the playhouse would be from the applicant's house.

The applicant states the view of the playhouse entrance from the current home aids in the safety of the structure because the ability exists to view all children in the playhouse at all time. Further, the only entrance to the playhouse faces the current residence, thus allowing the applicant to control who may be entering the structure.

The applicant states great effort and expense has gone toward making the playhouse match the existing architectural detail of the existing home. This includes the same roof shingle and type & color of siding. Every effort was made to make the playhouse harmonious with the existing home and the neighborhood.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	11.5 feet	Variance request
Min. Interior Side Yard Setback:	15 feet	11 feet	Variance request
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ 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 the topography also limits the site location of the playhouse. By placing the structure into the existing grade, within the required rear setback, the playhouse is in a suitable location. Neighbors' lack of visibility, safety, and the environment were all factors considered when locating the playhouse. The applicant has provided site plans and photographs to document the above statement(s).

The playhouse is located on the property in a place that minimizes its visibility from all adjoining neighbors. By placing the structure into the rear grade, the roof height is approximately the same height as the existing wooden privacy fence, thus providing screening from the neighbors' view. With the addition of evergreen landscape planting providing further screening, the only view of the playhouse would be from the applicant's house. The applicant has provided site plans and photographs to document the above statement(s).

The applicant states the view of the playhouse entrance from the current home aids in the safety of the structure because the ability exists to view all children in the playhouse at all time. Further, the only entrance to the playhouse faces the current residence, thus allowing the applicant to control who may be entering the structure. The applicant has provided site plans and photographs to document the above statement(s).

The applicant states great effort and expense has gone toward making the playhouse match the existing architectural detail of the existing home. This includes the same roof shingle and type & color of siding. Every effort was made to make the playhouse harmonious with the existing home and the neighborhood. The applicant has provided site plans and photographs to document the above statement(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 has submitted a site plan and photographs indicating the subject property to have an irregular in shape and varying slopes from the rear property line toward the front of the property. The property has easements along the northern side property line and in the rear yard.

The applicant states the lot shape and existing easements led to the present location of the playhouse. The lot is quasi pie-shaped with the front property line measuring 135 lineal feet and the rear property line measuring 70 lineal feet. Thus, with the fifteen (15) foot side yard setback, the available space to place the playhouse is very limited. An additional limitation to locating the playhouse is a twenty (20) foot drainage easement bisecting the rear property. This easement, located at the lowest elevation of the yard, is

just outside the required forty (40) foot rear setback; in essence, making the subject property's rear setback sixty (60) feet. The applicant has provided site plans and photographs to document the above statement(s).

Recommended Condition(s)

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

- 1) That the playhouse shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 15, 2008 by the Department of Community Development, for the variance herein, showing the rear yard setback reduced to not less than 11.5 feet and showing the southern side yard setback reduced to not less than eleven (11) feet where necessary to accommodate the portions of the encroachments only.
- 2) The exterior construction material, color, and design of the playhouse shall be similar to the maximum possible extent to the existing structure.

ATTACHMENTS: Letters of appeal, site plans, letters of support, and photographs.



Variance Petition No. V08-047

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008 (deferred)

October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jeff and Carla Goldstein	Jeff and Carla Goldstein	Jim Lesti

PROPERTY INFORMATION

Address, Land Lots, and District	4875 Northland Drive Land Lot 40, District 17
Council District	5
Frontage and Area	150 feet of frontage along the east side of Northland Drive. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

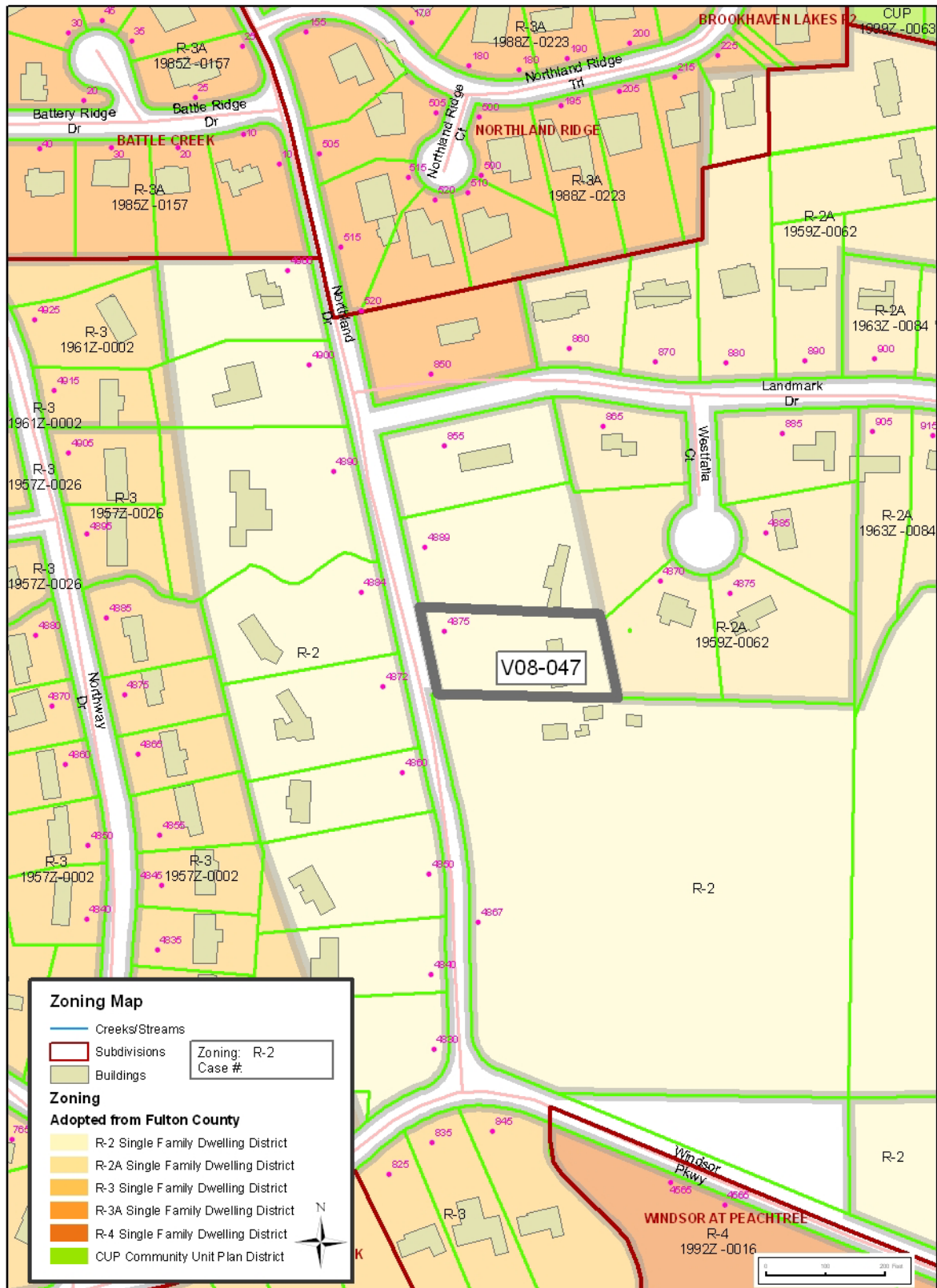
- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer to allow for a paver driveway. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet and
- 2) Variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

On May 30, 2008, a notice of violation was issued to the applicant for violations to include: working without a permit, non-control of sedimentation, and work within a stream buffer of a lake.

At the September 11, 2008 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-047) because the Public Works Department identified the need for an additional variance request not originally considered. The additional variance request, added above, is from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

Parcel Map

4875 Northland Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 15, 2008

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

CASE NUMBER: V08-047

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

BACKGROUND:

A lake, having a buffer that is the subject of this application, is located at the front of 4875 Northland Drive, adjacent to the front property line. From Northland Drive, an existing driveway crosses a culvert that serves the aforementioned lake and is perpendicular to the front property line and is adjacent and parallel to the southern side property line. The eastern half of the existing driveway and the existing house on the subject property are being demolished. The applicant constructed a new section of paver driveway that connects to the western portion of the existing driveway to remain on 4875 Northland Drive. The aforementioned new section of paver driveway on 4875 Northland Drive will "loop into" a driveway to the north that serves 4889 Northland Drive.

On May 30, 2008, a notice of violation was issued to the applicant for violations to include: working without a permit, non-control of sedimentation, and work within a stream buffer.

At the September 11, 2008 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-047) because the Public Works Department identified the need for an additional variance request not originally considered. The additional variance request, added below, is from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

REQUEST:

The applicant is requesting relief as follows:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer to allow for a paver driveway. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet and
- 2) Variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

ANALYSIS:

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are "dry laid", meaning they are more pervious to rainwater.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

Staff notes the applicant has not created a new curb cut, but, rather has utilized an existing curb cut once used as a part of a driveway serving a house that has been demolished and was numbered 4875 Northland Drive.

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Standard stream buffer comments and conditioned to an approved stream buffer revegetation plan.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ The driveway at this location does not conform to the City's Driveway Manual or development policies. Northland Drive is a collector road, and residential dwellings are limited to a single curb cut on collector or higher order streets. The construction of this driveway is in violation of the City's policies. City regulations limit the number and location of curb cuts on roads classified as collectors for safety and operational reasons. Allowing a single curb cut per residential property limits the potential points of conflict for higher volume streets. Given the existing policy violations and the safety implications, Public Works does not recommend this variance.
	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 part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are "dry laid", meaning they are more pervious to rainwater.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

Staff notes the applicant has not created a new curb cut, but, rather has utilized an existing curb cut once used as a part of a driveway serving a house that has been demolished and was numbered 4875 Northland Drive.

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

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

Recommended Condition(s)

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

- 1) The paver driveway and landscaping shall be installed in accordance with the proposed site plan and landscape plan, provided by the applicant dated received July 21, 2008 by the Department of Community Development, for the variance herein, showing two curb-cuts serving a single family dwelling and showing the reduction of the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer where necessary to accommodate the portion(s) of the driveway encroachment only. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state.
- 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) A stream bank revegetation plan shall be submitted by the applicant and shall be reviewed for approval by the City Arborist.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, landscape plan, and photographs.



Variance Petition No. V08-045

HEARING & MEETING DATES

Design Review Board
July 22, 2008

Board of Zoning Appeals Hearing
September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Marea Battle

Petitioner
Marea Battle

Representative
Marea Battle

PROPERTY INFORMATION

Address, Land Lot,
and District. 275 Mt Vernon Hwy
Land Lot 89, District 17

Council District 3

Frontage and Area 63.95 feet of frontage along the south side of Mount Vernon Road. The subject property has a total area of .20 acres (8,712 square feet).

Existing Zoning and Use C-1 (Community Business District) currently developed with a boutique dog daycare.

Overlay District Main Street District.

2027
Comprehensive
Future Land Use
Map Designation Living-Working Community (LWC).

INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance:

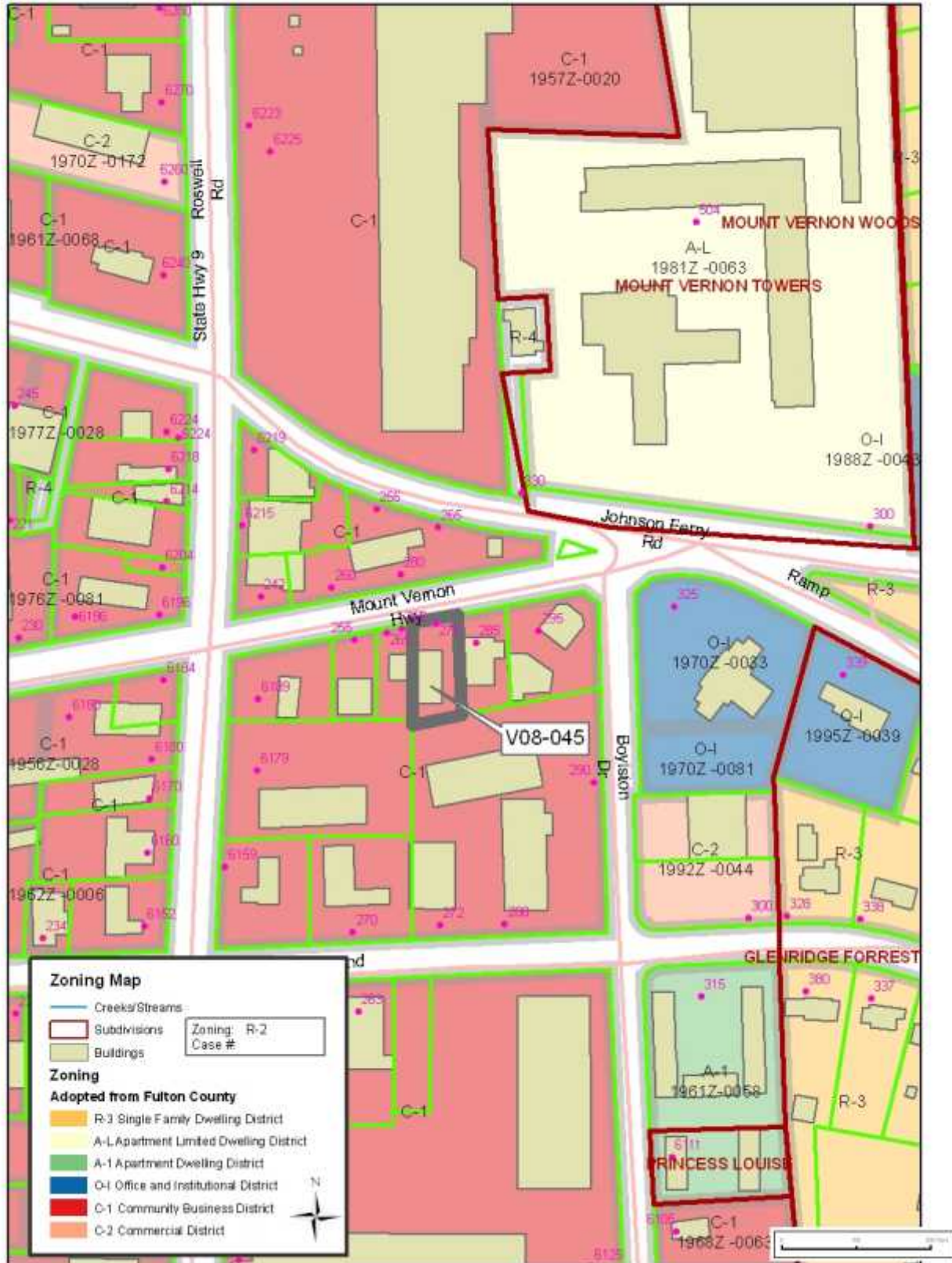
- (1) Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to five (5) feet.
- (2) Variance from Section 33.26.H.1.a to allow for a second freestanding sign where only one (1) is allowed on property with less than 500 feet of frontage.

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the July 22, 2008 Design Review Board meeting. The Board recommended approval (4-0, Landeck, Mobley, Richard, Westmoreland for; Lichtenstein, not voting; Porter, recused; and Gregory absent) as presented.

Parcel Map

275 Mount Vernon Highway



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-045

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking two (2) primary variances from the Zoning Ordinance: 1) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to 5 feet and 2) variance from Section 33.26.H.1.a to allow for a second freestanding sign where only one (1) is allowed on property with less than 500 feet of frontage.

Staff Analysis:

The applicant is requesting relief from Article 33.22.C SIGN LOCATION SETBACK of Sandy Springs Zoning Ordinance, that states that *Unless a more restrictive setback is specified in conditions of zoning, all signs shall be setback at least 10 feet from the right-of-way*, to allow for a free standing identification sign to have a five (5) foot setback from the *right-of-way* on a property which has a total area of approximately 8,520 square feet (.1956 acres) and 63.95 linear feet of frontage. The applicant has indicated that the daycare building is located between the Appearances Salon and Sidney Cleaners; approximately fifty (50) feet back from the street.

The applicant has indicated that the primary reason for the petition is for visibility so that their name, address, and contact information can be easily seen by those driving by. There is a tree, an existing sign on the property, and vehicles parked on the adjacent property, blocking the front of the building to such extend that the building is not visible until you are right in front of the property as shown on exhibits 1, 2 and.

There is a variance needed in order to allow the sign at the proposed location, as the sign encroach into the minimum sign setback from the right-of way. The proposed location is five (5) feet setback from the right-of-way instead of the ten (10) foot minimum sign setback from the right-of way. The applicant has considered other sign locations within the lot, but the proposed location seems to be the most effective. Options considered:

- Locating the sign adjacent to the east property line. This location was reconsidered; the sign would have been in the access to the property.
- Locating the sign centered on the front yard and adjacent to the front property line. This option was also reconsidered. The property has a storm sewer going across the lot front yard that excluded the possibility of locating the sign at this location. According to the applicant the front yard of the property is used for customers to park; locating the sign at

ten (10) feet back from the right of way would place the sign on the middle of the front yard, reducing the already limited parking space on the lot.

- Signage on the building itself suffers the same lack of visibility from the eastbound traffic.

The petitioner decided to request relief from the provisions of the Sandy Springs Zoning Ordinance to place the sign closer to the road, visible to eastbound traffic. If the sign is located further back from the road it will not be visible due to an existing sign, a tree on the property, and vehicles parked on the adjacent lot.

The proposed sign structure is made of synthetic stucco, featuring a single sided sign panel, approximately fifteen (15) square feet of sign area, six (6) feet high.

The second variance is requested because the staff determined that the sign advertising the Appearances Salon is encroaching into the applicant's property boundaries as shown in attached survey.

Department Comments

The staff held a Focus Meeting on August 5, 2008 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ 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 stated that there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists.

The applicant's purpose is to present an identification of its premises, communicating to the customers the location of their business. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

2. *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 has indicated that the purpose for these variances are mainly to provide signage visibility, as the sign installed otherwise would be completely obscured by foliage, existing sign structure, and parked vehicles on the adjacent lot. It is necessary to provide proper visibility for this business.

In addition, the applicant has indicated that the ten (10) foot setback from the right-of-way is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walk; the proposed location of the sign does not represent any hazard to the moving traffic on Mount Vernon Hwy or to the pedestrians.

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the business which would be in harmony with the intent of the zoning ordinance.

The applicant has provided pictures supporting this application.

Recommended Conditions:

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

1. The freestanding sign shall not be located less than five (5) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received July 1, 2008 by the Department of Community Development.
2. The sign area shall not exceed fifteen (15) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received July 1, 2008 by the Department of Community Development.
3. The freestanding sign should include the property address.
4. That the existing sign advertising the adjacent business be removed at the time that the advertised business cease to exist, change name and/or make changes to that sign.

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



Variance Petition No. V08-039

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 14, 2008 (deferred)

September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Gregory Anderson and Mary Mattson	Gregory Anderson and Mary Mattson	William Woodson Galloway/Lauren M. Hansford

PROPERTY INFORMATION

Address, Land Lot, and District	3045 River North Parkway Land Lot 129, District 17
Council District	2
Frontage and Area	120 feet of frontage along the northwest side of River North Parkway. The subject property has a total area of approximately 0.67 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single-family Dwelling District) under zoning case Z64-041. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

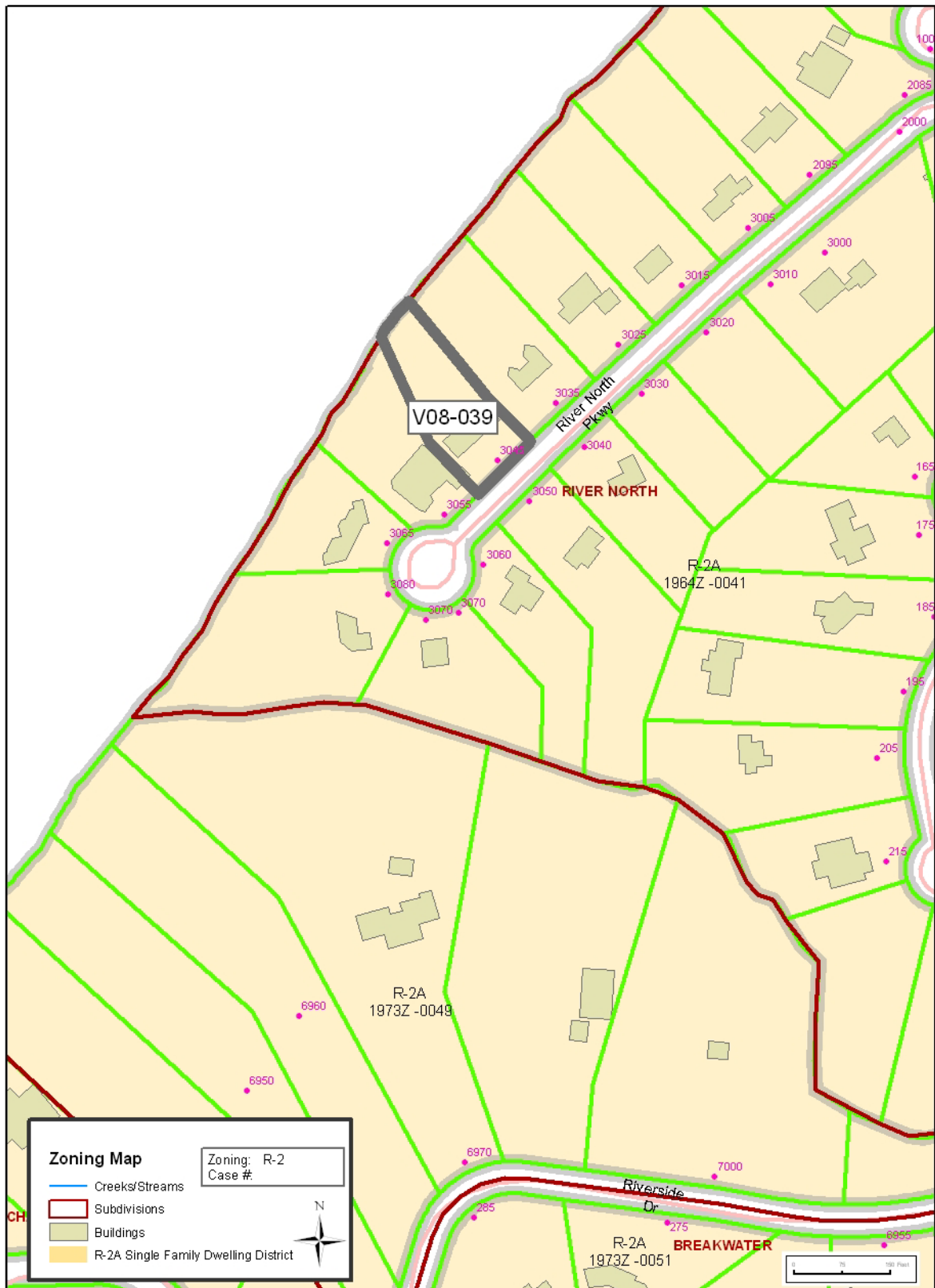
INTENT

The applicant is seeking a primary variance from Section 6.3.3.B to reduce the required sixty (60) foot minimum front yard setback to 35.9 feet to construct a single-family attached garage.

The applicant has provided revised plans showing a reduction in the original requested 33.4 foot encroachment into the required sixty (60) foot front setback. The applicant now intends the proposed attached garage to encroach 24.1 feet into the required sixty (60) foot front setback.

Parcel Map

3045 River North Pkwy



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

CASE NUMBER: V08-039

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

REQUEST:

The applicant is requesting relief from Section 6.3.3.B to reduce the required sixty (60) foot minimum front yard setback to 35.9 feet to construct an attached two-car garage.

ANALYSIS:

The applicant has provided revised plans showing a reduction in the original requested 33.4 foot encroachment into the required sixty (60) foot front setback. The applicant now intends the proposed attached garage to encroach 24.1 feet into the required sixty (60) foot front setback.

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The Chattahoochee River runs north/south along the subject property's rear property line. A 100 year flood plain is also located at the rear of the subject property. Due the slope of the land, the existing house is abutting the required sixty (60) foot front setback.

The applicants state the following:

The request for a setback variance is to accommodate the addition of a two-car garage as part of an extensive remodel of the home. The 1970's contemporary is in very poor condition, detracting from the beauty of the neighborhood, and devaluing the surrounding homes.

The architectural styles found in the neighborhood are quite eclectic, including contemporaries, New England farmhouses, and Europeans. The proposed addition and exterior renovation of the home will be done in a European traditional style, which will compliment the varied architectural styles in the neighborhood, and will greatly add to the property values in the neighborhood.

The new garage will be set into a hillside and will be mostly obscured from all views. Existing landscape vegetation, and slope of the land, completely hide the house, and will do much to mask the proposed addition from all views.

Due to the slope moving towards the cul-de-sac, the new addition will not have a negative impact on the view from this area.

Two homes in the immediate vicinity, including one directly next door, have L shaped garages with courtyards.

Both properties adjacent to the subject property have garage space for three cars. These homes reflect the current standard for upper end properties in this area. The addition of a two-car garage would not only provide more living space and storage to the home, but would also enhance the properties in the immediate area.

The current structure possesses little architectural character on the garage end of the home, consisting of a large wall of ugly siding interrupted by a small unattractive double garage door. The neighbors are greeted with this view directly from the street, and it provides little curb appeal. The proposed addition will address this issue directly, improve the curb appeal dramatically, and enhance property values.

While the zoning in the neighborhood calls for a sixty (60) foot front setback; there are numerous examples where this rule has not been strictly adhered to. The property immediately adjacent to our home has a courtyard garage set back forty-seven (47) feet back from the street.

To build on the backside of the structure could potentially encroach into the current river corridor setback requirements of 150 ft from the river. An addition on the backside of the structure and would diminish the natural forest effect along the river and add to the total impervious surface within the River Corridor.

Leyland cypress and /or other vegetation will also be planted to enhance the landscape effect of the new addition from the street and from neighbors' vantage points on the cul-de-sac.

Because of its location on the river corridor and the unbuildable grade of the lot in the rear, it is impossible to add the garage addition to the rear of the home.

The house was built in 1971 and has very little storage and closet space; currently, only one bay of the garage is used for a car; the other bay must be used to house our possessions and yard tools that will not fit elsewhere in the home. The applicants currently own four vehicles; three of which are parked outside creating negative visual impact on the neighborhood.

Because of the situation described above, there is the possibility of run-off of oil and other contaminants to run into the Chattahoochee River.

The home currently has rotten siding at its base due to grading problems as sited on the inspection report dated Oct '07. This poor grading also affects the structure's vulnerability to termites and other insect infestation. The current termite service Allgood, cannot issue a termite bond for replacement due to current grading and siding. This situation also poses a potential health issue for occupants, if the exterior envelope cannot be secured.

The current structure drains water directly toward the Chattahoochee River causing erosion of property, foundation, and deck supports on the back of the structure. Re-grading the property will allow for water to be redirected into storm drains, or rain water collection basins, eliminating future structural damage to the siding and foundation of the home, while controlling water run-off.

The current stairwell sits directly above the hot water heater, and heating system for the home. If a fire were to result in this area, the only escape path from the upper level would be fully involved in fire and impassable. Rear windows from the upper level are minimally thirty feet above grade and not usable exits in an emergency. The proposed addition provides a second staircase in the event of a fire. To accommodate this feature, a two story garage addition has been drawn.

The current roof is the original cedar shake and has been in place for thirty-seven years. The current roof is a fire hazard and it leaks. The addition will address these issues, as a new roof is part of the scope of the proposed renovation.

There is currently a large water feature at the entrance of the home that is no longer operational. Wastewater collects in a small pond, which has become stagnant, causing mosquitoes and snakes to inhabit the area directly near the front door. In addition, occupants and guests must cross over a deteriorated bridge to the front door causing a safety issue for everyone using this entry. The new addition and grading would eliminate the water feature altogether and provide safe entry into the home.

Staff notes that most houses in the immediate area, which are addressed on River North Parkway, appear to respect the required sixty (60) foot front setback; however, the house on the adjoining property to the southwest is set back closer than sixty (60) to River North Parkway, and other houses addressed on River North Parkway appear set back further than the required sixty (60) foot front setback.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	35.9 feet	Variance request
Min. Rear Yard Setback:	40 feet	40 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	75 feet	meets
River Corridor Setback	150 feet	150 feet	meets

Department Comments

The staff held a Focus Meeting on July 2, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments.
	Arborist/Landscape Architect	▪ Site is in the river corridor. The 34" hardwood is actually a 31" Maple that was planted when the house was built.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ If this residence (or any new portion thereof) is constructed closer than 20 feet to another residential structure or other outbuilding larger than 300 sf, automatic sprinklers shall be required in the kitchen and fuel fired equipment room pursuant the City of Sandy Springs fire ordinance 2006-11-86: Chapter 15, Health and Public Safety, which became effective on November 8, 2006.
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ 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 has provided revised plans showing a reduction in the original requested 33.4 foot encroachment into the required sixty (60) foot front setback. The applicant now intends the proposed attached garage to encroach 24.1 feet into the required sixty (60) foot front setback.

The request for a setback variance is to accommodate the addition of a two-car garage as part of an extensive remodel of the home. The 1970's contemporary is in very poor condition, detracting from the beauty of the neighborhood, and devaluing the surrounding homes.

The architectural styles found in the neighborhood are quite eclectic, including contemporaries, New England farmhouses, and Europeans. The proposed addition and exterior renovation of the home will be done in a European traditional style, which will compliment the varied architectural styles in the neighborhood, and will greatly add to the property values in the neighborhood.

The new garage will be set into a hillside and will be mostly obscured from all views. Existing landscape vegetation, and slope of the land, completely hide the house, and will do much to mask the proposed addition from all views.

Due to the slope moving towards the cul-de-sac, the new addition will not have a negative impact on the view from this area.

Two homes in the immediate vicinity, including one directly next door, have L shaped garages with courtyards.

Both properties adjacent to the subject property have garage space for three cars. These homes reflect the current standard for upper end properties in this area. The addition of a two-car garage would not only provide more living space and storage to the home, but would also enhance the properties in the immediate area.

The current structure possesses little architectural character on the garage end of the home, consisting of a large wall of ugly siding interrupted by a small unattractive double garage door. The neighbors are greeted with this view directly from the street, and it provides little curb appeal. The proposed addition will address this issue directly, improve the curb appeal dramatically, and enhance property values.

While the zoning in the neighborhood calls for a sixty (60) foot front setback; there are numerous examples where this rule has not been strictly adhered to. The property immediately adjacent to our home has a courtyard garage set back forty-seven (47) feet back from the street.

Leyland cypress and /or other vegetation will also be planted to enhance the landscape effect of the new addition from the street and from neighbors' vantage points on the cul-de-sac.

The house was built in 1971 and has very little storage and closet space; currently, only one bay of the garage is used for a car; the other bay must be used to house our possessions and yard tools that will not fit elsewhere in the home. The applicants currently own four vehicles; three of which are parked outside creating negative visual impact on the neighborhood.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The Chattahoochee River runs north/south along the subject property's rear property line. A 100 year flood plain is also located at the rear of the subject

property. Due the slope of the land, the existing house is abutting the required sixty (60) foot front setback.

To build on the backside of the structure could potentially encroach into the current river corridor setback requirements of 150 ft from the river. An addition on the backside of the structure and would diminish the natural forest effect along the river and add to the total impervious surface within the River Corridor.

Because of its location on the river corridor and the unbuildable grade of the lot in the rear, it is impossible to add the garage addition to the rear of the home.

Recommended Condition(s)

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

- 1) The proposed garage addition and renovation shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the variance herein, showing the sixty (60) foot front yard setback requirement reduced to 35.9 feet where necessary to accommodate the portions of the encroachment only.
- 2) All downspouts and water runoff from the proposed improvements shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device as approved by the City Chief Engineer.
- 3) The applicant/owner shall provide a landscape screening/buffering plan as approved by the City Arborist based on American Association of Nurserymen standards for sizes readily available in the nursery trade and spacing of no more than 2/3 mature spread.

ATTACHMENTS: Letter of appeal, supporting documents, site plan, elevation drawings, letters of support, and photographs.