



P&Z STAFF REPORT

Board of Appeals Hearing; July 10, 2018

Case: **V18-0010 – 336 Hammond Dr & 6049 Boylston Dr**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: June 26, 2018

REQUEST

1. Variance from Sec. 9.2 of the Development Code to encroach by approximately 285 square feet into the 50-foot City stream buffer and by approximately 3,965 square feet into the additional 25-foot City impervious surface setback to allow for the construction of a restaurant building, a surface parking area, and associated improvements.
2. Variance from Sec. 6.4 of the Development Code to encroach up to approximately 15 feet into the 25-foot Protected Neighborhood transition buffer to allow for the construction of a surface parking area.
3. Variance from Sec. 8.1.8.B of the Development Code to reduce the minimum area of proposed landscape islands in the surface parking area.
4. Variance from Sec. 4.4.2.H of the Development Code to encroach up to approximately 5 feet into the minimum parking setback to allow for the construction of a surface parking area.
5. Variance from Sec. 4.4.4.D of the Development Code to remove the requirement of a pedestrian entrance on a primary street (Hammond Dr).
6. Variance from Sec. 10.3.2.D of the Development Code to provide no cross-access easement with the parcel to the North.
7. Variance from Sec. 3.B.4.a of the Technical Manual to reduce the uninterrupted ingress/egress distance into the surface parking area.

APPLICANT

Property Owner: 336 Hamm, LLC & William G. Baldowski	Petitioner: 336 Hamm, LLC	Representative: Corbin Armstrong & Carl Westmoreland, Morris, Manning and Martin, LLP
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PROPERTY INFORMATION	
Location:	336 Hammond Dr. & 6049 Boylston Dr. Lots No. 17 007100020238 & 17 007100020220
Council District:	3 – Burnett
Road frontage:	Approximately 110 feet on Hammond Dr. Approximately 320 feet on Boylston Dr.
Acreage:	Approximately 1.2 acres
Existing Zoning:	CX-3 (Commercial Mixed Use)
Existing Land Use:	Pottery sales
Character Area	Commercial/Mixed Use

PROPOSED DEVELOPMENT
The applicant is proposing to construct a 4,320 sf restaurant on two parcels currently used as pottery sales. Associated improvements would include a 39-space surface parking area, a 2,830 sf patio, and a 600 sf bocce court and amenity area. The City currently has plans to realign the intersection of Boylston Dr. and Hammond Dr, Hammond Glen, and the driveway to the East of the Hammond Springs Shopping Center, which will likely lead to covering a stream and the removal of the western stream buffers on the parcel.

RECOMMENDATION
Department of Community Development
Staff recommends <u>APPROVAL</u> of Variance requests # 1, 2, 3, 4, 5, and 6, and <u>DENIAL</u> of Variance request #7 contained in V18-0010.

SITE PLAN

The site plan illustrates the proposed layout for a restaurant and its surrounding landscape. Key features include:

- RESTAURANT:** A central building with a footprint of 14,220 S.F. and a total area of 3,097 AC.
- LANDSCAPE ISLAND:** A central landscaped area with a footprint of 225 S.F.
- PARKING (ASPH-FL):** An asphalt parking area with a footprint of 119 S.F.
- MONUMENT SIGN:** A sign structure with a footprint of 187 S.F.
- PROPOSED RETAINING WALL:** A wall structure along the left and bottom edges of the site.
- PROPOSED STREET PARKING + SPACES:** A parking area along the left edge of the site.
- PROPOSED MONUMENT SIGN:** A sign structure along the bottom edge of the site.
- PROPOSED MONUMENT SIGN (HALL LOCATION):** A sign structure along the bottom edge of the site.
- PROPOSED MONUMENT SIGN (HALL LOCATION):** A sign structure along the bottom edge of the site.

Seven variances are identified and labeled on the plan:

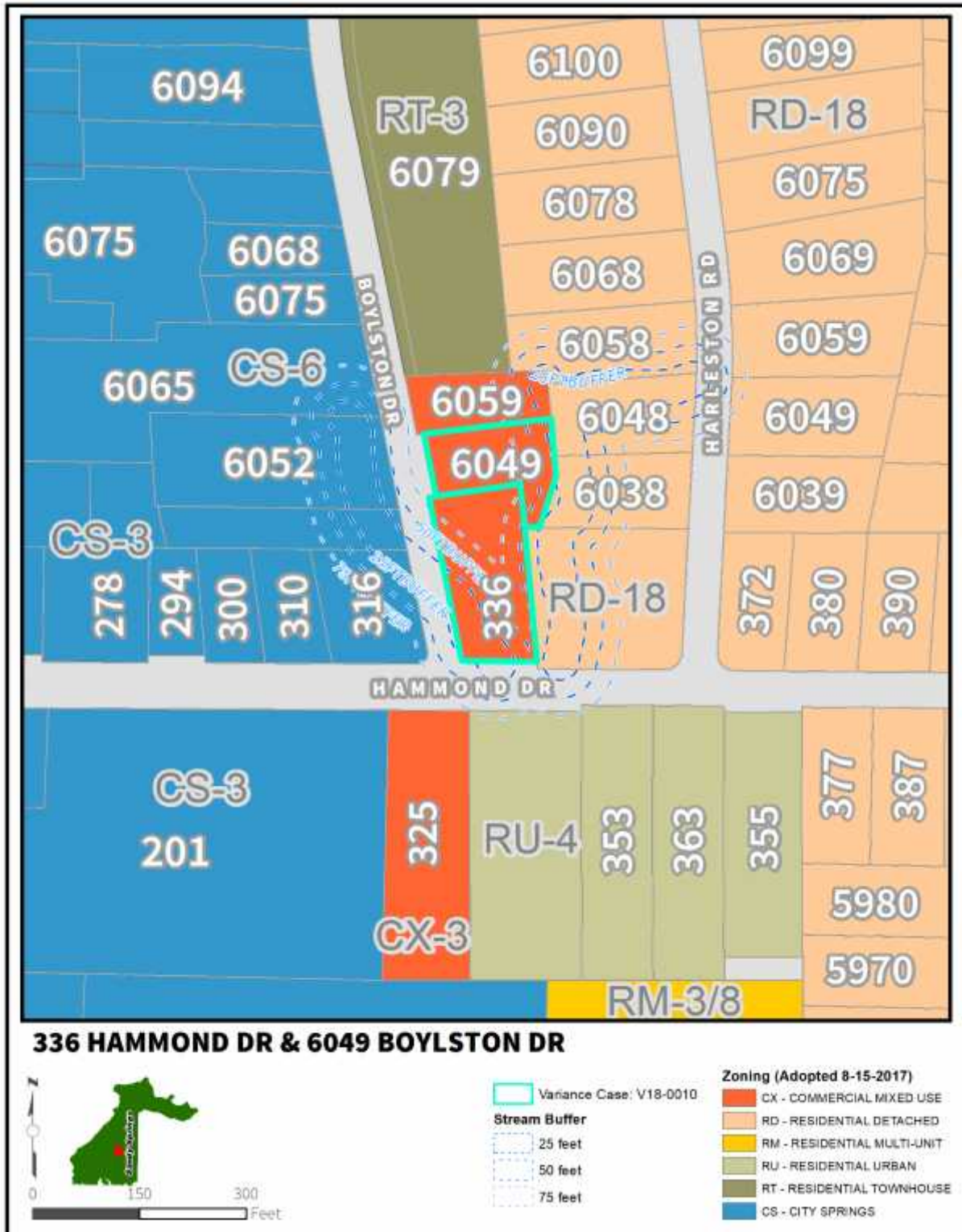
- Variance #1:** Indicated by a red line and label, located near the top right and bottom right of the site.
- Variance #2:** Indicated by an orange line and label, located near the bottom right of the site.
- Variance #3:** Indicated by blue circles and labels, located near the top center and middle right of the site.
- Variance #4:** Indicated by a green line and label, located near the top left of the site.
- Variance #5:** Indicated by a purple line and label, located near the bottom center of the site.
- Variance #6:** Indicated by a yellow line and label, located near the top left of the site.
- Variance #7:** Indicated by a black line and label, located near the top left of the site.

Other site details include a "BOYLSTON DRIVE (40' R/W, ASPHALT PAVED, PUBLIC, WIDTH VARIES)" along the left edge, a "PROPOSED 5' SIDEWALK" along the top left, and a "PROPOSED 2.5' HT. SCREEN WALL" along the top left. The plan also shows various setbacks and dimensions, such as "10' MIN. SETBACK FROM ADJ. PROPERTY" and "15' MIN. SETBACK FROM ADJ. PROPERTY".

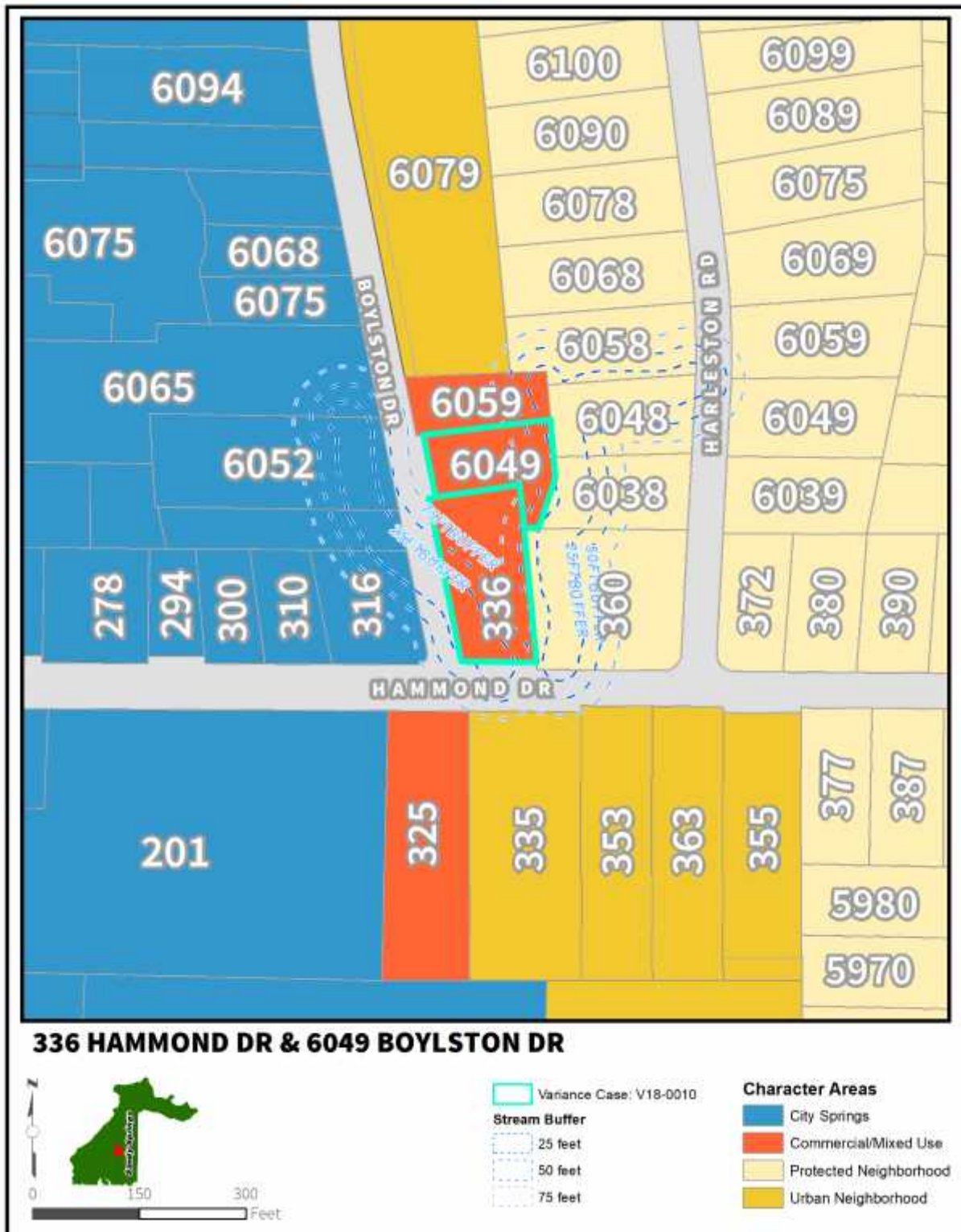
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS – STREAM BUFFER VARIANCE

Per Sec. 9.2.4. of the Development Code, Variances shall only be considered in the following cases:

- a. *When a property's shape, topography or other physical conditions existing on December 12, 2005 prevents land development unless a buffer variance is granted.*
- b. *Unusual circumstances when strict adherence to the minimal buffer requirements in this Division would create an extreme hardship.*

1. Variance from Sec. 9.2 of the Development Code to encroach into the 50-foot City stream buffer and the additional 25-foot City impervious surface setback to allow for the construction of a restaurant building, a surface parking lot, and associated improvements.

Findings: Stream buffers and the associated impervious surface setbacks occupy approximately two thirds of the subject property. Therefore, Staff finds that the topography of the parcel would drastically limit land development for commercial uses as permitted in the CX-3 District. To meet the City's parking standards, the applicant is proposing to construct a two-bay surface parking lot behind the restaurant building. Utilizing compact parking spaces and the City's minimum dimensions for spaces and drive aisle, the applicant cannot reduce any of the dimensions. Staff finds that, should the variance request be denied, the applicant would suffer an unnecessary hardship that could prevent development of the parcel. However, at 39 spaces total, the applicant is providing 10 more spaces than the 29 spaces required as a parking minimum. These additional parking spaces are proposed with permeable pavers to reduce runoff.

While preparing the application request, and through multiple meetings with Staff, the applicant has substantially reduced the impacts on the stream. For instance, the applicant has moved the building towards the street, re-oriented the parking lot away from the street, and used permeable materials in the parking lot and on the patio to the extent feasible. Compared to the existing situation, the applicant has substantially reduced the area of impervious improvements within the 50-foot City stream buffer and the 25-foot City additional impervious surface setback. In the 50-foot City stream buffer, the proposed project reduces the encroachment from 3,192 square feet to 285 square feet. In the 25-foot additional impervious surface setback, the applicant would reduce the encroachment from 11,182 square feet to 3,965 square feet. In addition, the project would have to provide runoff reduction and water detention to City standards, while none presently exists on the site. Therefore, Staff finds that the proposed project would reduce the impacts on water quality in the stream and recommends **APPROVAL** of this Variance request.

VARIANCE CONSIDERATIONS – DEVELOPMENT CODE VARIANCE

1. Per Sec. 11.6.2. of the Development Code, Variances shall only be granted upon showing that:
 - a. *The application of the Development Code would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
 - b. *There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*
2. Further, the application shall demonstrate that:
 - a. *Such conditions are not the result of action or inaction of the current property owner; and*
 - b. *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
 - c. *The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

2. Variance from Sec. 6.4 of the Development Code to encroach into the 25-foot Protected Neighborhood transition buffer to allow for the construction of a surface parking lot.

Findings: As proposed, parts of the parking area encroach into the 25-foot Protected Neighborhood transition buffer. For the most part the applicant is proposing to maintain an existing encroachment with only a roughly 5 deep' by 15' wide sliver of new encroachment (approximately 75 sf total). At the same time, the applicant is proposing to remove an 80' wide by 3' deep encroachment (approximately 24 sf), for a small net reduction of Protected Neighborhood buffer encroachment. Staff finds that due to the overall area reduction of the Protected Neighborhood buffer encroachment there is no anticipated impact on adjacent property and that the applicant has limited his request to the minimum relief necessary to make reasonable use of the property.

Due to stream buffers, Protected Neighborhood buffers, City right-of-way requests, and parking setbacks, the site is severely constrained for the provision of restaurant parking. The entire southern and eastern halves of the property are impacted by stream buffers leaving only the northwestern part of the site for construction of any impervious surfaces. These constraints are existing, not caused by the property owner and, summarily, constitute extraordinary and exceptional conditions due to the topography that would prohibit development of the property. Therefore, Staff recommends **APPROVAL** of this Variance request.

3. Variance from Sec. 8.1.8.B of the Development Code to reduce the minimum area of proposed landscape islands.

Findings: Sec. 8.1.8.B of the Development Code requires parking lot landscape islands to be a minimum of 200 square feet, while the applicant proposes 138 square feet for the two required landscape islands (see site plan on page 3 for reference). Reducing the minimum width of landscape islands allows to move the parking lot forward and further away from the stream. Due to approximately two thirds of the site being covered by stream buffers and the City's impervious surface setback, Staff finds that there are extraordinary and exceptional conditions present that would lead to an unnecessary hardship to the petitioner without a variance.

While trees typically grow better in larger tree crates, the provided 138 square feet is still larger than what the City requires in other situations. For comparison, the City provides minimum 25 square foot tree crates for street trees. In addition, the two landscape islands deficient in area have additional pervious area surrounding the landscape islands and allowing for additional space to grow tree roots. Therefore, Staff finds that the request would provide the minimum relief necessary to make reasonable use of the property, and would be consistent with the intent of the Development Code and the Comprehensive Plan. Staff recommends **APPROVAL** of this Variance request.

- 4.** Variance from Sec. 4.4.2.H of the Development Code to reduce the minimum parking setback to allow for the construction of a surface parking lot.

Findings: Sec. 4.4.2.H of the Development Code requires all parking to be at least 20 feet behind a side street property line to allow for safe circulation patterns and a visual separation between the street and a surface parking lot. Due to approximately two thirds of the site being covered by stream buffers and the City's impervious surface setback, Staff finds that there are extraordinary and exceptional conditions present due to the topography present. In response, the applicant is proposing to move the parking area away from the stream and forward towards the street. The applicant is meeting, but not exceeding the City's minimum dimensional standards for aisle width and parking stall depth and width. Therefore, Staff finds that the applicant's proposal reflects the minimum relief necessary to make possible the reasonable use of the property.

While the parking would be closer to the sidewalk than mandated by the Development Code, the applicant is meeting the parking screening standards by providing a 2.5-foot screen wall. Therefore, Staff finds that there are no negative impacts on the character of Boylston Drive and that the development is consistent with the intent of the Development Code and the intent of the Comprehensive Plan. Staff recommends **APPROVAL** of this Variance request.

- 5.** Variance from Sec. 4.4.4.D of the Development Code to remove the requirement of a pedestrian entrance on a primary street.

Findings: To create a pedestrian-friendly environment, the Development Code requires a pedestrian entrance along the primary street, in this case Hammond Drive. On the subject parcel, the entire length of Hammond Drive is occupied by stream buffers and the associated impervious surface setback. Staff finds that this condition is not caused by the applicant, and that the requirement of a pedestrian entrance on Hammond Drive would create an unnecessary hardship on the applicant.

In lieu, the applicant proposes to orient the building towards Boylston Drive and to provide a pedestrian entrance on that side. Staff finds that this solution is more protective towards the streams on the site, and provides similar pedestrian benefits so that Staff finds that the proposed request is consistent with the intent of the Development Code and the Comprehensive Plan. Staff recommends **APPROVAL** of this Variance request.

- 6.** Variance from Sec. 10.3.2.D of the Development Code to remove the requirement to provide a cross-access easement with the parcel to the North.

Findings: Due to approximately two thirds of the site being covered by stream buffers and the City's impervious surface setback, Staff finds that there are extraordinary and exceptional conditions present that would lead to an unnecessary hardship to the petitioner without a variance.

The inter-parcel access requirement would require a cross-access easement between the subject property and the office parcel to the north so that cars travelling between the two properties would not have to use the street. Due to the townhouse development to the North of the office building, the alternative access will likely not be extended further to the North in the future. Since Boylston Drive is not a congested street, Staff finds that eliminating the inter-parcel access would not be detrimental to the public welfare, and would be consistent with the intent of the Development Code. Staff recommends **APPROVAL** of this Variance request.

7. Variance from Sec. 3.B.4.a of the Technical Manual to reduce the uninterrupted ingress/egress distance to the surface parking area.

Findings: The City requires a minimum distance of 25 feet for uninterrupted ingress/egress between the right-of-way line and the nearest edge of the parking space to allow for safe circulation patterns on a site. 25 feet allows for one car to pause safely on the site while waiting for another car to back out of a parking space. Any less distance would have a portion of a car hang out into Boylston Drive, creating an unsafe situation. The applicant is proposing to reduce the distance to 7.5 feet; substantially less than required to safely accommodate a car. Therefore Staff finds that the proposal would be detrimental to public safety. Staff therefore recommends **DENIAL** of this Variance request.

Due to approximately two thirds of the site being covered by stream buffers and the City's impervious surface setback, Staff finds that there are extraordinary and exceptional conditions present that would lead to an unnecessary hardship to the petitioner without a variance. To accommodate the City's requirement for uninterrupted access would require the applicant to give up at least four parking spaces. Since the applicant is meeting, but not exceeding the City's dimensional standards for parking spaces, Staff finds that the applicant's request would be for the minimum relief necessary to make reasonable use of the property.

COMMENTS FROM OTHER PARTIES

Site Development:

1. Applicant should provide a Narrative illustrating how each Recommended Stormwater Management Standard will be addressed during the Land Disturbance Permit Phase, in particular, Standard #3 - Runoff Reduction. A Stormwater Consultation meeting is highly recommended prior to final recommendation.

Transportation:

1. Applicant should provide un-interrupted ingress/egress from Boylston Road in accordance with Technical Manual section 3.B.4
2. Typical Section along Boylston requires an 8' to 16' Landscape Strip and 12' sidewalk.

Public Works:

Public Works advises that ADA access is required from the sidewalk to the site arrival location. Pedestrian access should be provided from the site to the sidewalk network on both frontages (Boylston Dr. and Hammond Dr.). TSPLOST project TS193 is proposed to widen Hammond Drive to 4 lanes and provide pedestrian and bicycle accommodations (which will provide a future sidewalk connection). The City has proposed realigning the intersection of Boylston Drive and Hammond Drive to remove the off-set spacing and split-phase signal (The realignment concept is shown in Figure 2-2 in Technical Manual). A shared-used path is proposed on the frontage of Boylston Drive. The shoulder would include a 6-foot landscape strip and 10-foot shared-use path behind the back of curb.

Building:

I would have thought we would designate Boylston rather than Hammond as the (or a) primary street for this parcel, given the Code's considerations for designating one and the urban design goals of the master plan. The parcel relates much more to Boylston than to Hammond, especially at this scale of development.

Although it is moot at this point, it would also seem that it would have been more appropriate for this parcel (and, really, all of both sides of Boylston) to be zoned CS-3 rather than CX-3.

Waiver from 4.4.2.A: designating Boylston as the (or a) primary street would obviate the need for this variance. If that isn't done, then, given the site conditions, this appears to be a valid request.

Waiver from 4.4.2.C: given the topo and streams, this also seems justified.

Variance from Sec. 6.4: no comment

Variance from Sec. 9.2: no comment

Variance from Sec. 8.1.8.B: no comment

Variance from Sec. 4.4.2.H: this seems to be an appropriate request (if we accept the premise that 43 parking spaces are needed), given that the stream buffers and topo push all of the site development to the west. The parking should still be properly screened from the street.

However, if City Springs standards were applied to this parcel, the maximum number of parking spaces allowed would be 34, or 9 fewer than now indicated on the site plan. That reduction should obviate the need for this variance.

Under its current zoning the project is required to have 29 parking spaces. If the developer believes 43 spaces are truly necessary, it, the City and probably the neighboring property owner should all benefit if the project would lease some parking (14 spaces?) from the neighbor rather than trying to squeeze 43 spaces onto this site. Doing so could relieve stream buffer and setback encroachments.

Variance from Sec. 4.4.4.D: If Hammond is considered the primary street for this project, then this request makes sense. However, if we consider Boylston to be the (or a) primary street, then it does not.

A pedestrian entrance from Boylston should be a requirement for this project. Not having one contradicts pretty much all of the urban design concepts in the master plan.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Sec. 11.6.2. of the Development Code. Based upon this review, staff recommends **APPROVAL** of variance requests # 1, 2, 3, 4, 5, and 6 contained in V18-0010:

1. Variance from Sec. 9.2 of the Development Code to encroach by approximately 285 square feet into the 50-foot City stream buffer and by approximately 3,965 square feet into the additional 25-foot City impervious surface setback to allow for the construction of a restaurant building, a surface parking area, and associated improvements.
2. Variance from Sec. 6.4 of the Development Code to encroach up to approximately 15 feet into the 25-foot Protected Neighborhood transition buffer to allow for the construction of a surface parking area.
3. Variance from Sec. 8.1.8.B of the Development Code to reduce the minimum area of proposed landscape islands in the surface parking area.
4. Variance from Sec. 4.4.2.H of the Development Code to encroach up to approximately 5 feet into the minimum parking setback to allow for the construction of a surface parking area.
5. Variance from Sec. 4.4.4.D of the Development Code to remove the requirement of a pedestrian entrance on a primary street (Hammond Dr).
6. Variance from Sec. 10.3.2.D of the Development Code to provide no cross-access easement with the parcel to the North.

Variance from Sec. 3.B.4.a of the Technical Manual to reduce the uninterrupted ingress/egress distance into the surface parking area. Staff recommends **DENIAL** Variance request # 7 contained in V18-0010.

7. Variance from Sec. 3.B.4.a of the Technical Manual to reduce the uninterrupted ingress/egress distance into the surface parking area.

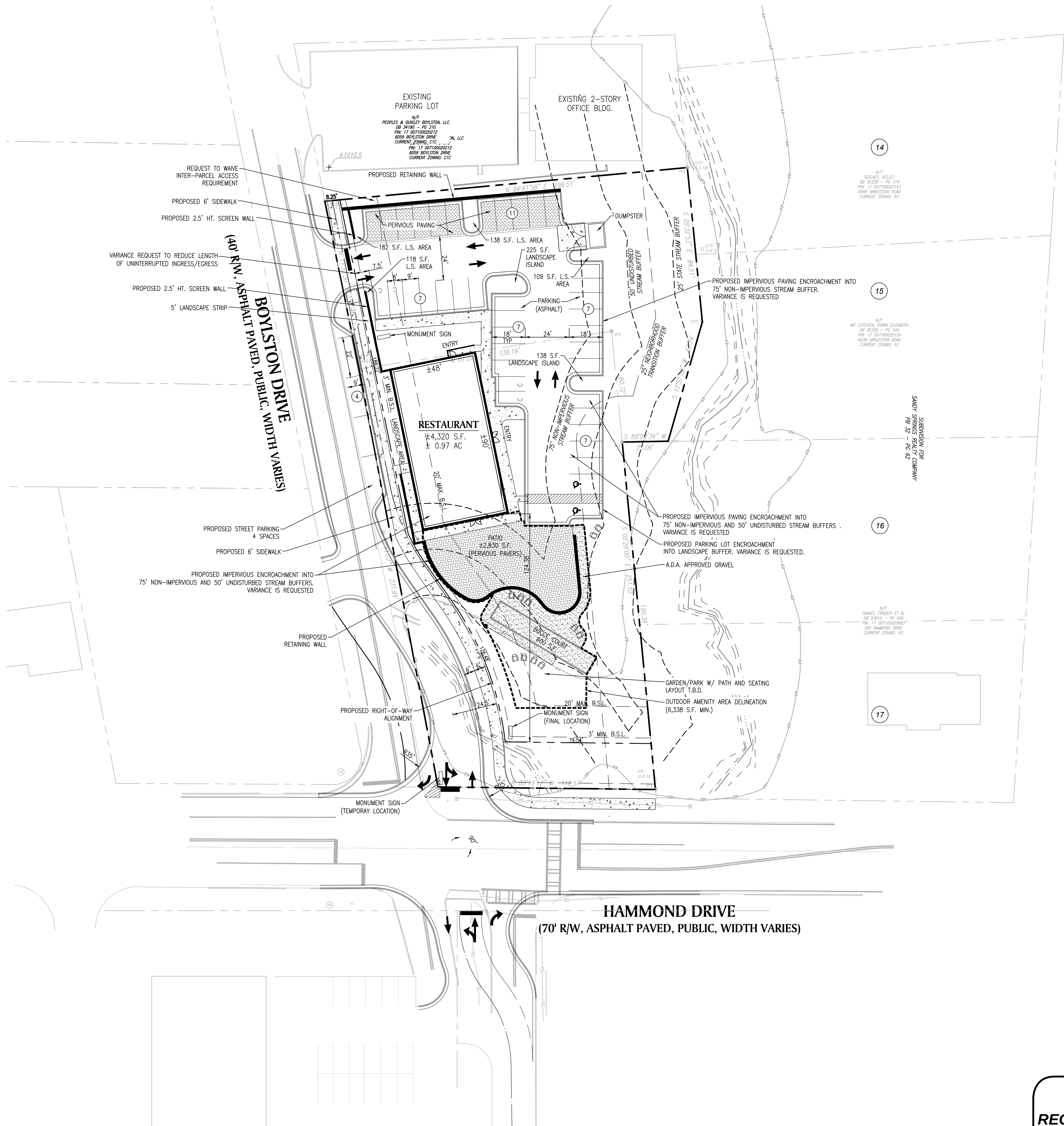
Should the Board of Appeals choose to approve any number of Variance requests, Staff recommends the following condition:

1. To allow the construction of a restaurant, a surface parking lot, and associated improvements substantially similar to that shown on the site plan prepared by Paulson Mitchell, dated June 21, 2018, and received by the Department of Community Development June 22, 2018.

Should the Board of Appeals choose to approve any number of Variance requests while simultaneously denying any number of other Variance requests, Staff additionally recommends the following condition:

1. The applicant shall submit an updated site plan to the Department of Community Development. Said site plan must demonstrate conformance with the Development Code and the Technical Manual for all issues for which the Board of Appeals denied Variance requests.

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VICINITY MAP

SANDY SPRINGS, GA



Buffer Encroachments Calculations

Pre-Development Buffer Encroachments

75' Non-Impervious Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±52'
Buffer Encroachment Area (maximum) = ±11,182 s.f. Total Area

50' Stream Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±36'
Buffer Encroachment Area (maximum) = ±3,192 s.f. Total Area

25' Neighborhood Transition Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±15'
Buffer Encroachment Area (maximum) = ±685 s.f. Total Area

Post-Development Buffer Encroachments

75' Non-Impervious Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±46.5'
Buffer Encroachment Area (maximum) = ±3,965 s.f. Total Area
(173 s.f. Walls and 3,792 s.f. Impervious Paving)

50' Stream Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±21.5'
Buffer Encroachment Area (maximum) = ±285 s.f. Total Area
(61 s.f. walls and 224 s.f. Impervious Paving)

25' Neighborhood Transition Buffer Encroachment
Buffer Encroachment Distance (maximum) = ±15'
Buffer Encroachment Area (maximum) = ±773 s.f. Total Area

PROPOSED VARIANCES

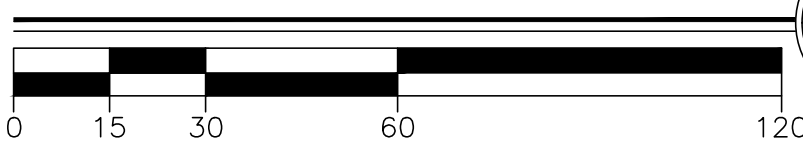
1. WAIVER FROM SECTION 4.4.2.A TO ALLOW 0% OF THE FAÇADE IN THE PRIMARY STREET 3' TO 20' BUILD-TO-ZONE.
2. WAIVER FROM SECTION 4.4.2.C TO ALLOW 28% OF THE FAÇADE IN THE SIDE STREET 3' TO 20' BUILD-TO-ZONE.
3. VARIANCE FROM SECTION 6.4 TO ALLOW A 15 FOOT IMPERVIOUS PAVEMENT ENCROACHMENT INTO THE 25' NEIGHBORHOOD TRANSITION BUFFER.
4. VARIANCE FROM SECTION 9.2 TO ALLOW A 21.5 FOOT AND 285 SQUARE FEET IMPERVIOUS PAVEMENT AND RETAINING WALLS ENCROACHMENT WITHIN THE 50 FOOT STREAM BUFFER AND TO ALLOW A 46.5 FOOT AND 3,965 SQUARE FEET ENCROACHMENT FOR A BUILDING, IMPERVIOUS PAVING AND RETAINING WALLS WITHIN THE 75 FOOT STREAM BUFFER.
5. VARIANCE FROM SECTION 8.1.8.B TO REDUCE THE REQUIRED AREA AND WIDTH OF TREE ISLANDS TO AN AREA OF 109 SQUARE FEET AND A WIDTH OF 5.5 FT.
6. VARIANCE FROM SECTION 4.4.2 H TO REDUCE THE PARKING SETBACK TO 5 FEET.
7. VARIANCE FROM SECTION 4.4.4.D. TO REMOVE THE REQUIREMENT OF PEDESTRIAN ENTRANCE ON A PRIMARY STREET.
8. WAIVE SECTION 10.3.2.D FOR INTER-PARCEL ACCESS REQUIREMENT.
9. VARIANCE FROM SECTION 3.B.4.a (TECHNICAL MANUAL) TO REDUCE UNINTERRUPTED INGRESS/EGRESS DISTANCE TO 7.5'.

SITE ANALYSIS

RESTAURANT	±4,320 S.F.
ON-SITE PARKING	± 39 SPACES / 1.35 PER 150 S.F.
STREET PARKING (OFF-SITE)	± 4 SPACES
TOTAL PARKING PROVIDED	± 43 SPACES / 1.49 PER 150 S.F.
PARKING REQUIRED	29 SPACES /1.0 PER 150 S.F.
LOT COVERAGE	±19,950 S.F. (47%)
AMENITY AREA	±6,338 S.F. (15%)
TOTAL SITE AREA	± 1.15 ACRES
DEDICATED R.O.W.	± 0.18 ACRES
DEVELOPABLE AREA (NET)	± 0.97 ACRES (42,176.7 S.F.)

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SITE PLAN



SCALE: 1" = 30'

NOTE:
STORMWATER DETENTION IS PROPOSED TO BE UNDERGROUND, WITHIN THE PARKING LOT, AND NOT WITHIN ANY BUFFER. WATER QUALITY MEASURES SUCH AS PROPRIETARY STRUCTURES AND/OR PERVIOUS PAVING STORAGE/INFILTRATION SHALL BE DESIGNED TO PROVIDE THE REQUIRED STORMWATER RUNOFF TREATMENT.

PRELIMINARY SITE PLAN DISCLAIMER:

SITE PLAN IS BASED ON CLIENT PROVIDED INFORMATION POSSIBLY INCLUDING BUT NOT LIMITED TO THE FOLLOWING: TAX MAPS, USGS MAPS, GIS INFORMATION, SCANNED/DIGITAL BOUNDARY SURVEY, SCANNED/DIGITAL TOPOGRAPHICAL SURVEY, SCANNED/DIGITAL AS-BUILT PLAN, SCANNED/DIGITAL ALTA SURVEY, AND/OR PREVIOUS CONSTRUCTION PLANS BY PMI/OTHERS. ALL ZONING INFORMATION SHOWN IN THE TITLEBLOCK TO THE RIGHT HAS BEEN RESEARCHED BUT NOT VERIFIED WITH THE JURISDICTION.

SITE PLAN BOUNDARY AND EXISTING CONDITIONS ARE ONLY AS ACCURATE AS THE INFORMATION PROVIDED.

LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS

PAULSON MITCHELL
INCORPORATED

PROJECT:

PROPOSED DEVELOPMENT

HAMMOND ROAD. &
BOYLSTON DRIVE
CITY of SANDY SPRINGS
FULTON CO., GA 30358

FOR:

CORNERPOINT PARTNERS

ZONING INFORMATION

ZONING RESEARCH DATE: MAY 2017

ZONING CLASSIFICATION

JURISDICTION: CITY OF SANDY SPRINGS

ZONING: CX-3

OVERLAY: SUBURBAN OVERLAY DISTRICT

DRAWING RECORD

DRAWN BY: SHH

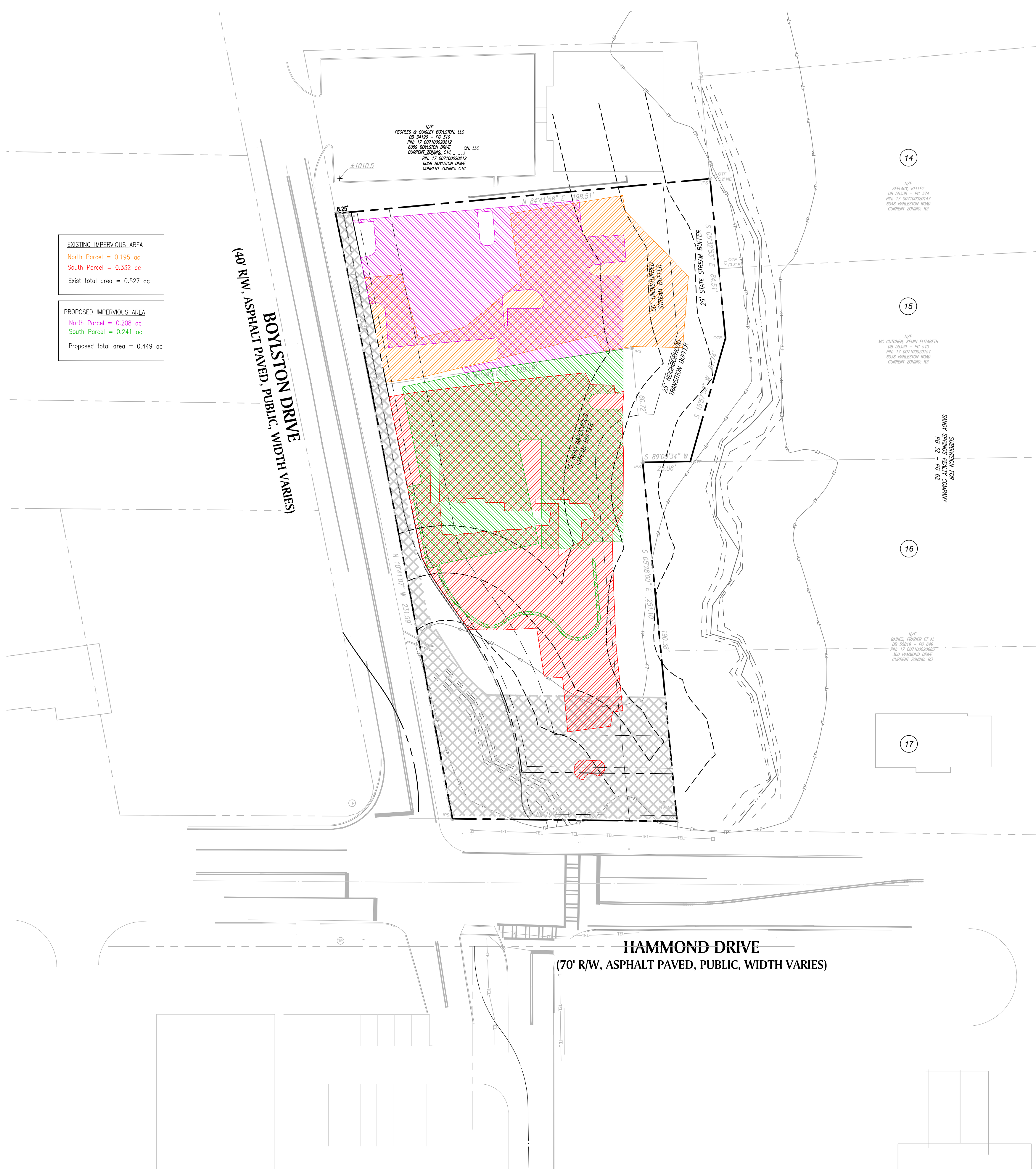
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SITE PLAN

SHEET

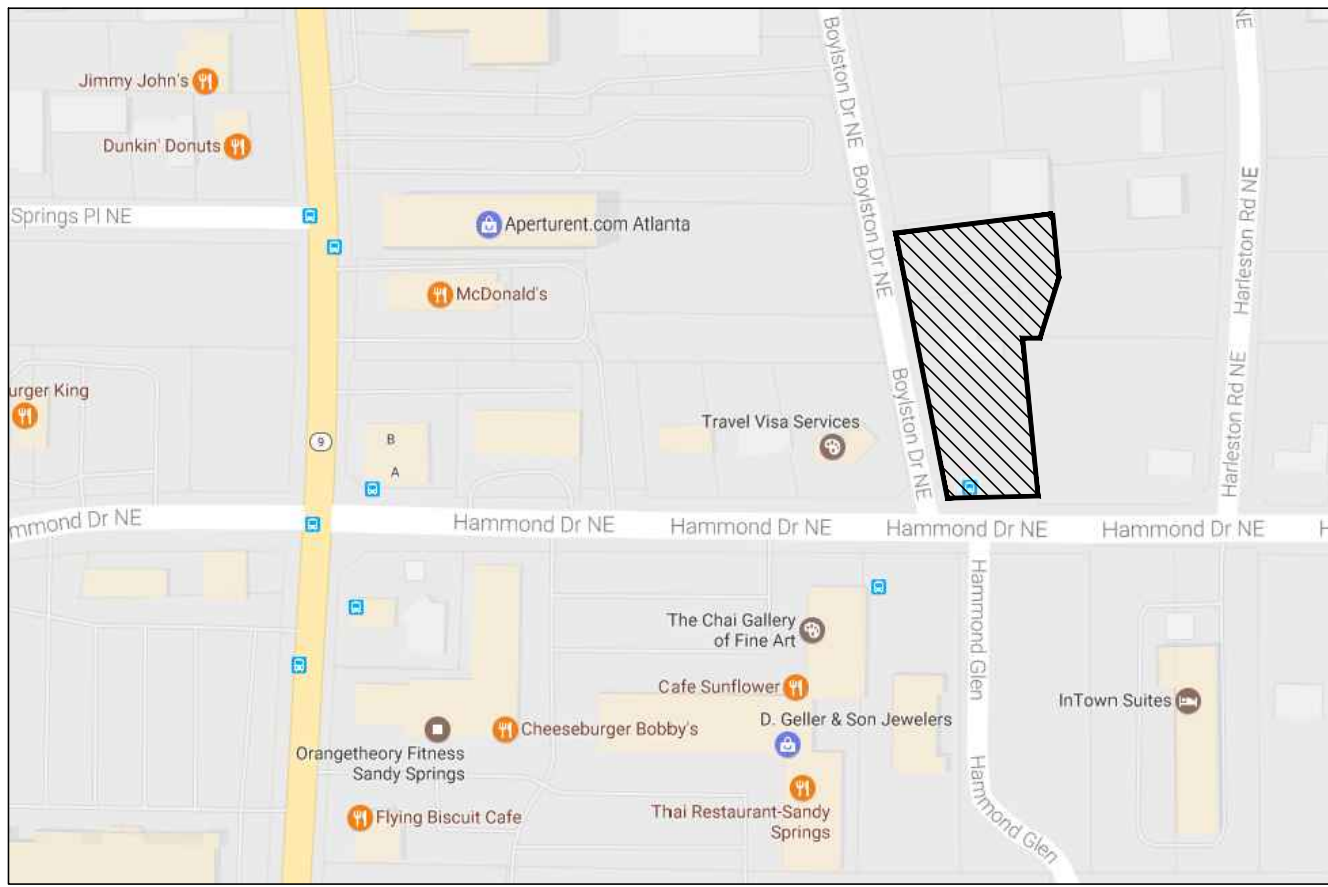
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EXISTING IMPERVIOUS AREA	
North Parcel = 0.195 ac	
South Parcel = 0.332 ac	
Exist total area = 0.527 ac	

PROPOSED IMPERVIOUS AREA	
North Parcel = 0.208 ac	
South Parcel = 0.241 ac	
Proposed total area = 0.449 ac	

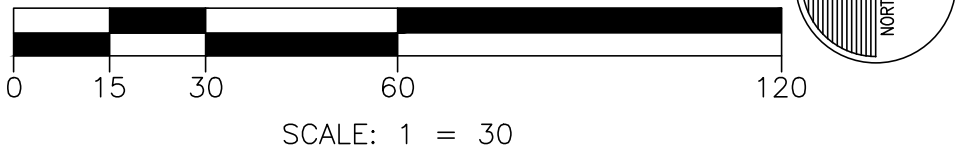


VICINITY MAP
SANDY SPRINGS, GA SCALE: NTS

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Post-Development Buffer Encroachments	
75' Non-Impervious Buffer Encroachment	
Buffer Encroachment Distance (maximum) = ±46.5'	
Buffer Encroachment Area (maximum) = ±3,965 s.f. Total Area	
(173 s.f. Walls and 3,792 s.f. Impervious Paving)	
50' Stream Buffer Encroachment	
Buffer Encroachment Distance (maximum) = ±21.5'	
Buffer Encroachment Area (maximum) = ±285 s.f. Total Area	
(61 s.f. walls and 224 s.f. Impervious Paving)	
25' Neighborhood Transition Buffer Encroachment	
Buffer Encroachment Distance (maximum) = ±15'	
Buffer Encroachment Area (maximum) = ±773 s.f. Total Area	

RECEIVED P&Z 6.22.18

IMPERVIOUS AREA EXHIBIT



PRELIMINARY SITE PLAN DISCLAIMER:

SITE PLAN IS BASED ON CLIENT PROVIDED INFORMATION POSSIBLY INCLUDING BUT NOT LIMITED TO THE FOLLOWING: TAX MAPS, USGS MAPS, GIS INFORMATION, SCANNED/DIGITAL BOUNDARY SURVEY, SCANNED/DIGITAL TOPOGRAPHICAL SURVEY, SCANNED/DIGITAL AS-BUILT PLAN, SCANNED/DIGITAL ALTA SURVEY, AND/OR PREVIOUS CONSTRUCTION PLANS BY PMI/OTHERS. ALL ZONING INFORMATION SHOWN IN THE TITLEBLOCK TO THE RIGHT HAS BEEN RESEARCHED BUT NOT VERIFIED WITH THE JURISDICTION.

SITE PLAN BOUNDARY AND EXISTING CONDITIONS ARE ONLY AS ACCURATE AS THE INFORMATION PROVIDED.

PROJECT:

PROPOSED DEVELOPMENT

HAMMOND ROAD. &
BOYLSTON DRIVE
CITY of SANDY SPRINGS
FULTON CO., GA 30358

FOR:

CORNERPOINT PARTNERS

ZONING INFORMATION

ZONING RESEARCH DATE: MAY 2017	
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF SANDY SPRINGS
ZONING:	CX-3
OVERLAY:	SUBURBAN OVERLAY DISTRICT
BUILDING SETBACKS	
DRAWING RECORD	
DRAWN BY:	SHH
2017134-PS28.dwg	06.21.18

IMPERVIOUS AREA EXHIBIT

SHEET

PS-28a

LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS

PAULSON MITCHELL
INCORPORATED

85-A MILL STREET
SUITE 200
ROSWELL, GEORGIA 30075
VOICE 770.650.7685
FAX 770.650.7684
www.paulsonmitchell.com



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

BOUNDARY RETRACEMENT SURVEY FOR:
CORNERPOINT PARTNERS, LLC
Located in Land Lot 71, 17th Land District, City of Sandy Springs, Fulton County, Georgia

PROJECT NO.:	17CPP001
ISSUE DATE:	05/16/2017
SCALE:	1" = 20'
FIELD:	SPK
DATE:	05/08/2017
DRAWN BY:	KRS
CHECKED BY:	GBS
REVISIONS	
DATE	DESCRIPTION

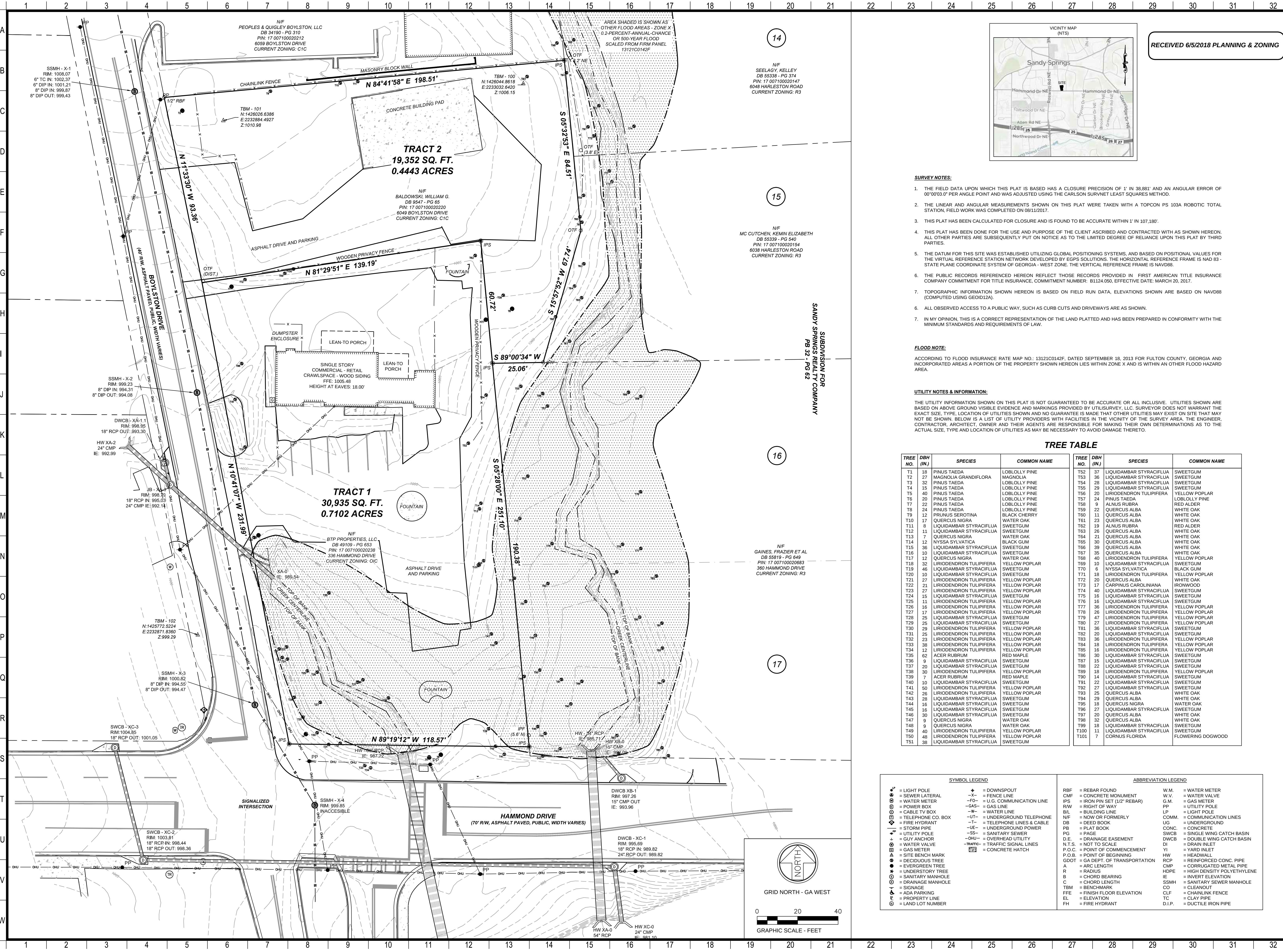
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SHEET TITLE

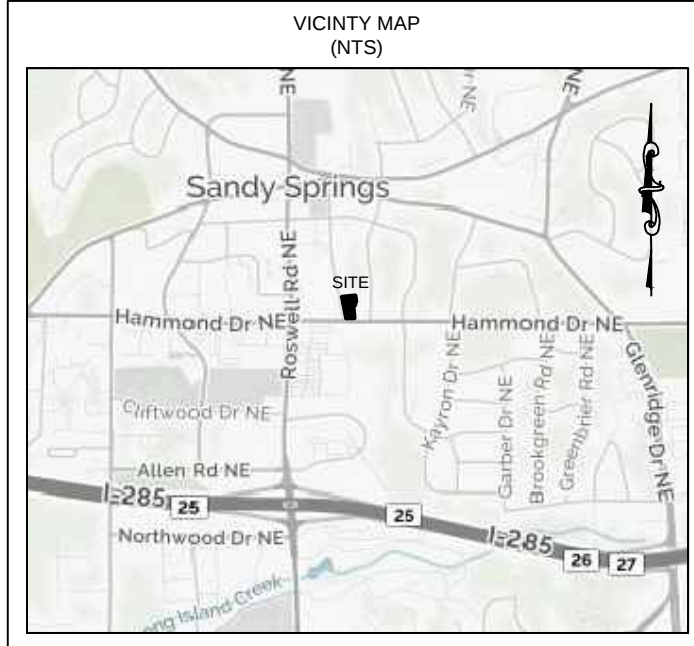
BOUNDARY SURVEY

SHEET NUMBER

BS-1.0



RECEIVED 6/5/2018 PLANNING & ZONING



SURVEY NOTES:

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1' IN 38,881' AND AN ANGULAR ERROR OF 00°00'03.0" PER ANGLE POINT AND WAS ADJUSTED USING THE CARLSON SURVNET LEAST SQUARES METHOD.
2. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE TAKEN WITH A TOPCON PS 103A ROBOTIC TOTAL STATION, FIELD WORK WAS COMPLETED ON 08/11/2017.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN 107,180'.
4. THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH AS SHOWN HEREON. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5. THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NAD 83 - STATE PLANE COORDINATE SYSTEM OF GEORGIA - WEST ZONE. THE VERTICAL REFERENCE FRAME IS NAVD88.
6. THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS PROVIDED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, COMMITMENT NUMBER: B1124.050, EFFECTIVE DATE: MARCH 20, 2017.
7. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON FIELD RUN DATA, ELEVATIONS SHOWN ARE BASED ON NAVD88 (COMPUTED USING GEOID12A).
8. ALL OBSERVED ACCESS TO A PUBLIC WAY, SUCH AS CURB CUTS AND DRIVEWAYS ARE AS SHOWN.
9. IN MY OPINION, THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

FLOOD NOTE:

ACCORDING TO FLOOD INSURANCE RATE MAP NO. 13121C0142F, DATED SEPTEMBER 18, 2013 FOR FULTON COUNTY, GEORGIA AND INCORPORATED AREAS A PORTION OF THE PROPERTY SHOWN HEREON LIES WITHIN ZONE X AND IS WITHIN AN OTHER FLOOD HAZARD AREA.

UTILITY NOTES & INFORMATION:

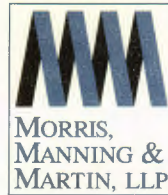
THE UTILITY INFORMATION SHOWN ON THIS PLAT IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. UTILITIES SHOWN ARE BASED ON ABOVE GROUND VISIBLE EVIDENCE AND MARKINGS PROVIDED BY UTILITIES SURVEY, LLC. SURVEYOR DOES NOT WARRANT THE EXACT SIZE, TYPE, LOCATION OF UTILITIES SHOWN AND NO GUARANTEE IS MADE THAT OTHER UTILITIES MAY EXIST ON SITE THAT MAY NOT BE SHOWN. BELOW IS A LIST OF UTILITY PROVIDERS WITH FACILITIES IN THE VICINITY OF THE SURVEY AREA. THE ENGINEER, CONTRACTOR, ARCHITECT, OWNER AND THEIR AGENTS ARE RESPONSIBLE FOR MAKING THEIR OWN DETERMINATIONS AS TO THE ACTUAL SIZE, TYPE AND LOCATION OF UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

TREE TABLE

TREE NO.	DBH (IN.)	SPECIES	COMMON NAME	TREE NO.	DBH (IN.)	SPECIES	COMMON NAME
T1	18	PINUS TAEDA	LOBLOLLY PINE	T52	37	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T2	27	MAGNOLIA GRANDIFLORA	MAGNOLIA	T53	36	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T3	32	PINUS TAEDA	LOBLOLLY PINE	T54	28	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T4	15	PINUS TAEDA	LOBLOLLY PINE	T55	29	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T5	40	PINUS TAEDA	LOBLOLLY PINE	T56	20	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T6	20	PINUS TAEDA	LOBLOLLY PINE	T57	24	PINUS TAEDA	LOBLOLLY PINE
T7	22	PINUS TAEDA	LOBLOLLY PINE	T58	9	ALNUS RUBRA	RED ALDER
T8	24	PINUS TAEDA	LOBLOLLY PINE	T59	22	QUERCUS ALBA	WHITE OAK
T9	12	PRUNUS SEROTINA	BLACK CHERRY	T60	11	QUERCUS ALBA	WHITE OAK
T10	17	QUERCUS NIGRA	WATER OAK	T61	23	QUERCUS ALBA	WHITE OAK
T11	8	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T62	19	ALNUS RUBRA	RED ALDER
T12	11	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T63	26	QUERCUS ALBA	WHITE OAK
T13	7	QUERCUS NIGRA	WATER OAK	T64	21	QUERCUS ALBA	WHITE OAK
T14	12	NYSSA SYLVATICA	BLACK GUM	T65	30	QUERCUS ALBA	WHITE OAK
T15	36	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T66	39	QUERCUS ALBA	WHITE OAK
T16	10	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T67	35	QUERCUS ALBA	WHITE OAK
T17	12	QUERCUS NIGRA	WATER OAK	T68	40	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T18	32	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T69	10	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T19	46	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T70	6	NYSSA SYLVATICA	BLACK GUM
T20	18	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T71	18	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T21	27	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T72	20	QUERCUS ALBA	WHITE OAK
T22	21	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T73	17	CARPINUS CAROLINIANA	IRONWOOD
T23	27	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T74	40	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T24	15	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T75	16	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T25	11	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T76	16	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T26	16	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T77	36	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T27	17	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T78	26	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T28	25	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T79	47	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T29	25	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T80	27	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T30	39	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T81	36	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T31	25	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T82	20	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T32	23	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T83	36	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T33	38	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T84	18	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T34	12	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T85	16	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T35	62	ACER RUBRUM	RED MAPLE	T86	30	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T36	9	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T87	15	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T37	30	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T88	22	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T38	30	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T89	18	LIRODENDRON TULIPIFERA	YELLOW POPLAR
T39	7	ACER RUBRUM	RED MAPLE	T90	14	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T40	10	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T91	22	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T41	50	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T92	27	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T42	26	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T93	25	QUERCUS ALBA	WHITE OAK
T43	28	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T94	29	QUERCUS ALBA	WHITE OAK
T44	14	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T95	18	QUERCUS NIGRA	WATER OAK
T45	16	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T96	27	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T46	30	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	T97	20	QUERCUS ALBA	WHITE OAK
T47	9	QUERCUS NIGRA	WATER OAK	T98	32	QUERCUS ALBA	WHITE OAK
T48	9	QUERCUS NIGRA	WATER OAK	T99	19	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T49	40	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T100	11	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
T50	48	LIRODENDRON TULIPIFERA	YELLOW POPLAR	T101	7	CORNUS FLORIDA	FLOWERING DOGWOOD
T51	38	LIQUIDAMBAR STYRACIFLUA	SWEETGUM				

SYMBOL LEGEND		ABBREVIATION LEGEND	
• = LIGHT POLE	• = DOWNSPOUT	RBF = REBAR FOUND	W.M. = WATER METER
• = SEWER LATERAL	• = FENCE LINE	CMF = CONCRETE MONUMENT	W.V. = WATER VALVE
• = WATER METER	-FO- = U.G. COMMUNICATION LINE	G.S. = GAS METER	W.P. = WIRE PIN SET (UT REBAR)
• = POWER BOX	-GAS- = GAS LINE	R/W = RIGHT OF WAY	PP = UTILITY POLE
• = CABLE TV BOX	-W- = WATER LINE	BL = BUILDING LINE	LP = LIGHT POLE
• = FIRE HYDRANT	-T- = UNDERGROUND TELEPHONE	NIF = NOW OR FORMERLY	COMM. = COMMUNICATION LINES
• = STORM PIPE	-T- = TELEPHONE LINES & CABLE	UG = UNDERGROUND	CONC. = CONCRETE
• = UTILITY POLE	-UE- = UNDERGROUND POWER	PB = PLAT BOOK	SWCB = SINGLE WING CATCH BASIN
• = SANITARY SEWER	-UT- = DRAINAGE EASEMENT	D.E. = DRAINAGE EASEMENT	DWCB = DOUBLE WING CATCH BASIN
• = GUY ANCHOR	-OHU- = OVERHEAD UTILITY	N.T.S. = NOT TO SCALE	DI = DRAIN INLET
• = WATER VALVE	-TRAFIC- = TRAFFIC SIGNAL LINES	P.O.C. = POINT OF COMMENCEMENT	YI = YARD INLET
• = GAS METER	• = CONCRETE HATCH	P.O.B. = POINT OF BEGINNING	HW = HEADWALL
• = ADA PARKING		GDOT = GA DEPT. OF TRANSPORTATION	RCP = REINFORCED CONC. PIPE
• = PROPERTY LINE		A = ARC LENGTH	CMP = CORRUGATED METAL PIPE
• = LAND LOT NUMBER		R = RADIUS	HDPE = HIGH DENSITY POLYETHYLENE
		B = CHORD BEARING	IE = INVERT ELEVATION
		C = CHORD LENGTH	SSMH = SANITARY SEWER MANHOLE
		TBM = BENCHMARK	CO = CLEANOUT
		CLF = CHAINLINK FENCE	TC = CLAY PIPE
		EL = ELEVATION	D.I.P. = DUCTILE IRON PIPE
		FH = FIRE HYDRANT	

RECEIVED P&Z 6.22.18



June 22, 2018

Corbin Armstrong
404-495-8463
carmstrong@mmmlaw.com
www.mmmlaw.com

VIA COURIER

VIA EMAIL (pleonhardt@sandyspringsga.gov)

Paul Leonhardt
Planner II, City of Sandy Springs
1 Galambos Way,
Sandy Springs, GA 303028

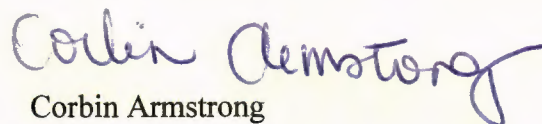
RE: Second Amendment to Application V-18-0010

Dear Paul:

Please amend the above captioned application with the following enclosed materials:

- 1.) Two full sized and one 11 x 17 copy of a revised site plan;
- 2.) One full sized and one 11 x 17 copy of a revised impervious area exhibit;
- 3.) A revised letter of intent and variance analysis.

Sincerely,


Corbin Armstrong

CA:
Enclosures

CC: cwestmoreland@mmmlaw.com
gerard@cornerpointpartners.com

RECEIVED P&Z 6.22.18

Letter of Intent

The Applicant proposes to redevelop a 1.1545 acre property located at the northeastern corner of Boylston Drive and Hammond Drive. The proposed development will consist of a 4,320 square foot restaurant. The site is currently developed with a single-family home and a garden and pottery supply store. The applicant has explored several iterations of the proposed plan. The current proposed plan is a result of collaboration with the City of Sandy Springs to align and widen the adjacent right of way as well as reduce impact on currently obstructed stream buffers.

The following variances and waivers are requested:

1. Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.
2. Waiver from Section 4.4.2.C to allow 28% of the façade in the side street 3' to 20' build-to zone.
3. Variance from Section 6.4 to allow a 15 foot impervious pavement encroachment into the 25' neighborhood transition buffer.
4. Variance from Section 9.2 to allow a 21.5 foot and 285 square feet impervious pavement and retaining walls encroachment within the 50 foot stream buffer and to allow a 46.5 foot and 3,965 square feet encroachment for a building, impervious paving and retaining walls within the 75 foot stream buffer.
5. Variance from Section 8.1.8.B to reduce the required area and width of tree islands to an area of 109 square feet and a width of 5.5 ft.
6. Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.
7. Variance from Section 4.4.4.D. to remove the requirement of pedestrian entrance on a primary street.
8. Waiver from Section 10.3.2.D to remove inter-parcel access requirement.
9. Variance from Section 3.B.4.a. of the Technical Manual to reduce uninterrupted ingress and egress distance to 7.5 feet

Variance/Waiver Analysis

1.) Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The site is narrow on its southern end and encumbered with a 75 foot stream buffer on its eastern and southern sides. The 3' to 20' build-to zone on the primary street, Hammond Drive, rests completely within a 75 foot stream buffer. The current placement of the building, on the northwestern portion of the property, is the only appropriate location given the shape of the property and the location of the stream buffers. Requiring the full application of the build-to zone would cause unnecessary hardship as Section 4.4.2.A directly conflicts with the stream buffer provisions of the code.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the lot are not the result of action or inaction of the current property owner.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The building façade has been moved to the side street, Boylston Drive and is within the 3' to 20' foot build-to zone along Boylston Drive. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer. It would benefit the public good, safety and welfare by allowing the development of a vibrant neighborhood use that would reduce current encroachment in the stream buffer.

2.) Waiver from Section 4.4.2.C to allow 28% of the facade in the side street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern sides and is narrow on its southern end. Due to the southern portion of the site being narrow and encumbered by stream buffer, only the northern portion of the property abutting Boylston Drive is buildable. The reduction will allow for a development of appropriate size and scale given the site's limitations.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the site are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The design of the site maximizes the length of the building façade in the build-to zone by placing the longest side of the building adjacent to the street. However, given the stream buffer and the site's shape mentioned above, the building cannot occupy more of the build-to zone. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer. The proposed development would benefit the public good, safety and welfare by adding a restaurant use to serve the surrounding residents and would diversify the neighborhood's mix of uses.

3.) Variance from Section 6.4 to allow a 15 foot impervious pavement encroachment into the 25' neighborhood transition buffer.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the Development code would create an unnecessary hardship if Section 6.4 were fully applied. There is currently encroachment into the neighborhood transition buffer and proposed impervious pavement encroachment reduces the existing impervious pavement within the neighborhood transition buffer. Further, the stream and stream buffers on the eastern side of the site provides a barrier and transition between the site and adjacent residential properties. Enforcement of the buffer would cause undue hardship because, as previously mentioned, the site is narrow on the southern end and contains stream buffers on its southern and eastern sides, thus severely limiting the buildable area.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the site are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The site's configuration minimizes the development's impact on the adjacent residential uses by reducing impervious area within the neighborhood transitional buffer.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request honors the Development Code's intention of protecting single-family neighborhoods from more intensive adjacent uses. In this case, the encroachments into the neighborhood transition buffer already exist and the transition between the single-family use and the proposed use is bolstered by foliage and the stream. Further, the proposed restaurant use will add vibrancy and diversity to the mix of neighborhood uses.

4.) Variance from Section 9.2 to allow a 21.5 foot and 285 square feet impervious pavement and retaining walls encroachment within the 50 foot stream buffer; and to allow a 46.5 foot and 3,965 square feet encroachment for a building, impervious paving and retaining walls within 75 foot stream buffer.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern sides and is narrow on its southern end. The stream buffers and shape of the site severely limits the potential location of detention facilities, retaining walls, parking and buildings. Further, fully enforcing section 9.2 would cause unnecessary hardship. The proposed development will dramatically reduce the amount of impervious area located within the stream buffers, as depicted in the Impervious Area Exhibit attached in this application.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The shape of the site and the stream buffers are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The proposed configuration removes much of the existing impervious encroachments on the site and moves them to the northwestern corner of the property. The remaining encroachments are the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development code and would benefit to the public good, safety and welfare by greatly reducing the amount of encroachment within the stream buffers on the site.

5.) Variance from Section 8.1.8.B to reduce the required area and width of tree islands to an area of 109 square feet and a width of 5.5 ft.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the Development Code would create an unnecessary hardship if fully applied. As previously mentioned the site is encumbered with a 75 foot stream buffer on its eastern and southern portion of sides and is of a shape that severely limits the redevelopment of the property. The reduced area and width of tree islands facilitates reduction of the current encroachments into the stream buffers and neighborhood transition buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The stream buffers and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. As mentioned above, the site is constricted by the shape of the property and the adjacent stream. The proposed reduction in the tree island width and area allows for the benefit the shade from tree islands throughout the parking area, while accommodating the need for a reduced parking area that minimizes encroachment in stream buffers.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The proposed reduction is consistent with the Development Code's intent of providing shade and aesthetic variety within surface parking areas, whilst minimizing impact on stream buffers.

6.) *Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.*

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern area. Accommodation of the City's request for additional right-of-way along the Boylston Drive frontage further reduces the buildable width of the site. The shape and location of stream buffers lends the current placement of the building and parking lot, on the northwestern portion of the property close to Boylston Drive, the only appropriate location. Denying the variance would also create an unnecessary hardship. The proposed parking lot location allows a dramatic reduction in the amount of current impervious area within the stream buffer. Further, only a small portion of the parking lot is adjacent to Boylston Drive, thus minimizing any impact of a reduced parking setback.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The size and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The site is designed to minimize the amount of parking adjacent to Boylston Drive and thus minimizes the impact of a reduced parking setback.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The reduced parking setback will have a minimal impact due to the limited amount of parking located adjacent to the street. The proposed development promotes the public good and welfare by adding a vibrant restaurant use to the neighborhood, while reducing current impacts on stream buffers and neighborhood transition buffers.

7.) Variance from Section 4.4.4.D. to remove requirement of pedestrian entrance on a primary street.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern sides and is narrow on its southern end. The buildable area of the property is limited to the northwestern portion. Requiring a pedestrian entrance from the primary street, Hammond Drive, would require a variance to allow encroachments into this stream buffer would cause an unnecessary hardship as pedestrians will not reasonably access the building from the primary street and a pedestrian entrance is provided on Boylston Street. Further, adding a pedestrian entrance could be damaging to the existing trees due to necessary grading to meet ADA requirements.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The stream buffers and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The proposed development provides a pedestrian entrance on its street facing façade and the variance allows for the reduction of impact on stream buffers and existing trees.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The proposed development address the Development Code's intent to facilitate pedestrian access by providing pedestrian access along Boylston Drive, whilst also reducing current impacts on stream buffers and neighborhood transition buffers.

8.) *Waiver from Section 10.3.2.D to remove inter-parcel access requirement.*

As stated in Section 10.3.2.D.4.a. The director may grant relief from the cross access requirement, in whole or part, provided the relief is deemed reasonable due to one or more of the following: i. topographic changes are too steep; ii. the presence of existing buildings, a stream or other natural features; iii. site layout of developed properties; iv. Adjoining uses or their vehicles are incompatible; v. strict compliance would post a safety hazard.

The topographic changes between the site and the parcel adjacent to the north are too steep to accommodate inter-parcel access. The parcels are currently divided by a retaining wall. If required, vehicular access would be an untenable 20 percent grade. Pedestrian and vehicular connectivity between the parcels is provided by sidewalk along the Boylston Drive right-of-way. The inter-parcel access point could only provide connectivity for each property to the Boylston Drive right-of-way, to which both parcels already have access.

9.) Variance from Section 3.B.4.a. of the Technical Manual to reduce uninterrupted ingress and egress distance to 7.5 feet

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern area. Accommodation of the City's request for additional right-of-way along the Boylston Drive frontage further reduces the area available for parking. The shape and location of stream buffers lends the parking lot, on the northwestern portion of the property close to Boylston Drive, the only appropriate location, thus reducing the available space for ingress and egress. Denying the variance would create an unnecessary hardship and would reduce the ability to provide the full parking required per code. The length of the ingress and egress distance also facilitates a dramatic reduction in the amount of current impervious area within the stream buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The stream buffers and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The reduction in egress and ingress allows for the protection and improvement of the stream buffer, whilst providing the necessary parking for the proposed use.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The proposed development promotes the public good and welfare by allowing a vibrant restaurant use to the neighborhood, while reducing current impacts on stream buffers and neighborhood transition buffers

RECEIVED P&Z 6.14.18



June 14, 2018

Corbin Armstrong
404-495-8463
carmstrong@mmmlaw.com
www.mmmlaw.com

VIA COURIER
VIA EMAIL (pleonhardt@sandyspringsga.gov)

Paul Leonhardt
Planner II, City of Sandy Springs
1 Galambos Way,
Sandy Springs, GA 303028

RE: Amendment to Application V-18-0010

Dear Paul:

Please amend the above captioned application with the following enclosed materials:

- 1.) Two full sized and one 11 x 17 copy of a revised site plan;
- 2.) One full sized and one 11 x 17 copy of a revised impervious area exhibit;
- 3.) A revised letter of intent and variance analysis.

Sincerely,

A handwritten signature in blue ink that reads 'Armstrong'.

Corbin Armstrong

CA:
Enclosures

CC: cwestmoreland@mmmlaw.com
gerard@cornerpointpartners.com

RECEIVED P&Z 6.14.18

Letter of Intent

The Applicant proposes to redevelop a 1.1545 acre property located at the northeastern corner of Boylston Drive and Hammond Drive. The proposed development will consist of a 4,320 square foot restaurant. The site is currently developed with a single-family home and a garden and pottery supply store. The applicant has explored several iterations of the proposed plan. The current proposed plan is a result of collaboration with the City of Sandy Springs to align and widen the adjacent right of way as well as reduce impact on currently obstructed stream buffers.

The following variances and waivers are requested:

1. Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.
2. Waiver from Section 4.4.2.C to allow 28% of the façade in the side street 3' to 20' build-to zone.
3. Variance from Section 6.4 to allow a 15 foot impervious pavement encroachment into the 25' neighborhood transition buffer.
4. Variance from Section 9.2 to allow a 21.5 foot and 285 square feet impervious pavement and retaining walls encroachment within the 50 foot stream buffer and to allow a 46.5 foot and 3,965 square feet encroachment for a building, impervious paving and retaining walls within the 75 foot stream buffer.
5. Variance from Section 8.1.8.B to reduce the required area and width of tree islands to an area of 109 square feet and a width of 5.5 ft.
6. Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.
7. Variance from Section 4.4.4.D. to remove the requirement of pedestrian entrance on a primary street.

Variance/Waiver Analysis

1.) Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The site is narrow on its southern end and encumbered with a 75 foot stream buffer on its eastern and southern sides. The 3' to 20' build-to zone on the primary street, Hammond Drive, rests completely within a 75 foot stream buffer. The current placement of the building, on the northwestern portion of the property, is the only appropriate location given the shape of the property and the location of the stream buffers. Requiring the full application of the build-to zone would cause unnecessary hardship as Section 4.4.2.A directly conflicts with the stream buffer provisions of the code.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the lot are not the result of action or inaction of the current property owner.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The building façade has been moved to the side street, Boylston Drive and is within the 3' to 20' foot build-to zone along Boylston Drive. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer. It would benefit the public good, safety and welfare by allowing the development of a vibrant neighborhood use that would reduce current encroachment in the stream buffer.

2.) Waiver from Section 4.4.2.C to allow 28% of the facade in the side street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern sides and is narrow on its southern end. Due to the southern portion of the site being narrow and encumbered by stream buffer, only the northern portion of the property abutting Boylston Drive is buildable. The reduction will allow for a development of appropriate size and scale given the site's limitations.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the site are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The design of the site maximizes the length of the building façade in the build-to zone by placing the longest side of the building adjacent to the street. However, given the stream buffer and the site's shape mentioned above, the building cannot occupy more of the build-to zone. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer. The proposed development would benefit the public good, safety and welfare by adding a restaurant use to serve the surrounding residents and would diversify the neighborhood's mix of uses.

3.) Variance from Section 6.4 to allow a 15 foot impervious pavement encroachment into the 25' neighborhood transition buffer.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the Development code would create an unnecessary hardship if Section 6.4 were fully applied. There is currently encroachment into the neighborhood transition buffer and proposed impervious pavement encroachment reduces the existing impervious pavement within the neighborhood transition buffer. Further, the stream and stream buffers on the eastern side of the site provides a barrier and transition between the site and adjacent residential properties. Enforcement of the buffer would cause undue hardship because, as previously mentioned, the site is narrow on the southern end and contains stream buffers on its southern and eastern sides, thus severely limiting the buildable area.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations and shape of the site are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The site's configuration minimizes the development's impact on the adjacent residential uses by reducing impervious area within the neighborhood transitional buffer.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request honors the Development Code's intention of protecting single-family neighborhoods from more intensive adjacent uses. In this case, the encroachments into the neighborhood transition buffer already exist and the transition between the single-family use and the proposed use is bolstered by foliage and the stream. Further, the proposed restaurant use will add vibrancy and diversity to the mix of neighborhood uses.

4.) Variance from Section 9.2 to allow a 21.5 foot and 285 square feet impervious pavement and retaining walls encroachment within the 50 foot stream buffer; and to allow a 46.5 foot and 3,965 square feet encroachment for a building, impervious paving and retaining walls within 75 foot stream buffer.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern sides and is narrow on its southern end. The stream buffers and shape of the site severely limits the potential location of detention facilities, retaining walls, parking and buildings. Further, fully enforcing section 9.2 would cause unnecessary hardship. The proposed development will dramatically reduce the amount of impervious area located within the stream buffers, as depicted in the Impervious Area Exhibit attached in this application.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The shape of the site and the stream buffers are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The proposed configuration removes much of the existing impervious encroachments on the site and moves them to the northwestern corner of the property. The remaining encroachments are the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development code and would benefit to the public good, safety and welfare by greatly reducing the amount of encroachment within the stream buffers on the site.

5.) Variance from Section 8.1.8.B to reduce the required area and width of tree islands to an area of 109 square feet and a width of 5.5 ft.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the Development Code would create an unnecessary hardship if fully applied. As previously mentioned the site is encumbered with a 75 foot stream buffer on its eastern and southern portion of sides and is of a shape that severely limits the redevelopment of the property. The reduced area and width of tree islands facilitates reduction of the current encroachments into the stream buffers and neighborhood transition buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The stream buffers and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance requires would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. As mentioned above, the site is constricted by the shape of the property and the adjacent stream. The proposed reduction in the tree island width and area allows for the benefit the shade from tree islands throughout the parking area, while accommodating the need for a reduced parking area that minimizes in encroachment in stream buffers.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The proposed reduction is consistent with the Development Code's intent of providing shade and aesthetic variety within surface parking areas, whilst minimizing impact on stream buffers.

6.) Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern area. Accommodation of the City's request for additional right-of-way along the Boylston Drive frontage further reduces the buildable width of the site. The shape and location of stream buffers lends the current placement of the building and parking lot, on the northwestern portion of the property close to Boylston Drive, the only appropriate location. Denying the variance would also create an unnecessary hardship. The proposed parking lot location allows a dramatic reduction in the amount of current impervious area within the stream buffer. Further, only a small portion of the parking lot is adjacent to Boylston Drive, thus minimizing any impact of a reduced parking setback.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The size and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The site is designed to minimize the amount of parking adjacent to Boylston Drive and thus minimizes the impact of a reduced parking setback.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The reduced parking setback will have a minimal impact due to the limited amount of parking located adjacent to the street. The proposed development promotes the public good and welfare by adding a vibrant restaurant use to the neighborhood, while reducing current impacts on stream buffers and neighborhood transition buffers.

7.) Variance from Section 4.4.4.D. to remove requirement of pedestrian entrance on a primary street.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern sides and is narrow on its southern end. The buildable area of the property is limited to the northwestern portion. Requiring a pedestrian entrance from the primary street, Hammond Drive, would require a variance to allow encroachments into this stream buffer would cause an unnecessary hardship as pedestrians will not reasonably access the building from the primary street and a pedestrian entrance is provided on Boylston Street. Further, adding a pedestrian entrance could be damaging to the existing trees due to necessary grading to meet ADA requirements.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The stream buffers and shape of the property are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The proposed development provides a pedestrian entrance on its street facing façade and the variance allows for the reduction of impact on stream buffers and existing trees.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare. The proposed development address the Development Code's intent to facilitate pedestrian access by providing pedestrian access along Boylston Drive, whilst also reducing current impacts on stream buffers and neighborhood transition buffers.

V-18-0010



RECEIVED

JUN 05 2018

SANDY SPRINGS™

GEORGIA

 City of Sandy Springs
 Case No. _____
 Planning Department

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 336 Hammond Drive and 6049 Boylston Drive	
	Parcel Tax ID: 17 00710002020220 and 17007100020238	
	Land Lot(s): 007	Land District(s): 17
	Total acreage: 1.1545	Council district: 3
	Current zoning: CX-3	Current use: Commercial / Single-family
	Character area:	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	See attached	
Petitioner: 336 Hamm, LLC		
Petitioner's address: See below		
Phone: 404-449-3204	Email: gerard@cornerpointpartners.com	

OWNER	Property owner: 336 Hamm, LLC (336 Hammond Drive) and William G Baldowski (6049 Boylston Drive)	
	Owner's address: 285 MT. VERNON HWY., SUITE B	
	ATLANTA, GA 30328	
	Phone: 404-449-3204	Email: GERARD@CORNERPOINTPARTNERS.COM
	Signature (authorizing initiation of the process): <i>[Signature]</i> - MANAGER	
If the property is under contract and the owner is unavailable to sign, provide a copy of the contract		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	



SANDY SPRINGS™

GEORGIA

Case No.: _____

Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 336 Hammond Drive and 6049 Boylston Drive	
	Parcel Tax ID: 17 00710002020220 and 17007100020238	
	Land Lot(s): 007	Land District(s): 17
	Total acreage: 1.1545	Council district: 3
	Current zoning: CX-3	Current use: commercial /
	Character area: Single-family	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
Petitioner:	336 Hamm, LLC	
Petitioner's address:	285 Mt Vernon Hwy, Suite B Atlanta, GA 30328	
Phone:	404-449-3204	Email: gerard@cornerpointpartners.com

OWNER	Property owner: 336 Hamm, LLC (336 Hammond Drive) and William G Baldowski (6049 Boylston Drive)	
	Owner's address: 3424 BRADON HALL WAY MA GA 30062	
	Phone:	Email:
	Signature (authorizing initiation of the process): William S. Baldowski	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	



SANDY SPRINGS

GEORGIA

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: William Baldowski*	Sworn and subscribed before me this
Address: 3424 BRANDON HALL WAY	1 st day of June 2018
City, State, Zip Code: MA GA. 30062	Notary public:
Email address:	Seal: Jennifer Rearick
Phone number:	JENNIFER REARICK NOTARY PUBLIC EXP. JAN. 20 2019 DEKALB COUNTY, GA
Owner's signature: William Baldowski	Commission expires: 1/20/19

* Owner of property addressed 6049 Boylston Drive
(17 007100020220).

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the contract); or ☐ He/she has an option to purchase the subject property (attach a copy of the contract); or ☐ He/she has an estate of years which permits the applicant to apply (attach a copy of the lease)	
Applicant's name: 336 Hamm, LLC GERARD GUNTER	
Company name:	
Address: 285 MT. VERNON HWY. SUITE 100, ATLANTA, GA 30329	
City, State, Zip Code:	
Email address: gerard@cornerpointpartners.com	
Phone number:	
Applicant's signature: 404-449-3204	
Sworn and subscribed before me this	
1 st day of June 2018	
Notary public:	
Seal: Jennifer Rearick	
JENNIFER REARICK NOTARY PUBLIC EXP. JAN. 20 2019 DEKALB COUNTY, GA	
Commission expires: 1/20/19	

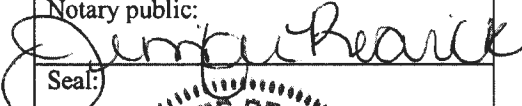
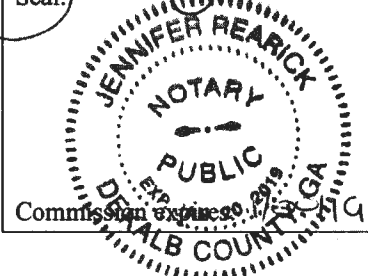
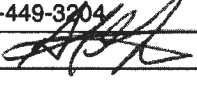


SANDY SPRINGS

GEORGIA

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: 336 Hamm, LLC* <u>GERARD GUNTER</u>	Sworn and subscribed before me this <u>1st</u> day of <u>June</u> 20 <u>18</u> Notary public:  Seal: 
Address: <u>285 MT. VERNON Hl., SUITE B</u> <u>ATLANTA, GA 30328</u>	
City, State, Zip Code:	
Email address: <u>gerard@cornerpointpartners.com</u>	
Phone number: <u>404-449-3204</u>	
Owner's signature:  <u>MANAGER</u>	

* Owner of property addressed 336 Hammond Drive
(17 007100020238).

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or ☐ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or ☐ He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this day of _____ 20 ____ Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	



SANDY SPRINGS
GEORGIA

AUTHORIZATION FORM – PART II

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	Corbin Armstrong and Carl Westmoreland
Company name:	Morris, Manning and Martin, LLP
Address:	3343 Peachtree Road #1600
City, State, Zip Code:	Atlanta, GA
Email address:	carmstrong@mmmlaw.com
Phone number:	(404) 233-7000
Agent's signature	<i>Corbin Armstrong</i>
Applicant's signature:	<i>[Signature]</i>

Sworn and subscribed before me this
<i>4th</i> day of <i>June</i> 2018
Notary public: <i>Dara E. Bernard</i>
Seal:
Commission expires <i>5.29.2021</i>

Letter of Intent

The Applicant proposes to redevelop a 1.1545 acre property located at the northeastern corner of Boylston Drive and Hammond Drive. The proposed development will consist of a 4,320 square foot restaurant. The site is currently developed with a single-family home and a garden and pottery supply store. The applicant has explored several iterations of the proposed plan. The current proposed plan is a result of collaboration with the City of Sandy Springs to align and widen the adjacent right of way as well as reduce impact on currently obstructed stream buffers.

The following variances and waivers are requested:

- Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.
- Waiver from Section 4.4.2.C to allow 25% of the facade in the side street 3' to 20' build-to zone.
- Variance from Section 6.4 to allow encroachment into the 25' neighborhood transition buffer. *dimension?*
- Waiver from City policy to allow detention under pervious pavers.
- Variance from Section 9.2 to allow encroachment and detention in stream buffers.
- Variance from Section 8.1.8.B to allow one tree island per 11 spaces and to reduce the required size of tree islands.
- ~~Variance from Section 8.2.2.B to allow a 5 foot landscape strip.~~
- Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.
- Variance from Section 4.4.4.D. to remove requirement of pedestrian entrance on primary street.

Variance/Waiver Analysis

Waiver from Section 4.4.2.A to allow 0% of the façade in the primary street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The site is encumbered with a 75 foot stream buffer on its eastern and southern area. The 3' to 20' build-to zone on the primary street, Hammond Drive, rests completely within a 75 foot non-impervious stream buffer. Such a unique topography lends the current placement of the building, on the northeastern portion of the property, the only appropriate location.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of action or inaction of the current property owner.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The building façade has been moved to the side street, Boylston Drive and is within the 3' to 20' foot build-to zone along Boylston Drive. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer. It would benefit the public good, safety and welfare.

Waiver from Section 4.4.2.C to allow 25% of the facade in the side street 3' to 20' build-to zone.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern area. Due to a large portion of the site being encumbered by stream buffer, only a portion of the lot abutting Boylston Drive is available for a building. The reduction will allow for a development of appropriate scale given the site's limitations.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The length of the building façade accommodates one curb cut and the longest portion of the structure, thus maximizing the façade exposure to the street. The waiver request provides the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request honors the Development Code's intention of bringing buildings closer to the street, while also protecting the integrity of the stream buffer and appropriate scale of building. The proposed variance would benefit the public good, safety and welfare.

Variance from Section 6.4 to allow encroachment into the 25' neighborhood transition buffer.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the Development code would create an unnecessary hardship if Section 6.4 were fully applied. As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern portion of the property that severely limits the redevelopment of the property. The neighborhood transition buffer applies to the eastern portion of the site as well. Enforcement of Section 6.4 is unnecessary because the property currently contains encroachments into the neighborhood transition buffer and the stream buffer area on the property and adjacent properties provides a buffer between the uses.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The variance request honors the Development Code's intention of protecting single-family neighborhoods from more intensive adjacent uses. In this case, the encroachments into the neighborhood transition buffer already exist and the transition between the single-family use and the proposed use is bolstered by foliage and the stream.

Waiver from City policy to allow detention under pervious pavers.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the City Policy would create an unnecessary hardship if fully applied. As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern portion of the property that severely limits the redevelopment of the property. The location of the detention facility facilitates the realignment of the adjacent public right of way and the protection of the stream buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The waiver request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the provisions of the Development Code and the Comprehensive Plan. The proposed waiver would not be detrimental to the public good, safety and welfare.

Variance from Section 9.2 to allow encroachment and detention in stream buffers.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern area. The topography of the site severely limits the potential location of detention facilities, parking and other encroachments. The proposed location causes the least amount of further disturbance within the stream buffer as possible and is at a low elevation within the development.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance request would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the general intent of the Development code and would not be detrimental to the public good, safety and welfare.

Variance from Section 8.1.8.B to allow tree islands as depicted in the site plan.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the City policy would create an unnecessary hardship if fully applied. As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern portion of the property that severely limits the redevelopment of the property. The size and number of tree islands allows a plan that facilitates the realignment of the adjacent public right of way and the protection of the stream buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance requires would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare.

Variance from Section 8.2.2.B to allow a 5 foot landscape strip.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

The application of the City Policy would create an unnecessary hardship if fully applied. As previously mentioned, the site is encumbered with a 75 foot stream buffer on its eastern and southern portion of the property that severely limits the redevelopment of the property. The width of the landscape strip allows a plan that facilitates the realignment of the adjacent public right of way and the protection of the stream buffer.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance requires would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the general intent of the Development code and would not be detrimental to the public good, safety and welfare.

Variance from Section 4.4.2 H to reduce the parking setback to 5 feet.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern area. Such a unique topography lends the current placement of the building and parking lot, on the northeastern portion of the property, the only appropriate location. The proposed parking lot location is the result of the desire to protect the integrity of the stream buffer. Denying the variance would create an unnecessary hardship.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance requires would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the general intent of the Development Code and would not be detrimental to the public good, safety and welfare.

Variance from Section 4.4.4.D. to remove requirement of pedestrian entrance on primary street.

a/b). The application of the Development Code would create an unnecessary hardship and not merely an inconvenience to the petitioner; or there are extraordinary conditions due to the size, shape or topography, which are specific to the subject property and not generally found in similar properties.

As previously mentioned, the site is encumbered with a 75 foot stream buffer on the eastern and southern area. Such unique topography lends the current placement of the building, on the northeastern portion of the property, the only appropriate location. Requiring a pedestrian entrance from the primary street would cause an unnecessary hardship as pedestrians will not reasonably access the building from the primary street. Further, adding a pedestrian entrance could be damaging to the trees because of necessary grading to meet ADA requirements.

c.) Such conditions are not the result of action or inaction of the current property owner; and

The topographical limitations are not the result of the current property owner's action or inaction.

d.) The variance requires would provide the minimum relief necessary to make possible the reasonable use of the property;

The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

e.) And the variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies and would not be detrimental to the public good, safety and welfare.

The waiver request is consistent with the general intent of the Development code and would not be detrimental to the public good, safety and welfare.

AS-SURVEYED LEGAL DESCRIPTION

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 71 OF THE 17TH LAND DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR SET AT THE NORTHEAST CORNER OF THE RIGHT OF WAY INTERSECTION OF HAMMOND DRIVE (70' R/W) AND BOYLSTON DRIVE (40' R/W) SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF BOYLSTON DRIVE N 10°41'07" W A DISTANCE OF 231.99' TO A 1/2" OPEN TOP PIPE FOUND; THENCE CONTINUING ALONG THE AFORESAID RIGHT OF WAY N 11°33'30" W A DISTANCE OF 93.36' TO A 1/2" REBAR FOUND; THENCE LEAVING THE AFORESAID RIGHT OF WAY LINE N 84°41'58" E A DISTANCE OF 198.51' TO A 1/2" REBAR SET; THENCE S 05°32'53" E A DISTANCE OF 84.51' TO A 1" OPEN TOP PIPE FOUND; THENCE S 15°57'52" W A DISTANCE OF 67.74' TO A 1" OPEN TOP PIPE FOUND; THENCE S 89°00'34" W A DISTANCE OF 25.06' TO A 1/2" REBAR SET; THENCE S 05°28'00" E A DISTANCE OF 251.10' TO A 1/2" REBAR SET ALONG THE NORTHERN RIGHT OF WAY LINE OF HAMMOND DRIVE; THENCE ALONG THE AFOREMENTIONED RIGHT OF WAY LINE N 89°19'12" W A DISTANCE OF 118.57' TO A 1/2" REBAR SET SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID PARCEL HAVING AN AREA OF 50,287 SQUARE FEET, OR 1.1544 ACRES.



View north
from
Hammond
Drive



Western
stream
along
Boylston
Drive



Dense
vegetation
along stream
on eastern part
of the property



Dense
vegetation
and remaining
improvements
on the
northern
parcel